



2023

GOVERNMENT AFFAIRS REPORT

Mission

The Inland Empire Utilities Agency (IEUA) is committed to meeting the needs of the region by providing essential services in a regionally planned and cost-effective manner while safeguarding public health, promoting economic development, and protecting the environment.

Key Areas of Service

- 1. Securing and supplying imported water.
- 2. Collecting and treating wastewater.
- 3. Producing high-quality renewable products such as recycled water, compost, and energy.
- 4. Promoting sustainable use of groundwater and development of local water supplies.

Values

Leading the way. Planning for the future. Protecting the resources of the communities we serve. The Inland Empire Utilities Agency is committed to:

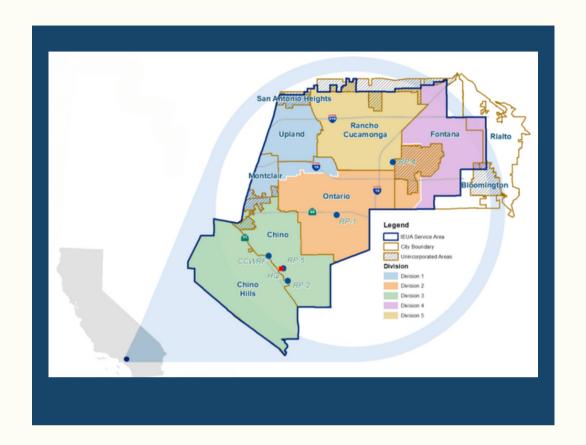
- 1. Applying ethical, fiscally responsible, transparent, and environmentally sustainable principles to all aspects of business and organizational conduct.
- 2. Working with integrity as one team, while celebrating the region's diversity.
- 3. Staying in the forefront of the industry through education, innovation, efficiency, and creativity.

Overview

IEUA has adopted Legislative Priorities and Policy Principles to provide a foundation for a highly productive advocacy program that will effectively influence legislation, regulations, and funding in alignment with IEUA's mission and values. The IEUA External and Government Affairs Department, as the lead coordinating with all sectors within the Agency, uses the following four principles as a basis for taking positions on legislation, regulations, and funding opportunities.

- 1. Principle of Water Supply Reliability
- 2. Principle of Water-Energy Nexus
- 3. Principle of Clean and Safe Drinking Water
- 4. Principle of Responsive and Responsible Finance, Administration, and Operations

Service Area



Divison 1

Marco Tule - President

Divison 3

Steven J. Elie - Vice President

Divison 2

Paul Hofer - Director

Divison 4

Jasmin A. Hall -Secretary/Treasurer

Divison 5

Michael Camacho - Director

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Vice President

<u>Jasmin A. Hall</u> Secretary/Treasurer

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FEDERAL

The 118th Congress kicked off in January in a rather unexpected manner. The results of the November 2022 elections caused a power flip in the House of Representatives with the Republicans taking over the majority. As such, the first order of business was to elect a Speaker. It took the House five days and fifteen rounds of voting to elect Rep. Kevin McCarthy (R-CA) as Speaker of the House. Additionally, with the start of the new Congress we saw the opening of the House and Senate office buildings to the public for the first time since early 2020.

Much of Congress' attention and efforts this year has been focused on the Fiscal Year (FY) 2024 appropriations process. In late May, Congress and President Biden negotiated legislation to raise the debt limit, as well as set spending limits for both FY24 and FY25 (which was set at current FY23 levels). While the Senate chose to write their bills to the agreed upon levels, the House decided to write their bills at lower funding levels, resulting in a roughly \$113 billion difference. Outside of the appropriations bills, there has been considerable focus and work on legislation to address PFAS. After many months of work, the Senate Environment and Public Works Committee introduced a bipartisan bill aimed at addressing PFAS, but unfortunately did not include an exemption for water utilities.

2023 has been packed with federal agency regulatory activity and competitive grant announcements. The Environmental Protection Agency has moved forward with proposed and final regulatory actions around several issues included PFAS and the Waters of the United States rule. Additionally, agencies such as the Bureau of Reclamation and the Federal Emergency Management Agency have continued to implement the federal funding opportunities included in the Bipartisan Infrastructure Law and the Inflation Reduction Act.

