



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

January 27, 1998

To: Committee on Legislation--Information

From: *for* General Manager

Subject: Legislative Policy Principles

RECOMMENDATION

For information only.

EXECUTIVE SUMMARY

As part of the annual review of Board-adopted Legislative Policy Principles, staff recommends that the following revisions be made to the Legislative Policy Principles existing as of September 1997 for the reasons indicated.

In March, staff will provide a complete set of Legislative Policy Principles, which will incorporate previously adopted principles and new principles adopted at the February Board meeting.

Attachments

**METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA**

**BOARD LEGISLATIVE POLICY PRINCIPLES**

**February 1997**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

**BOARD-ADOPTED LEGISLATIVE POLICY PRINCIPLES**

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## WATER MARKETING/TRANSFERS POLICY

Issue: Water Marketing/Transfers

Policy Adopted: Metropolitan Administrative Code Section 4203. This policy states:

To meet its public water supply objectives in the future, Metropolitan will vigorously pursue the development of water transfers, subject to the following considerations:

- 1) Water transfers, including water marketing, will be developed only on a voluntary basis with willing partners;
- 2) A full-range of water transfer options will be pursued, including arrangements with appropriate state and federal agencies, public and private water districts, and individual water users;
- 3) Water transfers will be designed to protect and, where feasible, enhance environmental resources;
- 4) Water transfers will be designed to avoid contributing to or creating a condition of long-term groundwater overdraft;
- 5) Efforts will continue to develop water transfers in cooperation with the agricultural community, which seek to avoid unreasonable operational and financial impacts; and
- 6) Strategies will be developed to appropriately address community impacts of water transfers.

Administrative Code Section 4203 adopted by M.I. 39412 - January 14, 1992

Policy Principle adopted by M.I. 41222- January 10, 1995

## FEDERAL CLEAN WATER ACT (CWA)

Issue 1: State regulation and allocation of water resources.

Policy Adopted: Support as a general policy the states' primary authority under the CWA to allocate and regulate quantities of water within their jurisdiction and to provide a proper balance between consumptive and instream uses of water.

Issue 2: Protection of public drinking water supplies under the CWA.

Policy Adopted: Support CWA amendments to explicitly include protection of public drinking water supplies as a goal of the CWA and to incorporate drinking water supply protection into CWA programs.

Issue 3: Additional monitoring requirements for point source and agricultural discharges to surface water drinking water supplies.

Policy Adopted: Support CWA amendments requiring representative monitoring of point source and agricultural discharges to surface waters serving as direct sources of drinking water.

Issue 4: Beneficial use of reclaimed water.

Policy Adopted: Support CWA amendments authorizing site-specific water quality standards to facilitate the beneficial use of reclaimed water and discharge of reclaimed water to ephemeral and/or effluent-dominated streams.

Issue 5: Antidegradation requirements and designation of "outstanding national resource waters."

Policy Adopted: Oppose amendments to the CWA which codify antidegradation requirements, including outstanding national resource waters designation criteria, since existing USEPA regulations contain antidegradation requirements and outstanding national resource waters designation criteria and allow USEPA flexibility in implementation of these requirements.

Issue 6: Water conservation and Integrated Resource Planning under the CWA.

Policy Adopted: Support amendments to the CWA which 1) establish a national clearinghouse on water conservation technologies; 2) require evaluation of water use efficiency in pollution prevention plans; 3) require water conservation strategies as part of an optional "menu" of choices; and 4) encourage integrated resource planning.

Issue 7: Criminal liability.

Policy Adopted: Support amending the Clean Water Act and Safe Drinking Water Act to include a “willful” standard in order to impose criminal liability for violations of permits issued under those acts.

M.I. 39929 - November 10, 1992

Issues 5 and 6 added by M.I. 40496 - October 12, 1993

Issue 7 added by M.I. 41121 - November 8, 1994

## FEDERAL SAFE DRINKING WATER ACT

~~Issue: Should Metropolitan pursue legislation to amend the Safe Drinking Water Act (SDWA) and, if so, what should the amendments be?~~

~~Policy Adopted: Make selective amendments to the Act, (including some return of authority to the local government) to improve the ability to ensure safe drinking water at a reasonable cost. These amendments may include the following:~~

- ~~a. Replace the requirement of 25 new standards every three years with a periodic review of new studies.~~
- ~~b. Remove the continuous "ratcheting down" of the standards unless there are significant health benefits.~~
- ~~c. Reconsider the feasibility of granular activated carbon for the control of synthetic organic compounds.~~
- ~~d. Remove the conflicts between SDWA regulations and other environmental regulations.~~
- ~~e. Place compliance deadlines in the regulation.~~
- ~~f. Permit utilities to continue to meet existing regulation while the State is in the process of revising the rule.~~
- ~~g. Develop regulations for "interrelated" contaminants simultaneously.~~
- ~~h. Address small system compliance problems.~~
- ~~i. Require that public notification language reflect the degree of hazard.~~
- ~~j. Consult equally between the National Drinking Water Advisory Council and the Science Advisory Board.~~
- ~~k. Allow greater discretion in considering responsible use of public fiscal resources in setting drinking water regulations.~~
- ~~l. Allow municipalities to prioritize risk reduction resources and address the most pressing needs first.~~

~~\*Consider these with the understanding that during the negotiations for the Reauthorization these issues may be revised and other issues may arise.~~

~~**Reason for removal: Legislation enacted**~~



Issue: Criminal liability.

Policy Adopted: Support amending the Clean Water Act and Safe Drinking Water Act to include a “willful” standard in order to impose criminal liability for violations of permits issued under those acts.

M.I. 39928 - November 10, 1992

Criminal liability issue added by M.I. 41121 - November 8, 1994

## SOURCE WATER QUALITY PROTECTION

Issue: Protection of public drinking water supplies.

Policy Adopted: Support Clean Water Act amendments to explicitly include protection of public drinking water supplies as a goal of the Clean Water Act.

Issue: Source water protection.

Policy Adopted: Support legislation establishing partnership-based and/or regulatory-based source water protection programs, that are implemented in addition to existing water quality control requirements for point source and nonpoint source discharges, in order to facilitate resolution of source water quality problems. Support for cooperative source protection programs does not preclude support for regulatory-based programs in cases where cooperative programs are unsuccessful.

Issue: Source Water Quality Protection. Source water quality protection consists of monitoring contaminants and actively pursuing pollution prevention activities, in addition to or as part of existing regulatory programs in order to prevent or minimize the discharge of contaminants to surface waters or groundwater basins used as sources of drinking water. The source water quality protection policy issue involves optimizing the balance between source protection programs and drinking water treatment options, in order to achieve good quality drinking water at a reasonable cost.

