



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

**WEDNESDAY, NOVEMBER 11, 2020  
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY\*  
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG  
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 635 663 326#**

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 AND IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, THERE WILL NO PUBLIC LOCATION FOR ATTENDING IN PERSON.

The public may participate and provide public comment during the meeting by dialing into the number provided above. Alternatively, you may email your public comments to the Board Secretary/Office Manager Denise Garzaro at [dgarzaro@ieua.org](mailto:dgarzaro@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/Office Manager 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. **ACTION ITEM**

A. **MINUTES**

Approve Minutes of the October 14, 2020 Community and Legislative Affairs Committee meeting.

2. **INFORMATION ITEMS**

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

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

C. **FEDERAL LEGISLATIVE REPORT AND MATRIX – INNOVATIVE  
FEDERAL STRATEGIES (WRITTEN)**

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

3. **GENERAL MANAGER'S COMMENTS**

4. **COMMITTEE MEMBER COMMENTS**

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

6. **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/Office Manager (909-993-1736), 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

Proofed by: AR

**DECLARATION OF POSTING**

I, Denise Garzaro, 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. to the IEUA Website at [www.ieua.org](http://www.ieua.org) and outside the Agency's main office, 6075 Kimball Avenue, Building A, Chino on Thursday, November 5, 2020.



Denise Garzaro, CMC

ACTION  
ITEM  
**1A**



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

**WEDNESDAY, OCTOBER 14, 2020  
9:00 A.M.**

**COMMITTEE MEMBERS PRESENT**

Steven J. Elie, Chair  
Kati Parker

**COMMITTEE MEMBERS ABSENT**

None

**STAFF PRESENT**

Shivaji Deshmukh, General Manager  
Christiana Daisy, Executive Manager of Engineering/AGM  
Denise Garzaro, Board Secretary/Office Manager  
Daniel Solorzano, Technology Specialist I  
Wilson To, Technology Specialist II

**STAFF PRESENT via Teleconference**

Kathy Besser, Executive Manager of External Affairs & Policy Development/AGM  
Randy Lee, Executive Manager of Operations/AGM  
Christina Valencia, Executive Manager of Finance & Administration/AGM  
Jerry Burke, Manager of Engineering  
Andrea Carruthers, Manager of External Affairs  
Don Hamlett, Acting Deputy Manager of Integrated System Services  
Jennifer Hy-Luk, Acting Executive Assistant  
Sally H. Lee, Executive Assistant  
Sylvie Lee, Manager of Planning & Environmental Resources  
Cathleen Pieroni, Manager of Government Relations  
Jeanina Romero, Executive Assistant  
Teresa Velarde, Manager of Internal Audit

**OTHERS PRESENT**

None

**CALL TO ORDER**

Committee Chair Steven Elie called the meeting to order at 9:03 a.m. He gave the public the opportunity to comment.

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

### **ACTION ITEMS**

The Committee:

- ◆ Approved the Community and Legislative Affairs Committee meeting minutes of September 9, 2020.

### **INFORMATION ITEMS**

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

- ◆ Public Outreach and Communication
- ◆ State Legislative Report and Matrix – West Coast Advisors
- ◆ Federal Legislative Report and Matrix – Innovative Federal Strategies
- ◆ California Strategies Monthly Report

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

General Manager Shivaji Deshmukh reported that Manager of Laboratories Sushmitha Reddy was appointed to the 2021-2022 California Environmental Laboratory Technical Advisory Committee, an advisory body to the Environmental Laboratory Accreditation Program (ELAP). The committee is established by the California Health and Safety Code, which requires the State Water Board to appoint a multidisciplinary committee to assist, advise, and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories. The membership is a two-year term and is intended to represent a variety of expertise in the areas of environmental testing, laboratory accreditation, and method development and validation. Members are selected by the Deputy Director of the Division of Drinking Water and include both regulated stakeholders and data users. The newly appointed panel is comprised of ten voting members and six non-voting members. Ms. Reddy is a voting member representing the Municipal Laboratories.

He stated that Executive Manager Finance & Administration/AGM Christina Valencia is contacting the Finance Directors from member agencies to reinstate periodic meetings, beginning in November. In the past these meetings have been helpful to keep the Finance Directors informed of Agency initiatives, as well as provide them an opportunity to share their activities and priorities with the Agency.

Lastly, he reported that IEUA will be hosting the first virtual STAR Awards ceremony tomorrow, Thursday, October 15 at 10:00 a.m. to celebrate the STAR Award winners of the second half of fiscal year 2019/2020.

### **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.

### **ADJOURNMENT**

With no further business, Committee Chair Elie adjourned the meeting at 9:37 a.m.

Respectfully submitted,

Denise Garzaro  
Board Secretary/Office Manager

\*A Municipal Water District

**APPROVED: NOVEMBER 11, 2020**

DRAFT

INFORMATION  
ITEM  
2A

**Date:** November 18, 2020

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

11/11/20

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

**Subject:** Public Outreach and Communication

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**Executive Summary:**

On October 29, IEUA held a virtual RP-5 Expansion Project Groundbreaking Event. The pre-recorded event featured several speakers including General Manager Shivaji Deshmukh, Board President Kati Parker, John Busterud, Regional Administrator for Region 9 from the U.S. Environmental Protection Agency, a keynote address from Congresswoman Norma Torres, along with other federal and state elected officials, and a presentation from Dorene D'Adamo, Vice Chair of the State Water Resources Control Board. Jerry Burke, Manager of Engineering, was featured as the "Engineer at the Plant" and was on-site to discuss some of the feature improvements that will be implemented through this project.

Staff released a YouTube how-to video for the Bird Bingo at-home activity. This video serves as an interactive supplement to the at-home activity posted on the Agency website and is the second at-home activity how-to video to be posted to the Agency's YouTube channel.

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**Staff's Recommendation:**

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

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

*Account/Project Name:*

*Fiscal Impact (explain if not budgeted):*



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**Prior Board Action:**

N/A

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**Environmental Determination:**

Not Applicable

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**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.

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**Attachments:**

Attachment 1 - Background

## Background

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Subject: Public Outreach and Communication

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### November

- November, Military Family Appreciation Month
- November 8, National STEM/STEAM Day
- November 10, International Accounting Day
- November 11, Veterans Day
- November 13, World Kindness Day
- November 15, America Recycles Day
- November 16-20, American Education Week

### Media and Outreach

- On October 29, IEUA held a virtual RP-5 Expansion Project Groundbreaking Event. The pre-recorded event featured several speakers including General Manager Shivaji Deshmukh, Board President Kati Parker, John Busterud, Regional Administrator for Region 9 from the U.S. Environmental Protection Agency, a keynote address from Congresswoman Norma Torres, along with other federal and state elected officials, and a presentation from Dorene D'Adamo, Vice Chair of the State Water Resources Control Board. Jerry Burke, Manager of Engineering, was featured as the "Engineer at the Plant" and was on-site to discuss some of the feature improvements that will be implemented through this project.
- The Agency recognized October as National Energy Awareness Month and shared a series of posts, videos and animations about IEUA's energy optimization programs and initiatives.
- The Agency recognized Energy Efficiency and Clean Air Day by sharing IERCA's Battery and Solar Project video on all social media platforms.
- The Agency celebrated the receipt of three 2019 Peak Performance Awards from the National Association of Clean Water Agencies (NACWA) with posts on IEUA's social media channels. Carbon Canyon Water Recycling Facility and Regional Water Recycling Plant No. 5 both received gold awards, and Regional Water Recycling Plant No. 1 received a silver award. In total, the post received 2,700 impressions across all channels.
- Staff continues to implement Reels into the Chino Creek Wetlands and Educational Park Instagram grid featuring 15-second fun facts about the park. The Chino Creek Wetlands' most recent Instagram Reel received over 1,100 views.
- The Agency continues to use Linktree on IEUA's Instagram and recently implemented the tool on IEUA's Facebook and Twitter channels. Linktree is a single link that houses multiple links. When clicked, it navigates users directly to a list of important web pages. This tool continues to help the Agency to optimize traffic and increase engagement by eliminating the need for hyperlinks in posts while also tracking analytics.