On October 3rd, the House held an unprecedented vote, and for the first time in history, removed the sitting Speaker of the House, Kevin McCarthy, from his position. Following the successful motion to vacate, the House Republican caucus spent the next 22 days attempting to elect a new Speaker. Three different candidates (Majority Leader Steve Scalise (R-LA), Judiciary Committee Chair Jim Jordan (R-OH), and Majority Whip Tom Emmer (R-MN)) were each selected by the caucus as their candidate for Speaker, but none of them could obtain the necessary number of votes on the floor to get elected. Finally, on October 25th, the House Republican caucus coalesced around a candidate and elected Rep. Mike Johnson of Louisiana to serve as the next Speaker of the House. October also saw the end of an era with the passing of Senator Dianne Feinstein, who served the State of California in the U.S. Senate for over three decades. Following her passing, Governor Gavin Newsom announced that he would be appointing Laphonza Butler to fulfill the remainder of Feinstein's term until the end of 2024. Sen. Butler has indicated that she will not be running for a full six-year term.

Before departing Washington, D.C. for the Thanksgiving holiday, Congress passed a Continuing Resolution (CR) to allow the federal government to remain funded beyond the November 17th deadline from the previous CR. The new CR extends funding at the current FY23 levels, but takes a two-tiered laddered approach to extending federal funding by grouping the twelve appropriations bills into two different deadlines: January 19, 2024 and February 2, 2024. We expect the early part of 2024 to be dedicated to negotiations on FY24 appropriations.

IEUA POSITIONS ON FEDERAL LEGISLATION

Legislation	Summary	Position
Support to Rehydrate the Environment, Agriculture and Municipalities (STREAM Act) S.2162	The STREAM Act authorizes grants for storage and conveyance projects that include environmental benefits, drinking water benefits for disadvantaged communities, or other public benefits either as part of the project design or as part of a watershed restoration plan adopted together with the project.	Support
The Water Efficiency, Conservation, and Sustainability Act S.2654 / H.R.5016	The Water Efficiency, Conservation, and Sustainability Act of 2023 assists communities in implementing water-efficiency upgrades as part of a goal to reduce the loss of water in public water systems. Additionally, this Act authorizes grants and technical assistance for public water systems that serve disadvantaged communities.	Support
The Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES Act) S.1350/ H.R2964	The WIPPES Act would require wipe manufacturers to label their products as non-flushable in efforts to protect against wastewater infrastructure damage across the nation. According to a study conducted by the National Association of Clean Water Agencies, the damage caused by wet wipes adds an additional operating cost of \$441 million a year, directly affecting tax-paying rates and the health of our environment. This bipartisan legislation would specifically direct the Federal Trade Commission, in consultation with the Environmental Protection Agency, the Food and Drug Administration, and the Consumer Product Safety Commission, to issue regulations on "Do Not Flush" labeling requirements for non-flushable wipes packaging.	Support

GRANT / LOAN ACTIVITY

2023 GRANT AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Requested Amount	Status
Federal Emergency Management Agency (FEMA)	Building Resilient Infrastructure and Communities (BRIC)	Rialto Intertie Project	\$46,330,000	Selected and under further review
U.S. Bureau of Reclamation (USBR)	Water Recycling & Desalination Planning Program	Chino Basin Advanced Treated Recycled Water, Storage, and Production	\$2,800,000	Conditional Award
Federal Emergency Management Agency (FEMA)	COVID-19 Public Assistance Program	COVID-19 Costs	\$345,000	Awarded

GRANT / LOAN ACTIVITY

ONGOING GRANT AWARDS

Funding	Funding Program	IEUA	Grant/Loan	Total Project
Agency		Project/Program	Activity	Cost
U.S Bureau of Reclamation (USBR)	WaterSMART Drought Resiliency	Wineville and Jurupa Basins Pumping and Conveyance System Project	\$750,000	\$10,986,208

ONGOING LOAN AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Grant/Loan Activity	Total Project Cost
Environmental Protection Agency (EPA)	Water Infrastructure Finance and Innovation Act (WIFIA)	RP-5 Expansion Project	\$196,000,000	\$450,718,330
Environmental Protection Agency (EPA)	Water Infrastructure Finance and Innovation Act (WIFIA)	Regional Wastewater Improvements Project	\$120,000,000	\$245,253,472

Regulatory Activity

IEUA's advocacy efforts at the Federal level on regulatory issues has crossed broad sectors from constituents of emerging concern to procurement requirements.