Policy Adopted: Support federal and state legislative and regulatory proposals to establish source water quality protection programs that are consistent with the following principles:

- Provide water quality protection for surface water bodies and groundwater basins designated as public drinking water supplies, most importantly protection from sources of drinking water pollutants;
- Protect potential future uses of water bodies as drinking water supplies;
- Allow innovative approaches to source water quality protection, including incentive-based partnerships and other cooperative approaches to source protection; and
- Allow flexibility in the implementation of source water quality protection programs to allow achievement of both water quality and water management objectives, and recognize that such programs will vary from site-to-site.

Issue: Implementation of Source Water Quality Protection.

Policy Adopted: Support legislation establishing partnership-based and/or regulatory-based source water protection programs, that are implemented in addition to existing water quality control requirements for point source and nonpoint source dischargers, in order to facilitate resolution of source water quality problems. Support for cooperative source protection programs does not preclude support for regulatory-based programs in cases where cooperative programs are unsuccessful.

M.I. 39929 - November 10, 1992

Added to by M.I. 40878 - June 14, 1994

Added to by M.I. 41222 - January 10, 1995

## WATER CONSERVATION

Issue: Best Management Practices (BMP).

Policy Adopted: Continue to support the voluntary BMP process and work for increased implementation of the BMPs. Continue to monitor any efforts to develop mandatory BMP legislation and suggest, when appropriate, that such legislation be introduced only if it applies equally to urban and agricultural areas.

Issue: Integrated Resource Planning. What should Metropolitan's position be with respect to draft federal legislation on integrated resource planning that has been drafted by the NWF?

Policy Adopted: Monitor the developments of the integrated resource planning initiative and respond to any draft legislation with suggested amendments. This will allow Metropolitan to take a constructive role in the drafting of any bill before it is actually introduced.

Issue: Plumbing Fixtures. The mandated replacement of inefficient plumbing fixtures, specifically toilets, at the point of sale or transfer of real property can have a significant effect on helping water agencies meet their obligations under the BMP Memorandum of Understanding (MOU).

Policy Adopted: Support the eventual passage of a bill that would mandate the replacement of all non-low-flow plumbing fixtures upon the transfer or resale of any real property.

Issue: Water Efficient Appliances. Should Metropolitan pursue and support standards for water-using appliances such as dishwashers and washing machines?

Policy Adopted: That Metropolitan take a passive role in the development of these types of standards and reserve its active support until such time as a bill is introduced with these standards.

~~Issue: Landscaping. Should Metropolitan pursue legislation to amend the Water Conservation in Landscaping Act that would mandate standards in new construction for landscaping?~~

~~Policy Adopted: Support the Water Conservation in Landscaping Act as it is currently chaptered.~~

***Reason for removal: Accomplished***

M.I. 39936 - November 10, 1992

## GROUNDWATER MANAGEMENT

Issue: Statewide groundwater management. Should Metropolitan support or pursue legislation to improve groundwater management in California? Is it in Metropolitan's interest to support or pursue legislation that would provide the State of California authority to manage groundwater?

Policy Adopted: Support groundwater management legislation that provides for management on a local level and conforms to the following ten principles:

- Coordination with existing groundwater management programs, especially judicially-imposed programs;
- Flexible extraction and production limits that protect local rights and needs;
- Replenishment and storage to increase yield;
- Long-term overdraft protection;
- Transfers and exchanges of groundwater supplies with appropriate safeguards;
- Regional conjunctive use of groundwater storage with imported water;
- Appropriate funding mechanisms;
- Groundwater quality protection;
- Operating strategies which mitigate contamination and prevent its spread; and
- Groundwater cleanup and recovery for beneficial uses.

Issue: Contamination. Should Metropolitan pursue legislation that would prevent groundwater contamination and promote the cleanup of already contaminated groundwater?

Policies Adopted:

- Support legislation that would provide additional funding and staff to help the Regional Board accomplish their groundwater protection mission.
- Support legislation that would provide low-interest loans for groundwater treatment plants.
- Support legislation that would provide State funding for regional brine disposal projects, brine disposal being a major cost in groundwater treatment.
- Support legislation that would provide State funding for the development of economically feasible technology to remove nitrates which are a major groundwater contaminant.
- Support amendment of the federal Comprehensive Environmental Response, Compensation and Liability Act (Superfund) to expedite financial and other assistance for groundwater cleanup programs.

M.I. 39978 - December 8, 1992

Amended by M.I. 41222 - January 10, 1995

## WATER AVAILABILITY AND LAND USE

Issue: General principles for growth management legislation.

Policies Adopted: (1) Water agencies exist to provide water service and shall plan and execute all reasonable means to provide water service at a specified level of reliability to existing customers and such future customers as may be expected based upon local general plans or regionally adopted population forecasts. (2) Water agencies must adopt a minimum level of service objective for their customers as a whole or by class of service. (3) Approval for general plans and general plan amendments should not be provided unless reasonable assurance, in the form of water resource and capital improvement programs, can be given that all expected customers of the subject water agency can be served within the adopted reliability goal of the water agency. (4) Where a water agency finds it cannot reasonably meet its reliability objective and provide service to potential future customers, it shall continue to have the discretion to deny future service.

Issue: The Land Use Planning Process--General Plan.

### *Obligations of the Land Use of Planning Agencies:*

Policy Adopted: (1) Prior to the adoption of a general plan or amendment to a general plan which allows for development in an area not currently served by a public water agency, local land use agencies shall identify the water agency which will likely provide service and request that agency assess whether the proposed adoption or amendment can be reasonably accommodated within the scope of its water resource and capital program. (2) Land use planning agencies shall consider the response of the water agency in considering the general plan adoption or amendment. (3) If the water agency's water resource plans and capital improvement programs cannot reasonably accommodate the level of development posed in the proposed general plan or general plan amendment, these limitations shall be made a part of the general plan decision record of the land use planning agency.

### *Obligations of the Water Agency:*

Policy Adopted: (1) Water agencies shall maintain a water resource plan and capital improvement program which identify and provide for water management and infrastructure needs which will provide reasonable assurance that the agency's adopted reliability objective can be met for all current and expected future customers. These plans may rely on actions beyond the direct control of the agencies. Retail water agencies whose reliability is dependent upon the water supply plans of a wholesaling water agency may rely on the plans of that agency to provide assurance of future reliability. Water agencies shall provide a current copy of these plans to local land use jurisdiction which they serve. (2) Upon request of a land use planning jurisdiction to review a general plan adoption or amendment, water agencies shall assess whether the adoption or amendment can be reasonably accommodated based upon their adopted water resource plan and capital program. If the adoption or amendment cannot be reasonably accommodated, the agency shall indicate what reasonable

modifications to the water resource plan or capital program would be necessary to accommodate the adoption or amendment.

