



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

**WEDNESDAY, MARCH 9, 2022  
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY\*  
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG  
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 358 623 957#**

PURSUANT TO AB361 AND RESOLUTION NO. 2022-3-1, ADOPTED BY THE IEUA BOARD OF DIRECTORS ON MARCH 2, 2022, IEUA BOARD AND COMMITTEE MEETINGS WILL CONTINUE TO BE CONDUCTED THROUGH TELECONFERENCE. IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, THERE WILL BE NO PUBLIC LOCATION AVAILABLE FOR ATTENDING THE MEETING IN PERSON.

The public may participate and provide public comment during the meeting by dialing the number provided above. Comments may also be submitted by email to the Board Secretary/Office Manager Denise Garzaro at [dgarzaro@ieua.org](mailto:dgarzaro@ieua.org) prior to the completion of the Public Comment section of the meeting. Comments will be distributed to the Board of Directors.

**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.

\*A Municipal Water District

**1. ACTION ITEMS**

**A. MINUTES**

Approve Minutes of the February 9, 2022 Community and Legislative Affairs Committee meeting.

**B. ADOPT POSITIONS ON ALTERNATE PROJECT DELIVERY METHODS – AB 1845 AND SB 991**

Staff recommends that the Committee/Board adopt a position of “Support” for Assembly Bill 1845 (Calderon) and Senate Bill 991 (Newman).

**C. ADOPT POSITION ON AB 2787 – MICROPLASTICS IN PRODUCTS**

Staff recommends that the Committee/Board adopt a position of “Support” for Assembly Bill 2787 (Quirk).

**D. ADOPT POSITION ON AB 2142 INCOME TAXES: EXCLUSION: TURF REPLACEMENT WATER CONSERVATION PROGRAM**

Staff recommends that the Committee/Board adopt a position of “Support” for Assembly Bill 2142 (Gabriel).

**E. ADOPT POSITION ON AB 2247 – PFAS PRODUCTS PUBLICLY ACCESSIBLE REPORTING PLATFORM**

Staff recommends that the Committee/Board adopt a position of “Support” for Assembly Bill 2247 (Bloom).

**2. INFORMATION ITEMS**

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

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

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

**3. GENERAL MANAGER’S COMMENTS**

**4. COMMITTEE MEMBER COMMENTS**

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

**ADJOURN**

---

**DECLARATION OF POSTING**

---

I, Denise Garzaro, CMC, Board Secretary/Office Manager of the Inland Empire Utilities Agency\*, a Municipal Water District, hereby certify that, per Government Code Section 54954.2, a copy of this agenda has been posted at the Agency's main office, 6075 Kimball Avenue, Building A, Chino, CA and on the Agency's website at [www.ieua.org](http://www.ieua.org) at least seventy-two (72) hours prior to the meeting date and time above.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary at (909) 993-1736 or [dgarzaro@ieua.org](mailto:dgarzaro@ieua.org), 48 hours prior to the scheduled meeting so that IEUA can make reasonable arrangements to ensure accessibility.**

**ACTION  
ITEM  
1A**



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

**WEDNESDAY, FEBRUARY 9, 2022**

**9:00 A.M.**

**COMMITTEE MEMBER PRESENT**

Michael Camacho, Director

**COMMITTEE MEMBER PRESENT via Video/Teleconference**

Steven J. Elie, Chair

**STAFF PRESENT**

Shivaji Deshmukh, P.E., General Manager  
Denise Garzaro, Board Secretary/Office Manager  
Daniel Solorzano, Network Administrator

**STAFF PRESENT via Video/Teleconference**

Christiana Daisy, P.E., Deputy General Manager  
Kathy Besser, Executive Manager of External & Government Affairs/AGM  
Javier Chagoyen-Lazaro, Acting Executive Manager of Finance & Administration/AGM  
Randy Lee, Executive Manager of Operations/AGM  
Jerry Burke, Manager of Engineering & Construction Management  
Andrea Carruthers, Manager of External Affairs  
Don Hamlett, Acting Deputy Manager of Integrated System Services  
Jennifer Hy-Luk, Administrative Assistant II  
Cathleen Pieroni, Manager of Inter-Agency Relations  
Jesse Pompa, Manager of Grants  
Sushmitha Reddy, Manager of Laboratories  
Jeanina Romero, Executive Assistant

**OTHERS PRESENT via Video/Teleconference**

Beth Olhasso, West Coast Advisors  
Drew Tatum, Innovative Federal Strategies  
Letitia White, Innovative Federal Strategies

**CALL TO ORDER**

Committee Chair Steven J. Elie called the meeting to order at 9:00 a.m. He gave the public the opportunity to comment and provided instructions for unmuting the conference line.

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

### **1A. ACTION ITEM**

The Committee:

- ◆ Approved Minutes of the January 12, 2022 Community and Legislative Affairs Committee meeting.

### **2A – 2C. INFORMATION ITEMS**

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

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

### **3. GENERAL MANAGER'S COMMENTS**

General Manager Shivaji Deshmukh reported that IEUA received the Operating Budget Excellence Award for the Biennial Budget for Fiscal Years 2021/22 and 2022/23 from the California Society of Municipal Finance Officers.

General Manager Deshmukh added that in January 2021, IEUA was selected to apply for a low-interest loan through the Water Infrastructure Finance and Innovation Act (WIFIA) program to finance a suite of infrastructure improvement projects. IEUA staff is nearing completion of the agreement negotiation process and anticipates receipt of an executable funding agreement in March 2022. As a reminder, IEUA entered into its first WIFIA agreement to finance approximately \$196 million of the overall project costs for the RP-5 Expansion Project in May 2020. This second WIFIA agreement will finance approximately \$120 million to cover the maximum eligible 49 percent of costs for each of the four infrastructure projects including in the suite: the RP-1 Solids Thickening Project, the CCWRF Process and Asset Management Improvements, the Philadelphia Lift Station and Force Main Improvements, and the RP-5 Expansion Project. Staff plans to bring this agreement, along with details of the financing terms, for approval to the IEUA Board of Directors and CBRFA Commission on March 16.

In response to Committee Chair Elie's inquiry regarding the interest rate, Acting Executive Manager of Finance & Administration/AGM Javier Chagoyen-Lazaro confirmed that the WIFIA program rate is projected to be 2.15 percent. Committee Chair Elie stated his appreciation for staff working quickly to lock in good terms for the Agency to benefit the region.

General Manager Deshmukh highlighted the efforts of Manager of Grants Jesse Pompa and Acting Budget Officer Alex Lopez in the development of the WIFIA program. He also stated that on February 8, Mr. Chagoyen-Lazaro, Mr. Pompa, and Mr. Lopez along with the Agency's financial advisors, PFM, met with S&P Global as part of a credit check for the WIFIA program loan.

### **4. COMMITTEE MEMBER COMMENTS**

There were no Committee member comments.

### **5. 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 9:35 a.m.

Respectfully submitted,

Denise Garzaro  
Board Secretary/Office Manager

\*A Municipal Water District

**APPROVED: MARCH 9, 2022**

DRAFT

**ACTION  
ITEM  
1B**



**Date:** March 16, 2022

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

03/09/22

**Executive Contact:** Shivaji Deshmukh, General Manager

**Subject:** Adopt Positions on Alternative Project Delivery Method Bills - AB 1845 and SB 991

---

**Executive Summary:**

AB 1845, introduced by Assemblymember Lisa Calderon (Whittier), and Senator Josh Newman (Fullerton) introduced SB 991, which focus on changes that would allow public agencies to pursue alternative project delivery methods when constructing public works projects. AB 1845 specifically authorizes only the Metropolitan Water District of Southern California to utilize the design-build procurement process for future water infrastructure projects. SB 991 is broader in scope, authorizing all local agencies to utilize the progressive design-build procurement process for projects in excess of \$5,000,000.

The bills would offer flexible procurement options for project implementation and would require agencies, if using this procurement process, to follow certain procedures, including preparing and issuing a request for qualifications, preparing a request for proposals including the scope and needs of the project or contract, and awarding projects based on certain criteria for projects utilizing either lowest responsible bidder or best value selection criteria.

---

**Staff's Recommendation:**

Adopt a position of "Support" for Assembly Bill 1845 (Calderon) and Senate Bill 991 (Newman).

---

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

*Account/Project Name:*

N/A

*Fiscal Impact (explain if not budgeted):*

N/A

**Prior Board Action:**

Adoption of 2022 Legislative Policy Principles

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

Taking legislative positions is in line with IEUA's Business Goal of advocating for the development of policies, legislation, and regulations that benefit the region.

---

**Attachments:**

1. AB 1845 Bill Text
2. SB 991 Bill Text

**ASSEMBLY BILL**

**No. 1845**

---

**Introduced by Assembly Member Calderon**

February 8, 2022

---

An act to amend Section 21565 of, and to add Article 121.1 (commencing with Section 21568) to Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1845, as introduced, Calderon. Metropolitan Water District of Southern California: alternative project delivery methods.

Existing law generally sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by local agencies for public works contracts. Existing law authorizes certain entities, including the Department of General Services, the Military Department, the Department of Corrections and Rehabilitation, and specified local agencies, to use the design-build procurement process, as prescribed, for specified public works.

This bill would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define “design-build” to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district, if using this procurement process, to follow certain procedures, including preparing and issuing a request for qualifications, preparing a request for proposals including the scope and needs of the project or contract, and awarding projects based on certain criteria for projects utilizing either lowest responsible bidder or best value selection criteria.

Existing law authorizes the Director of General Services to use the progressive design-build procurement process for certain public works projects.

This bill would authorize the Metropolitan Water District of Southern California to use the progressive design-build procurement process for regional recycled water projects or other water infrastructure projects under specified conditions. The bill would define “progressive design-build” to mean a project delivery process in which both the design and construction of a project are procured from a single entity at the earliest feasible stage of the project. The bill would require the district, if using this process, to prepare and issue a request for qualifications containing certain selection elements to evaluate submissions and select a design-build entity based on qualifications or pursuant to an additional selection phase, as specified.

Existing law authorizes certain entities, including the Department of Transportation, the Department of Water Resources, regional transportation agencies, and the San Diego Association of Governments, to engage in a Construction Manager/General Contractor project delivery method (CM/GC method) for specified public work projects.

This bill would authorize the Metropolitan Water District of Southern California to utilize the CM/GC method for regional recycled water projects or other water infrastructure projects under specified conditions. The bill would define the CM/GC method generally as a project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project, whereby construction services may be entered into at the same time as the contract for preconstruction services or at a later time. The bill would specify the procurement process for CM/GC projects, including, among other things, requiring the district to select a construction manager through either a competitive request for qualifications only or a competitive request for proposals process based on based value.

The bill would require the alternative project delivery methods for the contracts described above to be awarded on a best value or qualifications basis or to the lowest responsible bidder. The bill would also prohibit a design-build entity or a construction contractor from being awarded a construction contract unless it provides an enforceable commitment to the district that the entity or contractor and its subcontractors at every tier will use a skilled and trained workforce to perform project work applicable to certain apprenticeable occupations

in the building and construction trades, in accordance with existing law, and subject to certain exceptions. By expanding the application of the crime of perjury for a violation of those skilled and trained workforce requirements, the bill would impose a state-mandated local program.

Existing law generally requires the board, when work is not performed by a district itself by force account and the amount involved is \$25,000 or more, to provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, and subject to the right of the board to reject proposals.

This bill would create an exception to those provisions for the alternative project delivery methods authorized by this bill.

The bill would make legislative findings and declarations as to the necessity of a special statute for the geographic area served by the Metropolitan Water District of Southern California.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21565 of the Public Contract Code is
- 2 amended to read:
- 3 21565. ~~Whenever~~ *Except as otherwise provided in Article 121.1*
- 4 *(commencing with Section 21568) of this chapter, whenever any*
- 5 *work is not to be done by the district itself by force account, and*
- 6 *the amount involved shall be twenty-five thousand dollars*
- 7 *(\$25,000) or more, the board shall provide for the letting of*
- 8 *contracts to the lowest responsible bidder, after publication of*
- 9 *notices inviting bids, but subject to the right of the board to reject*
- 10 *any and all proposals.*
- 11 SEC. 2. Article 121.1 (commencing with Section 21568) is
- 12 added to Chapter 1.5 of Part 3 of Division 2 of the Public Contract
- 13 Code, to read:

Article 121.1. Metropolitan Water District of Southern  
California - Alternative Project Delivery Program

21568. (a) The Legislature finds and declares that severe drought conditions and climate change have negatively impacted the imported water supplies of the Metropolitan Water District of Southern California, necessitating an increase in local water supplies, including recycled water, and the construction of water infrastructure to more efficiently transport limited water supplies within the district's service area.

(b) The Legislature further finds and declares that alternative project delivery, using the best value procurement methodology, has been authorized for various agencies that have reported benefits from those projects not achievable through the traditional design-bid-build method, including reduced project costs and expedited project start and completion.

(c) This article provides for a range of procurement methods for district projects, including a planned regional recycled water project, designed to counteract the negative impacts of severe and ongoing drought and the continuing impacts of climate change on water supplies in southern California.

(d) It is the intent of the Legislature in enacting this article to authorize the district to utilize the methods specified herein as cost-effective options for accelerating the construction of drought-resilient water infrastructure projects.

21568.1. (a) A regional recycled water project or other water infrastructure project undertaken by the Metropolitan Water District of Southern California to alleviate water supply shortages attributable to drought or climate change may use, in addition to other methods of project delivery otherwise allowable by law, the following methods of project delivery:

(1) Design-build.

(2) Progressive design-build.

(3) Construction Manager/General Contractor method.

(b) The contract shall be awarded on a best value or qualifications basis or to the lowest responsible bidder.

21568.2. As used in this article:

(a) "Best value" means a value determined by evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination

1 may involve the selection of the lowest cost proposal meeting the  
2 interests of the district and meeting the objectives of the project,  
3 selection of the best proposal for a stipulated sum established by  
4 the district, or a tradeoff between price and other specified factors.

5 (b) “Construction manager” means a partnership, corporation,  
6 or other legal entity that is a licensed contractor pursuant to Chapter  
7 9 (commencing with Section 7000) of Division 3 of the Business  
8 and Professions Code and that is able to provide appropriately  
9 licensed contracting and engineering services as needed pursuant  
10 to a Construction Manager/General Contractor method contract.

11 (c) “Construction Manager/General Contractor method” means  
12 a project delivery method in which a construction manager is  
13 procured to provide preconstruction services during the design  
14 phase of the project and construction services during the  
15 construction phase of the project. The contract for construction  
16 services may be entered into at the same time as the contract for  
17 preconstruction services or at a later time. The execution of the  
18 design and the construction of the project may be in sequential  
19 phases or concurrent phases.

20 (d) “Design-build” means a project delivery process in which  
21 both the design and construction of a project are procured from a  
22 single entity.

23 (e) “Design-build entity” means a corporation, limited liability  
24 company, partnership, joint venture, or other legal entity that is  
25 able to provide appropriately licensed contracting, architectural,  
26 and engineering services as needed pursuant to a design-build  
27 contract.

28 (f) “District” means the Metropolitan Water District of Southern  
29 California.

30 (g) “Guaranteed maximum price” means the maximum payment  
31 amount agreed upon by the district and the design-build entity for  
32 the design-build entity to finish all remaining design,  
33 preconstruction, and construction activities sufficient to complete  
34 and close out the project.

35 (h) “Preconstruction services” means advice during the design  
36 phase, including, but not limited to, scheduling, pricing, and  
37 phasing to assist the district to design a more constructible project.

38 (i) “Progressive design-build” means a project delivery process  
39 in which both the design and construction of a project are procured  
40 from a single entity at the earliest feasible stage of the project.

(j) “Project” means a public work necessary for the construction of a recycled water facility or infrastructure designed specifically to alleviate water shortages attributable to drought, climate change, or other environmental factors.

21568.3. The procurement process for design-build projects shall proceed as follows:

(a) The district shall prepare and issue a request for qualifications in order to prequalify or short-list the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but need not be limited to, the following elements:

(1) Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity.

(2) Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors.

(3) A standard template request for statements of qualifications prepared by the district. In preparing the standard template, the district may consult with the construction industry, the building trades and surety industry, and other local agencies interested in using the authorization provided by this article.