- Staff distributed certificates to recognize the Los Osos High School Solar Cup team, highlighting the completion of their projects, including the hull/boat building and the completion of multiple technical reports. Director Michael Camacho congratulated the team on their hard work and dedication during Cucamonga Valley Water District's Board meeting on October 13.
- The Agency recognized National Prescription Drug Take Back Day on October 24 with a press release and social media post.
- The Agency recognized the appointment of IEUA's Manager of Laboratories, Sushmitha Reddy, to the 2021-2022 California Environmental Laboratory Technical Advisory Committee (ELTAC) with a post on IEUA's LinkedIn channel. The post received over 1,000 impressions and had a 7% engagement rate.
- The Agency continues to publish content on LinkedIn and has gained 56 followers since September 2020 with 764 page views in the last 30 days.
- October: 36 posts were published to the IEUA Facebook page, 36 posts were published to IEUA's Instagram grid, 36 tweets were sent on the @IEUAWater Twitter handle, and 20 posts were published to the IEUA LinkedIn page.
  - The top three Facebook posts, based on reach and engagement, in the month of October were:
    - 10/8 Chino Basin Improvement and Groundwater Clean-Up Virtual Public Workshop Announcement
    - 10/13 What Cannot Be Flushed
    - 10/1 New Board Secretary/Office Manager News Release
  - The top three Twitter tweets, based on reach and engagement, in the month of October were:
    - 10/5 Water Professionals Appreciation Week Video
    - 10/5 NACWA 2019 Peak Performance Awards
    - 10/13 What Cannot Be Flushed
  - The top three Instagram posts, based on reach and engagement, in the month of October were:
    - 10/5 NACWA 2019 Peak Performance Awards
    - 10/6 Administrative Assistant I, CAD Designer, Intern (Engineering), Intern (Laboratory) and Intern (Records Management) Hiring
    - 10/6 Water Professionals Appreciation Week Staff Recognition Feature
  - The top three LinkedIn posts, based on impressions and reactions, in the month of October were:
    - 10/15 Manager of Laboratories, Sushmitha Reddy, ELTAC Appointment
    - 10/5 NACWA 2019 Peak Performance Awards
    - 10/8 Water Professionals Appreciation Week Staff Recognition Feature
- A Water-Wise Education ad will run in the *Chino Valley Champion's Chino Connection Magazine* section on November 26 and December 19.
- A Water-Wise Education ad will run in the *Fontana Herald News* on November 13 through November 19.
- A Water-Wise Education ad will run in *La Opinion* on November 15.
- A Water-Wise Education digital banner ad is featured on the *Fontana Herald News* site.
- Our first animated education banner will run in *La Opinion* from November 7 to November 22.

For the month of October, there were 9,834 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 1,211 times on a mobile device.

#### Education and Outreach Updates

- Staff released a YouTube how-to video for the Bird Bingo at-home activity. This video serves as an interactive supplement to the at-home activity posted on the Agency website and is the second at-home activity how-to video to be posted to the Agency's YouTube channel.

#### Agency-Wide Membership Updates

- Randy Lee, Executive Manager of Operations, and Robert Delgado, Manager of Operations and Maintenance, attended the SCAP Water Committee Meeting on October 7.
- Randy Lee, Executive Manager of Operations, attended the NWRI Board of Directors meeting on October 13.

INFORMATION  
ITEM  
2B



**November 4, 2020**

**To:** Inland Empire Utilities Agency

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

**RE:** October Report

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Overview:

Dry conditions continue to persist throughout the state keeping reservoirs in serious need of replenishment. Carryover storage in California's reservoirs has gotten the state through the record breaking heat this summer and could really use a strong winter snowpack to replenish supplies after a dismal winter of 2020. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 86 percent of average for this time of year and 46 percent capacity for this time of the year. Oroville, the main State Water Project storage facility is at 71 percent of average and 42 percent capacity.

On October 6 Governor Newsom signed an Executive Order setting a first-in-the-nation goal to conserve 30 percent of the state's land and coastal water by 2030. The order aims to fight species loss and ecosystem destruction while bolstering biodiversity including; carbon sequestration in the state's natural and working lands by increasing healthy soils management, wetlands restoration, forest management, and urban greening. The effects on water have not been elaborated on by the Administration, but will be discussed in the coming months. A recent court decision may put significant limits on the Governor's ability to legislate by Executive Order.

The State Water Resources Control Board has been working on an MCL for Chrome-6 in response to a 2017 state superior court ruling that halted the Department of Public Health's previous efforts which failed to determine whether proposed MCL of 10 ppb was economically feasible, as required by the CA Safe Drinking Water Act. In response to environmentalists concerns that the SWRCB isn't moving fast enough, staff indicated that they expect to start the proceeding in November.

A large group of environmentalists filed a lawsuit challenging the funding of the Delta Conveyance project. The lawsuit, filed in the Sacramento County Superior Court, is attempting to freeze bonds approved by a judge in August because the Department of Water Resources has yet to complete environmental review of the project.

The California Air Resources Board (CARB) plans to begin work on their GHG Reduction Scoping Plan in the first quarter of 2021. The plan will focus on achieving the state's goal of 40 percent reduction in GHGs by 2030 and "carbon neutrality" by 2045. It is anticipated that many of the measures CARB will use to reach the state's goals will include "strengthening" existing programs such as cap-and-trade, low carbon fuel standard, renewable portfolio standard, zero emission vehicles and others.

The IEUA legislative delegation remained vastly the same after the Nov 3 election. While we are still waiting on results for the close races in Senate District 23, the delegation remains largely intact. The Democrats have kept their majority in both houses and are expected to maintain super majorities in the Assembly and Senate, pending the outcome of a few races.

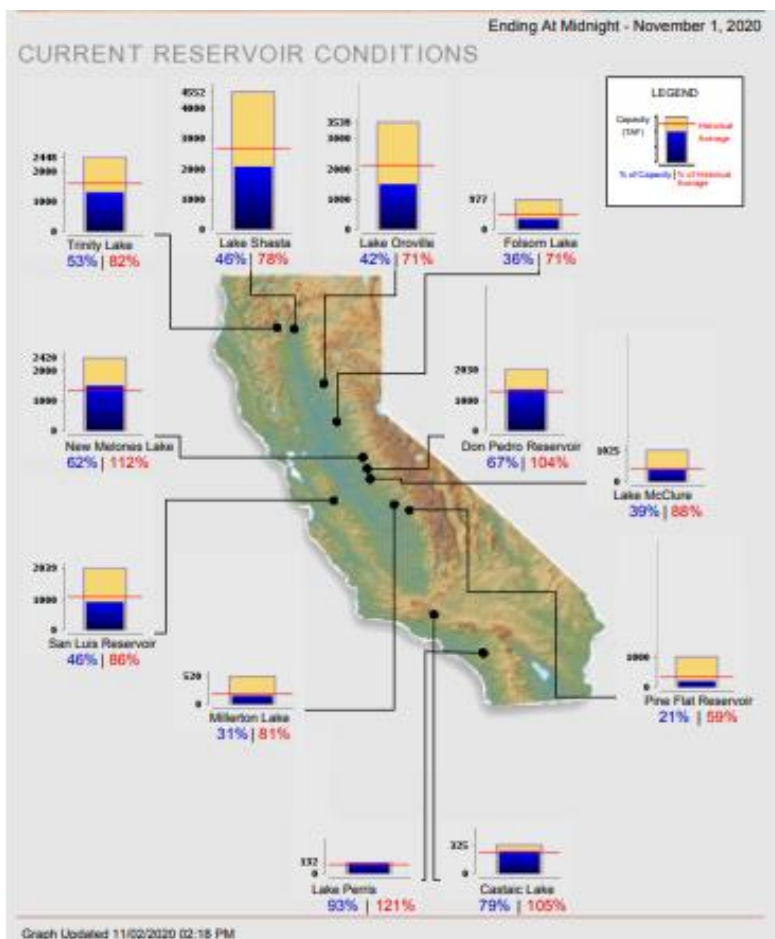
The Legislature has spent the past month campaigning in their districts and will return to Sacramento briefly in December for an “Organizational Session” then will return in earnest in January. The legislature is expected to start the new year the same way it ended 2020, in a virtual legislative session. As we get closer to the new year, many organizations are working on their legislative proposals for 2021. ACWA, MWD, CSDA and CASA are a few of the organizations that will be sponsoring legislation in 2021. Most of the legislation being considered currently is a redo from last year when legislation was held because of the COVID emergency.

## Inland Empire Utilities Agency Status Report – October 2020

### *Water Supply Conditions*

Dry conditions continue to persist throughout the state, but with temperatures dropping and expected to drop further in the coming days, water demand is easing. Carryover storage in California’s reservoirs has gotten the state through the record breaking heat this summer and the state could really use a strong winter snowpack to replenish supplies after a dismal winter of 2020. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 86 percent of average for this time of the year and 46 percent capacity. Oroville is at 71 percent of average and 42 percent capacity.

Drought conditions are about normal for this time of the year, with about 84 percent of the state experiencing at least abnormally dry conditions. Surprisingly, it is the northern portion of the state that is struggling with more serious drought conditions, where normally Southern California is more dry.



### ***Newsom Signs Executive Order on Conservation***

On October 6 Governor Newsom signed an Executive Order setting a first-in-the-nation goal to conserve 30 percent of the state's land and coastal water by 2030. The order aims to fight species loss and ecosystem destruction while bolstering biodiversity including; carbon sequestration in the state's natural and working lands by increasing healthy soils management, wetlands restoration, forest management, and urban greening.

The order directs CalEPA, the CA Natural Resources Agency and other agencies to develop a "Natural and Working Lands Climate Smart Strategy" that serves as a framework to advance the State's carbon neutrality goal and build climate resilience.

The EO specifically talks about conserving "coastal waters" and makes no mention of urban water usage. When asked about urban water usage, CA Natural Resources Agency Secretary Wade Crowfoot said that urban water use would be considered in the "land" category. He offered no further explanation, and there has been no subsequent communication about the Administration's vision for how this EO could include urban water use or have any effects on the Delta.

Similar legislation, AB 3030 (Kalra), was defeated in 2020. WCA will follow the process at the agencies carefully and keep an eye out for any legislation that may be introduced in 2021.