Issue: Infrastructure Financing.

Policies Adopted: (1) Financing mechanisms should be developed for general purpose and special district governments to develop adequate facilities to serve the projected growth. (2) Infrastructure financing programs should provide for new growth to pay "fair-share" relative to total infrastructure program. (3) Market mechanisms to improve the efficiency in use of natural resources and public facilities such as water transfers should be encouraged.

~~Issue: Linkage of Water Availability and Land Use.~~

~~Policy Adopted: Metropolitan will convene a Member Agency land use and water availability work group to review the Board adopted principles on growth management legislation and the amendments crafted in July 1994 by Metropolitan and Member Agency representatives to AB 2673 (Cortese, 1993/94 legislative session). The work group will meet with the supporters and opponents to determine the acceptability of a proposal crafted by the work group which conforms with the Board adopted principles on growth management legislation.~~

***Reason for removal: Legislation enacted***

M.I. 40188 - April 13, 1993

Added to by M.I. 41222 - January 10, 1995

## PERMIT STREAMLINING

Issue: Overlapping Reporting Requirements. Should Metropolitan support legislation to facilitate or simplify overlapping environmental planning, reporting, and/or notification requirements imposed by numerous federal, state, regional, and local agencies?

Policies Adopted: (1) Support legislation that promotes simplification, consolidation, and/or computerization of various environmental planning and reporting requirements. Such a position represents purely an administrative adjustment and would not impact environmental protection. (2) Participate in the regulatory development process to point out areas of planning and reporting overlap and to promote consolidation and consistency of requirements.

Issue: Duplicative Permit Requirements. Should Metropolitan support legislation to reduce duplicative permit requirements where such proposals do not interfere with maintenance or attainment of environmental quality?

Policies Adopted: (1) Support legislation that introduces specific programs of concern to Metropolitan that address and remedy symptoms of duplicative permitting. Such programs would include the establishment of pre-certification and uniform (statewide) permit applications. These change administrative requirements only, and would reduce costs and staff-time spent on permitting without adversely impacting environmental protection. (2) Scrutinize and possibly support legislation to refine and/or define agency roles where consensus solutions are proposed. Maintain open dialogue with interested parties to ultimately attain that consensus.

Issue: Streamlining Permit and Regulatory Approval Processes. Should Metropolitan actively support legislation to streamline permit and regulatory approval processes where such proposals do not interfere with maintenance or attainment of environmental quality?

Policy Adopted: Support legislation that introduces administrative improvements and/or programs with performance activities to provide streamlined processes. These programs would save Metropolitan time and money without introducing the controversy of (apparent) diminished environmental protection.

Issue: General Regulatory Reform. Should Metropolitan support legislation to generally overhaul the regulatory process to make it more efficient/less burdensome, more sensitive to the needs of the regulated community, and more responsive to the concerns of the regulated community?

Policy Adopted: Support regulatory reform in concept; scrutinize all legislative proposals as they become better defined to identify and support those that provide a true cost savings to Metropolitan while maintaining a balanced approach to environmental regulation and without compromising safety and health.



## STATE BUDGET

Issue: Shift of Special Funds.

Policy Adopted: Oppose efforts to transfer any proposed State Water Project revenues to the State General Fund as such action impairs existing contracts by the State and the State Water Contractors and between the State and its bondholders. Coordinate advocacy through local government coalitions and associations.

Issue: Colorado River Board Funding.

Policy Adopted: Directly oppose efforts to eliminate the State's contribution to fund activities of the Colorado River Board in light of the Colorado River Board's importance in facilitating discussions among California interests, as well as the critical role the Board plays in interstate, federal, and international discussions. Coordinate advocacy efforts through local government coalitions and associations to promote Metropolitan's position.

M.I. 40303 - June 15, 1993

## SPECIAL DISTRICT CONSOLIDATION

Issue: Special District Consolidation.

Policy adopted: Monitor legislation on special district consolidation but take no "official" position on the issue at this time. (Will re-examine this issue again in future)

M.I. 40291 - June 15, 1993

## WETLANDS

Issue: Avoidance of impacts to wetlands.

Policy adopted: Continue avoidance of wetlands whenever practicable and compensate for impacts.

Issue: Wetlands mitigation banking may help to address Metropolitan's wetlands mitigation needs by allowing consolidation of planting and establishment efforts. The practice is controversial, particularly with the environmental community, but has gained official acceptance by the Federal government.

Policy Adopted: Support acceptance of and enter into wetlands mitigation banking agreements to expedite project implementation.

Issue: Some of Metropolitan's activities require State and federal wetlands permits. Many of these activities are routine and have insignificant effects on wetlands. Other activities may have significant impacts, but are necessary to repair and maintain storm-damaged facilities. Permit acquisition is often a complicated and time-consuming process that creates difficulties for scheduling repair and maintenance activities that must be completed prior to an upcoming storm season.

Policies Adopted: (1) Seek legislative exemptions from wetlands permitting for certain activities (maintenance of water conveyances, construction or maintenance of access roads, operation and maintenance of reservoirs) and areas (groundwater recharge spreading areas constructed on uplands). (2) Obtain long-term (5 to 10 years) blanket permits for reasonably anticipated problem areas.

M.I. 40503 - October 12, 1993

## CALIFORNIA ENDANGERED SPECIES ACT

Issue: Multi-Species Approach. Species have traditionally been listed one at a time as threatened or endangered as data and procedural requirements have been met. The multi-species approach allows protection of many declining species associated with an area or region through one process relieving the need for individual listing of each species.

Policy Adopted: Support protection of declining species on a comprehensive, multiple species basis.

Issue: Pre-listing Agreements. Traditionally, mitigation could not be approved for impacts to a threatened or endangered species until it was listed. Pre-listing agreements remove barriers to proactive planning important to projects with lengthy planning and construction time frames.

Policy Adopted: Support continuation of pre-listing provisions provided in Section 2800 of the Fish and Game Code.

Issue: Clarify Validity of Take Permits. The state Endangered Species Act (Section 2081 of the Fish and Game Code) specifies that the Department may authorize take of endangered, threatened or candidate species for scientific, educational, or management purposes. Long-standing interpretation of this provision by the Department is to allow take for development when this supports management of the listed species. Recently, this interpretation has been challenged.

Policy Adopted: Seek legislative clarification of the code to ensure validity of take granted in connection with water supply facilities.

Issue: Accidental take of endangered species.

