

Metropolitan Water District of Southern California

State Legislation Matrix 5/8/12

Bill Author	Amended Date; Location	Title – Summary	MWD Position	Effects on Metropolitan
AB 403 Campos (D) Sponsor: Author	7/12/2011; Senate Desk	Public Drinking Water Standards – Will facilitate adoption of maximum contaminant level (MCL) for hexavalent chromium (chrom VI) by expediting Department of Finance regulatory review. Also provides for periodic updates by Department of Public Health on any delays in establishing standard.	SUPPORT pursuant to board action on 5/10/11	MCL for chrom VI was initially required by SB 351 by then-Senator Deborah Ortiz (Chapter 602, Statutes of 2001). AB 403 will ensure that DPH complies in timely manner.
AB 467 Eng (D) Sponsor: Author	1/26/2012; Senate Environmental Quality Committee: 05/14/2012	Proposition 84 – Modifies allocation of Prop. 84 funds collected from responsible parties for groundwater contamination cleanup.	PENDING (supported prior amend pursuant to board action on 5/10/2011)	Greater availability of groundwater as regional resource through increased funding for treatment and remediation of contaminated sites will benefit region and provide increased water supply reliability within Metropolitan’s service area.
AB 1508 Carter (D) Sponsor: San Bernardino County Sheriff	04/19/2012; Assembly Floor	Junk Dealers and Recyclers: Nonferrous Materials – Strengthens payment restrictions for recycling nonferrous materials to create financial disincentive for individuals to sell stolen materials and to ensure junk dealers and recyclers perform due diligence through enhanced record keeping.	SUPPORT pursuant to board action on 04/10/2012	Metropolitan facilities and property have not been immune to metal theft. Metal theft not only presents potential public safety threats but also increases direct costs for repair and replacement.

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<p>AB 1620 Wieckowski (D)</p> <p>Sponsor: Author</p>	<p>As introduced; Senate Environmental Quality Committee: 05/14/2012</p>	<p>Hazardous Waste: Treatment – Seeks to reduce permitting requirements for hazardous waste treatment for very low risk waste treatment. Proposed categories of low risk waste management were developed by Southern California Technical Hazardous Waste Advisory Group to the Certified Unified Program Agency (CUPA) Forum Board.</p>	<p>WATCH (pending further amendments) pursuant to 2012 legislative strategy adopted 12/13/11</p>	<p>Omnibus bill for advancing reforms to Certified Uniform Program Agencies (CUPAs) to address inconsistencies relative to hazardous substance and hazardous material release.</p>
<p>AB 1686 Jeffries (R)</p> <p>Sponsor: Author</p>	<p>As introduced; Died in Assembly Water, Parks and Wildlife Committee</p>	<p>Lake Mathews – Would have required that Lake Mathews be made publicly accessible for recreation such as boating, fishing and hiking.</p>	<p>OPPOSE pursuant to board action on 03/14/2012</p>	<p>Would violate existing legal obligations to protect environmental land values and mitigation lands at Lake Mathews and surrounding watershed.</p>
<p>AB 1771 Valadao (R)</p> <p>Sponsor: Author</p>	<p>04/19/2012; Failed passage in Assembly Natural Resources Committee</p>	<p>Renewable Energy Resources: Hydroelectric – Would revise definition of eligible renewable energy source for purposes of California’s renewable portfolio standard to include hydroelectric facilities of any size.</p>	<p>SUPPORT pursuant to 2012 legislative strategy adopted 12/13/11</p>	<p>Due to regional and national emphasis on development of renewable, green energy and Metropolitan’s own goal to develop cost-effective renewable energy while reducing its carbon footprint, Metropolitan supports legislation to qualify all hydropower generation as renewable. Arbitrary limits to qualify hydroelectric generation are not justifiable and hinder development.</p>