IEUA has submitted comments to the Environmental Protection Agency (EPA) regarding potential regulations pertaining to per-and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Due to the Agency's commitment to public health and environmental stewardship, we believe that the proposed rule places unreasonable liabilities and significant economic burdens on local public water agencies and their ratepayers. IEUA supports EPA's efforts to address PFAS contamination through research, development, and innovation; however, we strongly believe that designating PFAS as hazardous substances under CERCLA has the potential for significant, unintended, and adverse effects. IEUA shared our opposition and requested that Congress encourage the EPA to delay the CERCLA proposal until a regulatory framework is established.



IEUA had the opportunity to provide comments in response to the EPA request for public comments on the proposed PFAS National Primary Drinking Water Regulation (NPDWR). PFAS contamination presents various challenges to IEUA as a regional wastewater treatment facility. IEUA requested that EPA's cost-benefit analysis be updated to account for the cost to public water systems and wastewater and water recycling utilities to upgrade treatment systems to comply with anticipated exceedances of one or more Maximum Contaminant Level (MCL). Additionally, IEUA requested that EPA's compliance deadline should be extended from three years to at least five years, as contemplated in the Safe Drinking Water Act (SDWA). Finally, IEUA impressed that significant federal funding be made available to minimize affordability impacts on the public.



IEUA had the chance to respond to the Senate Environment and Public Works Committee's (EPW) request for stakeholder comments on the Committee's draft legislation which seeks to improve the mitigation and remediation of perfluoroalkyl or polyfluoroalkyl substances (PFAS) contamination. A top priority for IEUA is to see language included in the bill that provides for a passive receivers' liability exemption. IEUA also recommended an exemption from Build America, Buy America to allow for the demonstration and production of promising technologies that may have been developed and produced overseas.



IEUA's Manager of Regional Compost Operations Jeff Ziegenbein served as a panelist on the Congressional Briefing: <u>PFAS Policy and Practice: The Role of Local Government and Essential Public Services</u>. His primary purpose was to protect IEUA's residuals recycling program (the Inland Empire Regional Composting Facility) and the distribution of the Agency's biosolids as Class A exceptional quality compost. Jeff represented the fact that the CERCLA liability risk threatens the program representing the hundreds of thousands of tons of recycling of biosolids, green waste and other recyclable organics into high-quality compost.



STATE REPORT

The Legislature officially gaveled closed the first year of the 2023–2024 two-year session on September 14, 2023. While the Legislature passed a suite of bills that will help keep PFAS out of the wastewater system, the Governor vetoed the bills in early October. Additionally, the Legislature held back significant water rights legislation which will be re-addressed in 2024. While there were early discussions about a climate bond, no real traction was made, and it is expected this will resume in earnest in early 2024 in order to make it on the November 2024 ballot. There was late action taken by the Legislature to make it more difficult for the "Taxpayer Protection Act" citizen initiative to pass and easier for voters to approve funds for local infrastructure projects. On the energy side, the Legislature has authorized the Department of Water Resources to act as a central procurement entity for energy, attempting to procure and organize the significant amount of energy that will be needed to meet the State's renewable energy goals. The Governor took final action on the 1,046 bills sent to his desk in 2023. He maintained a veto rate similar to previous years at 14.9 percent.

The Legislature will start 2024 with new leaders in each house. Senator Mark McGuire (D-Healdsburg) will lead the Senate and Robert Rivas (D-Salinas) will continue in his new post as Speaker of the Assembly. Changes to the Standing Committees for the 2023-24 Regular Session were made, effective January 22, 2024. Among the leadership changes included appointing Assemblymember Cottie Petrie-Norris to replace Assemblymember Eduardo Garcia as Chair of the Assembly Utilities and Energy Committee and appointing Assemblymember Diane Papan to replace Assemblymember Rebecca Bauer-Kahan as Chair of the Assembly Water, Parks, and Wildlife Committee.