Policy Adopted: Support provisions decriminalizing accidental take of protected species that occurs in the course of otherwise lawful activities.

Principles Adopted in February 1996:

Proactively pursue inclusion of a voluntary natural systems management approach as an alternative track to single species protection.

Support provisions for appropriate mitigation banking where it promotes conservation of natural systems.

Support provisions for improved linkages between CESA and the California Environmental Quality Act to streamline regulatory processes.

Support general provisions for public agencies to foster responsible management of the State's ecological resources in a manner consistent with the agencies' primary mission (s) in

lieu of proposed provisions that would differentiate mitigation responsibilities for project impacts between State and non-State public agencies and the private sector.

Support provisions that would require case-by-case application of CESA protections to candidate species for the one-year period each species is reviewed to determine whether listing is warranted.

Continue to support a moderate approach to amending the CESA that improves its workability and ability to meet goals.

M.I. 40817 - May 10, 1994

Accidental take issue added by M.I. 41464 - June 13, 1995

Additional principles added by M.I. 41769 - February 13, 1996

## ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

~~Issue: "Worst Case Scenario"/Evaluation and Communication of Offsite Consequences. The proposed federal rule requires analysis of a range of release scenarios including the "worst case" as a part of the hazard assessment. This scenario is utilized for evaluation and communication to the public of potential offsite consequences including identification of all populations affected and the expected environmental damage. EPA proposed to define the worst case release as the instantaneous loss of all of the hazardous material in a process with failure of all mitigation systems (active and passive) and worst possible meteorological conditions. Metropolitan staff (and numerous other entities including the American Water Works Association, local emergency planners, and other public agencies) opposed this definition on the basis of technical arguments. For example, for many listed chemicals (including chlorine), instantaneous evaporation resulting in a large volume release is physically impossible except under the most extreme (and implausible) conditions. Furthermore, the development of unlikely scenarios does not minimize the potential risk of release of hazardous materials, adds to the already significant cost of implementing the Risk Management Program (RMP), and needlessly alarms a public that would not be affected by an actual release. The counter argument (as posed by the Environmental Protection Agency, or EPA) is that the definition will define for the public the extreme worst case and allow for comparison of results.~~

~~Policy Adopted: Support technically justified alternatives to the "worst case" definition, such as the EPA recommendation in "Technical Guidance for Hazard Analysis" (or Green Book), to provide the potentially affected public with useful information by which to assess the relative hazards associated with facilities in their communities.~~

~~*Reason for removal: Policy is resolved. Federal and State Risk Management Plan rules incorporate a 10-minute release parameter which is general consistent with USEPA Green Book "credible worst case". Any remaining issues will be addressed in the context of risk communication.*~~

~~Issue: Generic RMPs/Model Programs. The proposed federal rule provides for development of model programs to simplify compliance for targeted industries. EPA specifically identified water treatment as a likely candidate since facilities are, for the most part, using the same chemicals in the same way, with similar types of equipment and processes. The similarity would allow for development of guidance on required elements and substantially simplify and reduce the cost of compliance for these facilities. In addition, existing California law governing Risk Management Prevention Programs (RMPPs) allows preparation of generic documents for facilities under one owner where they are substantially identical and the handling of acutely hazardous materials is substantially similar.~~

~~Policy Adopted: (1) Support inclusion of language to authorize generic documents and to require development of model programs for appropriate industries, including water treatment and delivery. (2) Support generic documents for multiple facilities and model programs for targeted industries in concept and promote this position through industry groups such as ACWA or California Council for Environmental and Economic Balance (CCEEB).~~

***Reason for removal: Policy is no longer in legislative arena. Model plans for water and wastewater treatment have been funded by EPA and industry groups. The California Accidental Release Planning Program (CalARP) regulations allow model plans under specified conditions. Issue is resolved in legislative arena. MWD continues to promote model plans in the regulatory arena.***

Issue: Coordination with Cal/OSHA PSM and Other Regulatory Requirements. Though the overall focus of the EPA RMP rule and Public Safety Management (PSM) is different (PSM focuses on worker safety while the RMP looks at offsite consequences), both requirements entail comprehensive programs to identify and minimize risks associated with handling hazardous materials. Many of the detailed requirements of each program are substantially similar such as the requirements for standard operating procedures, technical evaluation of process hazards, training and management of change. In addition, there are other regulatory requirements that parallel specific elements of the federal RMP such as emergency response planning mandated by Occupational Safety and Health Administration's Hazardous Waste Operations and Emergency Response standard.

Policy Adopted: (1) Support language to minimize duplication, clarify overlapping requirements, and to delineate agency roles. (2) Support the concept of minimizing duplication, clarifying overlapping requirements, and delineating agency roles and promote this position through industry groups such as ACWA or CCEEB.

Issue: Consistency of State/Local Requirements and Implementation. Existing RMPP requirements are codified in state law but direct implementation is on the local level, primarily through fire and health departments. Though this system works well in terms of responding to unique local issues, implementation may be inconsistent due to differences in interpretation or application of requirements. For any regional or statewide agency with facilities in multiple jurisdictions, clear and consistent implementation of requirements would facilitate compliance and thereby minimize costs.

Policy Adopted: Support language that follows existing precedent in terms of local implementation while mandating that statewide guidance be issued to eliminate the possibility of conflicting implementation by local agencies.

Issue: Secondary Containment. Public concern and awareness of issues surrounding management of hazardous materials has increased in recent years due mostly to accidents such as the General Chemical Corporation release of oleum in the San Francisco Bay Area. Though the issue of mandating secondary containment is not directly raised by comprehensive bills to implement the federal RMP, one piece of legislation by Assemblyman Tom Bates during the 1994-95 legislative session would have required containment if specified findings are made by the administering agency. The findings address issues such as the risk posed by the facility and the severity and likelihood of offsite consequences. Existing bill language does not set levels of risk, criteria for evaluation of risk, and/or consideration technological alternatives. The proposed RMP is a comprehensive, detailed technical analysis which takes into consideration a myriad of parameters. Mandating containment, even under specified conditions, frontloads the results of the analysis and as such runs counter to the intent and purpose of the federal RMP program. In proposing the rule EPA states:

...the owner or operator [must] investigate and document a plan for (or rationale for not) installing systems to detect, contain, or mitigate accidental releases if such systems are not already in place. Because accidental releases can be mitigated by the use of detection, secondary containment, and mitigation systems, facilities should consider whether the hazards they have identified can be addressed through such systems. The decision on whether such systems are the best way to address the hazards must, however, rest, in the first instance with the facility's management.