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<p style="text-align: center;">AB 1813 Buchanan (D)</p> <p style="text-align: center;">Sponsor: Author</p>	<p style="text-align: center;">03/29/2012; Died in Assembly Water, Parks and Wildlife Committee</p>	<p>Delta Reform Act of 2009: Would require, in lieu of reporting Delta diversions as required in 2009 Delta package, that data from DWR be used to determine Net Delta Outflow Index along with modeling or satellite imagery. Would also require SWRCB to adopt Delta flow criteria by certain date despite SWRCB already complying with existing law.</p>	<p style="text-align: center;">OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>While satellite imagery could provide reasonable estimate of annual consumptive use, it is not adequate to show whether diverter is diverting water consistent with his/her water right. Without information on quantity and timing of all significant diversions in estuary, efforts to better manage struggling ecosystem will be compromised. SWRCB has undertaken update on Bay Delta Water Quality Control Plan. AB 1813 also presupposes outcome of ongoing SWRCB process.</p>
<p style="text-align: center;">AB 1871 Logue (R)</p> <p style="text-align: center;">Sponsor: Author</p>	<p style="text-align: center;">04/16/2012; Died in Assembly Water, Parks and Wildlife Committee</p>	<p>Delta Plan – Prohibits Delta Stewardship Council from adopting Delta Plan until after completion of Bay Delta Conservation Plan (BDCP).</p>	<p style="text-align: center;">OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>2009 Delta package has already established safeguards by identifying specific criteria that BDCP must meet prior to incorporation into Delta Plan.</p>
<p style="text-align: center;">AB 1884 Buchanan (D)</p> <p style="text-align: center;">Sponsor: Author</p>	<p style="text-align: center;">03/29/2012; Died in Assembly Water, Parks and Wildlife Committee</p>	<p>Delta Reform Act of 2009: Covered Actions - Exempts from “covered action” review by Delta Stewardship Council: levee improvements and other flood control projects in defined secondary zone; fully permitted habitat conservation and agriculture mitigation plans and programs within primary and secondary zones of Delta; projects in secondary zone that have received CEQA certification or involve vested rights as of effective date of Delta Plan; all categorical CEQA exemptions; agricultural employee housing; low-income housing; and infill residential projects and other infill development projects.</p>	<p style="text-align: center;">OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>AB 1884 begs the question - - what activities would remain covered action? Breadth and scope of requested exemptions would seriously impact existing state policy designed to advance co-equal goals of water supply reliability and ecosystem restoration.</p>

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<p style="text-align: center;">AB 2000 Huber (D)</p> <p style="text-align: center;">Sponsor: Delta Counties Coalition</p>	<p style="text-align: center;">04/16/2012; Failed passage in Assembly Water, Parks and Wildlife Committee</p>	<p>Delta: Conveyance Facility – Directs Department of Water Resources to withdraw from existing BDCP funding agreement and enter into new agreement only if list of requirements are met, including giving Delta counties decision-making authority over BDCP implementation. Also directs that BDCP evaluate non-diversion alternatives and requires independent review of science behind BDCP. Also seeks to appropriate all remaining levee improvement funding from Propositions 84 and 1E. Also eliminates two gubernatorial appointees to Delta Stewardship Council and would instead designate Vice Chairperson and another member of Delta Protection Commission to complete seven-member council.</p>	<p style="text-align: center;">OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>Opponents question wisdom and legality of requiring DWR to abandon existing funding agreement during final months of planning process. 2009 Delta Reform Act directed Delta Stewardship Council to recommend strategy for reducing risks to people, property and state interests in Delta by promoting effective emergency preparedness, appropriate land uses and strategic levee investments. In addition, key component 2009 Delta package was creation of new governance structure to coordinate activities of many state and local agencies with jurisdiction and responsibilities in Delta. The “hybrid” governance structure was specifically designed to fairly balance diverse expertise and provide statewide perspective. AB 2000 will disrupt this critical balance.</p>
<p style="text-align: center;">AB 2011 Gatto (D)</p> <p style="text-align: center;">Sponsor: Author</p>	<p style="text-align: center;">04/18/2012; Assembly Appropriations Committee</p>	<p>Water Conservation: Allocates \$50 million from Safe, Clean and Reliable Drinking Water Supply Act of 2012 to fund grants that will allow local agencies to make low-interest loans that assist their customers in carrying out water conservation retrofit projects.</p>	<p style="text-align: center;">SUPPORT pursuant to board-adopted water use efficiency principles</p>	<p>Is intended to complement efforts by regional and local water agencies to improve water use efficiency by promoting individual property efficiency improvements. Would allow water suppliers to offer upfront funding to private property owners to pay for costly water use efficiency improvements, including advanced technologies and products. Willing property owners would be required to repay the water supplier over an extended period of time, making the funding available for additional improvements.</p>