The State Water Resources Control Board recently initiated the formal rulemaking for "Making Conservation a Way of Life" by releasing the draft text to implement AB 1668 (Friedman, 2018) and SB 606 (Hertzberg, 2018). The goal of the regulatory framework is to achieve long-term water use efficiency, and the proposed regulation would require urban retail water suppliers to meet a water use objective starting in 2025. Since the draft has been circulating, water agencies across the state have been meeting regularly to discuss concerns. Stakeholders have identified several areas where the regulations seem to divert from the intent of the legislation and have been meeting with State Board Members and staff to articulate concerns. The common thread between the comments was that the regulations would be very difficult and require significant investment to implement. Concerns about having to raise rates to achieve the needed reductions were continuously articulated. State Board staff have indicated that there will be at least one more draft, possibly two, before the final regulations are set to be adopted August/September of 2024.

The Governor released a <u>Progress Report</u> in October 2023 on the Water Supply Strategy that was initially presented in August 2022. The report highlighted actions the administration has taken to finish Direct Potable Reuse regulations, advance seawater desal, recharge groundwater after the winter storms, and the legislation passed earlier this year to allow expedited judicial review for CEQA challenges on some projects. The report didn't offer any new policy goals. With a significant budget deficit anticipated, it is expected that the first half of 2024 will be characterized by discussions about budget reductions for FY24/25.

IEUA'S POSITIONS ON STATE LEGISLATION

During the legislative session, IEUA took eight bills to the Board. These positions were highly motivated by IEUA's alignment with the Board's legislative priorities and principles.

BILL	TITLE	POSITION	STATUS
AB 727	Product safety: cleaning products: perfluoroalkyl and polyfluoroalkyl substances	Support	Vetoed by Governor
AB 759	Sanitary Districts	Support	Chaptered by Secretary of State
AB 1216	Wastewater treatment plants: monitoring of emissions	Oppose	Chaptered by Secretary of State
AB 1423	Product safety: perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products	Support	Vetoed by Governor
SB 366	The California Water Plan: long-term supply targets	Support	2-year bill
SB 745	The Drought-Resistant Buildings Act	Oppose	Assembly-In Committee Process-Appropriation
Trailer bill	Delta Reform Act Refinement	Support	Chaptered
Trailer bill	California Environmental Quality Act (CEQA): Infrastructure projects: Streamlining judicial review	Support	Chaptered

Grant and Loan Activity

2023 GRANT AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Requested Amount	Status
Department of Water Resources (DWR)	The Urban and Multibenefit Drought Relief Program	Turnkey Turf Transformation Program	\$8,400,000	Awarded
California Department of Parks and Recreation (DPR)	The Office of Grants and Local Service	The Discover the Environment and Water Program	\$200,000	Awarded

GRANT / LOAN ACTIVITY

ONGOING GRANT AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Grant Award	Total Project Cost
CalRecycle	2020-21 Illegal Disposal Sites Abatement Grant Program	2020-21 Illegal Disposal Sites Abatement Grant Program	\$397,000	\$397,639
California Water Commission (CWC)	Proposition 1 Water Storage Investment Program (WSIP)	Chino Basin Conjunctive Use Environmental Water Storage/Exchange Program (Chino Basin Program)	\$10,763,270	TBD
Santa Ana Watershed Project Authority (DWR- funded)	Proposition 1 Round 1 Integrated Regional Water Management Implementation Program	Joint IEUA-JCSD Regional Water Recycling Program	\$2,600,000	\$33,110,000
Santa Ana Watershed Project Authority (DWR- funded)	Prop 84 Integrated Regional Water Management	SARCCUP	\$367,968	\$367,000
State Water Resources Control Board (SWRCB)	Proposition 1	Groundwater Quality Grant: Chino Basin Improvement and Groundwater Clean-up Project	\$12,900,000	\$26,602,699