(b) The district shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in the manner prescribed by the district. The request for proposals shall include, but need not be limited to, the following elements:

(1) Identification of the basic scope and needs of the project or contract, the estimated cost of the project, the methodology that will be used by the district to evaluate proposals, whether the contract will be awarded on the basis of low bid or best value, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity.

(2) Significant factors that the district reasonably expects to consider in evaluating proposals, including, but not limited to, cost or price and all non-price-related factors.



1 (3) The relative importance or the weight assigned to each of  
2 the factors identified in the request for proposals.

3 (c) For those projects utilizing low bid as the final selection  
4 method, the competitive bidding process shall result in lump-sum  
5 bids by the prequalified or short-listed design-build entities, and  
6 awards shall be made to the design-build entity that is the lowest  
7 responsible bidder.

8 (d) For those projects utilizing best value as a selection method,  
9 the design-build competition shall progress as follows:

10 (1) Competitive proposals shall be evaluated by using only the  
11 criteria and selection procedures specifically identified in the  
12 request for proposals. The following minimum factors, however,  
13 shall be weighted as deemed appropriate by the district:

14 (A) Price, unless a stipulated sum is specified.

15 (B) Technical design and construction expertise.

16 (C) Life-cycle costs over 15 or more years.

17 (2) Pursuant to this subdivision, the district may hold discussions  
18 or negotiations with responsive proposers using the process  
19 articulated in the district's request for proposals.

20 (3) When the evaluation is complete, the responsive proposers  
21 shall be ranked based on a determination of value provided,  
22 provided that no more than three proposers are required to be  
23 ranked.

24 (4) A contract award shall be made to the responsible  
25 design-build entity whose proposal is determined by the district  
26 to have offered the best value to the public.

27 (5) Notwithstanding any other provision of this code, upon  
28 issuance of a contract award, the district shall publicly announce  
29 its award, identifying the design-build entity to which the award  
30 is made, along with a statement regarding the basis of the award.

31 (6) The statement regarding the local agency's contract award,  
32 described in paragraph (5), and the contract file shall provide  
33 sufficient information to satisfy an external audit.

34 21568.4. The procurement process for progressive design-build  
35 projects shall proceed as follows:

36 (a) The district shall prepare and issue a request for  
37 qualifications in order to either select a design-build entity to  
38 execute the project or to prequalify or short-list the design-build  
39 entities whose proposals shall be evaluated based on best value

1 for final selection. The request for qualifications shall include, but  
2 need not be limited to, the following elements:

3 (1) An indication of whether the district will select a  
4 design-build entity based on qualifications only or based on best  
5 value through a subsequent request for proposals process.

6 (2) Documentation of the size, type, and desired design character  
7 of the project and any other information deemed necessary to  
8 describe adequately the district's needs, including the expected  
9 cost range, the methodology that will be used by the district to  
10 evaluate the design-build entity's qualifications, the procedure for  
11 final selection of the design-build entity, and any other information  
12 deemed necessary by the district to inform interested parties of the  
13 contracting opportunity.

14 (3) Significant factors that the district reasonably expects to  
15 consider in evaluating qualifications, including technical design  
16 and construction expertise, performance on previous projects of a  
17 similar nature, an acceptable safety record, and all other  
18 non-price-related factors.

19 (4) A standard template request for statements of qualifications  
20 prepared by the district. In preparing the standard template, the  
21 district may consult with the construction industry, the building  
22 trades and surety industry, and other local agencies interested in  
23 using the authorization provided by this article.

24 (b) At the close of the solicitation period, the district shall review  
25 the submissions. The district may evaluate submissions based  
26 solely upon the information provided in each design-build entity's  
27 statement of qualifications. The district may also interview some  
28 or all of the design-build entities to further evaluate their  
29 qualifications for the project.

30 (c) Following the evaluation of submissions, the district shall  
31 either select a design-build entity based solely on qualifications  
32 or proceed to a secondary selection phase, wherein a design-build  
33 entity shall be selected based on best value.

34 (d) If the district selects a design-build entity based solely on  
35 qualifications, the district shall enter into negotiations for a contract  
36 with the highest qualified person or firm on the final list for that  
37 contract. The negotiations shall include consideration of  
38 compensation and other contract terms that the district determines  
39 to be fair and reasonable to the district. In making this decision,  
40 the district shall take into account the estimated value, the scope,

1 the complexity, and the nature of the professional services or  
2 construction services to be rendered. If the district is not able to  
3 negotiate a satisfactory contract with the highest qualified person  
4 or firm on the final list regarding compensation and on other  
5 contract terms the district determines to be fair and reasonable,  
6 the district shall formally terminate negotiations with that person  
7 or firm. The district may undertake negotiations with the next most  
8 qualified person or firm on the final list in sequence until an  
9 agreement is reached or a determination is made to reject all  
10 persons or firms on the final list.

11 (e) If the district proceeds to a secondary selection phase based  
12 on best value, it shall issue a request for proposals that invites  
13 prequalified or short-listed entities to submit competitive sealed  
14 proposals in the manner prescribed by the district. The request for  
15 proposals shall include, but need not be limited to, the following  
16 elements:

17 (1) Identification of the basic scope and needs of the project or  
18 contract, the estimated cost of the project, the methodology that  
19 will be used by the district to evaluate proposals, whether the  
20 contract will be awarded on the basis of low bid or best value, and  
21 any other information deemed necessary by the district to inform  
22 interested parties of the contracting opportunity.

23 (2) Significant factors that the district reasonably expects to  
24 consider in evaluating proposals, including, but not limited to, cost  
25 or price and all non-price-related factors.

26 (3) The relative importance or the weight assigned to each of  
27 the factors identified in the request for proposals.

28 (f) For those projects utilizing best value as a selection method,  
29 the selection process shall progress as follows:

30 (1) Competitive proposals shall be evaluated by using only the  
31 criteria and selection procedures specifically identified in the  
32 request for proposals. The following minimum factors, however,  
33 shall be weighted as deemed appropriate by the district:

34 (A) Price, unless a stipulated sum is specified.

35 (B) Technical design and construction expertise.

36 (C) Life-cycle costs over 15 or more years.

37 (2) The district may hold discussions or negotiations with  
38 responsive proposers using the process articulated in the district's  
39 request for proposals.

1 (3) When the evaluation is complete, the responsive proposers  
2 shall be ranked based on a determination of value provided,  
3 provided that no more than three proposers are required to be  
4 ranked.

5 (g) After selecting a design-build entity, based on either  
6 qualifications or best value, the district may enter into a contract  
7 and direct the design-build entity to begin design and  
8 preconstruction activities sufficient to establish a guaranteed  
9 maximum price for the project.

10 (h) (1) Upon agreement of the guaranteed maximum price for  
11 the project, the district, at its sole and absolute discretion, may  
12 amend its contract to direct the design-build entity to complete the  
13 remaining design, preconstruction, and construction activities  
14 sufficient to complete and close out the project, and may add funds  
15 not exceeding the guaranteed maximum price to the contract for  
16 these activities.

17 (2) If the costs for completing all remaining design,  
18 preconstruction, and construction activities sufficient to complete  
19 and close out the project exceed the guaranteed maximum price,  
20 the costs exceeding the guaranteed maximum price shall be the  
21 responsibility of the design-build entity. If the costs for these  
22 activities are less than the guaranteed maximum price, the  
23 design-build entity shall not be entitled to the difference between  
24 the costs and the guaranteed maximum price.

25 (i) If the district and the design-build entity do not reach  
26 agreement on a guaranteed maximum price, or the district otherwise  
27 elects not to amend the design-build entity's contract to complete  
28 the remaining work, the district may solicit proposals to complete  
29 the project from other firms that submitted statements of  
30 qualifications or requests for proposals. The district may also, upon  
31 written determination that it is in the best interest of the district to  
32 do so, formally solicit proposals from other design-build entities.

33 21568.5. The procurement process for Construction  
34 Manager/General Contractor method projects shall proceed as  
35 follows:

36 (a) The district shall select a construction manager through  
37 either a competitive request for qualifications (RFQ) process based  
38 on qualifications only or a competitive request for proposals  
39 process based on best value.

1 (b) If the district selects a design-build entity based solely on  
2 qualifications, the district shall enter into negotiations for a contract  
3 with the highest qualified person or firm on the final list for that  
4 contract. The negotiations shall include consideration of  
5 compensation and other contract terms that the district determines  
6 to be fair and reasonable to the district. In making this decision,  
7 the district shall take into account the estimated value, the scope,  
8 the complexity, and the nature of the professional services or  
9 construction services to be rendered. If the district is not able to  
10 negotiate a satisfactory contract with the highest qualified person  
11 or firm on the final list regarding compensation and on other  
12 contract terms the district determines to be fair and reasonable,  
13 the district shall formally terminate negotiations with that person  
14 or firm. The district may undertake negotiations with the next most  
15 qualified person or firm on the final list in sequence until an  
16 agreement is reached or a determination is made to reject all  
17 persons or firms on the final list.

18 (c) If a contract for construction services is entered into pursuant  
19 to this section and includes preconstruction services by the  
20 construction manager, the district shall enter into a written contract  
21 with the construction manager for preconstruction services under  
22 which contract the district shall pay the construction manager a  
23 fee for preconstruction services in an amount agreed upon by the  
24 district and the construction manager. The preconstruction services  
25 contract may include fees for services to be performed during the  
26 contract period, provided, however, that the district shall not  
27 request or obtain a fixed price or a guaranteed maximum price for  
28 the construction contract from the construction manager or enter  
29 into a construction contract with the construction manager until  
30 after the district has entered into a services contract. A  
31 preconstruction services contract shall provide for the subsequent  
32 negotiation for construction of all or any discrete phase or phases  
33 of the project.

34 (d) A contract for construction services shall be awarded after  
35 the plans have been sufficiently developed and either a fixed price  
36 or a guaranteed maximum price has been successfully negotiated.  
37 In the event that a fixed price or a guaranteed maximum price is  
38 not negotiated, the district shall not award the contract for  
39 construction services.

1 (e) The district is not required to award the construction services  
2 contract.

3 (f) Construction shall not commence on any phase, package, or  
4 element until the district and a construction manager agree in  
5 writing on either a fixed price that the district will pay for the  
6 construction to be commenced or a guaranteed maximum price  
7 for the construction to be commenced and a construction schedule  
8 for the project.

9 21568.6. (a) Neither a design-build entity nor a construction  
10 contractor shall be awarded a construction contract unless it  
11 provides an enforceable commitment to the district that the  
12 design-build entity or construction contractor and its subcontractors  
13 at every tier will use a skilled and trained workforce to perform  
14 all work on the project or contract that falls within an  
15 apprenticeable occupation in the building and construction trades,  
16 in accordance with Chapter 2.9 (commencing with Section 2600)  
17 of Part 1.

18 (b) This subdivision shall not apply if any of the following  
19 requirements are met:

20 (1) The district has entered into a project labor agreement that  
21 will bind all contractors and subcontractors performing work on  
22 the project or contract to use a skilled and trained workforce, and  
23 the design-build entity or construction contractor agrees to be  
24 bound by that project labor agreement.

25 (2) The design-build entity or construction contractor has entered  
26 into a project labor agreement that will bind the design-build entity  
27 or construction contractor and all its subcontractors at every tier  
28 performing the project or contract to use a skilled and trained  
29 workforce.

30 (c) For purposes of this subdivision, “project labor agreement”  
31 has the same meaning as in paragraph (1) of subdivision (b) of  
32 Section 2500.

33 21568.7. (a) The district may not award a design-build-operate  
34 contract for any project pursuant to this article. A contract may,  
35 however, cover operations during a training or transition period.

36 (b) The district shall perform construction inspection services  
37 for all projects authorized and awarded pursuant to this article,  
38 and it shall use district employees or consultants under contract  
39 with the district to perform these services.

1 21568.8. Any design-build entity or Construction  
2 Manager/General Contractor that is selected to construct a project  
3 pursuant to this article shall possess or obtain sufficient bonding  
4 to cover the contract amount for construction services and risk and  
5 liability insurance the district may require. Any payment or  
6 performance bond written for the purposes of this article shall be  
7 written using a bond form developed by the district.

8 21568.9. If the district elects to award a project pursuant to  
9 this article, retention proceeds withheld by the district from the  
10 design-build entity or Construction Manager/General Contractor  
11 shall not exceed 5 percent if a performance and payment bond,  
12 issued by an admitted surety insurer, is required in the solicitation  
13 of bids.

14 21568.10. Nothing in this article affects, expands, alters, or  
15 limits any rights or remedies otherwise available at law.

16 SEC. 3. The Legislature finds and declares that a special statute  
17 is necessary and that a general statute cannot be made applicable  
18 within the meaning of Section 16 of Article IV of the California  
19 Constitution because of the unique need to improve water  
20 infrastructure in the geographic area served by the Metropolitan  
21 Water District of Southern California.

22 SEC. 4. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

**Introduced by Senator Newman**

February 14, 2022

---

An act to add Chapter 4.1 (commencing with Section 22170) to Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 991, as introduced, Newman. Public contracts: progressive design-build: local agencies.

Existing law, until January 1, 2025, authorizes local agencies, as defined, to use the design-build procurement process for specified public works with prescribed cost thresholds. Existing law requires specified information submitted by a design-build entity in the design-build procurement process to be certified under penalty of perjury.

Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Existing law, pursuant to the process, after selection of a design-build entity, authorizes the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Existing law authorizes the department, upon agreement on a guaranteed maximum price, to amend the contract in its sole discretion, as specified. Existing law requires specified information to be verified under penalty of perjury.



This bill, until January 1, 2033, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require specified information to be verified under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 4.1 (commencing with Section 22170)  
2 is added to Part 3 of Division 2 of the Public Contract Code, to  
3 read:

4  
5 CHAPTER 4.1. LOCAL AGENCY PROGRESSIVE DESIGN-BUILD  
6 CONTRACTING

7  
8 22170. For purposes of this chapter, the following definitions  
9 apply:

10 (a) "Best value" means a value determined by evaluation of  
11 objective criteria that relate to demonstrated competence and on  
12 the professional qualifications necessary for the satisfactory  
13 performance of the services required. Other factors such as price,  
14 features, functions, and life-cycle costs may be considered. If the  
15 qualifications-based selection process includes estimates of cost  
16 as a factor, a best value determination may involve the selection  
17 of the lowest cost proposal meeting the interests of the local agency  
18 and meeting the objectives of the project, or a tradeoff between  
19 price and other specified factors.

20 (b) "Construction subcontract" means each subcontract awarded  
21 by the design-build entity to a subcontractor that will perform work

1 or labor or render service to the design-build entity in or about the  
2 construction of the work or improvement, or a subcontractor  
3 licensed by the State of California that, under subcontract to the  
4 design-build entity, specially fabricates and installs a portion of  
5 the work or improvement according to detailed drawings contained  
6 in the plans and specifications produced by the design-build team.

7 (c) “Design-build entity” means a corporation, limited liability  
8 company, partnership, joint venture, or other legal entity that is  
9 able to provide appropriately licensed contracting, architectural,  
10 and engineering services as needed pursuant to a design-build  
11 contract.

12 (d) “Design-build project” means any project that treats, pumps,  
13 stores, or conveys water, wastewater, recycled water, or advanced  
14 treated water using the progressive design-build construction  
15 procurement process described in this chapter.

16 (e) “Design-build team” means the design-build entity itself  
17 and the individuals and other entities identified by the design-build  
18 entity as members of its team. Members shall include the general  
19 contractor and, if utilized in the design of the project, all electrical,  
20 mechanical, and plumbing contractors.

21 (f) “Guaranteed maximum price” means the maximum payment  
22 amount agreed upon by the local agency and the design-build entity  
23 for the design-build entity to finish all remaining design,  
24 preconstruction, and construction activities sufficient to complete  
25 and close out the project.

26 (g) “Local agency” means a city, county, city and county, or  
27 special district authorized by law to provide for the production,  
28 storage, supply, treatment, or distribution of any water from any  
29 source.

30 (h) “Progressive design-build” means a project delivery process  
31 in which both the design and construction of a project are procured  
32 from a single entity that is selected through a qualifications-based  
33 selection at the earliest feasible stage of the project.

34 (i) “Qualifications-based selection” means the process by which  
35 the local agency solicits for services from the design-build entities  
36 and that price is not the sole factor as the basis of award.

37 22171. A local agency may procure progressive design-build  
38 contracts and use the progressive design-build contracting process  
39 described in this chapter for public works projects in excess of  
40 five million dollars (\$5,000,000).