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<p>AB 2230 Gatto (D)</p> <p>Sponsor: Author</p>	<p>As introduced; Senate Natural Resources and Water Committee</p>	<p>Recycled Water: Car Washes – Would require in-bay carwashes or conveyer car washes, permitted and constructed after 1/1/2014, to either install, use and maintain water recycling system, as defined, that reuses at least 60% of the wash and rinse water or requires car washes to enter into contract with retail water supplier to use recycled water to wash and rinse vehicles.</p>	<p>SUPPORT pursuant to board-adopted water recycling policy principles</p>	<p>Would improve water use efficiency requirements in new in-bay and conveyer type car washes which should help member agencies achieve 20x2020 reductions and reduce water waste. Would also expand local recycled water uses consistent with protection of public health.</p>
<p>AB 2398 Hueso (D)</p> <p>Sponsor: WaterReuse Association; SDCWA; Eastern MWD; and IRWD</p>	<p>04/16/2012; Assembly Appropriations Committee</p>	<p>Water Recycling: Would enact Water Recycling Act of 2012 to add and amend various sections of Health and Safety, Government, Public Utilities and Water Codes relating to water recycling. Would establish statewide goal to recycle total of 1.5 maf/year by year 2020 and 2.5 maf/year by 2030. Significant statutory changes are proposed to exclude recycled water from regulation as waste. Would also establish Water Recycling Permit Fund to deposit permit filing fees to Research Fund. Also requires certain civil penalties be deposited into fund to help address costs for implementation of bill.</p>	<p>SUPPORT pursuant to board-adopted water recycling policy principles and 2012 legislative strategy adopted 12/13/11</p>	<p>AB 2398 will help foster and advance workable strategies for recycled water project implementation throughout California. Water recycling is an important asset within our region’s diverse local resource portfolio and helps bring greater water supply reliability to Southern California.</p>
<p>AB 2421 B. Berryhill (R)</p> <p>Sponsor: Author</p>	<p>04/12/2012; Assembly Appropriations Committee</p>	<p>Bay Delta Conservation Plan – Would require independent third party to conduct cost-benefit analysis for any project being submitted by Bay Delta Conservation Plan (BDCP) to Delta Plan.</p>	<p>OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>AB 2421 is redundant and unnecessary. Chapter 8 in draft BDCP outlines implementation cost estimates over proposed 50-year term of Plan, including costs related to each primary component. Resources Agency has also commissioned full and comprehensive analysis of habitat and conveyance benefits under BDCP for release in May 2012.</p>

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<p>AB 2422 B. Berryhill (R)</p> <p>Sponsor: Author</p>	<p>03/29/2012; Assembly Appropriations Committee</p>	<p>Delta: Western Delta Intakes Concept: Requires DWR to perform expedited evaluation and feasibility study of Western Delta Intakes Concept, in consultation with DFG.</p>	<p>OPPOSE pursuant to board-adopted Delta Action Plan</p>	<p>Fifteen Delta conveyance alternatives and one “no-action” alternative are being fully analyzed under BDCP. Various combinations of water conveyance configurations, capacities, operations, and habitat restoration, and effects on biological resources and hydrology are being evaluated. Throwing another variation into mix would unnecessarily divert attention and already-limited DWR resources from current process.</p>
<p>AB 2423 B. Berryhill (R)</p> <p>Sponsor: Author</p>	<p>As introduced; Assembly Desk</p>	<p>Comprehensive Sacramento-San Joaquin Delta Planning – Existing law requires Delta Stewardship Council to develop, adopt and commence implementation of Delta Plan by January 1, 2012. AB 2423 makes nonsubstantive change to Water Code Section 85300.</p>	<p>WATCH pursuant to board-adopted Delta Action Plan</p>	<p>“Spot” (placeholder) bill.</p>
<p>AB 2595 Hall (D)</p> <p>Sponsor: CalDesal Coalition</p>	<p>05/01/2012; Assembly Appropriations Committee</p>	<p>Desalination: Directs Ocean Protection Council to establish task force to review and assess all currently required permitting processes for planning, design, construction and operation of desalination facilities. Task force to report back to Legislature by December 31, 2014, with recommendations to improve permitting process without changing regulatory standards that protect environment.</p>	<p>SUPPORT pursuant to 2012 legislative strategy adopted 12/13/11</p>	<p>Task force would be tasked with making recommendations to streamline, consolidate and coordinate permitting processes by all relevant state regulatory agencies. Given growing interest in desalination as an option, time has come to design more workable approval process.</p>