In other words, EPA believes the decision to implement containment (or any other mitigation technique) rests ultimately with the facility. Furthermore, the existing California RMPP law requires that "design, monitoring, or automatic control systems" be implemented as a part of the program and that "alarm, detection, monitoring, and automatic control devices" be considered to reduce the risk of an accident. The law does not specify that containment is required.

Policy Adopted: Oppose legislation to address the issue of containment separate from the comprehensive measures to implement the federal RMP program. Support the concept of addressing containment through a comprehensive risk assessment and management program such as that mandated by the EPA RMP requirement.

~~Issue: Management of Change. Existing RMPP requirements state that a facility will review the RMPP, notify the administering agency, and make necessary changes to the program within 60 days of implementing changes that materially affect the handling of an acutely hazardous substance. This provision has been the subject of scrutiny following the General Chemical oleum release since administering agencies maintain that had they had the chance to review the operation prior to implementation, the release would never have occurred. Nevertheless, some proposals have gone to a completely different extreme in terms of notifying the administering agency well in advance of modified operations, requiring actual changes in the risk management program, and allowing the agency to delay implementation of changes. The proposed federal rule, as well as existing PSM requirements in California, require that detailed management of change and pre-start up review elements be implemented prior to modification of facilities. Based on the technical analysis of potential hazards and the possibility of accidental release of chemicals, changes would be made to the RMP (or PSM) program to minimize the likelihood of an accidental release. Legislative proposals currently under consideration vary widely and range anywhere from notifying the administering agency and actually amending the RMP 60 days prior to making any modification to formally requiring implementation of management of change/pre-start up review and notifying the agency within a specified time period (ranging in proposals from 60 days to 48 hours prior to the modification). One proposal also allows the administering agency to take additional time, beyond the planned start-up date, to further evaluate the planned changes to the facility. Since a great amount of time, cost, and effort is involved in formally revising a risk management program, it is important that allowances be made for testing of equipment or alterations in processes that minimize the potential release of material but do not impose unnecessary administrative burdens and costs on the facility. An additional issue is the ability of facilities particularly essential public services, to respond to such events as earthquakes or other disasters and protect public health without being restricted or hampered by the requirement to provide advance notice or to revise the risk management program prior to acting.~~



~~Policy Adopted: (1) Support proposals that: rely on risk management programs such as "management of change" and "pre-start up review" to ensure that new operations are consistent with safe practices; allow for reasonable advance notice to the administering agency; give the administering agency the authority to extend their review or delay project implementation only when a finding of imminent and substantial threat of accidental release is made; and allow for final RMP revisions after the changes are implemented. (2) Support measures that recognize there are emergency circumstances under which actions must be implemented immediately and make allowances for such occurrences.~~

***Reason for removal: Issue is no longer in legislative arena. Management of change procedures are mandated in California (regulated facilities must notify their administering agency 5 days prior to implementing a change, where feasible, or within 48 hours of implementing the change).***

M.I. 40877 - June 14, 1994

## WATERSHED MANAGEMENT

Issue: Watershed Management Programs.

Policy Adopted: Support federal and state legislative and regulatory proposals to establish watershed management programs that are consistent with the following principles:

- State-level implementation of watershed management laws and regulations;
- Development of watershed management programs which recognize local primacy in basin management and land-use controls, and which facilitate cooperative working relationships among all watershed stakeholders;
- Development of watershed management plans based on site-specific conditions, needs and objectives;
- Development of watershed management plans which consider all water resources management objectives for the watershed, including source water quality protection and/or improvement, water supply availability, water supply storage, flood and erosion control, and aquatic ecosystem protection objectives;
- Inclusion of public drinking water suppliers in the group of stakeholders involved in the development of watershed management plans;
- Development of watershed management plans which address all discharges within a particular watershed, and consider their relative impacts on the watershed in the implementation of control measures; and
- Development of watershed management plans which ensure no interference with the authority of the state to manage allocation of water supplies within their jurisdiction.

Issue: Metropolitan's involvement in watershed management programs.

Policies Adopted:

- Support Metropolitan's involvement as a stakeholder in watershed management planning efforts for imported sources of supply (i.e., the Bay-Delta watershed and the multi-state Colorado River watershed), in order to work in cooperation with other interests throughout the watersheds, and ensure consideration of drinking water quality and water supply availability objectives.
- Support Metropolitan's involvement as a stakeholder working cooperatively with others on watershed management planning efforts impacting the District's locally stored water supplies.

- Support Metropolitan's coordination with Member Agencies to cooperatively participate in watershed management planning efforts impacting local sources of water supply, and to provide assistance to local primacy agencies.

M.I. 41221 - January 10, 1995

## STATE WATER PROJECT FINANCING

~~Issue: State Water Project (SWP) Financing.~~

~~Policy Adopted: While agreement on the negotiated Statement of Principles is a significant step forward, much work remains to draft the detailed contract amendment and other documents necessary to implement the Principles. Significant commitment, in both support and resources, is needed to the timely completion and enactment of this contract amendment.~~

~~SWP contract amendments of substantial scope, such as this amendment, are likely to require notification of the Legislature and potentially a Senate committee briefing. If legislative notification and/or a briefing is required, the following policy principles regarding SWP financing issues should be stressed:~~

- ~~• The underlying cause of current SWP financial problems is limited water supplies. The financial situation can be further alleviated by an aggressive program to enhance SWP supplies in a manner that is cost effective and protective of environmental resources.~~
- ~~• While the SWP currently faces significant challenges, these challenges are solvable, as evidenced by the recent State/federal Bay-Delta agreement and the successful SWP contract negotiation.~~
- ~~• The State can help meet its contractual obligations to SWP contractors by recognizing that conditions have changed since the contracts were signed three decades ago, and allowing more flexible operation and use of existing SWP facilities to meet the needs of the contractors.~~
- ~~• The Legislature should support the negotiated Statement of Principles and the implementing contract amendment.~~

*Reason for removal: Implemented through the Monterey Agreement*

M.I. 41222 - January 10, 1995

## STATE/LOCAL GOVERNMENT FINANCING

Issue: State and local government financing.

Policy Adopted: Metropolitan shall continue to monitor activities associated with the reform of state/local fiscal policies to ensure financial stability for Metropolitan and its member agencies. Staff will submit proposals as they mature to the Committee on Legislation for consideration. Staff will participate in the consensus effort coordinated by the California Council of Environmental and Economic Balance (CCEEB) to develop proposals for fiscal reform. Periodic progress reports will be made by staff on this effort to the Committee on Legislation.

M.I. 41222 - January 10, 1995

## **MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAMS**

Issue: Minority and Women-Owned Business Enterprise.