1 22171.5. A local agency entering into design-build contracts  
2 authorized under this chapter shall develop guidelines for a  
3 standard organizational conflict-of-interest policy, consistent with  
4 applicable law, regarding the ability of a person or entity that  
5 performs services for the local agency relating to the solicitation  
6 of a design-build project, to submit a proposal as a design-build  
7 entity, or to join a design-build team.

8 22172. The procurement process for progressive design-build  
9 projects shall progress as follows:

10 (a) The local agency shall prepare and issue a request for  
11 qualifications in order to select a design-build entity to execute  
12 the project. The request for qualifications shall include, but is not  
13 limited to, the following elements:

14 (1) Documentation of the size, type, and desired design character  
15 of the project and any other information deemed necessary to  
16 describe adequately the local agency's needs, including the  
17 expected cost range, the methodology that will be used by the local  
18 agency to evaluate the design-build entity's qualifications, the  
19 procedure for final selection of the design-build entity, and any  
20 other information deemed necessary by the local agency to inform  
21 interested parties of the contracting opportunity.

22 (2) Significant factors that the local agency reasonably expects  
23 to consider in evaluating qualifications, including technical design  
24 and construction expertise, and all other non-price-related factors.  
25 The local agency may require that a cost estimate, including the  
26 detailed basis for the estimate, be included in the design-build  
27 entities' responses and consider those costs in evaluating the  
28 statements of qualifications.

29 (3) The relative importance or the weight assigned to each of  
30 the factors identified in the request for qualifications.

31 (4) A standard template request for statements of qualifications  
32 prepared by the local agency. In preparing the standard template,  
33 the local agency may consult with the construction industry, the  
34 building trades and surety industry, and other local agencies  
35 interested in using the authorization provided by this chapter. The  
36 template shall require the following information:

37 (A) If the design-build entity is a privately held corporation,  
38 limited liability company, partnership, or joint venture, a listing  
39 of all of the entity's shareholders, partners, or members known at

1 the time of the statement of qualification submission who will  
2 perform work on the project.

3 (B) Evidence that the members of the design-build team have  
4 completed, or have demonstrated the experience, competency,  
5 capability, and capacity to complete, projects of similar size, scope,  
6 or complexity, and that proposed key personnel have sufficient  
7 experience and training to competently manage and complete the  
8 design and construction of the project, and a financial statement  
9 that ensures that the design-build entity has the capacity to  
10 complete the project.

11 (C) The licenses, registration, and credentials required to design  
12 and construct the project, including, but not limited to, information  
13 on the revocation or suspension of any license, credential, or  
14 registration.

15 (D) Evidence that establishes that the design-build entity has  
16 the capacity to obtain all required payment and performance  
17 bonding, liability insurance, and errors and omissions insurance.

18 (E) Information concerning workers' compensation experience  
19 history and a worker safety program.

20 (F) If the proposed design-build entity is a corporation, limited  
21 liability company, partnership, joint venture, or other legal entity,  
22 a copy of the organizational documents or agreement committing  
23 to form the organization.

24 (G) An acceptable safety record. A proposer's safety record  
25 shall be deemed acceptable if its experience modification rate for  
26 the most recent three-year period is an average of 1.00 or less, and  
27 its average total recordable injury or illness rate and average lost  
28 work rate for the most recent three-year period does not exceed  
29 the applicable statistical standards for its business category or if  
30 the proposer is a party to an alternative dispute resolution system  
31 as provided for in Section 3201.5 of the Labor Code.

32 (5) The information required under this subdivision shall be  
33 certified under penalty of perjury by the design-build entity and  
34 its general partners or joint venture members.

35 (b) (1) A design-build entity shall not be evaluated for selection  
36 unless the entity provides an enforceable commitment to the local  
37 agency that the entity and its subcontractors at every tier will use  
38 a skilled and trained workforce to perform all work on the project  
39 or contract that falls within an apprenticeable occupation in the

1 building and construction trades, in accordance with Chapter 2.9  
2 (commencing with Section 2600) of Part 1.

3 (2) This subdivision shall not apply if one or more of the  
4 following requirements are met:

5 (A) The local agency has entered into a project labor agreement  
6 that will bind all contractors and subcontractors performing work  
7 on the project or contract to use a skilled and trained workforce,  
8 and the entity agrees to be bound by that project labor agreement.

9 (B) The project or contract is being performed under the  
10 extension or renewal of a project labor agreement that was entered  
11 into by the local agency prior to January 1, 2023.

12 (C) The entity has entered into a project labor agreement that  
13 will bind the entity and all its subcontractors at every tier  
14 performing the project or contract to use a skilled and trained  
15 workforce.

16 (3) For purposes of this subdivision, “project labor agreement”  
17 has the same meaning as provided in paragraph (1) of subdivision  
18 (b) of Section 2500.

19 (c) At the close of the solicitation period, the local agency shall  
20 review the submissions. The local agency may evaluate  
21 submissions based solely upon the information provided in each  
22 design-build entity’s statement of qualifications. The local agency  
23 may also interview some or all of the design-build entities to further  
24 evaluate their qualifications for the project.

25 (d) Notwithstanding any other provision of this code, upon  
26 issuance of a contract award, the local agency shall publicly  
27 announce its award, identifying the design-build entity to which  
28 the award is made, along with a statement regarding the basis of  
29 the award. The statement regarding the local agency’s contract  
30 award and the contract file shall provide sufficient information to  
31 satisfy an external audit.

32 22172.1. (a) The design-build entity shall provide payment  
33 and performance bonds for the project in the form and in the  
34 amount required by the local agency, and issued by a California  
35 admitted surety. The amount of the payment bond shall not be less  
36 than the amount of the performance bond.

37 (b) The design-build contract shall require errors and omissions  
38 insurance coverage for the design elements of the project.

39 (c) The local agency shall develop a standard form of payment  
40 and performance bond for its design-build projects.

1     22172.2. (a) After selecting a design-build entity based upon  
2     qualifications, the local agency may enter into a contract and direct  
3     the design-build entity to begin design and preconstruction  
4     activities sufficient to establish a guaranteed maximum price for  
5     the project.

6     (b) (1) Upon agreement of the guaranteed maximum price for  
7     the project, the local agency, at its sole and absolute discretion,  
8     may amend its contract to direct the design-build entity to complete  
9     the remaining design, preconstruction, and construction activities  
10    sufficient to complete and close out the project, and may add funds  
11    not exceeding the guaranteed maximum price to the contract for  
12    these activities.

13    (2) If the cost for completing all remaining design,  
14    preconstruction, and construction activities sufficient to complete  
15    and close out the project exceed the guaranteed maximum price,  
16    the costs exceeding the guaranteed maximum price shall be the  
17    responsibility of the design-build entity. If the cost for these  
18    activities are less than the guaranteed maximum price, the  
19    design-build entity shall not be entitled to the difference between  
20    the cost and the guaranteed maximum price. These amounts shall,  
21    at the discretion of the local agency, be shared, based on  
22    preestablished percentages, defined in the request for qualifications.

23    (c) If the local agency and the design-build entity do not reach  
24    agreement on a guaranteed maximum price, or the local agency  
25    otherwise elects not to amend the design-build entity's contract to  
26    complete the remaining work, the local agency may solicit  
27    proposals to complete the project from firms that submitted  
28    statements of qualifications pursuant to Section 22172. The local  
29    agency may also, upon written determination that it is in the best  
30    interest of the city, county, city and county, or special district, as  
31    applicable, to do so, formally solicit proposals from other  
32    design-build entities, and contract award shall be made on a best  
33    value basis.

34    22172.3. (a) The local agency, in each design-build request  
35    for qualifications, may identify specific types of subcontractors  
36    that shall be included in the design-build entity's statement of  
37    qualifications. All construction subcontractors that are identified  
38    in the statement of qualifications shall be afforded the protections  
39    of Chapter 4 (commencing with Section 4100) of Part 1.

(b) Following award of the design-build contract, except for those construction subcontractors listed in the statement of qualifications, the design-build entity shall proceed as listed in this subdivision in awarding construction subcontracts with a value exceeding one-half of 1 percent of the contract price allocable to construction work for projects with a contract value of greater than or equal to ten million dollars (\$10,000,000).

(1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the local agency, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

(2) Establish reasonable qualification criteria and standards.

(3) Award the subcontract either on a best value basis or to the lowest responsible bidder. The process may include prequalification or short-listing.

(c) Subcontractors awarded construction subcontracts under this subdivision shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1.

22172.4. (a) If the local agency elects to award a project pursuant to this chapter, retention proceeds withheld by the local agency from the design-build entity shall not exceed 5 percent if a performance and payment bond, issued by an admitted surety insurer, is required in the solicitation. Work performed to establish the guaranteed maximum price shall not be subject to retention.

(b) In a contract between the design-build entity and a subcontractor, and in a contract between a subcontractor and any subcontractor thereunder, the percentage of the retention proceeds withheld shall not exceed the percentage specified in the contract between the local agency and the design-build entity. If the design-build entity provides written notice to any subcontractor that is not a member of the design-build entity, before or at the time the bid is requested, that a bond may be required, and the subcontractor subsequently is unable or refuses to furnish a bond to the design-build entity, then the design-build entity may withhold retention proceeds in excess of the percentage specified in the contract between the local agency and the design-build entity from any payment made by the design-build entity to the subcontractor.

22173. Nothing in this chapter affects, expands, alters, or limits any rights or remedies otherwise available at law.

1     22174. This chapter shall remain in effect only until January  
2     1, 2033, and as of that date is repealed.

3     SEC. 2. No reimbursement is required by this act pursuant to  
4     Section 6 of Article XIII B of the California Constitution because  
5     the only costs that may be incurred by a local agency or school  
6     district will be incurred because this act creates a new crime or  
7     infraction, eliminates a crime or infraction, or changes the penalty  
8     for a crime or infraction, within the meaning of Section 17556 of  
9     the Government Code, or changes the definition of a crime within  
10    the meaning of Section 6 of Article XIII B of the California  
11    Constitution.



**ACTION  
ITEM  
1C**

**Date:** March 16, 2022

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

03/09/22

**Executive Contact:** Shivaji Deshmukh, General Manager

**Subject:** Adopt Position on AB 2787 - Microplastics in Products

---

**Executive Summary:**

AB 2787, Microplastics in Products was introduced by Assemblymember Bill Quirk (Hayward), the Chair of the Select Committee on California's Clean Energy Economy. The bill would, on and after specified dates that vary based on the product, ban the sale, distribution, and offering for promotional purposes in the State of designated products, such as cosmetics products, waxes and polishes, if the products contain intentionally added microplastics. The bill would exclude from the ban any products consisting of specified substances or mixtures containing microplastics.

The bill would also make a violator liable for a civil penalty not to exceed \$2,500 per day for each violation.

---

**Staff's Recommendation:**

Adopt a position of "Support" for Assembly Bill 2787 (Quirk).

---

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

*Account/Project Name:*

N/A

*Fiscal Impact (explain if not budgeted):*

N/A

---

**Prior Board Action:**

Adoption of 2022 Legislative Policy Principles

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

Taking legislative positions is in line with IEUA's Business Goal of advocating for the development of policies, legislation, and regulations that benefit the region.

---

**Attachments:**

1. AB 2787 Bill Text

**ASSEMBLY BILL**

**No. 2787**

---

**Introduced by Assembly Member Quirk  
(Coauthor: Assembly Member Friedman)**

February 18, 2022

---

An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2787, as introduced, Quirk. Microplastics in products.

Existing law requires the Ocean Protection Council, on or before December 31, 2024, to adopt and implement a Statewide Microplastics Strategy related to microplastic materials that pose an emerging concern for ocean health, as provided. Existing law declares the goal of the Statewide Microplastic Strategy to be the increase in the understanding of the scale and risks of microplastic materials on the marine environment and to identify proposed solutions to address the impacts of microplastic materials, to the extent feasible. Existing law requires the council, on or before December 31, 2021, to submit to the Legislature the Statewide Microplastics Strategy, along with recommended policy changes, including statutory changes, that may be needed to implement the strategy.

Existing law, the Microbeads Nuisance Prevention Law, prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste.

This bill would, on and after specified dates that vary based on the product, ban the sale, distribution in commerce, or offering for promotional purposes in the state of designated products, such as leave-in cosmetics products and waxes and polishes, if the products contain intentionally added microplastics, as defined. The bill would exclude from this ban products consisting, in whole or in part, of specified substances or mixtures containing microplastics. The bill would make a violator liable for a civil penalty not to exceed \$2,500 per day for each violation. The bill would authorize the penalty to be assessed and recovered in a civil action brought in any court of competent jurisdiction by the Attorney General or local officials. The bill would require the civil penalties collected in an action brought pursuant to the act to be retained by the office that brought the action.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 5.8 (commencing with Section 42359)  
2 is added to Part 3 of Division 30 of the Public Resources Code, to  
3 read:

4  
5 CHAPTER 5.8. MICROPLASTICS IN PRODUCTS  
6

7 42359. (a) For purposes of this section, the following terms  
8 have the following meanings:

9 (1) "Intentionally added microplastic" means a microplastic  
10 that a manufacturer has intentionally added to a product and that  
11 has a functional or technical effect in the product.

12 (2) "Microbead" means a microplastic used in a mixture as an  
13 abrasive to exfoliate, polish, or clean.

14 (3) "Microplastic" means a solid polymer material containing  
15 particles to which chemical additives or other substances may have  
16 been added and 1 percent weight by weight (w/w) or more of the  
17 particles have either of the following:

18 (A) Dimensions of five millimeters (mm) or less.

19 (B) Fibers that are three nanometers (nm) to 15 mm, inclusive,  
20 in length and have a length to a diameter ratio of greater than three.

21 (4) "Person" means individual, business, or other entity.

1 (b) A person shall not sell, distribute in commerce, or offer for  
2 promotional purposes in this state any of the following products,  
3 on or after the date specified, if the product contains intentionally  
4 added microplastics:

5 (1) Rinse-off cosmetic products not subject to regulation  
6 pursuant to the Microbeads Nuisance Prevention Law (Chapter  
7 5.9 (commencing with Section 42360)), on or after January 1,  
8 2027.

9 (2) Leave-on cosmetic products, on or after January 1, 2029.

10 (3) Detergents containing microbeads, encapsulated fragrance,  
11 or other microplastics, on or after January 1, 2028.

12 (4) Waxes and polishes, on or after January 1, 2028.

13 (c) Notwithstanding subdivision (a), this section does not apply  
14 to any of the following products:

15 (1) A product consisting, in whole or in part, of a substance or  
16 mixture containing microplastics where the microplastic meets  
17 both of the following conditions:

18 (A) The microplastic is contained by technical means throughout  
19 the whole lifecycle to prevent releases of microplastic to the  
20 environment.

21 (B) Any microplastic-containing wastes arising are incinerated  
22 or disposed of as hazardous waste.

23 (2) A product consisting, in whole or in part, of a substance or  
24 mixture containing microplastics where the physical properties of  
25 the microplastic are permanently modified when the substance or  
26 mixture is used so that the polymers no longer fall within the  
27 definition of microplastic, as defined in paragraph (3) of  
28 subdivision (a).

29 (3) A product consisting, in whole or in part, of a substance or  
30 mixture containing microplastics where the microplastic is  
31 permanently incorporated into a solid matrix when used.

32 42359.5. (a) A person who violates or threatens to violate  
33 Section 42359 may be enjoined in any court of competent  
34 jurisdiction.

35 (b) (1) A person who has violated Section 42359 is liable for  
36 a civil penalty not to exceed two thousand five hundred dollars  
37 (\$2,500) per day for each violation in addition to any other penalty  
38 established by law. That civil penalty may be assessed and  
39 recovered in a civil action brought in any court of competent  
40 jurisdiction.

- 1 (2) In assessing the amount of a civil penalty for a violation of  
2 this chapter, the court shall consider all of the following:
- 3 (A) The nature and extent of the violation.  
4 (B) The number of, and severity of, the violations.  
5 (C) The economic effect of the penalty on the violator.  
6 (D) Whether the violator took good faith measures to comply  
7 with this chapter and when these measures were taken.  
8 (E) The deterrent effect that the imposition of the penalty would  
9 have on both the violator and the regulated community as a whole.  
10 (F) Any other factor that justice may require.
- 11 (c) Actions pursuant to this section may be brought by the  
12 Attorney General in the name of the people of the state, by a district  
13 attorney, by a city attorney, or by a city prosecutor in a city or city  
14 and county having a full-time city prosecutor.
- 15 (d) Civil penalties collected pursuant to this section shall be  
16 paid to the office of the city attorney, city prosecutor, district  
17 attorney, or Attorney General, whichever office brought the action.