ONGOING GRANT AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Grant Award	Total Project Cost
State Water Resources Control Board (SWRCB)	Proposition 68	Chino Basin Improvement and Groundwater Cleanup Operations and Maintenance Project	\$2,700,000	\$5,462,456
State Water Resources Control Board (SWRCB)	Proposition 1 Stormwater	Stormwater Grant: Wineville Basin, Jurupa Basin, RP-3 Basin Improvements, and Pumping and Conveyance System Project	\$9,800,000	\$22,040,252

ONGOING TAX CREDITS

Funding Agency	Funding Program	IEUA Project/Program	Tax Credit Award	Total Project Cost
California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA)	Sales and Use Tax Exclusion Program	RP-5 Expansion Project	\$6,000,000	\$450,000,000

GRANT / LOAN ACTIVITY

ONGOING LOAN AWARDS

Funding Agency	Funding Program	IEUA Project/Program	Loan Award	Total Project Cost
State Water Resources Control Board (SWRCB)	Clean Water State Revolving Fund (CWSRF)	RP-5 Construction Loan	\$101,000,000	\$450,000,000
State Water Resources Control Board (SWRCB)	Clean Water State Revolving Fund (CWSRF)	Recharge Master Plan Update Construction- Wineville, Jurupa RP- 3	\$15,000,000	\$26,200,809
State Water Resources Control Board (SWRCB)	Clean Water State Revolving Fund (CWSRF)	RMPU Construction- Lower Day	\$2,883,000	\$4,008,000
State Water Resources Control Board(SWRCB)	Clean Water State Revolving Fund (CWSRF)	RMPU Construction- Montclair	\$2,000,000	\$2,062,000

Regulatory Activity

IEUA's advocacy efforts at the State level on regulatory issues has crossed broad sectors from funding challenges to conservation.



IEUA had the opportunity to provide feedback on the draft Rulemaking for the regulatory framework known as "Making Conservation a California Way of Life". As a regional water supplier, wastewater collections and treatment agency, and recycled water provider, IEUA voiced several concerns about the ability and cost to implement the draft regulations under consideration. IEUA shared that the only way to meet compliance in our service area is through landscape conservation, which would carry a significant price tag, nearly \$1 billion by 2035. IEUA also voiced our concern over the validity of cost assumptions derived from the Standardized Regulatory Impact Assessment (SRIA), as well as the definition of disadvantaged communities used in the regulatory framework. IEUA has a long track record of supporting water-use efficiency programs and is supportive of maintaining momentum around these programs in a cost-effective and sustainable manner.



IEUA worked with both CASA and ACWA to ensure that California Air Resources Board's (CARB) Advanced Clean Fleet Regulation had a path to compliance that did not put public health or essential services at risk for water and wastewater utilities and promoted the continued use of biomethane. This included helping draft and sign onto advocacy letters, participating in CASA and ACWA workgroups, and providing both informal and formal comments to CARB. IEUA staff provided public testimony at CARB, presented to the IEUA Board on impacts the regulation will have on our Agency, and met with CARB Board members through CASA. The result was improved regulation language that highlighted the need to continue to work with CASA on implementation and eventually the passing of AB 1594 that allows public agency utilities to purchase alternatives to maintain services during major foreseeable events.