Policy Adopted: Metropolitan maintain its current MBE and WBE policy (as stated in the Metropolitan Water District Code, Sections 8300 and 8301) and continue its effort to outreach to the MBE and WBE contracting community. Staff continue to monitor the State's progress on a statewide disparity study.

### **Section 8300. Statement of Policy.**

It is the declared policy of the Metropolitan Water District of Southern California to implement a program that will aid, counsel and assist, insofar as is legally permissible, the participation of minority and women-owned business enterprises in contracts for Metropolitan properties, facilities and services.

### **Section 8301. General Manager's Responsibility to Implement Minority and Women-Owned Business Enterprise Policy.**

The General Manager shall establish, direct and monitor a detailed program implementing the Minority and Women-Owned Business Enterprise Policy herein expressed and shall take appropriate steps to cause all personnel within the organization to abide by and affirmatively support said policy.

M.I. 41222 - January 10, 1995

## COLORADO RIVER BASIN MANAGEMENT

Issue: Colorado River Basin Management.

### Policies Adopted:

- (1) Metropolitan continue to protect the rights and interests in its contracts with the United States for delivery of Colorado River water.
- (2) Metropolitan continue to seek ways to increase the reliability of its Colorado River supplies in order to operate the Colorado River Aqueduct at capacity as much of the time as is feasible. Technical committee discussions are ongoing on a regional water supply solution involving innovative strategies requiring interstate cooperation. As such, it would be premature to recommend specific methods for increasing water supply reliability through new interstate mechanisms at this time or whether federal legislation should be pursued.
- (3) Metropolitan continue to support development of a Lower Colorado River multi-species management plan to address Endangered Species Act compliance. A feasibility assessment of alternative management actions will be completed by mid-December by consultants for Arizona, California, and Nevada.
- (4) Metropolitan continue to participate with the Colorado River Board and the other Basin states in cooperative interstate efforts to control the salinity of Colorado River water.

M.I. 41222 - January 10, 1995

## FEDERAL ENDANGERED SPECIES ACT

Issue: Federal Endangered Species Act

Policies Adopted: Update Metropolitan's federal ESA policy principles and support legislative activities as follows:

- Voluntary Natural Systems Management: Proactively pursue inclusion of a voluntary natural systems management approach as an alternate track to single species protection.
- Pre-listing: Continue to support binding pre-listing agreements that are subject only to review for adherence to terms at the time of any subsequent species listing.
- Mitigation Banking: Support provisions for appropriate mitigation banking where it promotes conservation of natural systems.
- State Role: Support provisions that would allow states greater leeway in the implementation of the federal ESA.
- State Water Law: Continue to support provisions that specify that decisions of a state regulatory body pursuant to State water law would prevail over requirements of the federal ESA.
- Moderate Approach: Continue to support a moderate approach to amending the federal ESA that improves its workability and ability to meet goals.
- "No Surprises:" Continue to support statutory authorization for binding ESA compliance agreements and permits that:
  - include a defined range of adaptive management measures to provide flexibility as appropriate to refine conservation commitments and to address unforeseen circumstances over the life of the permit; and
  - provide that any modifications to the conservation plan necessary to address future unforeseen or extraordinary circumstances will not impose additional costs (dollars, land or water) on the permittee without the consent of that permittee.

M.I. 41327 - March 14, 1995; additional "no surprises" principle added by M.I. 42287 - February 11, 1997.



## INVESTMENTS

~~Issue: Accountability of Local Agency Treasurers.~~

~~Policy Adopted: Support amendments to state law requiring each local treasurer or chief fiscal officer (i) to provide, not less than annually, a written statement of investment policy to the legislative body of the local agency for its consideration, and (ii) to submit, not less than quarterly, reports to the legislative body containing a detailed description of the local agency's investment securities, including current market values, a statement of the percentage of investments in each category and a statement with respect to compliance with the written annual statement of investment policy. The reports would be required to be submitted to the legislative body within 30 days after the quarter's end.~~

~~*Reason for removal: Legislation Passed*~~

~~Issue: Leveraging of Investments.~~

~~Policy Adopted: Support amendments to state law restricting the use of leverage in local and state investment portfolios by limiting reverse repurchase agreements to the lesser of ten percent of the investment portfolio or 25 percent of the U.S. Treasury and Agency securities held in the portfolio.~~

~~*Reason for removal: Legislation Passed*~~

~~Issue: Overreacting to Orange County Crisis.~~

~~Policy Adopted: Not support other changes in state laws concerning permitted state and local investments until after reports on Orange County from the State Auditor and from federal and state law enforcement agencies have been received and reviewed.~~

~~*Reason for removal: No longer applicable*~~

Issue: Education for Local Officials.

Policy Adopted: Support efforts by the California Debt Advisory Commission, working with local agency finance officers, elected officials and associations representing them, to develop continuing education programs for state and local officials who have direct or supervisory responsibility for investments.

~~Issue: Responsibility for Investments.~~

~~Policy Adopted: Support amendments to state law designating officials responsible for local agency investments as fiduciaries and holding them to the prudent investor standard with respect to their investments.~~

***Reason for removal: Legislation passed***

Issue: Underwriters and Broker-Dealers.

Policy Adopted: Support amendments requiring broker-dealers to conform to local agency investment policies in the investments they sell to those local agencies.

Issue: Maturity of Investments.

Policy Adopted: Oppose legislation which provides additional limits on maturities of local agency investments.

Issue: Competitive Bidding of Financial Services Contracts.

Policy Adopted: Oppose legislation which restricts the award of contracts for financial services more than contracts for professional services generally.

M.I. 41326 - March 14, 1995

Four additional policies added by M.I. 41415 - May 9, 1995

## STANDARD FOR CRIMINAL LIABILITY IN ENVIRONMENTAL STATUTES

Issue: Should Metropolitan support return to a standard for environmental criminal liability for “knowing violations” such that the standard contains a distinct element of intent to violate a law, regulation, or permit requirement in order to protect Metropolitan and its employees from unjust criminal sanctions?

Policy Adopted: Advocate language in the Clean Water Act and other environmental statutes to clarify that criminal intent is an element of a knowing violation and therefore a prerequisite for establishing criminal liability. It should be stressed that this position does not promote a radical change in statute or criminal liability criteria; but rather, a clarification of what “knowingly” has traditionally been interpreted to mean.

M.I. 41328 - March 14, 1995

## COMPREHENSIVE BAY/DELTA SOLUTIONS

Issue: Bay/Delta comprehensive environmental and water supply improvements.