**ACTION  
ITEM  
1D**



**Date:** March 16, 2022

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

03/09/22

**Executive Contact:** Shivaji Deshmukh, General Manager

**Subject:** Adopt Position on AB 2142 Income Taxes: Exclusion: Turf Replacement Water Conservation Program

---

**Executive Summary:**

On February 15, 2022, Assemblymember Jesse Gabriel (Woodland Hills), introduced AB 2142 - Income Taxes: Exclusion: Turf Replacement Water Conservation Program. This bill would reinstate the California personal income tax exemption for turf replacement rebates to help incentivize participation in water efficiency programs. The bill would exempt rebates for turf replacement programs for taxable years 2022 through 2027.

ACWA is co-sponsoring this bill along with the California Water Efficiency Partnership and WaterNow Alliance.

This legislation is a reintroduction of AB 533 by Assemblymember Holden (Pasadena) from 2019. Although widely supported by the water community, including IEUA, the bill was ultimately held in the Assembly Appropriations Committee. Prior to this, IEUA supported AB 2434, which was signed into law by then-Governor Brown, which excluded turf removal rebates from being calculated as taxable income and expired on December 31, 2018.

---

**Staff's Recommendation:**

Adopt a position of "Support" for Assembly Bill 2142 (Gabriel).

---

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

*Account/Project Name:*

*Fiscal Impact (explain if not budgeted):*

**Prior Board Action:**

Adoption of 2022 Legislative Policy Principles.  
2019 - AB 533 Position of Support  
2014 - AB 2434 Position of Support

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

---

**Attachments:**

1. AB 2142 (Gabriel) - Bill Text

## **Attachment 1. AB 2142 (Gabriel) - Bill Text**

**ASSEMBLY BILL**

**No. 2142**

---

**Introduced by Assembly Member Gabriel**

February 15, 2022

---

An act to add and repeal Sections 17138.2 and 24308.9 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL’S DIGEST

AB 2142, as introduced, Gabriel. Income taxes: exclusion: turf replacement water conservation program.

The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines “gross income” as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Existing law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified.

This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program.

Existing law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will achieve, detailed performance indicators, and data collection requirements. Existing law limits the collection and

use of taxpayer information and makes any unauthorized use of this information a misdemeanor.

This bill would require the Department of Finance to include an analysis of these expenditures in its annual tax expenditure report provided to the Legislature and further provides that taxpayer information collected pursuant to this requirement is subject to the limitation on the collection and use of that information. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17138.2 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17138.2. (a) For taxable years beginning on or after January
- 4 1, 2022, and before January 1, 2027, gross income does not include
- 5 any amount received as a rebate, voucher, or other financial
- 6 incentive issued by a local water agency or supplier for
- 7 participation in a turf replacement water conservation program.
- 8 (b) This section shall remain in effect only until December 1,
- 9 2027, and as of that date is repealed.
- 10 SEC. 2. Section 24308.9 is added to the Revenue and Taxation
- 11 Code, to read:
- 12 24308.9. (a) For taxable years beginning on or after January
- 13 1, 2022, and before January 1, 2027, gross income does not include
- 14 any amount received as a rebate, voucher, or other financial
- 15 incentive issued by a local water agency or supplier for
- 16 participation in a turf replacement water conservation program.

(b) This section shall remain in effect only until December 1, 2027, and as of that date is repealed.

SEC. 3. (a) The Legislature finds and declares all of the following:

(1) Utility-sponsored financial incentives, including consumer rebates, are among the most important and cost-effective tools available to local water providers to achieve water use efficiency objectives, particularly for turf replacement, irrigation controllers, leak detection devices, and other high-cost water saving options. Local public utilities are using incentive programs to encourage local property owners to manage storm water onsite, thus reducing urban flooding, improving water quality, and increasing water supplies.

(2) Rebates, vouchers, or other financial incentives issued by local water agencies or suppliers have been an effective tool in advancing efficiency and water management objectives statewide, and individual consumers and businesses should not be taxed for providing this statewide benefit.

(3) Financial incentives issued by a local water agency or supplier as part of a water conservation or efficiency program, the primary purpose of which is to reduce consumption of water or to improve the management of water demand, provide a significant public benefit. Financial incentives issued by a local water agency or supplier as part of a water runoff management improvement program, the primary purpose of which is to reduce the amount or manage the quality of storm water runoff, provide a significant public benefit.

(4) The income tax exclusions allowed by Sections 17138.2 and 24308.9 of the Revenue and Taxation Code, as added by this act, have the objective of eliminating disincentives to participation in water conservation or efficiency and storm water runoff management improvement programs aimed at increasing water conservation or efficiency or improving storm water quality in California.

(b) (1) To enable the Legislature to determine whether the tax expenditures allowed by this act are meeting, failing to meet, or exceeding the objective of the act, the Department of Finance shall include an analysis of these tax expenditures in the annual report required pursuant to Section 13305 of the Government Code.

1 (2) Taxpayer information collected pursuant to this subdivision  
2 is subject to Section 19542 of the Revenue and Taxation Code.

3 SEC. 4. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

12 SEC. 5. This act provides for a tax levy within the meaning of  
13 Article IV of the California Constitution and shall go into  
14 immediate effect.

**ACTION  
ITEM  
1E**



**Date:** March 16, 2022

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

03/09/22

**Executive Contact:** Shivaji Deshmukh, General Manager

**Subject:** Adopt Position on AB 2247 - PFAS Products Publicly Accessible Reporting Platform

---

**Executive Summary:**

On February 16, 2022, Assemblymember Richard Bloom (Santa Monica), introduced AB 2247 Perfluoroalkyl and polyfluoroalkyl substances (PFAS) products: disclosure: publicly accessible reporting platform.

This bill would require the creation of a publicly accessible reporting platform to collect information about PFAS and the product or product components containing regulated PFAS being sold, offered for sale, distributed, or offered for promotional purposes in, or imported to California. The platform would need to be established on or before January 1, 2024.

With the growing concern of PFAS in recent years, this bill would assist the water community in its efforts to ultimately reduce the amount of PFAS entering our watersheds. Developing a platform to collect this data will assist in making informed decisions regarding PFAS in the future.

The California Association of Sanitation Agencies (CASA) is sponsoring this bill.

---

**Staff's Recommendation:**

Adopt a position of "Support" for Assembly Bill 2247 (Bloom).

---

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

*Account/Project Name:*

*Fiscal Impact (explain if not budgeted):*

---

**Prior Board Action:**

Adoption of 2022 Legislative Policy Principles.

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

---

**Attachments:**

1. AB 2247 (Bloom) - Bill Text

## **Attachment 1. AB 2247 (Bloom) - Bill Text**

**ASSEMBLY BILL**

**No. 2247**

**Introduced by Assembly Member Bloom**  
(Principal coauthor: Senator Allen)

February 16, 2022

---

An act to add Chapter 16 (commencing with Section 109020) to Part 3 of Division 104 of the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2247, as introduced, Bloom. Perfluoroalkyl and polyfluoroalkyl substances (PFAS) products: disclosure: publicly accessible reporting platform.

Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, including perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances. Existing law, beginning January 1, 2023, prohibits any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated PFAS.

This bill would require the Department of Toxic Substances Control to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about PFAS and products or product components containing regulated PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before March 1, 2024, and annually thereafter, a manufacturer, as defined, of PFAS or a product

or a product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing regulated PFAS, and specified other information, on the publicly accessible reporting platform. The bill would authorize specified enforcement agencies to request a certificate of compliance from a manufacturer subject to these requirements and would require the manufacturer to provide, within 30 days, a certificate attesting that the manufacturer's PFAS or product or product component containing PFAS complies with these requirements. The bill would subject a manufacturer who violates this requirement to civil penalties not to exceed \$2,500 per day, up to a maximum of \$100,000 for each violation.

This bill would authorize the department to establish by regulation a fee to be paid by a manufacturer subject to these requirements to cover the department's actual and reasonable regulatory costs to administer, implement, and enforce the requirements, including to establish and maintain the publicly accessible database and make the database available to other state and local agencies and the public. The bill would require the fees to be deposited into the PFAS Disclosure Fund, which the bill would create, and require that, upon appropriation by the Legislature, moneys in the fund be used for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 16 (commencing with Section 109020)  
2     is added to Part 3 of Division 104 of the Health and Safety Code,  
3     to read:

4  
5                     CHAPTER 16. PFAS DISCLOSURE

6  
7     109020. The Legislature finds and declares all of the following:

8     (a) Contamination of water, soil, and air in the state from  
9     perfluoroalkyl and polyfluoroalkyl substances, or PFAS, poses a  
10    significant threat to the environment of the state and to the health  
11    of its citizens.

12    (b) PFAS continues to be used across numerous industries for  
13    a variety of purposes and are ultimately contained in a number of  
14    products sold in the state.

1 (c) Without accurate data on how and how much PFAS is  
2 entering the state in any form, state regulators and water agencies,  
3 including wastewater facilities, are unable to ensure best practices  
4 or set discharge limits that will protect human health and the  
5 environment.

6 (d) To characterize the real threats of further PFAS  
7 environmental contamination and human exposure in the state,  
8 and to develop the best practices for addressing them, it is  
9 imperative to collect information regarding how PFAS enters the  
10 state, whether as PFAS itself or in consumer and industrial  
11 products, as well as the amounts of PFAS coming into the state.

12 (e) Requiring the disclosure of the use of PFAS in products is  
13 in the best interests of the state.

14 109021. For purposes of this chapter, the following terms have  
15 the following meanings:

16 (a) “Department” means the Department of Toxic Substances  
17 Control.

18 (b) (1) “Manufacturer” means any of the following:

19 (A) A person or entity who manufactures PFAS or imports  
20 PFAS into the state.

21 (B) A person or entity who manufactures a product or product  
22 component containing regulated PFAS or imports a product or  
23 product component containing regulated PFAS into the state, or  
24 whose name appears on the product label.

25 (C) A person or entity who the PFAS or product or product  
26 component containing regulated PFAS is manufactured for or  
27 distributed by, as identified by the product label pursuant to the  
28 federal Fair Packaging and Labeling Act (15 U.S.C. Sec. 1451 et  
29 seq.).

30 (2) In the case of a product or product component containing  
31 regulated PFAS that is imported into the United States,  
32 “manufacturer” includes the importer or first domestic distributor  
33 of the product if the person or entity that manufactured or  
34 assembled the product or product component or whose brand name  
35 is affixed to the product or product component does not have a  
36 presence in the United States.

37 (3) “Manufacturer” does not include a water, wastewater,  
38 stormwater, or recycled water utility in the state.

(c) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(d) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or “regulated PFAS” means either of the following:

(1) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

(2) The presence of PFAS, as measured in total organic fluorine, in a product or product component at or above the limit of quantification.

(e) “Product” means an item, including its product components, that is manufactured, assembled, packaged, or otherwise prepared for sale or distributed, including for personal, residential, commercial, or industrial use, or for use in making other products.

(f) “Product component” means a component of a product, including the product’s ingredients or a part of the product.

109022. (a) The department shall work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about PFAS and products or product components containing regulated PFAS being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state.

(b) On or before March 1, 2024, and on or before March 1 of each year thereafter, a manufacturer of PFAS or a product or product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state must register the PFAS or the product or product component containing regulated PFAS on the publicly accessible reporting platform created pursuant to subdivision (a), along with all of the following information, as applicable:

(1) The name and type of product or product component containing regulated PFAS.

(2) The universal product code, or “UPC,” of the product or product component containing regulated PFAS.

(3) How the PFAS or the product or product component containing regulated PFAS is used by businesses or consumers.

1 (4) The specific names of all PFAS compounds in the product  
2 or product component containing regulated PFAS and the Chemical  
3 Abstracts Service Registry Number, also known as a “CAS  
4 Registry Number” or “CAS RN,” of each PFAS compound.

5 (5) The amount or weight of PFAS in the product or product  
6 component containing regulated PFAS per individual analyte, with  
7 an estimate of the amount or number of the product or product  
8 component sold, delivered, or imported into the state.

9 (6) The amount or weight of total organic fluorine in the product  
10 or product component containing regulated PFAS per individual  
11 item.

12 (7) The anticipated fate and transport in humans and the  
13 environment of the PFAS or PFAS in a product or product  
14 component containing regulated PFAS.

15 (8) The name and address of the manufacturer, and the name,  
16 address, and phone number of a contact person for the  
17 manufacturer.

18 (c) On and after March 1, 2024, a manufacturer of new PFAS  
19 or a new product or product component containing regulated PFAS  
20 that is sold, offered for sale, distributed, or offered for promotional  
21 purposes in, or imported into, the state shall, in accordance with  
22 subdivision (b), register on the publicly accessible reporting  
23 platform within three months of the PFAS or the product or product  
24 component containing regulated PFAS being sold, offered for sale,  
25 distributed, or offered for promotional purposes in, or imported  
26 into, the state.

27 (d) (1) The department shall establish by regulation a fee to be  
28 paid by a manufacturer subject to this chapter to cover the  
29 department’s actual and reasonable regulatory costs to administer,  
30 implement, and enforce this act, including to establish and maintain  
31 the publicly accessible database created pursuant to subdivision  
32 (a) and make the database available to other state and local agencies  
33 and the public.

34 (2) A manufacturer subject to this chapter shall pay to the  
35 department the fee established pursuant to paragraph (1) in  
36 accordance with the fee schedule established by the department  
37 in regulation.

38 (3) The department shall deposit both of the following into the  
39 PFAS Disclosure Fund, which is hereby established:



1 (A) All fees paid to the department pursuant to paragraph (2)  
2 by manufacturers subject to this chapter.

3 (B) Any other moneys appropriated by the Legislature to the  
4 department for purposes of this chapter.

5 (4) (A) Upon appropriation by the Legislature, moneys in the  
6 PFAS Disclosure Fund shall be used only for the department's  
7 actual and reasonable regulatory costs in administering,  
8 implementing, and enforcing this chapter, consistent with paragraph  
9 (1).

10 (B) Notwithstanding any other law, moneys in the PFAS  
11 Disclosure Fund shall not be loaned to, or borrowed by, any other  
12 special fund or the General Fund.

13 109023. (a) (1) In consultation with the department's  
14 enforcement program, a district attorney, a city attorney, a county  
15 counsel, or a city prosecutor in a city or city and county having a  
16 full-time city prosecutor, or the Attorney General in the name of  
17 the people of the state, may request a certificate of compliance  
18 from a manufacturer subject to this chapter.

19 (2) Within 30 days after receipt of the request for a certificate  
20 of compliance, the manufacturer shall provide the requestor with  
21 a certificate attesting that the manufacturer's PFAS or product or  
22 product component containing regulated PFAS complies with the  
23 requirements of this chapter.

24 (b) A manufacturer who violates this chapter may be enjoined  
25 in any court of competent jurisdiction.

26 (c) A manufacturer who violates this chapter may be liable for  
27 a civil penalty not to exceed two thousand five hundred dollars  
28 (\$2,500) per day, up to a maximum of one hundred thousand  
29 dollars (\$100,000) for each violation. That civil penalty may be  
30 assessed and recovered in a civil action brought in any court of  
31 competent jurisdiction.

32 (d) In assessing the amount of a civil penalty for a violation of  
33 this chapter, a court shall consider all of the following:

34 (1) The nature, circumstances, extent, and gravity of the  
35 violation.

36 (2) The manufacturer's past and present efforts to prevent, abate,  
37 or clean up conditions that pose or may pose a threat to the public  
38 health or safety or the environment.

39 (3) The manufacturer's ability to pay the proposed penalty.

1 (4) The effect that the proposed penalty would have on the  
2 manufacturer and the community as a whole.

3 (5) Whether the manufacturer took good faith measures to  
4 comply with this chapter and when these measures were taken.

5 (6) The deterrent effect that the imposition of the penalty would  
6 have on both the manufacturer and the regulated community as a  
7 whole.

8 (7) Any other factor that justice may require.