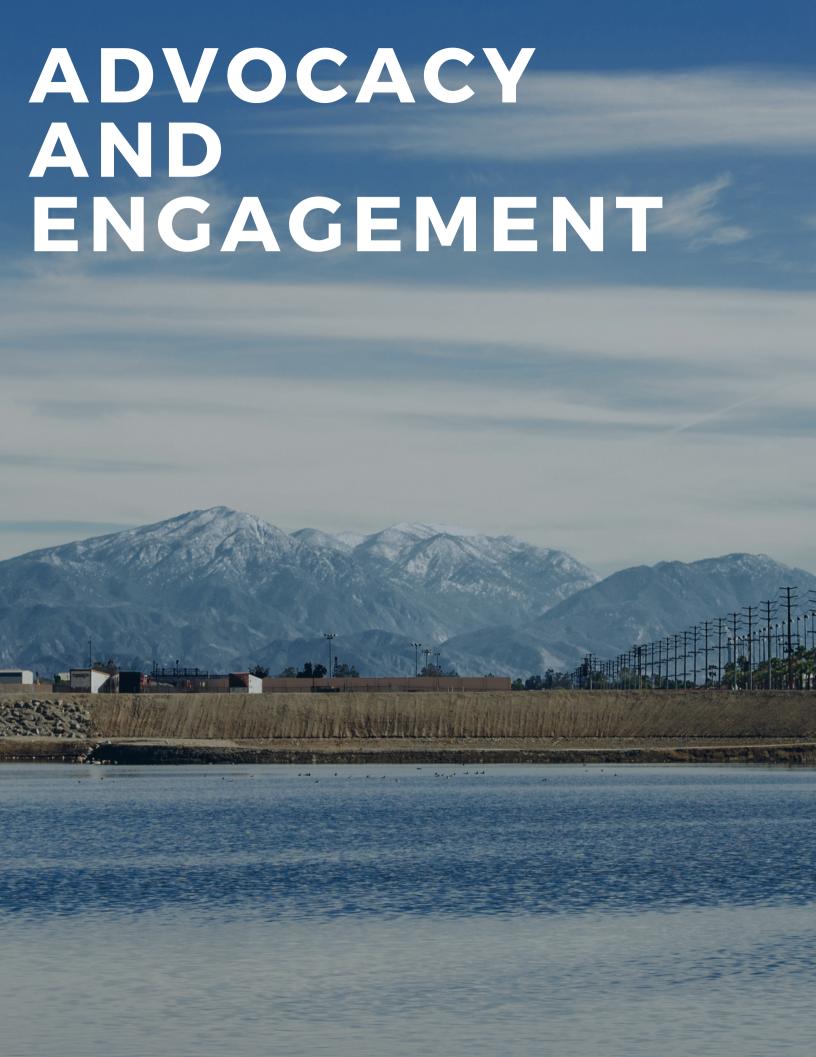


The California State Water Resources Control Board allowed for the opportunity to provide feedback and comment on the FY2023-24 Intended Use Plan (IUP) issued for the Clean Water State Revolving Fund (CWSRF). Over the last 20 years, the State Revolving Fund (SRF) Program has been instrumental in financial and resource planning at IEUA. The reduction in funds allocated for FY23-24 caused much concern for wastewater treatment agencies across the state. IEUA submitted a comment letter to the State Board indicating that this lack of funding creates challenges for agencies to plan and execute important projects that would contribute to local water reliability and community well-being for future generations. The potential inability to leverage SRF funding for critical infrastructure projects will likely increase the overall costs of projects due to a need to seek alternative financing at higher interest rates – further impacting ratepayers. IEUA supported a funding cap of \$50 million per project in order to allow for more projects to receive funding in FY23-24.



In order to improve the SRF program process and scoring, the State Water Resources Control Board staff have been developing policy amendments for the Board's consideration. IEUA was able to preview those policy amendments in November and provide comments, asking the State Board to prioritize recycled water projects, continue flexibility in the agreement negotiation process, and ensure that any measure of affordability that is built into scoring is the most equitable across all agencies. It is anticipated that the next draft of policy amendments will be available for review in January 2024.

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IEUA had the opportunity to meet with Congressman Pete Aguilar, Congresswoman Young Kim, and Congresswoman Norma Torres in Washington D.C. to discuss IEUA initiatives, projects, & priorities. We appreciate the support of our delegation to ensure a plentiful, safe water supply is available to our community now and in the future.







ROUNDTABLES WITH REP NORMA TORRES



2023 Water Roundtable

IEUA staff met with Congresswoman Norma Torres to discuss cybersecurity, innovation & infrastructure, climate change & water retention, and equity & access.

2023 Special Districts Roundtable

Hosted by the California
Special District Association,
IEUA had another opportunity
to meet with Congresswoman
Norma Torres along with District
Office staff and D.C. legislative
staff.



Inland Empire Regional Composting Facility Tours

INLAND EMPIRE REGIONAL COMPOSTING A U T H O R L T Y

Pictured: Congresswoman Norma J. Torres and IEUA Board Vice President Steve Elie

On September 7, IEUA had the distinct honor of hosting Congresswoman Norma J. Torres for a tour of the Inland Empire Regional Composting Facility (IERCF).