### Policies Adopted:

1. Continue to play a leadership role.
2. Maintain, and seek to expand, the broad coalition that developed and supported the December 15 Agreement.
3. Seek solutions that provide both strong environmental protections and high levels of water supply reliability and water quality.
4. Rely to the maximum extent possible on consensus solutions developed among the stakeholders affected.
5. Include the following essential elements into the agreement that is developed:
  - a. Ecosystem approach to environmental restoration;
  - b. Guarantees to ensure the continuance of environmental solutions;
  - c. Ecologically compatible Delta transfer facilities and possibly additional offstream responsibility;
  - e. Long-term certainty for regulatory measures which impact water supply reliability;
  - f. Adaptive management approaches to allow for adjustments when warranted;
  - g. Institutional reform, as necessary, to assure sustainability of environmental and water supply benefits;
  - h. Appropriate financing mechanisms;
  - I. Integration of existing state and federal restoration funding and environmental initiatives; and
  - j. Statewide comprehensive water management (conservation, reclamation, etc.)
6. Coordinate all legislative and other activities to assure consistency with the goals of the long-term consensus effort.

## CENTRAL VALLEY PROJECT IMPROVEMENT ACT

Issue: Develop an urban position on amendment to the Central Valley Project Improvement Act (CVPIA):

### Policies Adopted:

1. STATE-FEDERAL PROCESS - A State-federal implementation process involving formal stakeholder involvement should be used in determining reasonable, prudent and feasible methods and priorities necessary to accomplish the environmental objectives of the CVPIA.
2. ENVIRONMENTAL WATER - Use of the 800,000 acre-feet of environmental water provided under the CVPIA should be governed by the following principles:
  - Environmental restoration should be the primary purpose of the 800,000 acre-feet.
  - Consumptive use of the 800,000 acre-feet should be permitted only after its primary environmental purpose is served.
  - Water required for meeting the State Bay/Delta Water Quality Control Plan (Water Quality Plan), federal Endangered Species Act (ESA) requirements, or other federal regulatory actions should be credited toward the 800,000 acre-foot obligation.
  - Except for separate requirements for refuges and Trinity River reserved flows, the 800,000 acre-feet is a cap on the CVP's obligation to provide water for the CVPIA's environmental provisions.
  - The 800,000 acre-feet is not a cap on CVP water obligations established by the Water Quality Plan, ESA, or other regulatory actions.
3. ANADROMOUS FISH DOUBLING PLAN - An anadromous fish restoration program should be developed and implemented through a State-federal implementation process. Water for the anadromous fish restoration program should not be required in excess of the 800,000 acre-foot cap unless it is purchased from willing sellers using the Restoration Fund or other non-reimbursable funds.
4. RESTORATION FUND - The Restoration Fund should be protected in a manner sufficient to remove funding uncertainties and accomplish the environmental objectives of the CVPIA. The Restoration Fund should be combined with the State restoration fund and administered through the State-federal implementation process.

5. TRINITY RIVER - Trinity River flow reservations should be maintained at 340,000 AF until the Trinity River Flow Evaluation Study and the EIS are complete. After completion of the studies, flow reservations may be increased above 340,000 AF only through a full public process with formal stakeholder involvement.

M.I. 41504 - July 13, 1995

## DESALINATION

Policy Adopted: Metropolitan, in cooperation with national and international organizations, shall promote and lead in the development and demonstration of improved seawater desalination technologies. These activities and/or programs may be in conjunction with its member agencies and/or private and public sectors in order to provide additional, reliable potable water supplies to meet the projected demands of Southern California's growing population in the 21st century.

### Principles Adopted:

- Metropolitan shall continue to play a leadership role in the research and demonstration of seawater desalination technology.
- Metropolitan shall continue its effort to obtain research and development funding for projects from all external sources.
- Metropolitan shall protect its intellectual property rights and install and maintain internal procedures to help ensure protection.
- Metropolitan shall develop a broad coalition of public and private entities to share non-protected information, discuss opportunities and the transfer of technology, and to encourage the passage of legislation consistent with this policy.
- Metropolitan staff shall evaluate each seawater desalination project proposal on its own merits, and submit an analysis with recommendations to the Ad Hoc Committee on Energy and Desalination.

M. I. 41539 - August 22, 1995

## WATER RESOURCES AND DELTA RESTORATION ACT OF 1996

### Principles Adopted:

- Ensure that the legislation fully supports and endorses the CALFED process.
- Ensure that the legislation promotes water supply, water quality, and environmental objectives of the CALFED process.
- Ensure that the legislation serves as a building block to a long-term comprehensive Bay-Delta management plan and supports local resources and infrastructure development including reclamation, conservation, and conjunctive use consistent with Metropolitan's water supply and water quality needs.
- Support funding levels which provide for a balance between Bay-Delta restoration programs and local resources and infrastructure development.
- Promote solutions that place costs with project beneficiaries.
- Make a portion of the funds available immediately with the remainder tied to key process benchmarks.
- Include involvement by Stakeholders in decision-making on implementation of the programs.
- Resist amendments that could be interpreted to change current statutory and judicial water rights law, including the Racanelli decision and the Public Trust Doctrine.

M.I. 41770 - February 13, 1996



## TRANSFER OF THE CENTRAL VALLEY PROJECT

### Principles Adopted:

**PROCESS:** Provide for the proper legislative process of fully acknowledging and addressing the legitimate concerns and issues of all Californians including urban, environmental and other agricultural water users.

**FINANCIAL:** Ensure that any transfer of CVP assets is financed in a manner that is equitable to all users affected by CVP actions. Operations of the CVP must not have a negative effect on non-CVP users.

**ENVIRONMENTAL OBLIGATIONS:** Maintain the environmental obligations of the CVP, including the financial obligation through the Restoration Fund.

**WATER TRANSFERS:** Protect, maintain and facilitate the transfer provisions provided in existing law.

**OPERATIONS:** Protect the interests of SWP users regarding operational issues between the CVP and SWP such as the Coordinated Operations Agreement and protection of shared infrastructure and quality of water conveyed through shared facilities.

**GOVERNANCE:** Provide for an effective and proper governing entity which acknowledges and addresses the legitimate interests of all water users and the State affected by CVP actions.

**SWP INTERESTS:** Assure that any potential transfer of federal CVP assets is completed in a manner that does not preclude future alternatives for management of the SWP that may better protect the interests of its contractors.

**STATE LAW:** Assure that any action to purchase and manage the project is consistent with State law.

**CALFED PROCESS:** Assure that transfer and management of CVP assets is provided in a manner that allows for continuation and successful completion of the CALFED process to resolve water supply and environmental issues in the Bay/Delta.