### ***Environmentalists Ask SWRCB to Adopt Chrome-6 MCL***

The State Water Resources Control Board has been working on an MCL for Chrome-6 in response to a 2017 state superior court ruling that halted the Department of Public Health's chrome-6 MCL after it failed to determine whether the then-current MCL of 10 ppb was economically feasible, as required by the CA Safe Drinking Water Act.

The Board must consider the economic feasibility of complying with the MCL and assess the regulations' economic impact on CA businesses and individuals, according to the ruling. Since the ruling, board staff have developed an economic feasibility model that will be used for future MCLs that also have to factor the economic impacts and technological feasibility of remediation.

ACWA has asked the Office of Environmental Health Hazard Assessment (OEHHA) review its current Public Health Goal for chrome-6 of 0.02 ppb, arguing in part that new science supports a less stringent threshold. PHGs influence MCL development. ACWA cited 37 studies that have been published after the chrome-6 PHG was adopted in 2011. OEHHA hasn't responded to ACWA's request.

In the meantime, environmentalists are pushing the SWRCB to work faster, and have sent a letter asking the board to do just that. In response, the board has outlined that the MCL process is continuing and SWRCB staff is currently developing economic-impact calculations as part of their draft MCL proposal which is expected to be released later this month. The full regulatory proposal is expected to be released in February for public review and comment.

### ***Lawsuit Filed Against Delta Conveyance***

A large group of environmentalists including the Sierra Club, the Center for Biological Diversity, the Planning and Conservation League, Restore the Delta and Friends of Stone Lakes National Wildlife Refuge filed a lawsuit challenging the funding of Governor Gavin Newsom's Delta Conveyance project. The lawsuit, filed in the Sacramento County Superior Court, is attempting to freeze bonds approved by a judge in August because the Department of Water Resources has yet to complete environmental review of the project.



Project opponents are describing the bonds, which are funding environmental review and other planning work, as a “blank check.” In addition, the lawsuit is seeking an order to prohibit the state from performing physical planning work until the environmental review is complete.

DWR has stated that the efforts allowed by the judge in August are meant to confirm the agency’s authority to authorize and issue bonds, but “does not commit the department to any particular course of action. The department retains its full discretion to approve or reject a project following CEQA review.”

### ***CARB GHG Scoping Plan***

The California Air Resources Board (CARB) plans to begin work on their GHG Reduction Scoping Plan in the first quarter of 2021. The plan will focus on achieving the state’s goal of 40 percent reduction in GHGs by 2030 and “carbon neutrality” by 2045.

While CARB has touted that the state has already achieved it’s 2020 target of returning emissions to 1990 levels, a new report released on the state’s GHG inventory shows that emissions not only increased, all be it slightly, between 2017 and 2018, but that the state has to cut 166 million metric tons (MMT) over the next ten years. For comparison, the state has only reduced 20 MMT since 2011.

The next Scoping Plan will likely rely on current programs such as cap-and-trade, low carbon fuel standard, renewable portfolio standard, vehicle GHG standards and zero emission vehicle sales mandates, but tightening up the regulations to reduce emissions even further. The plan will also likely focus on natural and working lands “carbon sequestration” as outlined by Executive Order.

The Scoping Plan update will take an entire year of stakeholder collaboration and revision and is expected to be finalized in 2022.

### ***Legislative Proposals from Statewide Partners***

Staff asked WCA to include the legislative proposals ACWA, MWD, CSDA, CMUA, CASA and WaterReuse are considering for the 2021 legislative session. While most of the proposals are still getting flushed out, we are starting to get an idea of newly proposed legislation.

#### **ACWA:**

Proposal from Irvine Ranch Water District: to address continuing issues by the class action lawsuit against many water agencies calling into question their ability to lawfully and appropriately charge residents and businesses for the costs of water supplies used during fire protection services and for the costs associated with the fire hydrants the water supplier owns and maintains within the community.

Because current law does not allow agencies to seek “validation” of those rates and charges, there is no way to proactively avoid similar lawsuit. The proposed bill would add language to the Government Code allowing agencies to seek validation of rates under Chapter 9 of the CA Code of Civil procedure.

ACWA has agreed to sponsor this proposal and look for an author.

ACWA is also in discussions with the environmental community to work together on a climate resilience bond.

**MWD:**

MWD will be bringing back their two proposals from 2020. First, SB 966 (Portantino) to create a statewide program to identify and evaluate constituents of emerging concern (CECs) in drinking water. The second is to grant MWD lead agency status under the Surface Mining and Reclamation Act.

**CASA:**

CASA intends to bring back their legislation on flushable product labeling that IEUA supported in 2020.

**CSDA:**

CSDA has not made any decisions but will likely sponsor legislation to amend the Brown Act to allow public agencies to continue to meet remotely after COVID. Three Valley's Municipal Water District has a similar proposal.

**CMUA:**

CMUA has not formally adopted a legislative package for 2021. They will consider re-introduction of some of their 2020 proposals in 2021 including:

SB 414 (Caballero) Small System Water Authority Act: Eastern MWD and CMUA are in discussions with the author if there is a future for the bill.

SB 966 (Portantino) CEC- will likely co-sponsor with MWD

**WateReuse:**

WateReuse is not currently considering sponsorship of any legislation.

***State Election Recap***

This report was finalized the morning of November 4, so there are still some races that have yet to be called.

While there were no changes in the IEUA Assembly delegation, the closest race in the state right now is in Senate District 23 (Mike Morrell's open seat after he was termed out) between Abigail Medina (D)- School Board President and Rosilicia Ochoa Bogh (R)- School Board Member. Medina is leading by less than 150 votes at this time. It will likely be several days or weeks before that race is officially called.

The other likely change in the IEUA delegation is in SD 29. Josh Newman looks to have reclaimed the Senate seat from Ling Ling Chang. The seat has bounced back and forth between the two for the past several years with Newman even getting recalled because of his vote on SB 1, the gas tax.

**Likely Assembly makeup:** 60 Democrats; 19 Republicans; 1 Independent

- There were only ten new people elected to the Assembly (one previous Senator)

**Likely Senate makeup:** 29 Democrats; 7 Republicans & four races yet to be called.

- There were eight new people elected to the Senate (assuming current leaders maintain their leads), with four of those having served in the legislature prior to election.

As you can see below, the Democrats look to have flipped two seats in SD 29 and SD 37, but WCA will not put those into the count until they are officially called. Even without the final result of these

racers, the Democrats look to maintain their super majorities in both houses. Notably, John Laird was elected in Senate District 17. The former Assemblymember and Natural Resources Secretary will bring significant experience to the water, climate and energy committees.

- SD 21(Santa Clarita) Scott Wilk (R-Incumbent) leads Kipp Mueller (D) by about 500 votes
- SD 23 (Rancho Cucamonga)- Abigail Medina (D) leads Rosilicie Ochoa Bough (R) by about 140 votes
- SD 29 (Chino Hills) Josh Newman (D) leads Ling Ling Chang (R-Incumbent) by about 10,000 votes
- SD 37 (Costa Mesa) Dave Min (D) leads John Moorlach (R-Incumbent) by about 17,000 votes

**AD 40 (Rancho Cucamonga)** James Ramos (D)- Incumbent

**AD 41 (Upland)** Chris Holden (D)- Incumbent

**AD 47 (Fontana)** Eloise Gomez Reyes (D)- Incumbent

**AD 52 (Ontario)** Freddie Rodriguez (D)- Incumbent

**AD 55 (Chino Hills)** Philip Chen (R)- Incumbent

**SD 23 (Rancho Cucamonga)- TOO CLOSE TO CALL**

Abigail Medina (D)- School Board President

Rosilicia Ochoa Bogh (R)- School Board Member

**SD 25 (Upland)** Anthony Portantino (D)- Incumbent

**SD 29 (Chino Hills)—NOT YET CALLED- likely Newman**

Ling Ling Chang (R)- Incumbent

Josh Newman (D)- Veterans' Advocate/former Senator

\*note: only half of the Senate was up in 2020 (the odd numbered districts), which is why Senator Leyva's district isn't listed here.

On the propositions, IEUA staff has expressed interest in Proposition 16 regarding affirmative action. The measure would allow for universities and public agencies to consider race in applications or contract bidding. At this time, the measure looks to have not passed 56% to 44%.

### ***Legislative Update***

The Legislature will return to Sacramento in early December for an "Organizational Session" to swear in members. A few bills will be introduced on that day, with additional measures introduced in January when the legislature returns. Committee assignments are expected sometime in December. All of the committee chairs on the committees IEUA frequents have been re-elected or were not on the ballot in the case of the Senate. There could be some shuffling in the Senate should Senator Hueso win the Supervisorial race in San Diego. This would likely cause some moving around of committee chairs and may make room for John Laird to become a chair in Natural Resources and water. But this is only speculation at this point. More details will be reported when Senate and Assembly leadership make their announcements.