Congresswoman Norma Torres



Pictured: Compost Facility Superintendent Jeff King, Compost Facility Superintendent Arin Boughan, Congresswoman Norma J. Torres, IEUA Board Vice President Steve Elie, Sales Coordinator Marcus Coulombe, and IEUA Deputy General Manger Christiana Daisy

Pictured is Director Michael Camacho, IEUA Board President Marco

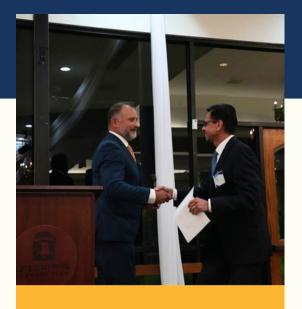
Pictured is Director Michael Camacho, IEUA Board President Marco Tule, Senator Josh Newman, and Compost Facility Superintendent, Jeff King

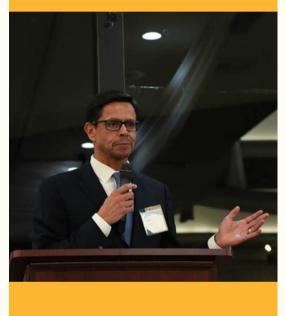
On June 10, IEUA had the distinct honor of hosting Senator Josh Newman.

CA State Senator Josh Newman



MWD Chair Ortega Welcome Reception and Update on California's Water Supply







IEUA was pleased to host a Welcome Reception for the Metropolitan Water District of Southern California's (MWD) newly appointed Chair, Adán Ortega. Leaders from the region convened to honor the appointment of Chairman Ortega to the MWD Board of Directors in January 2023. Chair Ortega provided an update on California's water supply initiatives and his priorities for MWD in 2023.



IEUA CELEBRATES 20 YEARS OF WATER-USE EFFICIENCY

MAY 2023







During the Inland Empire Utilities Agency's May Board Workshop, IEUA staff commemorated the 20th anniversary of the Agency's water-use efficiency programs. The Agency's water-use efficiency programs have helped save the region approximately 150,000 acre-feet of water, enough to fill roughly 150,000 football fields with one foot of water each. Staff were joined by regional partners and legislative representatives from the office of Senator Josh Newman, Assemblymember Freddie Rodriguez, and Assemblyman Phillip Chen, all of whom play a critical role in implementing and supporting water-use efficiency programs throughout the region. During the workshop, IEUA staff delivered a presentation highlighting the many accomplishments of the region.

MONTCLAIR #2 SPILLWAY REPLACEMENT PROJECT RIBBON CUTTING

CBWCD and IEUA received a \$1 million joint grant from Metropolitan Water District (MWD) under the Stormwater for Recharge Pilot Program.

In January 2023, the Chino Basin Water Conservation District (CBWCD) hosted a ribbon cutting to celebrate the completion of the Montclair #2 Spillway replacement project. This spillway complements a planned inlet diversion project by IEUA that will increase stormwater capture by an additional 96 acrefeet per year – enough to serve almost 200 families for a year.



"IEUA takes pride in our relationship with regional agencies, and we are proud to partner with the Chino Basin Water Conservation District and the Metropolitan Water District of Southern California to advance our agencies' goals of protecting and preserving the quality of life for residents throughout the Basin. Through this collaboration, we will be able to capture more stormwater annually for use within our region. Projects like this are essential to persevering through this unprecedented, severe drought."







Good Morning Ontario: San Bernardino County Fourth District Supervisor

CURT HAGMAN

IEUA was honored to host supervisor Curt Hagman and the Greater Ontario Business Council in February. The event included insightful presentations and a tour of the Chino Creek Wetlands and Educational Park located behind IEUA's Chino Headquarters.











As we close this report, we reflect on a year of significant changes at both the State and Federal levels, with several issues still on the horizon as we head into 2024. IEUA's engagement with Federal and State representatives has been crucial in advocating for our projects, and effective priorities to ensure we can continue to receive funding in support of a plentiful, safe water supply for our community. We look forward to continuing our collaboration with our State and Federal partners to address the challenges and opportunities that lie ahead.



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