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<p align="center">SB 52 Steinberg (D)</p> <p align="center">Sponsor: Author</p>	<p align="center">01/31/2012; Assembly Rules Committee; pending committee assignment</p>	<p>California Environmental Quality Act: Provides technical clarification of definitions in AB 900 (Buchanan/Gordon), Chapter 354, Statutes of 2011. Requires lead agency to notify Resources Agency Secretary if applicant provides notification; clarifies that \$100 million minimum project investment is spent on planning, design and project construction; clarifies procedures relating to action or proceeding alleging violation of CEQA; and clarifies cross references to specified notice, among other provisions.</p>	<p align="center">WATCH</p>	<p>Prior version of SB 52 sought to appropriate existing Prop. 84 and 1E funds to Sacramento Regional County Sanitation District for costs associated with improvements to its regional sewage treatment plant. SB 52 was completely rewritten on 01/04/2012 to clarify certain provisions in AB 900 - - the Jobs and Economic Improvement Through Environmental Leadership Act of 2011-- which set forth procedures in CEQA for environmental leadership development projects.</p>
<p align="center">SB 200 Wolk (D)</p> <p align="center">Sponsor: Author</p>	<p align="center">01/24/2012; Assembly Water, Parks and Wildlife Committee</p>	<p>Delta Levee Maintenance: Completely rewritten to extend current maximum state contribution of 75 percent for Delta levee maintenance projects until July 2014 as “interim” step until Delta Stewardship Council recommends priorities and strategy for future Delta levee investments.</p>	<p align="center">WATCH</p>	<p>Prior version of SB 200 required that any state agency responsible for authorizing or implementing conservation measures within Bay Delta Conservation Plan (BDCP), prior to authorizing or taking action, ensure that action is consistent with new and specified requirements. Bill no longer germane to BDCP.</p>
<p align="center">SB 250 Rubio (D)</p> <p align="center">Sponsor: Author</p>	<p align="center">08/29/2011; Assembly Rules Committee; pending committee assignment</p>	<p>Delta Plan: Conveyance Facility: Requires Department of Water Resources to complete the planning process to develop new Delta conveyance facilities by February 15, 2013, and for construction to be completed by December 31, 2025.</p>	<p align="center">SUPPORT pursuant to board action on 9/13/11</p>	<p>Timely completion of Bay Delta Conservation Plan (BDCP) is crucial step toward ensuring healthy Delta environment and long-term water supply reliability for all Californians. SB 250 will help keep BDCP on track and demonstrate state’s commitment to completing BDCP consistent with timelines advanced by Brown and Obama Administrations.</p>

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<p>SB 900 Leno (D)</p> <p>Sponsor: Author</p>	<p>04/26/2012; Conference Committee</p>	<p>Mortgages and Deeds of Trust: Foreclosures – Amended recently to address state’s foreclosure laws. Earlier version sought modifications to conflict of interest requirements for appointees to Regional Water Quality Control Boards.</p>	<p>WATCH</p>	<p>Was completely rewritten to address deceptive practices associated with loan modifications and foreclosures. Bill is no longer of interest to Metropolitan.</p>
<p>SB 1045 Emmerson (R)</p> <p>Sponsor: Eastern Municipal Water District</p>	<p>04/17/2012; Senate Floor</p>	<p>Metal Theft – Companion bill to SB 1387 (Emmerson). Would provide that any junk dealer or recycler who possesses fire hydrant, fire department connection or backflow device or connection, without written certification from agency or utility owning or previously owning material, is subject to civil damages for wrongful possession of said material. Liability would be actual damages incurred by agency or utility, including value and cost of replacement, labor and cost of repair caused by removal.</p>	<p>SUPPORT- pursuant to board action on 4/10/12</p>	<p>Strengthens protections in existing law by providing Metropolitan, its member agencies and other public agencies increased protection against metal theft by imposing civil penalties. Provides additional tools to identify and prosecute metal thieves by providing deterrents to individuals who illegally acquire these metal items and junk dealers or recyclers from unknowingly accepting such materials.</p>
<p>SB 1094 Kehoe (D)</p> <p>Sponsor: California Council of Land Trusts</p>	<p>04/19/2012; Senate Appropriations Committee</p>	<p>Land Use: Mitigation Lands – Authorizes the state, city, county and specified special districts to hold specified endowment funds for land protected for environmental mitigation.</p>	<p>SUPPORT based upon historical practice</p>	<p>Existing law is unclear regarding whether or not a public agency that holds title to its own mitigation property can hold and manage endowment funds. Interpretation could subject Metropolitan to pay out endowment funds to another agency or private entity to manage lands that it provides for environmental mitigation. Recent amendment to SB 1094 was broadened to give Metropolitan clear authority.</p>