9 (e) A civil action may be brought pursuant to this section by  
10 the Attorney General in the name of the people of the state, by a  
11 district attorney, by a city attorney, by a county counsel, or by a  
12 city prosecutor in a city or city and county having a full-time city  
13 prosecutor.

14 (f) (1) A civil penalty collected pursuant to this section shall  
15 be paid to the office of the city attorney, county counsel, city  
16 prosecutor, district attorney, or Attorney General that brought the  
17 action.

18 (2) All civil penalties collected by the Attorney General pursuant  
19 to this subdivision shall be deposited into the Unfair Competition  
20 Law Fund established pursuant to Section 17206 of the Business  
21 and Professions Code.

22 109024. The provisions of this chapter are severable. If any  
23 provision of this chapter or its application is held invalid, that  
24 invalidity shall not affect other provisions or applications that can  
25 be given effect without the invalid provision or application.

INFORMATION  
ITEM  
2A

# INNOVATIVE FEDERAL STRATEGIES, LLC

*Comprehensive Government Relations*

## MEMORANDUM

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

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

**Date:** February 28, 2022

**Re:** February Monthly Legislative Update

---

### **Progress Made Behind the Scenes on FY22 Appropriations**

Even as the majority of lawmakers were not in Washington due to the recess during the last full week of February the professional staff of the House and Senate Appropriations Committees continued to make progress on an FY22 omnibus appropriations package. Lawmakers hope to have a package finalized and enacted prior to March 11 when the current continuing resolution expires.

During the week of February 21, the professional staff elevated all “open items” that could not be resolved at a subcommittee level to the Chairs and Ranking Members of the House and Senate Appropriations Committee. Items that have not been resolved by the leadership of the House and Senate Appropriations Committees were elevated to the Democratic and Republican leaders in the House and Senate.

While there is optimism that an agreement will be reached in the coming days, the process of finalizing the bill may necessitate the passage of a short-term (i.e., a few days) continuing resolution to give both chambers time to complete the legislation. While the House can move quickly and pass legislation once finalized, the Senate has procedures and rules that can delay consideration absent cooperation from all 100 Senators.

### **Continuing Resolution Funds Government Through March 11**

The Senate passed H.R.6617, the Further Additional Continuing Appropriations Act, by a vote of 65-27. That legislation, a continuing resolution (CR), will keep the government funded through March 11<sup>th</sup> at current levels. The government had been operating under a CR that ran through Friday, February 18<sup>th</sup>.

President Biden signed the legislation on Friday, February 18.

“We have kept the government open. It took some work, especially when the Senate rules lend themselves to delay and obstruction. Still, I thank Senators Leahy and Shelby, as well as Leader McConnell, for helping us get this done,” said Senate Majority Leader Chuck Schumer (D-NY) as he referenced his colleagues on the Appropriations Committee, Chairman Patrick Leahy (D-VT), Senator Richard Shelby (R-AL), and Minority Leader Mitch McConnell (R-KY)

## *Innovative Federal Strategies LLC*

He went on to say, “To have allowed the government to close would have caused undue hardship for millions of blameless Americans.”

The bill’s passing came at the end of a multiple days of Senators negotiating a deal for the bill to clear a path for the legislation. Because the Senate did not immediately move to consider the legislation when it came from the House, Senate rules and the looming deadline required support from all 100 members to speed up the bill to avoid a government shutdown.

Negotiations to speed up consideration of the legislation centered around which amendments the Senate would consider, as Republicans were demanding votes in exchange to speed up the process. An agreement was reached on Thursday, February 17 to vote on three amendments: two amendments related to Biden’s vaccine mandates and a third on balancing the budget from Senator Mike Braun (R-IN).

Vaccination related amendments included one from Senator Ted Cruz (R-TX) that proposed blocking federal funding from going to schools and childcare centers that require the coronavirus vaccine and another from Senator Mike Lee (R-UT) to defund vaccine requirements for medical workers, military personnel, federal employees, and contractors for the length of the CR. Both amendments failed.

Much of the process was stalled due to absences. On the morning of the vote, Senators Richard Burr (R-NC) and Lindsey Graham (R-SC) were absent on the Republican side. On the Democratic side, Senators Ben Ray Lujan (D-CA), Dianne Feinstein (D-CA), and Mark Kelly (D-AZ) were missing as well.

Democrats were concerned that due to absences, the vaccine proposals would have had enough support to get added into the government funding bill. Changes to the CR would have send the legislation back to the House, which was in the middle of a District Work Period.

Senators Cruz and Lee attempted to take advantage of the Democratic absences by demanding that their colleagues to stay in town.

Senator Cruz tweeted, “NO REPUBLICAN SENATOR should leave town this afternoon. Schumer is panicking right now because Dems WILL LOSE THE VOTE on my amendment & @SenMikeLee amendment to BLOCK BIDEN’s VACCINE MANDATES & BLOCK MANDATES ON KIDS. The only way Dems win the vote is if Rs skip town.”

The plea, however, fell on deaf ears, as Senators left town due to scheduled travel. Senators Richard Burr (R-NC), Lindsay Graham (R-SC), James Inhofe (R-OK), and Mitt Romney (R-UT) all missed the amendment votes.

Senate Republican Whip John Thune (R-SD) predicted the amendments would fail given attendance issues.

He said, “There's the Munich Security Conference and those folks are leaving later this afternoon. So, you know, at some point it'll ultimately resolve itself, if it isn't resolved some other way.”

The Senate also overcame challenges from Senators Marco Rubio (R-FL) and Joe Manchin (D-WV) to block federal funding from going to crack pipes and other drug related items. Rubio threatened to block the bill's rapid passage unless he was guaranteed a vote on separate legislation related to the issue.

The concern from the Floridian and West Virginian sprung up after reports that the Department of Health and Human Services was providing crack pipes as a part of a harm reduction program. The Biden administration reported the claims as false.

Senator Marsha Blackburn (R-TN) initially held the bill over similar concerns but dropped it after she received an answer in writing from Health and Human Services.

Senator Leahy, however, blocked the passage of Senator Rubio's bill saying that the bill went farther than crackpipes.

Senator Leahy said, “We actually have to go to the CR now. ... A war is about to start in Ukraine in all likelihood, and what we're saying is we will start putting all of these things, so the government will have to shut down tomorrow night and we can stand there and Putin can say, why should I listen to them?”

Rubio responded saying, “This has nothing to do with a continuing resolution. The reason we're not voting on the continuing resolution is there's a lot of people who are not here. That's why I took this opportunity to offer my bill.”

He went on to say, “You see what the problem is here. They don't plan to send a crack pipe. They are sending a mouth piece, which is a straw-looking thing that you attach to the crack pipe. I just don't think the federal government should be paying for that. I think most people would agree and be surprised.”

### **Congress Will Receive Classified Ukraine Briefing After Recess**

House Speaker Nancy Pelosi (D-CA) said that Members of Congress will be receiving a classified briefing concerning Ukraine from the administration during the week of February 28 as they return from recess. Members received an unclassified update during the district work period, but the briefing did not include classified information since Members do not have the necessary equipment to support such briefings in their district offices.

The announcement came Thursday after early morning Moscow time, Russian President Vladimir Putin ordered a military operation into Ukraine following months of tension between Moscow and Kyiv. Russia had amassed 190,000 troops near the Ukrainian border. The build up caused increased anxiety in the United States and allied nations about a pending invasion.

## *Innovative Federal Strategies LLC*

After calls for sanctions from both chambers, President Biden announced additional sanctions against major Russian banks and that the U.S. plans to impose export controls on Russia to restrict high-tech imports.

Pelosi said the response from the U.S. “will be severe, ongoing and devastating for Russia, economically, diplomatically, and strategically.”

She continued, “President Biden has made clear throughout Russia’s escalation that we will continue to impose costs on Russia that will leave it weakened in every way. These include the further steps announced today of sweeping and catastrophic sanctions on financial institutions, companies and individuals critical to the Russian economy and of further military support to bolster NATO.”

The Speaker concluded saying, “Putin’s unprovoked actions will cause devastating loss of life and a diminishing of Russia in the world order.”

Congress may take action in the coming weeks on a supplemental appropriations package to deal with the Russian invasion, which lawmakers may seek to attach the funding to the omnibus appropriations package.

The White House told Congress that it will need an estimated \$6.4 billion in new funding to assist Ukraine as it resists a Russian invasion, to support other eastern European nations dealing with the impact and to bolster the Pentagon.

Of the new money, \$2.9 billion would be for humanitarian and security needs for Ukraine, the Baltic countries, Poland and other neighbors of Ukraine under the plan. That would be used for humanitarian assistance, food aid, refugee assistance, as well as energy and economic stabilization, according to an administration official.

The Biden administration also is seeking \$3.5 billion for the U.S. Defense Department to respond to the crisis.

The funds are in addition to the \$650 million in security aid and \$52 million in humanitarian aid the U.S. already committed to Ukraine over the last year as well as a previous \$1 billion sovereign loan guarantee.

### **Feds Seeking to Aid Species, Climate on California Water Project**

The Biden administration is seeking to revise one of the world’s biggest water supply projects to account for climate change and endangered species.

Operations at California’s Central Valley Project may be modified to reflect those goals, according to a Federal Register public inspection notice published Friday, February 25.

The move is a step toward reversing a Trump administration decision to increase project water deliveries and alter the project’s operations that were made in 2020 under the Endangered

## *Innovative Federal Strategies LLC*

Species Act, sparking lawsuits from the state and environmental groups claiming the changes would harm Chinook salmon and other imperiled species.

The Bureau of Reclamation will analyze the environmental impacts of potential new changes to long-term river regulation, flood control, irrigation, domestic water uses, electricity generation, and wildlife protection as part of CVP and California State Water Project operations, the notice said.

The Central Valley Project is considered highly vulnerable to climate change because of rising seas, extreme drought and warming temperatures. The bureau says changes are necessary the project's operation to account for these changes.

The bureau will host virtual public meetings in six Central Valley cities from March 8 to 17 to discuss the plans, according to the notice. A draft of the environmental impact statement will be published in 2023 before being finalized in 2024, the notice says.

The operations of the project and related Endangered Species Act biological opinions were among the Trump administration actions that President Joe Biden said he'd review when he took office last year to account for the best available science.

The U.S. Bureau of Reclamation did not allocate any water to farmers and irrigation contractors in California for 2022 through the CVP. This happens as the state enters the third year of severe drought.

The Bureau explained in a news release that water levels in the CVP's reservoir are below a historic average for this time of year. This leaves contractors to the north and south of the river delta with no water allocation this year.

The regional director at the Bureau of Reclamation said, "Losing over a million acre-feet of projected inflow in two weeks' time is concerning. We've got our work cut out for us this year."

According to the Westlands Water District, this is the fourth time in the last decade that Delta irrigation contractors to the south received no allocation.

The district said, "Within Westlands, the continued drought conditions in 2021 resulted in over 200,000 acres fallowed, countless lost jobs, and thousands of acres of food unharvested. The circumstances in 2021 and those facing us in 2022 demonstrate the need invest in infrastructure to better manage the State's water resources."

### **President Biden Considering SPR Release During Ukraine Invasion**

As President Biden toughens restrictions on Russia, he has not yet sanctioned their energy exports out of concern that the move would send oil prices skyrocketing even further, worsen Europe's gas shortage, and make gas much more expensive.



The President explained the move by saying, “In our sanctions package, we specifically designed energy payments to continue. We are closely monitoring energy supplies for any disruption. We have been coordinating with major oil-producing and consuming countries toward our common interest to secure global energy supplies.”

Russia’s major exports include energy and raw materials and much of the world depends on them for these exports. In order to address this potential problem, the Administration has suggested releasing more oil from its strategic reserves in coordination with other nations. The move would build upon the 50 million barrels the U.S. authorized for release last year.

The proposals have been met with support from legislators. In a letter to the White House, Representative Ro Khanna (D-CA) and Senator Jack Reed (D-RI) wrote that drawing from the government stockpile, “and then replacing it later with less expensive crude could help temporarily keep gas prices down for Americans, strengthen U.S. national security, and be a good deal for taxpayers. As Russia’s invasion of Ukraine continues to cause volatility in the global oil market, we are writing to urge you to consider using all of the tools at your disposal to insulate Americans from rising gasoline prices.”

### **Democrats Push for Updated Water Project Guidelines**

In a letter to the U.S. Army Corps of Engineers, House Democrats wrote that the rules governing how the agency evaluates potential water resource development projects from the 1980s need to be updated as soon as possible to include more communities and to take into account the effects of climate change.

The 2020 Water Resources Development Act included a measure directing the Corps within 180 days of enactment to issue final guidelines to ensure the agency maximizes development that is sustainable. The agency is currently seven months late to meet the deadline to incorporate the new principles into water projects.

Transportation and Infrastructure Chair Peter DeFazio (D-OR), Water and Resources and Environment Subcommittee Chair Grace Napolitano (D-CA), and Representative Jesus “Chuy” Garcia (D-IL) wrote, “Once implemented, the PR&G [Principles, Requirements, and Guidelines] will allow the Corps to consider wider perspectives when evaluating projects, such as community risk, ability to pay, and long-standing environmental injustices. Full implementation of the PR&G will also help ensure that the important work of the Corps is accessible to all communities, ensuring that rural, Tribal, and economically-disadvantaged areas can benefit from the Corps’ expertise to address local water resource challenges.

The letter was also sent to the White House Council on Environmental Quality Chair. The Council previously led an effort during the Obama administration to update the guidelines for water agencies across the government prior to WRDA 2020.

### **EPA Water Cybersecurity Plan Inadequate, State Group Says**

The EPA is leaving drinking water systems vulnerable to hacking because it's not requiring cybersecurity experts to inspect local water systems, according to an association of state drinking water official.

The "approach is not going to work, and, collectively, we will find ourselves a year from now with limited improvement in cybersecurity for the water sector," Alan Robertson, executive director of the Association of State Drinking Water Administrators, said in a letter to the Environmental Protection Agency on February 9.

Association officials are proposing alternatives as the EPA prepares to write regulations for water system cybersecurity protection measures, including a program that combines federal experts with a limited role for local inspectors.

The final regulation seeks to clarify that regular sanitary surveys conducted by states every few years should include inspections for cybersecurity vulnerabilities. A draft of the regulation has yet to be made public, even though a final version is scheduled for publication in April.

EPA's current plan puts too great a burden on local inspectors who aren't trained in cybersecurity, Roberson said. "This state-by-state approach will only increase confusion and the complexity" of a federal response, he wrote.

With states in charge of inspecting their water systems, a lack of local cybersecurity expertise leaves water systems vulnerable to hacking, Roberson said in a recent interview.

The EPA is proposing to train local officials on ways to assess cyberthreats, but many systems are still unlikely to have the expertise to assess the adequacy of password management systems and other protections, he said.

"The water sector needs EPA's leadership to develop an implementable cybersecurity program" using a water sector cybersecurity action plan announced by the White House in January as its foundation, Roberson's letter said.

### **WRDA Offers Climate Resilience Opportunities**

Congress should empower the Army Corps to better incorporate climate resilience and natural infrastructure into its restoration, flood mitigation, and navigation projects, a witness told the House Transportation and Infrastructure Committee.

Julie Hill-Gabriel, vice president for water conservation of the National Audubon Society, testified along with several witnesses before a House Transportation and Infrastructure subcommittee on the 2022 Water Resources Development Act. This is the second WRDA 2022 hearing the panel has held, and it's planning a third in the coming weeks with lawmakers about their priorities for the biennial legislation.

“The Army Corps can play a pivotal role in increasing and normalizing the use of natural infrastructure and nature-based solutions to address the challenges brought on by climate change,” Hill-Gabriel said in testimony. “While a number of new authorities in WRDA 2018 and WRDA 2020 enabled and encouraged the broader use of natural infrastructure in Army Corps projects, there is a need to accelerate the pace of project execution and policy interpretation that incorporate natural infrastructure.”

Full committee Chair Peter DeFazio (D-OR) said Congress is starting the WRDA 2022 process at a “critical” moment because of the burden the pandemic and consumer demand has put on the country’s ports. “We must be investing more in our nation’s ports and harbors in order to keep America competitive in the global economy,” DeFazio said in prepared remarks. “As with the America COMPETES Act considered by the House last week, WRDA 2022 will ensure we maintain a competitive edge in the global economy.”

He added that “enacting WRDAs through this bipartisan, predictable timeline is Congress at its best.”