# State Legislation: Looking Ahead to 2021



# Membership Organizations Legislate Proposals to Date



- California Association of Sanitation Agencies (CASA)
  - Reintroduce Flushable Wipes legislation
- Association of California Water Agencies (ACWA)
  - Permit a local agency to file a validation action in Superior Court within 60 days of adopting property-related water, wastewater or sewer rates
- California Special Districts Association (CSDA)
  - Governor's Executive Order N-29-20 and Open Meetings

# Introduce Option for Validating Rate Structures (ACWA)

- Tool for public water and wastewater agencies to confirm in the courts the legality of an agency's adopted rates and charges
  - Permits, but does not require, an agency to file a validation action in Superior Court within 60 days of adopting property-related water or sewer rates
    - If the validation is not challenged, the local agency would have a court judgment within ~4 months, confirming the legality of its rates
    - If it is challenged, the local agency would be able to defend its rates and have the court rule on its legality
  - A court ruling on the legality of the rates would last through the next rate setting process



# Open Meetings Legislation (CSDA Proposal)

- Co-sponsor with the League of California Cities (LCC) and the California State Association of Counties (CSAC)
- Codify the Governor's 2020 Executive Order related to Brown Act requirements, providing for the expansion of local agencies' authority to meet remotely during emergencies
- Key considerations:
  - Scope of the authority for local agencies to meet remotely
  - Quorum components
  - Agenda posting requirements
  - Environmental justice/transparency concerns
  - Emergency declarations

# Open Meetings Legislation (Three Valleys MWD Bill)

- **Ralph M. Brown Act (1953)**
  - Requires that all meetings of governing bodies be open and public and that all persons be permitted to attend and participate
  - Allows for these meetings to occur via teleconferencing subject to certain requirements
- **Bill Aims to Extend Provisions of Executive Order N-29-20 by:**
  - Eliminating the concept of “teleconference locations”
  - Adding requirements to ensure minimum standards for public participation
  - Revising notice requirements



# MWD Legislation to be Reintroduced in 2021

- Create a statewide program to identify and evaluate constituents of emerging concern (CECs) in drinking water
  - IEUA Supported SB 996 (Portantino) in 2020
  - Possibly co-sponsor with California Municipal Utilities Agency (CMUA)
- Grant Metropolitan lead agency status under the Surface Mining and Reclamation Act





# Questions?

INFORMATION  
ITEM  
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*Comprehensive Government Relations*

## MEMORANDUM

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

**From:** Letitia White, Jean Denton, Drew Tatum, and Sarah Persichetti

**Date:** October 30, 2020

**Re:** October Monthly Legislative Update

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### ***COVID Relief Legislation Unlikely Before Election***

As negotiations continue between Congress and the White House on the next coronavirus response bill, House Speaker Nancy Pelosi (D-CA) on Thursday, October 29 pressed the White House for a response to the Democrats' latest offer on emergency coronavirus relief, warning that Washington's failure to act quickly on another round of disaster aid will only heighten the health and economic fallout as the pandemic surges around the country.

Following a week of back and forth negotiations, Speaker Pelosi wrote a letter to Treasury Secretary Steven Mnuchin this week urging the White House to quickly consider a deal, and push Senate Republicans "moving toward agreement with their House counterparts."

President Trump acknowledged on Tuesday that an agreement on a coronavirus relief stimulus package would not materialize until after Election Day but predicted that a deal would be reached.

President Trump insisted his administration would still be willing to negotiate with Speaker Pelosi following the election on November 3. "After the election, we will get the best stimulus package you have ever seen," he said.

Speaker Pelosi's latest offer sought concessions from the administration on a number of outstanding issues, including the development of a national coronavirus testing strategy, health coverage for jobless workers under ObamaCare, a tax credit for low-income families and funding for schools, child care and unemployment benefits.

There are also remaining divisions over the Republicans' demand for employer liability protections, with Speaker Pelosi insisting that any such provision be accompanied by stronger worker protections under the Occupational Safety and Health Administration.

None of those issues, Speaker Pelosi wrote to Secretary Mnuchin, have been resolved.

Speaker Pelosi acknowledged at the end of last week that the compressed schedule before the election likely means lawmakers will not vote on a final package until after the November election.

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Speaker Pelosi did not commit to a House vote before November 3 if she and Secretary Mnuchin can seal a deal before then, even suggesting that the logistics surrounding legislation on that scale — including the time it takes legislative counsel to review the bill and the Congressional Budget Office to provide a cost estimate — would make it tough.

"It's just not a question of us agreeing in a room," she said. "It takes time."

On Thursday, October 29 Secretary Mnuchin responded to Pelosi's letter, criticizing it for being a political stunt for delivering it through the press. "I woke up this morning and read [Speaker Pelosi's] letter to me in the press," Mnuchin tweeted. He responded with his own letter, noting "Her ALL OR NONE approach is hurting hard-working Americans who need help NOW!"

In addition to detailing how the administration has offered what they call compromise positions on the issues that Speaker Pelosi raised in her letter, Mnuchin also noted that the White House had reached out to the bipartisan Problem Solvers Caucus in an effort to work with Republicans, which Pelosi reportedly said had "no relevance" in negotiations.

Senate Majority Leader Mitch McConnell (R-KY) has said he is willing to vote on a bipartisan coronavirus deal, despite his own reservations — and those of most of his conference — about another multitrillion-dollar federal infusion.

"If such a deal were to clear the House, obviously with a presidential signature or promise, we would put it on the floor of the Senate and let the Senate consider it," he said Tuesday, October 27.

However, Leader McConnell has also pushed the White House to reject a deal with House Democrats before the election. McConnell and most GOP Senators oppose the offer from the White House, which is approaching \$1.9 trillion, and House Democrats' \$2.2 trillion proposal citing skyrocketing deficits.

Following failed Senate votes on separate coronavirus relief packages on Tuesday, October 20 and Wednesday, October 21, Speaker Pelosi accused Leader McConnell of confusing the debate with mixed messages and left it to President Trump to pull reluctant Republicans behind another stimulus bill.

Senate Majority Whip John Thune (R-SD), the second-ranking Senate Republican, said earlier in the month that he didn't know if at least 13 Republicans would vote for a \$1.8 trillion package, the minimum number to advance such a bill if all 47 Democrats supported it. Senate Appropriations Committee Chairman Richard Shelby (R-AL) signaled he may be willing to support a package approaching \$1.9 trillion, but noted he'd want to see any policy language and how the money was allocated before he gave a definitive answer.

Speaker Pelosi has acknowledged the Senate opposition but said Democrats can overcome the Republican defiance by leaning on President Trump's entreaties to "go big" before the election. If that doesn't work, she said Congress would act quickly in the lame-duck session to secure more relief — and compensate for the time gap by making the benefits retroactive.

House Majority Whip James Clyburn (D-SC) has predicted that lawmakers won't act on a coronavirus relief package until the lame-duck session after the November 3 elections. "The election is less than two weeks away, and I believe we'll be back in Washington a week or two after the elections and we can do something there. At least the elections will be behind us. People will know what their futures are," Whip Clyburn said.

### ***Senate Confirms Judge Amy Coney Barrett to the Supreme Court***

The Senate confirmed Judge Amy Coney Barrett to the Supreme Court during a vote on Monday, October 26. The 52-48 Senate vote on Justice Barrett's nomination capped off a rare presidential election year Supreme Court fight sparked by the death of Justice Ruth Bader Ginsburg on September 18. It also marked the first time in modern times that the nominee enjoyed no support from the minority party in the Senate.

GOP Senator Susan Collins (R-ME) was the only Republican to oppose Barrett, saying she doesn't believe a nomination should come up before the election. Senator Lisa Murkowski (R-AK), who previously voted against procedurally advancing the nomination because of the election, supported her nomination in the final vote. She noted that while she opposed the process that led to a final confirmation vote, she would not hold the circumstances against the nominee when the final vote came. She indicated her confirmation vote was about the qualifications of the candidate, not the means in which the nomination made it to the floor.

Justice Barrett's nomination marks a new record for how close to the presidential election the Senate has confirmed a Supreme Court nominee. Despite the high stakes of her nomination fight, there was little doubt that Republicans would fill the seat.

Leader McConnell, speaking to Republicans on the Senate floor, touted Barrett's nomination as a long-lasting legacy of the past four years.

"We made an important contribution to the future of this country. A lot of what we've done over the last four years will be undone sooner or later. ... They won't be able to do much about this for a long time to come," he said.

Judge Barrett's nomination hearings took place in the Senate Judiciary Committee from October 12-15. The first three days of hearings were devoted to opening statements by lawmakers and the nominee followed by three rounds of questions. The final day featured an outside panel of those for and against the nomination.

Prior to the hearings, Senate Minority Leader Charles Schumer (D-NY) urged his colleagues to focus on "health care, health care, health care" and stay away from attacks on Judge Barrett's character, Roman Catholic beliefs or qualifications, which Republicans could then use as ammo to accuse them of waging a campaign of personal destruction — a tactic that proved effective during the Kavanaugh battle.

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During the rounds of questions, Democrats grilled Barrett on several hot-button issues, including the fate of ObamaCare, abortion, climate change and the outcome of the presidential election. GOP senators said that nothing over the course of the hearings altered their support for Judge Barrett.