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<p style="text-align: center;">SB 1251 Evans (D)</p> <p style="text-align: center;">Sponsor: Author</p>	<p style="text-align: center;">05/01/2012; Senate Appropriations Committee</p>	<p>Aquatic Invasive Species: Establishes aquatic invasive species task force to help develop and implement improved and comprehensive control programs for all invasive species.</p>	<p>SUPPORT pursuant to source water protection policy principles and historical practice</p>	<p>Aquatic invasive species continue to threaten reliability of water supplies imported from Delta, Colorado River and Metropolitan’s own reservoirs. SB 1251 could strengthen and improve state’s program for controlling invasive species in the state’s waters.</p>
<p style="text-align: center;">SB 1387 Emmerson (R)</p> <p style="text-align: center;">Sponsor: Eastern Municipal Water District</p>	<p style="text-align: center;">04/19/2012; Senate Appropriations Committee: 05/07/2012 hearing</p>	<p>Metal theft – Companion bill to SB 1045 (Emmerson). Prohibits junk dealers or recyclers from possessing manhole covers, backflow devices or fire hydrants, unless specified authorization from utility or public agency is provided. Imposes criminal penalties for violations.</p>	<p>SUPPORT – pursuant to board action on 4/10/2012</p>	<p>Over the last five years, Metropolitan has experienced multiple metal theft incidents that involve manhole covers – as well as aluminum fencing, posts, gates and copper grounding cables. SB 1387 will help address costs and repairs associated with metal theft.</p>
<p style="text-align: center;">SB 1495 Wolk (D)</p> <p style="text-align: center;">Sponsor: Ports of Stockton and West Sacramento</p>	<p style="text-align: center;">04/16/2012; Assembly Desk</p>	<p>Delta Reform Act of 2009: Excludes from definition of "covered actions:" (1) leases approved by special district formed under Harbors and Navigation Code if uses proposed by lease are authorized by applicable general plan and zoning ordinances of city where special district is located and special district complies with CEQA prior to approving lease. Bill also excludes from “covered action” dredging activities necessary for routine maintenance of certain facilities operated by Ports of Stockton and West Sacramento.</p>	<p>PENDING pursuant to board-adopted Delta Action Plan</p>	<p>SB 1495, as currently written, is very broad, without any parameters about what kind of large or small dredging projects the exemption would cover. While dredging in certain Delta channels may make sense to support shipping activity in region, excluding <u>all</u> dredging from definition of covered action could allow dredging activities that are inconsistent with Delta Plan and co-equal goals established by Legislature in 2009. Most recently, the author, sponsors, Metropolitan, ACWA and Westlands Water District negotiated amendments which, once in print, will move Metropolitan, ACWA and Westlands to “watch” position.</p>

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<p style="text-align: center;">SB 1535 Padilla (D)</p> <p style="text-align: center;">Sponsor: Metropolitan Water District of Southern California</p>	<p style="text-align: center;">04/25/2012; Senate Environmental Quality Committee: 05/14/2012</p>	<p>AB 32: Cap and Trade - Seeks to provide equitable regulation of greenhouse gas emissions by Metropolitan for its purchase of supplemental power solely for purpose of moving essential Colorado River water supplies to Southern California. California Air Resources Board (CARB) categorized Metropolitan as electrical marketer because of its purchase of supplemental, unspecified out-of-state power, even though Metropolitan does not resell this power and provides no electricity to any retail customer. Designation would require Metropolitan to participate in CARB auction process and carbon trading market to purchase greenhouse gas allowances.</p>	<p style="text-align: center;">SUPPORT pursuant to 2012 legislative strategy adopted 12/13/11</p>	<p>Metropolitan is only water utility in California regulated as electrical marketer, and unlike other regulated parties, was not given any allowances to mitigate price impacts on its ratepayers. Cost of purchasing allowances could cost Southern California water consumers as much as \$50 million annually by 2020.</p>
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