### **FEMA Updates Feature to Assist in Providing Shelter during Disasters**

The Federal Emergency Management Agency (FEMA) has updated its texting feature in order to help Americans find open shelters during disasters.

The agency announced on February 8 that a person will be able to text the word “shelter” and their Zip code to 43362, and a list of shelters within 200 miles of their location will be sent to them.

There will also be a standard map feature which the user will be able to click on a shelter’s address from the text and receive directions.

FEMA Administrator, Deanne Criswell said, “Disasters frequently disrupt communications systems which can leave survivors feeling overwhelmed and helpless when they are trying to locate shelters. Since texting capabilities are often unaffected during disasters, our updated Text to Shelter option is an easy and accessible way survivors can locate nearby shelters with a tap of a button. This feature will help keep our communities safe.”

Depending on the individual’s carrier, standard texting rates may apply, but the service is free and will work in collaboration with the Red Cross.

FEMA did, however, emphasize that when in a disaster local and state authorities should always be listened to first.

### **Guidebook Issued by White House for Communities to Access Infrastructure Funding**

The White House released a guidebook to assist state and local governments navigate accessing funding from the Infrastructure Investment and Jobs Act (the bipartisan infrastructure law).

## *Innovative Federal Strategies LLC*

The book is a “one-stop-shop” for information about the law and provides materials about the more than 375 programs which the law funds for state, local, tribal, and territorial governments.

The White House released the guidebook while the National Governor’s Association’s winter meeting convened in Washington.

Senior Adviser and Infrastructure Implementation Coordinator, Mitch Landrieu, said “Our primary goal is to empower people across the country with information, so they know what to apply for, who to contact, and how to get ready to rebuild.”

The book is more than 460 pages and is made up of 12 chapters, grouping the law’s programs by issue area, and it provides explainers for governments to prepare to receive the funding. The book is currently online and includes information about projects broken up by transportation, climate and energy, and broadband.

The White House has also published data to sort programs funded under the law by fields such as agency, amount, recipient and program name.

The guidebook may be accessed here: <https://www.whitehouse.gov/build/>

### **Congressional Retirements**

Below is a list of Members and Senators who have announced they will not be seeking reelection to their current seat next Congress. While many are retiring, others have announced they will seek other office.

<b>Departing Senators</b>	<b>Party</b>	<b>State</b>	<b>Reason</b>
Richard Burr	R	North Carolina	Retiring
Pat Toomey	R	Pennsylvania	Retiring
Rob Portman	R	Ohio	Retiring
Richard Shelby	R	Alabama	Retiring
Roy Blunt	R	Missouri	Retiring
Patrick Leahy	D	Vermont	Retiring
<b>Departing Members</b>	<b>Party</b>	<b>District</b>	<b>Reason</b>
Ann Kirkpatrick	D	AZ-02	Retiring
Tom Reed	R	NY-23	Retiring
Jody Hice	R	GA-10	Running for GA Secretary of State
Filemon Vela	D	TX-34	Retiring
Mo Brooks	R	AL-05	Running for Senate
Lee Zeldin	R	NY-01	Running for Governor
Kevin Brady	R	TX-08	Retiring
Tim Ryan	D	OH-13	Running for Senate
Ted Budd	R	NC-13	Running for Senate

## *Innovative Federal Strategies LLC*

Cheri Bustos	D	IL-17	Retiring
Charlie Crist	D	FL-13	Running for Governor
Val Demings	D	FL-10	Running for Senate
Vicky Hartzler	R	MO-04	Running for Senate
Billy Long	R	MO-07	Running for Senate
Conor Lamb	D	PA-17	Running for Senate
Ron Kind	D	WI-03	Retiring
Anthony Gonzalez	R	OH-16	Retiring
Karen Bass	D	CA-37	Running for Los Angeles mayor
John Yarmuth	D	KY-03	Retiring
David Price	D	NC-04	Retiring
Mike Doyle	D	PA-18	Retiring
Anthony Brown	D	MD-04	Running for Maryland AG
Adam Kinzinger	R	IL-16	Retiring
Jackie Speier	D	CA-14	Retiring
G.K. Butterfield	D	NC-01	Retiring
Eddie Bernice Johnson	D	TX-30	Retiring
Peter Welch	D	VT-AL	Running for Senate
Louie Gohmert	R	TX-01	Running for Texas AG
Tom Suozzi	D	NY-03	Running for Governor
Peter Defazio	D	OR-04	Retiring
Alan Lowenthal	D	CA-47	Retiring
Stephanie Murphy	D	FL-07	Retiring
Lucille Roybal-Allard	D	CA-40	Retiring
Albio Sires	D	NJ-08	Retiring
Bobby Rush	D	IL-01	Retiring
Brenda Lawrence	D	MI-14	Retiring
Ed Perlmutter	D	CO-07	Retiring
Trey Hollingsworth	R	IN-09	Retiring
John Katko	R	NY-24	Retiring
Jerry McNerney	D	CA-09	Retiring
Jim Langevin	D	RI-02	Retiring
Jim Cooper	D	TN-05	Retiring
Kathleen Rice	D	NY-05	Retiring
Ted Deutch	D	FL-22	Retiring

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 4502	Rep. Rosa DeLauro (D-CT)	Labor, HHS, Education, Agriculture, Rural Development, Energy and Water, Financial Services and General Government, Interior, Environment, Military Construction and VA, Transportation-HUD Appropriations Act, 2022	The legislation combines 7 of the annual spending bills into one package.	The legislation passed the House on Thursday, July 29 by a vote of 219 – 208 on party lines.
H.R.5376	President Joe Biden / Congressional Democrats	Build Back Better Act	The Build Back Better Act proposes spending nearly \$2 trillion over a 10-year period, with certain programs expiring after only a year or two to keep the total cost of the bill down.	<p>Congressional Democrats hope to use the budget reconciliation process to pass elements of the administration’s American Families Plan.</p> <p>On Saturday, September 25, the House Budget Committee passed the package in a 20-17 vote, piecing together the chunks of legislation approved by 13 House committees earlier this month that make up the spending plan. Further changes were made throughout the month by the House Rules Committee in preparation for floor consideration.</p> <p>After receiving information on the bill’s cost from the CBO, the House passed the nearly \$2 trillion bill in a 220-213 vote on Friday, November 19.</p> <p>Due to Senator Joe Manchin’s opposition to the bill, top Democrats may focus on a smaller version of BBB by pushing chunks of the original legislation. However, Senate Democrats have not put a hard timeline on when they’ll be able to reach any agreement.</p> <p>Further, Senator Manchin has said and discussions about a reconciliation package will have to start from scratch.</p>

H.R.6617	Rep. Rosa DeLauro (D-CT)	Further Additional Extending Government Funding Act	The bill provides continuing FY22 appropriations to federal agencies through the earlier of March 11, 2022, or the enactment of the applicable appropriations act.	<p>The legislation was introduced and passed the House on February 8, 2022. It passed the Senate on February 17, 2022.</p> <p>President Biden signed the bill into law the following day.</p>
S. 29 / H.R. 2008	Sen. Amy Klobuchar (D-MN) / Rep. Angie Craig (D-MN)	Local Water Protection Act	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.	<p>The Senate legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The legislation in the House was introduced on March 18, 2021 and passed the House under suspension of the rules on June 15.</p>
H.R 1563	Rep. Mike Garcia (R-CA)	To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California. The legislation would extend 4007 authorities through January 1, 2028.	The legislation was introduced on March 3, 2021 and was referred to the House Committees on Natural Resources and Science, Space, and Technology.
H.R.2238	Sen. Jeff Merkley (D-OR) / Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollutions Act	The comprehensive legislation would require corporations to take responsibility for pollution, incentivize corporations to make reusable products and items that can be recycled, create a nationwide beverage container refund program, and other items to promote recycling and other investments in U.S. domestic recycling.	The legislation was introduced on March 25, 2021 and referred to the House Committees on Energy and Commerce, Ways and Means, Transportation, and Foreign Affairs.

H.R 866	Rep. Ken Calvert (R-CA)	FISH Act	This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	The legislation was introduced on February 5, 2021 and referred to the House Committee on Natural Resources.
H.R. 1015	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.	The legislation was introduced on February 11, 2021 and referred to the House Committee on Natural Resources.
H.R.1881	Rep. John Garamendi (D-CA)	To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	The legislation would extend permit terms for publicly owned water infrastructure projects under the National Pollutant Discharge Elimination System (NPDES) from 5 years to a maximum of 10 years.	The legislation was introduced on March 12, 2021 and referred to the Committee on Transportation and Infrastructure.



H.R. 737	Rep. David Valadao (R-CA)	RENEW WIIN Act	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	<p>The legislation was introduced on February 2, 2021 and referred the House Committee on Natural Resources.</p> <p>10 members of the California delegation have cosponsored the legislation.</p>
S.91 / H.R.535	Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)	Special Districts Provide Essential Services Act	The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.	The legislation was introduced on January 28, 2021, in both the House and Senate. It has been referred to relevant committees in both chambers.
H.R. 895 / S. 209	Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)	Emergency Assistance for Rural Water Systems Act	To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.	<p>The legislation in the House was introduced on February 5, 2021 and referred to the House Committee on Agriculture.</p> <p>The Senate version of the legislation was introduced on February 3, 2021 and referred to the Senate Committee on Agriculture.</p>
H.R. 2515	Rep. Garret Graves (R-LA)	Building U.S. Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act	The legislation modernizes the National Environmental Policy Act (NEPA) and aims to make infrastructure project reviews more efficient, reduce project costs, and spur economic recovery.	<p>The legislation was introduced on April 14, 2021 and was referred to the House Committee on Natural Resources.</p> <p>The legislation's 46 cosponsors are all Republican, including members of GOP leadership.</p>
H.R. 939	Rep. Doug LaMalfa (R-CA)	Combustion Avoidance along Rural Roads (CARR) Act	The bill exempts wildfire mitigation activities conducted within 300 feet of a road from all laws governing environmental review of proposed agency actions or protection of endangered or threatened species.	The legislation was introduced on February 8, 2021 and was referred to the House Committees on Natural Resources and Agriculture.

H.R.3267	Rep. Brendan Boyle (D-PA)	Protect Drinking Water from PFAS Act	The bill amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 1512	Rep. Frank Pallone (D-NJ)	The Climate Leadership and Environmental Action for our Nation's Future (CLEAN) Act	The legislation aims to achieve net zero greenhouse gas pollution, combat the climate crisis, and create jobs. The bill authorizes \$565 billion over ten years to enable deep decarbonization.	The legislation was introduced on March 2, 2021 and referred to the relevant committees.
S. 953	Sen. Ron Wyden (D-OR)	Water for Conservation and Farming Act	The legislation would create a Bureau of Reclamation fund of \$300 million to support water recycling projects, water-use efficiency projects and dam safety projects; the WaterSMART program to increase water supply reliability by funding infrastructure and conservation projects that conserves water, increases water use efficiency and improves the condition of natural water recharge infrastructure; Establishes a grant program for any Reclamation States, Tribes, nonprofit conservation organizations, irrigation or water districts, and regional and local authorities to complete habitat restoration projects that improve watershed health and mitigate climate change; among other actions.	The legislation was introduced on March 24, 2021 and referred to the Committee on Energy and Natural Resources.

H.R.3293	Rep. Lisa Blunt Rochester (D-DE)	Low-Income Water Customer Assistance Programs Act	The legislation would amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.	The legislation was introduced on May 18, 2021 and referred to the relevant committees. The legislation has passed out of the House Energy and Commerce Committee by a vote of 32-24 and now moves on to consideration on the House floor.
H.R. 3286	Rep. Raul Ruiz (D-CA)	Emergency Order Assurance, Safety, and Inspection of water Systems (Emergency OASIS Act)	The legislation would require the EPA to establish regulations to flush a drinking water system if contaminants were present in the system for longer than six months, or if water stood motionless in the system for longer than six months.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 3622 / S. 1907	Rep. Chris Pappas (D-NH) / Sen. Kirsten Gillibrand (D-NY)	Clean Water Standards for PFAS Act	The legislation would require the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards	The legislation was introduced in the House on May 28, 2021, and in the Senate on May 27, 2021.  The legislation in the House is bipartisan.
S. 2168	Sen. Mike Braun (R-IN)	Define WOTUS Act	The legislation would amend the Federal Water Pollution Control Act to modify the definition of navigable waters, and to make the definition of the "waters of the United States" permanent.	The legislation was introduced on June 22, 2021 and referred to the Committee on Environment and Public Works. It was introduced in response to the EPA's announcement earlier in June of its intent to rewrite the Navigable Waters Protection rule.

H.R. 3814 / S. 717	Rep. Liz Cheney (R-WY) / Sen. Mike Lee (R-UT)	Undoing NEPA's Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy Act (UNSHACKLE Act)	<p>The legislation combines the following five stand-alone NEPA reform bills on agency process, state expansion, legal changes, and data reporting into one comprehensive text.</p> <ul style="list-style-type: none"> <li>- NEPA Agency Process Accountability Act</li> <li>- NEPA Accountability and Enforcement Act</li> <li>- NEPA State Assignment Expansion Act</li> <li>- NEPA Legal Reform Act</li> <li>- NEPA Data Transparency Act</li> </ul>	<p>The Senate legislation was introduced on March 11, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The House legislation was introduced on June 11, 2021 and referred to the House Committees on Natural Resources; Judiciary; Transportation and Infrastructure; and Energy and Commerce.</p>
H.R. 1352	Rep. Brenda Lawrence (D-MI)	Water Affordability, Transparency, Equity, and Reliability Act of 2021	<p>The bill would create a trust fund to support drinking water and clean water infrastructure. Additionally, the bill provides \$34.85 billion a year to drinking water and wastewater improvements; creates a water trust fund; creates up to nearly 1 million jobs across the economy and protect American workers; prioritizes disadvantaged communities with grants and additional support; expands funding for technical assistance to small, rural, and indigenous communities; funds projects to address water contamination from PFAS; requires US EPA to study water affordability, shutoffs, discrimination, and civil rights violations by water providers; upgrades household wells and septic systems; helps homeowners replace lead service lines; and provides more than \$1 billion a year to update water infrastructure in public schools.</p>	<p>The legislation was introduced on February 25, 2021 and was referred to the relevant committees.</p> <p>The legislation has 86 cosponsors, including 14 members of the California delegation.</p>

H.R. 4647 / S. 2430	Rep. Jared Huffman (D-CA) / Sen. Dianne Feinstein (D-CA)	Water Conservation Rebate Tax Parity Act	The legislation would amend federal tax law so that homeowners wouldn't pay income tax on rebates from water utilities for water conservation and water runoff management improvements	The House legislation was introduced on July 22, 2021 and referred to the House Committee on Ways and Means. The legislation in the Senate was introduced on July 22, 2021 and referred to the Senate Committee on Finance.
S.2454	Sen. Alex Padilla (D-CA)	Water Reuse and Resiliency Act	The legislation would authorize \$1 billion over five years for the EPA's Pilot Program for Alternative Water Source Projects grants program. This is an increase from the \$125 million over five years authorized for the program in the Drinking Water and Wastewater Infrastructure Act passed by the Senate in April.	The legislation was introduced on July 22, 2021 and referred to the Senate Committee on Environment and Public Works.
S.2567	Sen. Shelley Moore Capito (R-WV)	Navigable Waters Protection Act of 2021	The legislation would enact into law the Navigable Waters Protection Rule: Definition of 'Waters of the United States' as proposed by the EPA/USACE under the Trump administration.	The legislation was introduced on July 29, 2021 and referred to the Senate Committee on Environment and Public Works.
H.R.4915	Rep. Tom McClintock (R-CA)	Water Supply Permitting Coordination Act	The legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing.	The legislation was introduced on August 3, 2021 and referred to the House Committee on Natural Resources.