“The last three days of hearings have revealed very good news. They have revealed the news that Judge Barrett is going to be confirmed by this committee and by the full Senate,” said Senator Ted Cruz (R-TX).

Following three days of questioning, Senate Majority Leader Mitch McConnell (R-KY) said on Thursday, October 15 that Republicans have the votes to confirm Judge Barrett.

Under committee rules, any one senator can request that a nomination be postponed for a week the first time it appears on the agenda, which Judge Barrett’s nomination did on October 15. Nominations are routinely delayed for a week, and Chairman Graham honored a request from Democrats to delay Barrett’s nomination.

Democrats have acknowledged that they were powerless to stop her from being confirmed without help from GOP senators. “I recognize, Mr. Chairman, that this goose is pretty much cooked,” Senator Cory Booker (D-NJ) told Judiciary Chairman Lindsay Graham during the confirmation hearings.

Because Republicans nixed the 60-vote procedural threshold for Supreme Court nominees in 2017 (after Democrats nixed the filibuster for lower court nominees in 2013), Judge Barrett only needed 50 “yes” votes and Vice President Pence to break a tie in order to be confirmed.

Following the week postponement, Republicans on the Senate Judiciary Committee voted on Thursday, October 22 to advance Judge Barrett’s Supreme Court nomination out of Senate Judiciary Committee and move her nomination to consideration in the full Senate after Democrats boycotted the vote.

On Sunday, October 25, Senators voted 51-48 to begin winding down debate on Judge Barrett’s nomination. While the vote was a procedural step in Judge Barrett’s consideration, it underscored that Republicans have the votes to confirm her nomination. GOP Senators Susan Collins (ME) and Lisa Murkowski (AK) voted with Democrats against moving forward.

Sunday’s procedural vote set up the vote on Monday evening. Shortly after Monday’s vote, Justice Barrett received her official constitutional oath, administered by Justice Clarence Thomas, during an event at the White House.

“The oath that I have solemnly taken tonight means at its core that I will do my job without any fear or favor, and that I will do so independently of both the political branches and of my own preferences,” she continued.

Justice Barrett’s confirmation comes as a challenge to the Affordable Care Act is set to be heard before the Supreme Court on November 10.

### ***Supreme Court Confirmation Battle Fuels Calls to Nix Filibuster, Expand Court***

The fallout from Justice Amy Coney Barrett's confirmation fight is fueling calls for Democrats to nix the filibuster and expand the Supreme Court next year if they win back the Senate majority and the White House.

The long-simmering debate over the seismic changes is gaining new steam amid deep frustrations about the state of the Senate, which has been battered by a slew of explosive fights in recent years that have ratcheted tensions to an all time-high over the past month.

Progressives in both the House and Senate have doubled down on their calls for Democrats to expand the court after Justice Barrett's confirmation.

"Republicans have been packing the Supreme Court for years. It's our job now to expand the court and return justice to the judiciary," Senator Ed Markey (D-MA) tweeted Tuesday. Markey and other Senate Democrats have taken to calling filling open judicial vacancies "court packing" due to the Senate's focus on filling vacancies over the last four years.

Democrats have been careful not to say what they will do if they are in the majority next year, arguing that with the election looming, the discussion isn't yet ripe. But they warned that the fight over Barrett's nomination is making them rethink how the Senate functions as an institution.

Senator Chris Murphy (D-CT) added, "I think there are now new rules in the Senate, and I think Republicans have set them."

Republicans say nixing the filibuster is not the solution. "To do that would inflect even deeper, deeper wounds, fundamentally and dramatically altering how the levers of power operate in this country. ... So we've got to figure out how to de-escalate," said Senator Lisa Murkowski (R-AK).

Supporters of nixing the 60-vote legislative filibuster argue it stands in the way of some of the biggest priorities for Democrats, including health care, voting rights, climate change and potentially even another round of coronavirus relief.

It's unclear if Democrats will have the necessary votes, and a razor thin margin could complicate their strategy. In 2013, three Democratic senators voted against lowering the 60-vote threshold for executive, district court and appeals court nominations; of the three only Sen. Joe Manchin (D-WV) is still in the Senate.

Senators Jon Tester (D-MT) and Angus King (I-ME) — long viewed as crucial swing votes on nixing the filibuster — have signaled they are open to it if Republican obstruction makes it impossible for them to pass legislation.



“I don't want to pack the court, I don't want to change the number. I don't want to have to do that. But if all of this rule-breaking is taking place, what does the majority expect, what do they expect?” Senator King asked in a speech on the Senate floor.

### ***Senators Introduce Legislation to Reform National Environmental Policy Act (NEPA)***

Senators Ted Cruz (R-TX), Mike Lee (R-UT), and Kevin Cramer (R-ND) introduced the Undoing NEPA's Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy (UNSHACKLE) Act on Monday.

The legislation would comprehensively reform the National Environmental Policy Act (NEPA) by combining five previously introduced NEPA reform acts into one bill.

Those other bills are:

- The NEPA Data Transparency and Accountability Act
- The NEPA State Assignment Expansion Act
- The NEPA Agency Process Accountability Act
- The NEPA Accountability and Enforcement Act
- The NEPA Legal Reform Act

“Environmental planning is essential to sustainable growth, but unfortunately NEPA has become a weapon used by special interests to make much-needed infrastructure and maintenance projects throughout our country prohibitively expensive,” Senator Lee said.

“The UNSHACKLE Act will reform the NEPA process so that federal agencies, state, and local governments are better empowered to carry out NEPA’s original process while also making our nation’s infrastructure and maintenance project affordable again,” he added.

### ***Lawmakers Challenge EPA on Coal Waste Rollback***

Representative Peter DeFazio (D-OR) and Representative Grace Napolitano (D-CA) sent a letter to Environmental Protection Agency (EPA) Andrew Wheeler raising concerns with the Trump administration’s decision to roll back limits on discharges of wastewater from coal-fired power plants.

“These plants represent the largest source—30 percent—of industrial toxic pollution discharged into our waters. These discharges include known carcinogens and neurotoxins, which when unregulated can have significant effects on human health, wildlife, and ecosystems.”

Representative DeFazio and Representative Napolitano wrote in their letter.

“However, the Trump 2020 Final Rule is, instead, a complete giveaway to industry at the expense of human health. The EPA should go back to the drawing board and commit to adequately protecting the public’s health and our environment from toxic coal-fired power plant wastewater pollution,” the lawmakers added.

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In the letter, the Representatives reminded Administrator Wheeler of the fact that the Clean Water Act, which they lawmakers noted is celebrating its 48<sup>th</sup> anniversary, directs his agency to ensure that industrial dischargers constantly upgrade their pollution control technology to the highest level economically achievable

The letter poses several questions to Administrator Wheeler, including asking him to identify all of the facilities that are expected to participate in this program and contributed to EPA's estimate in discharge reductions, and requested answers to their questions by December 15, 2020.

### ***Senate Attempts to Pass PPP Plan, COVID Aid, But Again Falls Short***

During the week of October 19, the Senate took two votes on coronavirus legislation, however, both votes failed to gain the 60 votes needed to invoke cloture on the legislation.

On Tuesday, October 20, the Senate voted on a standalone proposal to authorize a second round of forgivable loans to small businesses. The proposal would have given the Small Business Administration \$258 billion for a second round of forgivable loans to coronavirus-afflicted small businesses through the Paycheck Protection Program (PPP).

Senators Maggie Hassan (D-NH), Doug Jones (D-AL), Gary Peters (D-MI), Jeanne Shaheen (D-NH) and Mark Warner (D-VA) voted with Republicans.

The second draw, as proposed in the Senate Republican bill, would be limited to businesses with fewer than 301 employees that suffered at least a 35 percent drop in revenues in one of 2020's business quarters compared to the same quarter last year. Those firms would be eligible for a loan set equal to 10 weeks of payroll up to \$2 million, which would be forgiven so long as it was used to cover payroll and certain fixed costs like rent, utilities, property damage costs, and coronavirus prevention measures like masks and plexiglass barriers.

The measure would also simplify the forgiveness application for both new and existing PPP loans under \$150,000. The SBA shortened the forgiveness paperwork for loans under \$50,000 earlier this month. Banks and credit unions, who effectively administer the loan program, have pushed to let even more borrowers use an easier forgiveness process. The measure would also retroactively expand the forgivable uses for the first round of PPP funds, which totaled \$525 billion across 5.2 million loans.

Additionally, on Wednesday, October 21, the Senate took a procedural cloture vote on "skinny" package that had previously been brought to the Senate floor. Senators voted 51-44 to end debate on the Republican proposal. The cloture vote required 60 votes to cut off debate on the legislation. No Democratic Senators joined Republicans in support of the bill.

The GOP bill was widely expected to fall short—and is less than a third of the latest offer made by the White House. But Senate Republican leadership was eager to force Democrats to go on the record on coronavirus relief as the number of cases per day is on the rise and the November election is less than two weeks away.

The bill, similar to “skinny” legislation the Senate considered at the end of September, would provide larger unemployment benefits, more than \$100 billion for schools, and more money for virus testing, tracing and vaccine development and distribution.