H.R.4979 / S.1783	Rep. Rashida Tlaib (D-MI) / Rep. Jeff Merkley (D-OR)	Maintaining Access to Essential Services Act	The legislation provides \$13.5 billion in low-interest loans to public and private water utilities, which will be forgiven when the utility forgives household water arrears; and provides \$13 billion in low-interest loans to power utilities, which will be forgiven when the utility forgives household arrears. The legislation also provides \$13 billion in low-interest loans to broadband utilities, which will be forgiven when the utility forgives household arrears. The bill Requires loan recipients to suspend utility shutoffs and restore any disconnected service, suspend late fees and charges, stop the sale of household debt to debt collectors, stop placing or selling liens on households due to outstanding utility debt, and stop filing adverse reports on households due to unpaid utility bills to credit agencies.	<p>The legislation in the House was introduced on August 6, 2021 and was referred to the House Committees on Financial Services and Ways and Means.</p> <p>The legislation in the Senate was introduced on May 20, 2021 and was referred to the Senate Committee on Finance.</p>
H.R. 4976	Rep. Elissa Slotkin (D-MI)	Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act	The legislation directs the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination result in levels meeting or exceeding certain standards.	The legislation was introduced in the House on August 6, 2021 and was referred to the House Committees on Armed Services, Transportation and Infrastructure, and Energy and Commerce.
S.2372 / H.R.2773	Sen. Heinrich, Martin (D-NM) / Representatives Debbie Dingell (D-MI) and Jeff Fortenberry (R-NE)	Recovering America's Wildlife Act of 2021	The legislation would fund conservation efforts for more than 12,000 species of wildlife and plants in need of assistance by providing \$1.3 billion in dedicated annual funding for proactive, on-the-ground efforts across the country, ensure wildlife recovery efforts will be guided by the Congressionally-mandated State Wildlife Action Plans,	<p>The legislation was introduced on July 15, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The House bill was introduced on April 22. The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on July 29, 2021. On January</p>

			<p>which identify specific strategies to restore the populations of species of greatest conservation need, accelerate the recovery of 1,600 U.S. species already listed as threatened or endangered under the Endangered Species Act, and include improvements to ensure funds are appropriately targeted to the areas of greatest need and facilitate additional investments in protecting at-risk plant species.</p> <p>In the Senate, RAWA also directs fees and penalties assessed for environmental violations to help fund RAWA, using fee and penalty amounts that aren't already targeted for existing environmental funds.</p>	19, the legislation passed out of the House Natural Resources Committee by a vote of 29-15 and now moves on to consideration on the House floor.
H.R.4602	Rep. Alan Lowenthal (D-CA) / Rep. Lisa McClain (R-MI)	WIPPES Act	<p>The legislation would direct the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling</p>	<p>The legislation was introduced on July 21, 2021 and referred to the Committee on Energy and Commerce.</p> <p>Rep. Lowenthal introduced the stand-alone bill after introducing a similar amendment to the House's infrastructure bill.</p>
H.R.6591	Rep. Lisa McClain (R-MI) / Rep. Alan Lowenthal (D-CA)	PIPES Act	<p>The legislation would require the Administrator of the Environmental Protection Agency to publish a rule that establishes standards for the flushability of disposable nonwoven wipes.</p>	<p>The legislation was introduced on February 3, 2022 and was referred to the House Committee on Energy and Commerce.</p>
S. 2806 / H.R. 3534	Sen. Dianne Feinstein (D-CA) / Rep. Jimmy Panetta (D-CA)	Wildfire Emergency Act of 2021	<p>Amongst other things, the legislation authorizes \$250 million over 5 years for up to 20 Forest Service projects of 100,000 acres or greater; Establish a new \$100 million grant program to</p>	<p>The Senate legislation was introduced on September 22, 2021 and referred to the Committee on Energy and Natural Resources.</p>

			assist critical facilities like hospitals and police stations become more energy efficient and better adapted to function during power shutoffs; Establishes one or more Prescribed Fire Centers to coordinate research and training of foresters and forest managers in the western United States in the latest methods and innovations in prescribed fire (controlled burns) practices.	The House bill was introduced on May 25, 2021 and was referred to the Subcommittee on Conservation and Forestry.
S. 3011 / H.R. 5735	Sen. John Cornyn (R-TX) / Rep. Dusty Johnson (R-SD)	State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act	The legislation provides additional flexibility for States, Tribes, and units of local government to spend their allocations of the COVID Relief Funds on certain infrastructure projects, including water, wastewater, and broadband infrastructure projects. The bill also allows these funds to be used to provide emergency relief from natural disasters. There is a cap—the greater of \$10 million or 30% of the funds—on how much of the COVID money can be spent on these new purposes.	The legislation was introduced on October 19, 2021 and passed the Senate by unanimous consent that day.  Senator Alex Padilla (D-CA) is an original cosponsor of the legislation.  The act was introduced in the House on October 26 and referred to the House Committee on Oversight and Reform.
H.R. 6461 / S. 3531	Rep. Scott Peters (D-CA) / Sen. Chris Coons (D-DE)	National Climate Adaptation and Resilience Strategy Act	The legislation creates a Chief Resilience Officer, among other positions, that will assist the President to streamline the federal response to climate hazards that threaten human health, safety, and critical infrastructure.  The act also calls for a Climate Adaptation and Resilience Strategy that outlines the federal government's response to climate hazards such as sea level rise,	The legislation was introduced in the House on January 20, 2022 and referred to the Committee on Energy and Commerce.  The legislation was introduced in the Senate on January 20, 2022, read twice, and referred to the Committee on Homeland Security and Government Affairs.



			drought, biodiversity loss, and coastal bank erosion.	
H.R. 6396	Rep. Earl Blumenauer (D-OR)	Climate RESILIENCE Act	<p>The act amends FEMA's disaster definition to include extreme temperature events, like heat waves and freezes; changes FEMA's definitions and cost share eligibility requirements for disadvantaged communities and underserved communities; includes a focus on resiliency planning and investments; provides both financial and non-financial technical assistance for hazard mitigation planning, as well as for grant applications for small impoverished and disadvantaged communities; and expands Pre-Disaster Mitigation Assistance funding to address FEMA's oversubscription issues.</p>	<p>The legislation was introduced in the House on January 13, 2022 and referred to the Committee on Transportation and Infrastructure.</p> <p>The legislation has 32 cosponsors, including 8 members of the California delegation.</p>
H.R.6492	Rep. Pramila Jayapal (D-WA)	Climate Resilience Workforce Act	<p>The bill establishes a climate resilience workforce in communities most affected by the climate crisis. It also funds the development of regional, state, local, and community-based climate resilience action plans.</p> <p>The legislation creates an Office of Climate Resilience within the White House, starts new workforce development programs, and removes barriers to employment in climate resilience jobs based on immigration status and prior involvement with the criminal justice system.</p>	<p>The legislation was introduced in the House on January 25, 2022 and referred to the Subcommittee on Conservation and Forestry.</p> <p>The legislation has 38 cosponsors, including 9 members of the California delegation.</p>

Enacted Legislation (Removed after 2 months)

H.R.6119	Rep. Rosa DeLauro (D-CT)	Further Extending Government Funding Act	This continuing resolution funds the government through February 18, 2022 at the FY21 enacted levels. It is the second continuing resolution enacted for fiscal year 2022 since none of the 12 annual appropriations bills have been enacted by Congress.	The legislation was passed by both the House and Senate on December 2, 2021 and signed into law on December 3, 2021.
S.J.Res.33	Sen. Chuck Schumer (D-NY)	A Joint Resolution Relating to Increasing the Debt Limit	This resolution increased the debt ceiling by \$2.5 trillion, which lawmakers hope will allow the government to finance its debts through at least early 2023.	The legislation was introduced and passed the Senate on December 14, 2021. It passed the House the following day.  President Biden signed the joint resolution on December 16, 2021.

Legislation previously listed that was fully or partially incorporated into the Infrastructure Investments and Jobs Act (bipartisan infrastructure deal). Due to its full and/or partial inclusion in the bipartisan infrastructure deal, the stand-alone bill is unlikely to see further action in the House in its current form.

H.R.4099	Rep. Grace Napolitano (D-CA)	Large Scale Water Recycling Project Investment Act	Created a competitive grant program for large-scale water recycling and reuse projects. Large-scale water recycling projects are those estimated to cost \$500 million or greater. \$750 million would be authorized over 5 fiscal years beginning in FY23.	The legislation was introduced on June 23, 2021 and referred to the Committee on Natural Resources. The Water Subcommittee held a hearing on the legislation on Tuesday, June 29, 2021.  The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 29, 2021.  <b>Provisions of this legislation were incorporated in the Infrastructure Investments and Jobs Act (bipartisan infrastructure bill).</b>
H.R.1915	Rep. Peter DeFazio (D-OR) / Rep. Grace Napolitano (D-CA)	Water Quality Protection and Job Creation Act of 2021	The legislation would reauthorize the Alternative Water Source Grants Pilot Program, which authorizes the U.S. Environmental Protection Agency to grant up to \$200 million per year to	The legislation was introduced on March 16, 2021.  The Committee on Transportation and Infrastructure held a mark-up

			state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test water reuse projects throughout the country.	<p>session on June 9-10th and the legislation was passed out of committee on June 10th by a vote of 42-25.</p> <p><b>Provisions of this legislation were incorporated in the Infrastructure Investments and Jobs Act (bipartisan infrastructure bill).</b></p>
S.914	Sen. Tammy Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	Authorizes more than \$35 billion for water resource development projects across the country with a focus on upgrading aging infrastructure, addressing the threat of climate change, investing in new technologies, and aiding marginalized communities.	<p>The legislation was introduced on March 23, 2021 and referred to the Senate Environment and Public Works Committee.</p> <p>The legislation passed the Senate on April 29, 2021, by a vote of 89-2.</p> <p><b>Elements of this legislation were incorporated into the Infrastructure Investments and Jobs Act (bipartisan infrastructure bill), though with a reduced authorization for the Drinking and Clean Water State Revolving Funds.</b></p>
H.R.3291	Rep. Paul Tonko (D-NY)	AQUA Act	The legislation would invest \$105 billion over 10 years in the nation's water systems including \$53 billion for the Drinking Water State Revolving Fund, \$45 billion to fully replace every lead service line, and \$5 billion to aid systems with PFAS contamination. Additionally, the legislation would require the EPA to set national standards for PFAS, 1,4-dioxane, and microcystin toxin, and makes it easier for EPA to set standards in the future. The bill would authorize \$4 billion emergency relief program to provide forgiveness for utility customers facing debts and unpaid fees since March 1, 2020.	<p>The legislation was introduced on May 18, 2021 and referred to the House Committee on Energy and Commerce.</p> <p><b>Elements of this legislation were incorporated into the Infrastructure Investments and Jobs Act (bipartisan infrastructure bill), though with a reduced authorization for the Drinking and Clean Water State Revolving Funds.</b></p> <p>The standards provisions were not incorporated into the bipartisan infrastructure bill.</p>

INFORMATION  
ITEM  
2B



**February 25, 2022**

**To:** Inland Empire Utilities Agency

**From:** Michael Boccadoro  
Beth Olhasso

**RE:** February Report

---

Overview:

A dry January and February are starting to worry water managers. With the Sierra snowpack down from 103 percent of average to 58 percent of average in just one month, there is increased prayer for a March Miracle. Reservoirs are all trending well below average as well.

The Ocean Protection Council recently passed a Statewide Microplastics Strategy focused on pollution prevention, education, risk and pathway intervention. They note that POTW effluent is responsible for significantly less microplastic pollution than stormwater, and focus strategies to on preventing microplastics from entering the wastewater stream or cleaning up stormwater.

A group of water experts associated with the Planning & Conservation League has published a set of controversial recommendations for the legislature to address how water law can be updated to address the impacts of drought and climate change. Some of the recommendations include funding a multitude of programs at the SWRCB, protecting domestic wells, improving surface water rights verification systems and other ideas designed to “modernize” the California water rights system. Several of these proposals are reflected in recent legislative bill introductions.

The California Water Plan 2023 update process has started. The 2023 update will promote climate resilience across regions and water sectors with a statewide vision, clear goals, watershed planning framework, and progress-tracking dashboard of indicators. It will include updated resource management strategies, regional planning and performance tracking tools, and policy-related activities related to water resilience and sustainability.

The Department of Water Resources is working to update how water infrastructure is managed in the era of climate change. With an inconsistent snowpack it has become increasingly difficult to forecast runoff. DWR is working on significant updates to modeling and new technologies to monitor real-time snowpack conditions, snow water content, and soil moisture.

Legislators introduced over 2,000 bills in the first six weeks of the year. The February 18 bill introduction deadline brought more bills on water than we have seen in the last few years. As expected there is a bill to lower the indoor water use standard, though it is now SB 1157 carried by Senator Hertzberg, not Assemblymember Friedman bill as we saw last year. AB 2142 (Gabriel) would offer tax exemptions for turf rebate participants. AB 2247 (Bloom) looks to regulate sources of PFAS. SB 1219 (Hurtado) would abolish the State Water Resources Control Board. Policy committees will hear these, and other bills, before the April 29 policy committee deadline.

# Inland Empire Utilities Agency

## Status Report – February 2022

### *Water Supply Conditions*

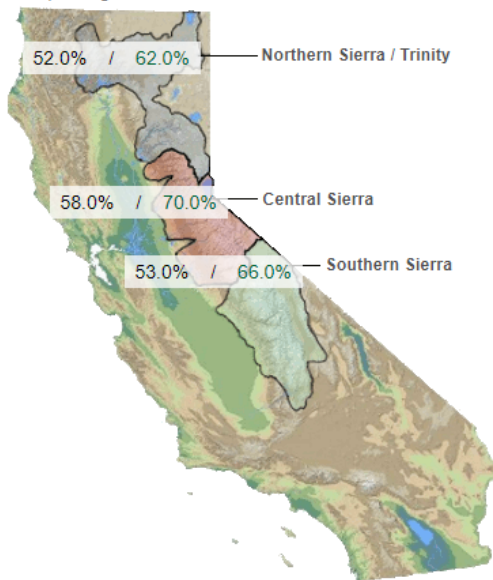
Dry conditions have persisted throughout February. The Sierra snowpack is down from 103 percent of normal and 58 percent of April 1 average at the end of January, to 67 percent of normal and 55 percent of April 1 averages currently. Lake Oroville is sitting at just 77 percent of historical average and 47 percent capacity. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project is even lower at 57 percent of average for this time of the year and 45 percent capacity. The water community is hoping for a “March Miracle.”

### ➡ Snow Water Equivalents (inches)

Provided by the California Cooperative Snow Surveys

Data For: 22-Feb-2022

% Apr 1 Avg. / % Normal for this Date



Change Date :



22-Feb-2022

#### NORTH

Data For: 22-Feb-2022

Number of Stations Reporting	31
Average snow water equivalent	14.9"
Percent of April 1 Average	52%
Percent of normal for this date	62%

#### CENTRAL

Data For: 22-Feb-2022

Number of Stations Reporting	42
Average snow water equivalent	16.8"
Percent of April 1 Average	58%
Percent of normal for this date	70%

#### SOUTH

Data For: 22-Feb-2022

Number of Stations Reporting	30
Average snow water equivalent	13.6"
Percent of April 1 Average	53%
Percent of normal for this date	66%

#### STATEWIDE SUMMARY

Data For: 22-Feb-2022

Number of Stations Reporting	103
Average snow water equivalent	15.3"
Percent of April 1 Average	55%
Percent of normal for this date	67%

### *Ocean Protection Council Adopts Microplastics Strategy*

As required by 2018 legislation, SB 1263, the Ocean Protection Council (OPC) recently adopted a [Statewide Microplastics Strategy](#). The Strategy outlines a two-track approach to manage microplastics in California. The first track emphasizes pollution prevention and pathway interventions that will

provide immediate reductions in microplastic sources. The second track outlines a research strategy to enhance understanding of microplastic sources, pathways, and risk, as well as to inform future management solutions for California.

Track One solutions:

- **Pollution prevention** to eliminate plastic waste at the source and prevent the introduction of microplastics into the environment
- **Pathway interventions** to intervene within specific pathways, stormwater and wastewater, that mobilize microplastics from a specific source into CA waters and improve overall ecosystem health.
- **Education** to inform public behaviors, attitudes and priorities around plastic use and waste reduction.

Track Two:

- **Monitoring** to understand and identify trends of microplastic pollution statewide.
- **Risk** to improve understanding of critical thresholds at which aquatic life and humans are adversely impacted by microplastic exposure.
- **Sources and pathways prioritization** to identify and prioritize future management solutions based on predominant ways microplastics enter California waters.
- **Evaluate new solutions** to develop and implement future solutions.

Concerning microplastics in wastewater, the report notes that the OPC has funded two research projects to enhance the state's understanding of microplastics in stormwater and wastewater and how to best remove them. They do highlight that stormwater is a more significant problem than wastewater with about 9.2 microparticles/L in urban stormwater and only 0.06 microparticles/L in wastewater. The also noted that wastewater treatment at even the primary level removes a significant amount of microplastics and tertiary treatment levels remove even more.