### ***Legislation Introduced to Boost Ocean Conservation, and Combat Climate Change***

House Democrats released legislation to boost ocean conservation, coastal resiliency, and “blue carbon” ecosystems, offering another piece of the party’s overall agenda to combat climate change.

House Natural Resources Chairman Raul Grijalva (D-AZ) introduced the Oceans-Based Climate Solutions Act on October 20 and plans to push the legislation during the remainder of the year and into the next Congress. The bill repackages some measures currently before the House into one legislative vessel.

The legislation seeks to further the government’s investment in wind energy, while decreasing its reliance on traditional fossil fuels. Additionally, the legislation establishes a goal of protecting 30 percent of the ocean by 2030. It also aims to restore U.S. global leadership on ocean conservation.

It would impose speed restrictions on vessels in certain areas to protect marine mammals, require shippers to annually track and report carbon dioxide emissions, and encourage greater fuel efficiency for fishing vessels.

The bill also advances efforts to ban offshore drilling, as it includes language that would prohibit new oil and gas leasing and development in all of the outer continental shelf.

It would create a blue carbon program at the National Oceanic and Atmospheric Administration to help reduce greenhouse gas emissions and urge an investment of more than \$600 million over the next five years in marine energy research and development.

Representative Jared Huffman (D-CA) said that the legislation is the first-ever comprehensive legislation to advance ocean-based climate solutions.

“We are already living out the alarming impacts of climate change on land, including catastrophic wildfires and drought. But we should be just as concerned about ocean impacts: major declines in biodiversity, rapidly shifting fish stocks, sea level rise, and widespread losses of our world’s most important coastal habitats,” Representative Huffman said.

### ***Executive Order on Modernizing Water Resource Management, Infrastructure***

On Wednesday, October 14, President Trump signed an Executive Order on “Modernizing America’s Water Resource Management and Water Infrastructure.” The executive order is to “to improve our country’s water resource management, modernize our water infrastructure, and prioritize the availability of clean, safe, and reliable water supplies.”

The order would create a new interagency Water Policy Committee, also known as the Water Subcabinet, to be co-chaired by the Interior Secretary David Bernhardt and Environmental Protection Agency (EPA) Administrator Andrew Wheeler, and include senior officials from the U.S. Department of Agriculture (USDA), the Department of Commerce (DOC), the Department of Energy (DOE), and the Department of the Army (Civil Works). The Water Subcabinet will work in close coordination with senior officials from the White House Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB), and the Office of Science and Technology Policy (OSTP), and other federal agencies.

The Water Subcabinet will be responsible for promoting effective and efficient water resources management by reducing duplication between Federal agencies developing water policy. Additionally, the Subcabinet will promote integrated planning and coordination for drinking water, wastewater, water reuse, water storage and delivery, and water resource management.

According to a fact sheet on the Executive Order, the Water Subcabinet will develop a national water strategy that addresses the following:

- Enhancement of water storage, water supply, and drought resiliency
- Improvement of water quality, source water protection, nutrient management, and restoration activities
- Innovation and modernization of water systems, including for drinking water, wastewater, water reuse, desalination, and flood control
- Advancement in water data management, research, modeling, and forecasting

The Executive Order also directs the Water Subcabinet to coordinate with other Federal agencies to provide assistance and technical support to States, territories, tribes, local communities, and non-governmental entities to bolster our Nation's water workforce.

### ***House Natural Resources Committee Holds Forum on Offshore Drilling***

On Wednesday, October 14, the House Natural Resources Committee held a virtual forum on "The Threat of Offshore Drilling and the Need for a Permanent Federal Ban" which featured testimonies from state and local advocates based in coastal states, including California.

During the forum, Representative Alan Lowenthal (D-CA) said that states like California, and other coastal states, know that offshore drilling is incompatible with their economy. The Mayor of Encinitas, California, Catherine Blakespear, testifying during the hearing, stressed good ocean stewardship, and stated that "anything less than a complete ban [on offshore drilling] is simply inadequate".

Representative Lowenthal questioned why President Trump blocked offshore drilling in some states on the east coast, but not California to where Mayor Blakespear stated that those types of decisions are "political theater".

Additional topics that were discussed were the toll that offshore drilling takes on local economies in harming other industries such as fishing and tourism. An example was posed about the

disastrous impacts that a drastic oil spill would place on not only the environment, but local economies who rely on clean water access.

Representative Mike Levin (D-CA) discussed strong opposition in his district to offshore drilling and referenced conversations with Interior Secretary Bernhardt about offshore drilling where the congressman stated that did not receive assurance that federal government would not drill offshore in California. He added that he is looking forward to “moving forward aggressively” in the 117th Congress to ban offshore drilling.

In 2019, the House passed legislation that ban offshore drilling, but the Senate has not acted on the legislation and the White House has opposed the bill. The legislation, sponsored by Representative Joe Cunningham (D-SC), would permanently ban offshore drilling off the Atlantic and Pacific coasts.

### ***Administration Rejects, then Approves California Wildfire Disaster Assistance Request***

On Thursday, October 15, the Trump administration rejected California’s request for a disaster declaration for assistance to address six wildfires that broke out in September. California Governor Gavin Newsom wrote a letter to President Trump on September 28th requesting the disaster declaration following the string of wildfires. The administration reversed course that Friday, approving the request after a phone call with California Governor Newsom and House Minority Leader Kevin McCarthy (R-CA).

The governor noted that the state’s economy had been “significantly damaged” by the COVID-19 pandemic, the major wildfires and poor air quality. He wrote that infrastructure damage estimates exceeded \$229 million.

“Federal assistance is critical to support physical and economic recovery of California and its communities,” Newsom wrote. “The longer it takes for California and its communities to recover, the more severe, devastating and irreversible the economic impacts will be.”

The White House originally said California's request for a presidential major disaster declaration was rejected because it was "not supported by the relevant data."

“This summer, President Trump quickly approved wildfire relief for the State of California that was supported by damage estimates. In fact, this week the President made additional disaster assistance available to California by authorizing an increase in the level of Federal funding to 100% for debris removal and emergency protective measures undertaken as a result of the wildfires, beginning August 14, 2020, and continuing,” the White House said in a statement.

”The more recent and separate California submission was not supported by the relevant data that States must provide for approval and the President concurred with the FEMA Administrator's recommendation,” the statement read.

The Federal Emergency Management Agency said on Friday that damage assessments “determined that the early September fires were not of such severity and magnitude to exceed the

combined capabilities of the state, affected local governments, voluntary agencies and other responding federal agencies.”

After Friday’s phone call with Governor Newsom and Leader McCarthy, the administration changed course. “The Governor and [House Minority] Leader [Kevin] McCarthy spoke and presented a convincing case and additional on-the-ground perspective for reconsideration leading the President to approve the declaration,” deputy press secretary Judd Deere said in a statement.

### ***Lawmakers Urge Moratorium on Water Shutoffs***

Representatives Harley Rouda (D-CA) and Rashida Tlaib (D-MI) are asking the head of the Centers for Disease Control and Prevention to issue a nationwide moratorium on drinking water shutoffs. In a letter to Doctor Robert Redfield, Director for Disease Control and Prevention, on September 5, the lawmakers urged a national moratorium on drinking water shutoffs because “access to clean water is essential to prevent the spread of the coronavirus.”

The letter states that several states has implanted a moratorium at the beginning of the crisis, but many of these are set to expire or have expired and that “over half of the United States’ population is currently at risk for water disconnection”.

Representative Rouda and Representative Tlaib, the chairman and vice chairman, respectively, of the Oversight and Reform Environment Subcommittee also released an 11 minute video report with other House and Senate Democrats, water activists and residents that called for the moratorium in the next COVID relief package. Additionally, the lawmakers asked for a restoration of service for residents who need access to clean water who have had their water shut off during the pandemic.

In the video Representative Rouda stated that he is “so proud” of California for ordering a suspension of water shutoffs and added that it is “unacceptable” that there are Americans during the pandemic who do not have access to clean water.

### ***New Bipartisan Legislation to Better Protect Against Natural Disasters***

On Friday, October 9, Representative Katie Porter (D-CA) introduced the “Disaster Learning and Life Saving Act”. The legislation, co-led with Representative Garret Graves (R-LA) would establish an independent board to review underlying causes of natural disasters and make recommendations to all levels of government on how to keep Americans safe.

Companion legislation was introduced in the Senate by Senators Brian Schatz (D-HI) and Bill Cassidy (R-LA).

“As California experiences yet another devastating wildfire season, it’s clear that we must do more to guard against natural disasters,” Representative Porter said.

Currently, policymakers rely on a patchwork of studies, after-action reports, audits, and media reports to understand the impacts of natural disasters, which are inconsistent and vulnerable to



political pressure. A one-pager on the legislation stresses the importance of an independent board by stating that “existing reports seldom address the underlying causes behind the loss of life or major property damage that disasters leave in their wake nor do they offer policymakers a path forward.”

The legislation would establish a National Disaster Safety Board (NDSB) modeled after the National Transportation Safety Board. The NDSB would be made up of seven members, chosen for their experience in emergency management, public health, engineering, and social and behavioral sciences.

The NDSB would be an independent, non-partisan agency, responsible for studying preparedness and emergency response during natural disasters. Additionally, it would have no regulatory, operational, or grant-making authority.

The NDSB includes a special office to focus on disaster impacts to low-income communities and will ensure that recommendations are made to protect them moving forward.

According to a summary on the bill, the NDSB will work collaboratively with affected state and local governments, ensuring they have the opportunity to comment on reports and recommendations before publication. The NDSB will also offer technical assistance to support jurisdictions implementing its resiliency recommendations.

### ***Senators Push for PFAS Provisions in the Final NDAA***

On Wednesday, October 7, Senator Jeanne Shaheen (D-NH), a senior member of the Senate Armed Services Committee, led a group of 20 senators in sending a letter to leaders of the Senate and House Armed Services Committees to include provisions to prevent and address per- and polyfluoroalkyl substances (PFAS) contamination in the final fiscal year 2021 National Defense Authorization Act.

In their letter, the Senators underscored the adverse health effects tied to PFAS chemicals, two of which – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) – have emerged as widespread contaminants to the drinking water sources of military bases across the country due to their use in aqueous firefighting foam (AFFF) used by the military.

They cited the Department of Defense’s PFAS Task Force report updating the count of military installations impacted by these materials from 401 to 651. The Senators also expressed concern about occupational exposure for firefighters in particular, who are more exposed to these chemicals through the use of firefighting foam, and also potentially through their personal protective equipment (PPE).

They argued that the serious health implications tied to these chemicals coupled with unknown long-term health effects demands action from Congress and the attention of the Department of Defense. The Senators wrote, “We acknowledge the ongoing efforts of the Department of Defense (DOD); however, additional action is needed to address the immediate concerns of

citizens near these military bases who are desperate to know what exposure to these contaminants means for their health and the health of their families.”

The Senators asked House and Senate committee leadership to include a number of provisions in the FY21 NDAA to confront PFAS contamination at military installations in our communities. These provisions include authorizing \$15 million to continue the PFAS health impact study, as well as provision that would require PFAS blood testing for service members during their annual periodic health assessment (PHA) if it is determined they were stationed at one of the more than 600 military installations contaminated by PFAS. The Senators also requested that the defense bill include a measure that would authorize a comprehensive study of firefighters’ PPE to determine the prevalence and concentration of PFAS and also establishes a federal grant program to advance development of safe alternatives to PFAS chemicals in PPE.

Finally, the Senators urged the conference committee to include a measure that modifies the authority for environmental restoration projects of the National Guard and provides technical corrections to ensure restoration of contamination by PFOS and PFOA, as well as a provision that would require the Secretary of Defense to evaluate available firefighting technologies or substances to be adapted for use by DOD to facilitate the phase-out of firefighting foam that contains PFAS chemicals.

### ***Modernization Committee Calls for Return of Modified Earmarks***

The Select Committee on the Modernization of Congress, which was established at the beginning of the current Congress in the Rules package adopted by House Democrats, has recommended that earmarks be reinstated in a limited fashion in the House.

The Committee released its proposal for a community-focused grant program (CFGP) with an emphasis on supporting projects that have the broad support of local communities across the United States. For-profit entities would be prohibited from applying.

A hallmark of CFGP is end-to-end accountability and transparency, with public access to every member request and supporting documentation, and routine independent audits. For discretionary programs, the grant program is limited to 1 percent of discretionary spending.

The Committee also made several other budget and appropriations focused recommendations, including:

- Requiring an annual Fiscal State of the Nation.
- Requiring a biennial budget resolution, with annual appropriations bills.
- Setting a realistic deadline for Congress to complete action on a biennial budget.
- Requiring an annual supplemental budget submission by the President.
- Encouraging examination of how a two-year budget resolution will change the schedule or approach in the budget process.
- Strengthening budget enforcement.
- Including total combined outlays and revenues for tax expenditures as an optional item in the budget resolution.



Additionally, all of the candidates to serve as the Democratic lead (likely Chairperson provided Democrats maintain control of the House) of the House Appropriations Committee have all included a return of earmarks for nonprofit organizations and cities in their campaign pitches to lead the committee.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 7608	Rep. Nita Lowey (D-NY)	First House Minibus Appropriations Package: State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriations Act, 2021	<p>The \$259.5 billion four appropriation bill package included \$36.76 billion for the Interior, Environment spending bill in which the Environmental Protection Agency would receive a near-record \$9.38 billion and Interior would get \$13.83 billion in discretionary appropriations under the legislation.</p> <p>The measure includes \$15 billion for a new emergency critical infrastructure fund, \$2.35 billion for the wildfire suppression cap adjustment, and \$12.9 million in additional funds for research on PFAS, “forever chemicals” found in nonstick consumer goods and firefighting foam.</p>	<p>Representative Lowey, Chair of the House Appropriations Committee, introduced the first minibus on July 13, 2020.</p> <p>Amendments from members were due to the Committee on July 20, and the legislation passed in the House on July 24 by a vote on 224-189. Republicans voted against the measure unanimously, objecting to the "emergency" spending titles, which they say violates the Bipartisan Budget Act agreed to last year.</p> <p>The spending bills face an unlikely path to the president’s desk before the new fiscal year begins on October 1. Without funding bills or a continuing resolution — a stopgap measure that extends current funding levels — the government would shut down.</p> <p>Moreover, the Senate has yet to introduce their versions of the fiscal year 2021 appropriations bills, and are not expected to do so until after the November election.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 7617	Rep. Pete Visclosky (D-IN)	Second House Minibus Appropriations Package: Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Homeland Security, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021	The measure totals over \$1.3 trillion and included \$60 million for WaterSMART Grants; \$2.1 million for Water Conservation Field Services Program; \$4.179 million for Cooperative Watershed Management; \$2 million for Basin Studies; \$5 millions Drought Responses & Comprehensive Drought Plans; \$5 million for Basin Studies and \$63.665 million for Title XVI Water Reclamation and Reuse Program and an additional \$300 million in emergency appropriations for WaterSMART grants and \$50 million for the Title XVI program.	<p>The legislation was introduced in the House on July 16, 2020</p> <p>The measure passed the House by a vote of 217 to 197, with no Republicans supporting the bill and 12 Democrats joining them in opposition.</p> <p>The Senate has yet to introduce their versions of the fiscal year 2021 appropriations bill, and are not expected to do so until after the November election.</p>
S.4862	Sen. Mike Lee (R-UT)	Undoing NEPA's Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy (UNSHACKLE Act)	The legislation would comprehensively reform the National Environmental Policy Act (NEPA) by combining five other previously introduced NEPA reform acts into one bill.	The legislation was introduced on October 25, 2020.
H.R. 8632	Rep. Raul Grijalva (D-AZ)	Ocean-Based Climate Solutions Act	The legislation would direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes.	The legislation was introduced on October 20, 2020.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 8569/ S.4815	Rep. Katie Porter (D-CA)/ Sen. Brian Schatz (D-HI)	Disaster Learning and Lifesaving Act	The legislation would establish a National Disaster Safety Board (NDSB) modeled after the National Transportation Safety Board. The NDSB would be an independent, non-partisan agency, responsible for studying preparedness and emergency response during natural disasters. It would break down the silos between federal, state, and local government, and private industry to develop better and more complete lessons learned and improve planning for future emergencies.	<p>The legislation was introduced on October 9, 2020 and referred to the House Committees on Transportation and Infrastructure, and Energy and Commerce.</p> <p>The bill has bipartisan cosponsorship.</p>
H.R. 8406	Rep. Nita Lowey (D-NY)	The Heroes Act	The legislation introduced by House Democrats is \$1.2 trillion less than the original bill passed by the House last spring — includes \$436 billion in emergency aid for state and local governments; \$225 billion for schools and child care; an additional round of \$1,200 stimulus checks for most Americans; money to restore \$600 expanded unemployment payments through January; \$75 billion for testing, contact tracing and other health care efforts; billions for housing assistance; and funding to shore up the census, U.S. Postal Service and elections.	<p>The legislation was introduced by Rep. Nita Lowey, Chair of the House Appropriations Committee, on Monday, September 29.</p> <p>The legislation passed the House on Thursday, October 1, by a vote of 214-207 with every Republican member and 18 Democrat lawmakers voting against the legislation.</p> <p>The bill is unlikely to move forward in its current state, as both Republican Senators and the White House have expressed disapproval of the legislation.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 4447	Rep. O'Halleran, Tom (D-AZ)	Expanding Access to Sustainable Energy Act of 2019 [Clean Economy Jobs and Innovation Act]	The legislation combines several bills that aim to boost green infrastructure and energy efficiency in buildings, and invest in renewable technologies, energy sources, and workforce training. The measure includes provisions to improve the electricity grid and broaden investments and access to electric vehicles. A section on environmental justice includes several grant programs for underserved communities.	<p>The package was originally introduced by Representative Tom O'Halleran on September 20, 2019. A mark-up session on the legislation was held on September 9, 2020, and the legislation passed the House on September 24th by a vote of 220-185.</p> <p>The House vote fell down partisan lines with criticism from House Republicans. The White House has threatened to veto the bill.</p>
H.R. 3884/ S.2227	Rep. Jerry Nadler (D-NY) / Sen. Kamala Harris (D-CA)	Marijuana Opportunity Reinvestment and Expungement Act of 2019	This legislation removes marijuana from the list of scheduled substances under the Controlled Substances Act and eliminates criminal penalties for an individual who manufactures, distributes, or possesses marijuana.	<p>In the House, the legislation was introduced on July 23, 2019 by Rep. Jerry Nadler. On November 21, 2019, the House Judiciary Committee held a mark-up of the legislation.</p> <p>While the House had hoped to consider the legislation during the week of September 21, 2020, disagreements within the Democratic Caucus have temporarily delayed the legislation from coming to the floor, though Majority Leader Steny Hoyer has promised the bill's sponsors that he will bring the legislation to the floor before the end of the year.</p> <p>The Senate legislation was introduced by Sen. Kamala Harris on July 23, 2019 and referred to the Committee on Finance. While the legislation faces long odds in the GOP-led Senate, Senator Minority Leader Chuck Schumer has expressed his commitment to getting the legislation passed.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.4596	Sen. Ernst, Joni (R-IA)	Disaster Tax Relief Act of 2020	<p>The legislation includes several tax provisions that would apply to individuals and businesses in regions that are designated as presidentially declared disaster areas from July 1 through 60 days after the bill's enactment.</p> <p>The legislation includes provisions to remove penalties on early withdrawal from retirement accounts, suspend limits on deductions for certain charitable contributions and provide an employee retention tax credit. It would also allow low-income individuals to use their previous year's income when claiming certain tax credits, so that they don't receive smaller credits for 2020 if their incomes declined as a result of the disaster.</p>	<p>The legislation was introduced by Sen. Joni Ernst on September 16, 2020.</p> <p>The legislation has bipartisan support.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 7575	Rep. DeFazio (D-OR)	Water Resources Development Act of 2020	<p>The legislation would help build, repair, and maintain a wide variety of water infrastructure projects.</p> <p>In addition, the U.S. Army Corps of Engineers would be authorized to start several navigation, flood control, storm damage, and other water-related infrastructure projects. The bill also directs the Corps to undertake an inventory of water resources development projects and associated properties that are or may be contaminated with PFAS, and to develop a plan to remediate and limit potential human exposure to the contamination. In Southern California, the Corps would be required to expedite a study on the Seven Oaks Dam related to adding additional authorized purposes.</p>	<p>The bill was introduced July 13, 2020.</p> <p>The measure was favorably approved out of committee on July 24, 2020 and passed the House on July 31, 2020 by voice vote.</p> <p>After passing the House the bill is now awaiting consideration in the Senate. Senate EPW Committee Chairman John Barasso (R-WY) has indicated a willingness to consider the House-passed bill.</p>
H.R. 6084	Rep. Suzanne Bonamici (D-OR)	Water Power Research and Development Act	To provide for a program of hydropower, pumped storage, and marine energy research, development, demonstration, and commercial application, and for other purposes.	<p>The legislation was introduced on March 4, 2020 and referred to the Subcommittee on Energy of the House Committee on Science, Space, and Technology.</p> <p>On March 12, 2020, the Subcommittee on Energy held a Mark-up Session, and the legislation forwarded by the Subcommittee to Full Committee for Voice Vote.</p> <p>No actions on the bill have been taken since March.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 2	Rep. DeFazio (D-OR)	Moving Forward Act	<p>The bill combines multiple pieces of legislation to authorize funds for Federal-aid highways, highway safety programs, and transit program.</p> <p>The measure includes \$25 billion for drinking water, \$100 billion for broadband, \$70 billion for clean energy projects, \$100 billion for low income schools, \$30 billion to upgrade hospitals, \$100 billion in funding for public housing and \$25 billion for the postal service and allocates approximately \$500 billion to further green efforts.</p>	<p>The legislation was introduced in the House on June 11, 2020.</p> <p>On June 17, 2020 the Subcommittee on Highways and Transit discharged the measure and the bill for consideration by the Committee on Transportation and Infrastructure.</p> <p>Following the mark up the bill was ordered to be reported out of committee. On Monday, June 29, 2020 the Rules Committee met to discuss the procedure and rules for the bill's consideration on the House floor.</p> <p>The House voted on the measure on Wednesday, July 1 and passed the legislation by a vote of 233 – 188. The Administration opposes the legislation and the President will likely veto the bill in its current form.</p>
H.R. 6622	Rep. David McKinley (R-WV)	Assuring Quality Water Infrastructure Act	<p>The bill amends the Safe Water Drinking Act to establish a grant program for improving operational sustainability by small public water systems.</p> <p>The bill would authorize \$5 million to execute this program for each of the fiscal years 2021 - 2025.</p>	<p>The legislation was introduced on April 24, 2020, and referred to the House Committee on Energy and Commerce.</p>



Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.6800	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 has not been well received in the Senate. Majority Leader Mitch McConnell(R-KY) has indicated that a Senate version will likely be notably different than the House passed version.</p> <p>The Senate Committee on Small Business held hearings on the legislation on July 23.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.3752 / H.R.6954	Sen. Robert Menendez (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> <p>The Senate Committee on Banking, Housing, and Urban Affairs held a hearing on the legislation on June 2.</p>
H.R.7073/ S.4308	Rep. John Garamendi (D-CA)/ Sen. Krysten Sinema (D-AZ)	Special Districts Provide Essential Services Act	<p>The legislation would provide special districts access to the Coronavirus Relief Fund established in the CARES Act (H.R.748). The Coronavirus Relief Fund, as enacted, provided \$150 billion for the remainder of fiscal year 2020, which ends on September 30, 2020, for State and Tribal governments and units of local governments.</p> <p>Special districts would also be determined “eligible issuers” for the Federal Reserve’s Municipal Liquidity Facilities Program.</p>	<p>The House legislation was introduced on June 1, 2020 and referred to the House Committee on Oversight and Reform and Committee on Financial Services.</p> <p>Companion legislation was introduced in the Senate on July 23, 2020 and referred to the Senate Committee on Finance.</p> <p>The Senate version of the legislation also has bipartisan cosponsorship.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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>
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>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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>
Draft Legislation	Rep. Jared Huffman (D-CA)	FUTURE Drought Act	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 an water infrastructure fund, and extends and expands the WaterSMART program.	Much of this legislation was incorporated into H.R.2 (information above).
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.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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> <p>On September 4, 2020, the legislation was placed on the House Calendar.</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 16, 2019 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> <p>Elements of the bill were incorporated into H.R.2 (above).</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.	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.  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.
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 3, 2019. 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, 2019 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.	The bill was introduced in the House on April 12, 2019 and then referred to the Committee on Ways and Means.  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.



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	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.	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.
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, 2019 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, 2019 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>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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. 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>
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, 2019 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 February 7, 2019 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on February 4, 2019.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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.
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.	The bill was introduced in the Senate on February 7, 2019 and was referred to the Finance Committee.  Introduced in the House on February 8, 2019 and was referred to the Committees on Judiciary, Agriculture, and Natural Resources.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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>
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>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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> <p>Note: Senators have pushed for PFAS provisions to be included in the final fiscal year 2021 National Defense Authorization Act.</p>
H.R.4236	Rep. Quigley, Mike (D-IL)	Reducing Waste in National Parks Act	<p>The legislation would encourage recycling and reduction of disposable plastic bottles in units of the National Park System.</p>	<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>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
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)				
H.R. 8337	Rep. Nita Lowey (D-NY)	Making continuing appropriations for fiscal year 2021, and for other purposes.	This bill provides continuing FY2021 appropriations to federal agencies through December 11, 2020, and extends several programs. The CR funds most programs and activities at the FY2020 levels with several exceptions that provide funding flexibility and additional appropriations to various programs.	<p>The legislation was introduced on September 22, 2020 by Representative Lowey, Chair of the House Appropriations Committee.</p> <p>The bill passed in the House under suspension of the rules by a vote of 359-57 in the evening of September 22nd. The Senate passed the legislation on September 30th, the last day of the fiscal year.</p> <p>President Trump signed the legislation into law late in the early morning hours of October 1, 2020.</p>

INFORMATION  
ITEM  
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CALIFORNIA STRATEGIES, LLC

Date: October 30, 2020  
To: Inland Empire Utilities Agency  
From: John Withers, Jim Brulte  
Re: California Strategies, LLC October 2020 Activity Report

1. This month Jim Brulte and John Withers participated in the monthly senior staff meeting October 5th via Microsoft Meetings due to the Coronavirus.
2. There was a discussion of the MEU issue and the issues associated with fee calculation and billing.
3. There was a discussion related to the Chino Basin Program. Staff is awaiting a response from member agencies and reconfiguring the Program with corresponding outreach plan. IEUA will continue to work with the Cal Water Commission and MWD to address stakeholder concerns. Goal is to make a go/no go decision.
4. Regional Issues
  - Property tax principals were discussed as part of The Regional Contract discussion including the appropriate allocation of property taxes to various uses.
  - A Member Agency General Manager retreat is planned for late October
  - Several other regional issues were discussed and strategized including:
    1. Dairy request to tie wastewater discharge to the SARI line
    2. Chino Institute for Women sewer connection options
    3. Developer reimbursement request for capital facility project expenditures was discussed