There have already been several bills introduced in the legislature that are trying to implement some of these recommendations. AB 1724 by Assemblymember Stone, who is the Assembly representative to the OPC, would require all new washing machines sold in CA to contain microfiber filtration systems by 2024.

### ***Water Expert Group Publishes Recommendations for Water Rights***

A group of water experts, associated with the Planning and Conservation League, recently published a set of recommendations for how water law can be updated to address the impacts of drought and climate change. They assert that California's current system of water laws is ill-equipped to respond to modern water shortages. The recommendations include:

1. The SWRCB and the Department of Fish and Wildlife need to be provided sufficient funding to carry out their existing and new responsibilities including verifying water rights, overseeing real-time monitoring systems, and updating the Bay-Delta Water Quality Control Plan.
2. Allow under represented and non profit groups to receive compensation for participation in SWRCB processes.
3. Require at least one member of the SWRCB and each Regional board to have experience in environmental justice.
4. Mitigate impacts of groundwater pumping on domestic wells.

5. Update statutory adjudications
6. Improve surface water rights verification
7. Provide SWRCB with authority to issue interim relief orders
8. Real-time water diversion use and monitoring
9. Timely completion and implementation of the Bay-Delta Water Quality Control Plan Update
10. Accounting for Climate Change Effects on Hydrology in Determining the Availability of Unappropriated Water
11. Require dam owners to allow water of sufficient flow and temperature to pass through a fishway at all times.

These recommendations are meant to be a guide for legislative action.

### ***CA 2023 Water Plan Update Commences***

The California Water Plan 2023 update process has started. The 2023 update will promote climate resilience across regions and water sectors with a statewide vision, clear goals, utilization of a watershed planning framework, and progress-tracking through use of a dashboard of indicators. It will include update resource management strategies, regional planning and performance tracking tools, and policy-related activities related to water resilience and sustainability.

The 2023 update will use the California Water Resilience Portfolio as a roadmap for water management considering climate change, more extreme droughts and floods, rising temperatures, declining fish populations, groundwater overdraft and other issue areas.

The update will have several stakeholder workgroups:

- Core State Agency Team
- Policy Advisory Committee
- Tribal Advisory Committee
- Regional forums
- Topic and/or place-based workshops

The first meeting of the CA Water Plan Policy Advisory Committee is scheduled for March 2.

### ***Climate Change Upending Water Supply Calculations***

With climate change bringing in different patterns of precipitation, the Department of Water Resources is trying to quickly re-imagine water infrastructure management. More rain, shifting snowpack, and atmospheric rivers change how the state manages water infrastructure to manage snowmelt storage and increased rain mixing with snow. Scientists predict that in the next 30 to 60 years, if greenhouse gas emissions are not reduced, the CA snowpack could shrink or disappear for a decade or more at a time.

Just last year, forecasts overestimated runoff by 68 percent for the Sacramento River region and by at least 45 percent for major watersheds south of the Delta.



To revamp forecasts, better and increased data collection about snowpack and comprehensive modeling are needed. Aerial surveys using lidar have been used for the past decade, but recently added the Feather, Yuba, Truckee and Carson rivers to the survey for a more comprehensive set of data. The Berkeley Snow Lab is testing sensors that quickly assess snowpack temperature and water content.

Recent tweaks in modeling have not yielded any better data. This year, DWR is working on a “major tune-up” incorporating more recent rain, snow and runoff data.

There is significant hope that the big December storms soaked the earth enough that as the snowpack melts, it will actually make it to streams, tributaries and rivers this year.

### ***Legislative Update***

The last date to introduce new bills was February 18. Over 2,000 bills have been introduced since January 1, with more water bills than we have seen in the last several years. A large handful of new introductions are “spot bills,” or bills that do not have actual specific language in them yet.

Bills have until April 29 to pass out of policy committee, so March and April will be very busy with committee hearings.

Below are a few of the bills that are likely of most interest to IEUA:

**AB 2142 (Gabriel):** This bill would offer an income tax exemption for rebates from a turf removal program.

**AB 2247 (Bloom):** CASA sponsored bill would require products sold in CA that contain PFAS to register the product on a publicly accessible reporting platform.

**AB 2387 (E. Garcia):** Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. \$7.4 billion bond for the June 2022 ballot. This measure would have to move very quickly in order to qualify for the June ballot.

**AB 2639 (Quirk):** Would require the SWRCB before the end of 2023 to adopt a final Bay-Delta Water Quality Control Plan. If the plan is not adopted the legislation would prohibit the SWRCB from approving any new water right permits or extension of existing permits resulting in new or increased diversions to surface water storage from the Sacramento/San Joaquin River Watersheds.

**AB 2782 (Quirk):** This legislation is an extension of the original microbeads bill. It would ban the sale or distribution of products that contain intentionally added microplastics.

**SB 1157 (Hertzberg):** This legislation is identical to AB 1434 (Friedman) from 2021. The bill would implement the indoor GPCD targets outlined in the DWR/SWRCB draft report to the Legislature for 47 GPCD by 2025 and 42 GPCD by 2030.

**SB 1219 (Hurtado):** This measure would dissolve the SWRCB by January 1, 2025.

As spot bills get amended, it is likely there will be a number of bills added to this list.

**IEUA BILLS—BILLS WITH POSITIONS & PRIORITY BILLS- 2022 Session**

Bill Number	Author/Sponsor	Title and/or Summary	Summary	IEUA Position/ Bill Location	Positions Taken by Associations & Regional Agencies
AB 1845	Calderon  MWD Sponsored	Metropolitan Water District of Southern California: alternative project delivery methods	Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district, if using this procurement process, to follow certain procedures, including preparing and issuing a request for qualifications, preparing a request for proposals including the scope and needs of the project or contract, and awarding projects based on certain criteria for projects utilizing either lowest responsible bidder or best value selection criteria.	Awaiting Committee Assignment	
AB 2142	Gabriel	Income taxes: exclusion: turf replacement water conservation program	This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program.	Awaiting Committee Assignment	
AB 2247	Bloom  CASA Sponsored	PFAS products: disclosure: publicly accessible reporting platform	This bill would require the Department of Toxic Substances Control to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about PFAS and products or product components containing regulated PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before March 1, 2024, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for	Awaiting Committee Assignment	

			promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing regulated PFAS, and specified other information, on the publicly accessible reporting platform.		
AB 2787	Quirk	Microplastics in products	The Microbeads Nuisance Prevention Law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. This bill would, on and after specified dates that vary based on the product, ban the sale, distribution in commerce, or offering for promotional purposes in the state of designated products, such as leave-in cosmetics products and waxes and polishes, if the products contain intentionally added microplastics, as defined. The bill would exclude from this ban products consisting, in whole or in part, of specified substances or mixtures containing microplastics. The bill would make a violator liable for a civil penalty not to exceed \$2,500 per day for each violation.	Awaiting Committee Assignment	
AB 2811	Bennett  Plumbers Union	California Building Standards Commission: recycled water: nonpotable water systems	Would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands, as defined, if that building is located within an existing or planned recycled water service area, as specified.	Awaiting Committee Assignment	
SB 222	Sen. Dodd	Water Affordability Assistance Program	Would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water Affordability Assistance Program established by the	Two-Year Bill  Assembly Floor	Opposed by ACWA

			bill, direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components.		
SB 230	Sen. Portantino/ CMUA & MWD	State Water Resources Control Board: Constituents of Emerging Concern	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.	SUPPORT  Assembly waiting for committee assignment	Favor by ACWA
SB 991	Newman  Water Collaborative Delivery Association (formerly the Water Design- Build Council)	Public contracts: progressive design- build: local agencies	Current law, until January 1, 2025, authorizes local agencies, as defined, to use the design-build procurement process for specified public works with prescribed cost thresholds. Current law requires specified information submitted by a design-build entity in the design-build procurement process to be certified under penalty of perjury. This bill, until January 1, 2033, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require specified information to be verified under penalty of perjury.	Referred to Governance & Finance Committee	

SB 1157	Hertzberg	Urban water use objectives: indoor residential water use	<p>Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use.</p>	Waiting committee assignment	Oppose unless amended by WateReuse & ACWA
---------	-----------	--	---	------------------------------	---

INFORMATION  
ITEM  
2C

**Date:** March 16, 2022

**To:** The Honorable Board of Directors

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

**Committee:** Community & Legislative Affairs

03/09/22

**Executive Contact:** Shivaji Deshmukh, General Manager

**Subject:** Public Outreach and Communication

---

**Executive Summary:**

- March, Procurement Month
- March 4, World Engineering Day
- March 4, Employee Appreciation Day
- March 6-12, Groundwater Awareness Week
- March 8, Session 1 – Project W.E.T. Workshop (Virtual), 3:30 p.m. – 5:30 p.m.
- March 9, IEUA Blood Drive, Building B, Event Room, 8:00 a.m. – 1:00 p.m.
- March 10, Session 2 – Project W.E.T. Workshop (Virtual), 3:30 p.m. – 5:30 p.m.
- March 12, International Grant Professionals Day
- March 14-20, Fix a Leak Week
- March 22, World Water Day

Staff continues to increase the drought campaign collateral toolkit for customer agencies by implementing movement pieces and developing video shorts and PSAs. Supplemental collateral has also been developed to co-exist with the campaign visual that has been developed.

Staff launched the QR code campaign and the landing page has received over 127 views.

---

**Staff's Recommendation:**

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

---

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

*Account/Project Name:*

*Fiscal Impact (explain if not budgeted):*

---

**Prior Board Action:**

N/A

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

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

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

---

**Attachments:**

Attachment 1 - Background



## Background

---

Subject: Public Outreach and Communication

---

### March

- March, Procurement Month
- March 4, World Engineering Day
- March 4, Employee Appreciation Day
- March 6-12, Groundwater Awareness Week
- March 8, Session 1 – Project W.E.T. Workshop (Virtual), 3:30 p.m. – 5:30 p.m.
- March 9, IEUA Blood Drive, Building B, Event Room, 8:00 a.m. – 1:00 p.m.
- March 10, Session 2 – Project W.E.T. Workshop (Virtual), 3:30 p.m. – 5:30 p.m.
- March 12, International Grant Professionals Day
- March 14-20, Fix a Leak Week
- March 22, World Water Day

### Media and Outreach

- Staff continues to increase the drought campaign collateral toolkit for customer agencies by implementing movement pieces and developing video shorts and PSAs. Supplemental collateral has also been developed to co-exist with the campaign visual that has been developed. Staff launched the QR code campaign: Pledge to Save Water on Sunday, February 13. Once scanned, the QR code takes readers to the IEUA Take the Pledge webpage where they can learn more about the Agency, current drought conditions, water-wise tips, and participate by taking the pledge to save water. IEUA's Take the Pledge webpage has received 127 views and the QR codes have received a total of 66 sessions as of February 22.
- Staff is working with Strategic Planning and Resources and Water Systems Consulting (WSC) on developing additional outreach strategies and communication collateral for the Chino Basin Program, as well as updating the chinobasinprogram.org microsite.
- External Affairs staff is working closely with Engineering staff to develop outreach and tour enhancements for the RP-5 Expansion Project. New signage is being developed along with a project video short.
- The Agency held its second virtual Redistricting Community Workshop on February 5 and its first Public Hearing on February 16. External Affairs staff updated the landing page with information regarding the proposed revised maps and staff continued promoting these workshops/meetings through the Agency's social media channels and through a series of Press Releases and targeted emails. A recording of each meeting has been shared to [ieua.org/redistricting/](http://ieua.org/redistricting/).
- Staff began promotion and outreach for the 2021/2022 school year *Water is Life* Poster Contest on the Agency's social media channels and through a series of targeted emails. Staff also utilized Instagram's new collab feature, which allows profiles to share a single

post with multiple profiles. The city of Chino Hills and Monte Vista Water District partnered with IEUA to take part in this collab feature.

- Staff shared the second video in the *Coffee with the General Manager* series to Instagram, Facebook, Twitter, LinkedIn, and YouTube. Across all platforms, the video has amassed 4,277 impressions and 2,220 video views.
- The Agency celebrated Engineers Week throughout the last full week of February (February 20-26). On social media, staff highlighted three of IEUA's engineers, shared a video short on a "Day in the Life" of an Associate Engineer, information on the ongoing Solar Cup competition as it relates to the Engineering/STEAM field, and a promotional video on the progress of the RP-5 Expansion Project.
- Staff shared two more videos in its Education Program IGTV (Instagram TV) Series on the *Water is Life* Poster Contest & Solar Cup competition as well as the Agency's Water Discovery Program. The series will continue to share information on the Agency's education programs, resources and how to participate.
- The Agency continues to publish content on LinkedIn and has gained 53 followers since January, with 540 page views in the last 30 days.
- February: 21 posts were published to the IEUA Facebook page, 21 tweets were sent on the @IEUAWater Twitter handle, 21 posts were published to IEUA's Instagram grid, and 15 posts were published to the IEUA LinkedIn page.
  - The top three Facebook posts, based on reach and engagement, in the month of February were:
    - 2/17 *Water is Life* Poster Contest video
    - 2/1 *Water is Life* Poster Contest promotion
    - 2/15 *Coffee with the General Manager*
  - The top three Twitter tweets, based on reach and engagement, in the month of February were:
    - 2/21 Engineers Week staff highlight
    - 2/15 *Coffee with the General Manager*
    - 2/17 *Water is Life* Poster Contest video
  - The top three Instagram posts, based on reach and engagement, in the month of February were:
    - 2/21 Engineers Week staff highlight
    - 2/2 World Wetlands Day
    - 2/11 IEUA Facility Tour
  - The top three LinkedIn posts, based on impressions and reactions, in the month of February were:
    - 2/15 *Coffee with the General Manager*
    - 2/21 Engineers Week staff highlight
    - 2/17 Careers in the Water Industry Event
- A "Water-Wise Education" banner ad is currently featured in *Fontana Herald News*.
- A "Water-Wise Education" ad ran in the February issue of *IE Magazine*.
- A "Water-Wise Education" ad ran on February 12 in the *Chino Champion*.
- A spadea featuring "Water-Wise Education" and IEUA's education programs ran on February 13 in the Daily Bulletin.
- A "Water-Wise Education" ad and small editorial ran in the Spotlight issue of *Fontana Herald News*.

- A “Water-Wise Education” advertorial ran on February 25 in the Spotlight issue of *Fontana Herald News*.
- A “Water-Wise Education” ad ran on February 26 in the *Chino Champion*.
- A “Water-Wise Education” ad will run on March 19 in the *Chino Champion*.

For the month of February, there were 12,357 searches for a park in IEUA’s service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 756 times.

#### Education and Outreach Updates

- Staff is promoting the *Water is Life* Poster Contest for grades K-12. The deadline to submit posters is March 16.
- Three high schools within IEUA’s service area have submitted interest forms for MWD’s Solar Cup 2022: Colony High School – Ontario, Chino Hills High School – Chino Hills and Upland High School – Upland. A kick-off meeting was held in February and staff is in contact with each of the teams.
- Staff hosted facility tours on February 24 and February 25 to UCR Chemical Engineering students and Cal Poly Pomona Civil Engineering students respectively.
- Chino Basin Water Conservation District (CBWCD) has completed the garden design and submitted a cost proposal to IEUA for Our Loving Savior School in Chino Hills for the Garden in Every School® (GIES) program. Staff is working with Randall Pepper Elementary in Fontana and CBWCD to proceed with their garden install. Both gardens are scheduled to be completed by April 1.
- Staff has partnered with the Water Education Foundation to facilitate a virtual Project W.E.T. Workshop to be held on March 8 and March 10 for educators. This workshop is mandatory for educators who are interested in applying for a mini-grant for their existing water-wise garden.

#### Agency-Wide Membership Updates

- Randy Lee, Director of Operations, attended a National Water Research Institute (NWRI) meeting on January 11.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Biosolids Regulatory Workgroup Meeting on January 13.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Water Regulatory Workgroup Meeting on January 13.
- Richard Lao, Senior Environmental Resources Planner, attended the Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee Meeting on January 18.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Air Quality, Climate Change, & Energy Workgroup Meeting on January 27.
- Randy Lee, Director of Operations, attended the Energy Management & Optimization Phase 2 Longlist with Isle Utilities on January 31.