## INTERSTATE WATER TRANSFERS

### Principles Adopted:

- Implementation of interstate water transfers involving Colorado River water should be on a state-to-state basis, consistent with the Law of the River.
- Interstate water transfers regarding Colorado River water must respect the existing contractual or decreed rights of Metropolitan and other Colorado River water users.
- The Colorado River Board of California should be the agency in the State's review of interstate water transfers, recognizing the unique nature of Colorado River rights and the expertise acquired by the Colorado River Board in dealing with such matters.
- Veto power should not be given, regarding Colorado River interstate water transfers or water-banking arrangements, to an agency that does not have existing authority over Metropolitan.
- Interstate water transfers should involve the transfer of "wet water," that is water conserved by extraordinary demand reduction measures or water saved pursuant to a land fallowing program.

M.I. 41848 - April 9, 1996

## ENERGY/RESTRUCTURING

### Principles Adopted:

- Continue to take appropriate actions to protect Metropolitan's investment in long-term power resources such as the Hoover power plant and the Parker power plant.
- Oppose provisions that would expand jurisdiction of the California Public Utilities Commission (CPUC) or the Federal Energy Regulatory Commission over Metropolitan's activities.
- Continue to take appropriate actions to preserve Metropolitan's existing power contract rights and avoid cost increases and shifting of stranded costs as the electric utility industry restructuring moves forward.
- Seek opportunities that may arise through deregulation to provide direct service at reduced cost to Metropolitan's water supply loads that are serviced under tariff schedules.

M.I. 41941 - June 11, 1996

## STATE REVOLVING FUND

### Principles Adopted:

Metropolitan should support legislative efforts to establish an SRF (State Revolving Fund) in California and find ways for securing matching funds so Metropolitan and its Member Agencies may realize the benefits of low-cost federal financial assistance to make needed drinking water quality improvements.

M.I. 42105 - October 8, 1996

## WHEELING

Issue: To promote effective, fair water marketing.

Policy Principles Adopted:

1. Level Playing Field: Metropolitan customers receiving comparable service must pay comparable costs for the service
2. Cost Recovery: Wheeling charges must fully recover properly allocable fixed and variable costs of conveying water through Metropolitan's system.
3. Financial Impacts: Use of Metropolitan's system for wheeling must not result in increased costs or financial harm to non-participating member agencies.
4. Previous Capital Commitments: Metropolitan's wheeling charges must recover a fair share of previously committed capital expenditures on the same basis as for customers receiving comparable service.
5. Recognition of Wheeling Benefits: Wheeling arrangements will account for measurable benefits to the Metropolitan system on a case-by-case basis as mutually agreed by the wheeling party and Metropolitan.
6. Wheeling Capacity: The use of Metropolitan's delivery system for wheeling of water supplies must not result in a reduction in Metropolitan's ability to meet its service demands from its member agencies. Beyond this, access to transportation capacity should not be unreasonably withheld.
7. Reliability: Use of Metropolitan's delivery system for the wheeling of water supplies must not result in a reduction in reliability to member agencies.
8. Water Quality: Wheeling must not result in adverse water quality impacts. Mitigation measures should be considered whenever reasonably and feasibly accomplished.
9. Resource Management: Wheeling policies and arrangements must be consistent with the commitment of Metropolitan and its member agencies to water management programs such as reclamation and conservation.
10. Wheeling Preference: Metropolitan should give priority to wheeling arrangements for member agencies before arrangements for non-members.

## WATER RECYCLING

Issue: Promote water recycling and to guide staff regarding regulatory and legislative review with respect to financing, resource management, institutional arrangements, regulatory flexibility and public awareness:

1. Support federal and state regulatory and legislative proposals to develop new financing for water recycling consistent with the following objectives:

- Increased water recycling in California and the Colorado River Basin.
- Research leading to advances in science and technology, health effects assessments, facility and regional planning, desalting and innovative demonstration projects.
- Streamlining administrative procedures for state low interest-rate loans and federal grants for projects and research.

2. Support legislation and regulations that protect or improve the quality of wastewater and source water supplies from constituent concentrations that are adverse to recycled water use.

3. Support legislation that encourages voluntary cooperation and partnership among involved agencies to foster workable strategies for recycled water project implementation.

4. Support continuous review, appropriate revision and streamlining of water recycling regulations and uniform administration consistent with experience gained in operations, public health and environmental protection.

5. Support legislation and regulations which serve to increase public education and awareness of water recycling, its benefits and safety.

M.I. 42287 - February 11, 1997

## GROWTH CHARGES

Issue: Continue to work through the Rate Refinement Process to develop alternatives and build consensus for an appropriate new growth charge.

Policies adopted:

1. Growth creating new demand in Metropolitan's service area must pay its fair share of costs to meet such demand.
2. Development of this charge will be an inclusive process involving the Member Agencies and other stakeholders in determining the appropriate costs for growth.
3. The program must be designed to work properly within the Metropolitan rate structure, generating sufficient revenues to pay for growth without creating disincentives to sound water management practices.

M.I. 42287 - February 11, 1997

**CALFED FUNDING APPROPRIATIONS AND BUDGET COORDINATION FOR THE BAY-DELTA ESTUARY**

Issue: To guide staff in working with federal and state agencies and stakeholder interests:

1. **Coordinate New and Existing Bay-Delta Funding Accounts.** Secure appropriate federal funds for a CALFED solution. Develop a process for more efficient and effective coordination of new and existing state and federal Bay-Delta restoration funds.

~~2. **Assure Corps of Engineers Involvement.** Participation in the CALFED effort by the Army Corps of Engineers has been identified as an important opportunity and appropriations for Corps efforts in the Bay-Delta will be a priority.~~

3. **Seek Funding Through Farm Bill Appropriations.** Metropolitan will work together with Bay-Delta interests to seek appropriation of 1996 Farm Bill funding for ecosystem-related projects in the Bay-Delta Estuary.

4. **Look at Full Range of Funding Options.** A full-range of options will be pursued to finance the long-term Bay-Delta solution, including new and reprioritized state and federal funds, water-user fees and private grants.

***Reason for removal: ACOE is now fully on board as a participating federal agency in CALFED***

M.I. 42287 - February 11, 1997



## AQUATIC TOXICITY MONITORING

Issue: To assess existing aquatic toxicity monitoring programs in the Sacramento-San Joaquin River Bay-Delta watershed and to develop a comprehensive, long-term monitoring program in this region:

- A comprehensive assessment of existing aquatic toxicity monitoring programs in the Sacramento and San Joaquin Rivers, as well as the Bay-Delta, is necessary so that baseline data can be developed and gaps in monitoring data identified.
- Any new, comprehensive monitoring program must focus on establishing the link between fish declines and specific toxicants.
- The scope of any new, comprehensive monitoring program must include the Sacramento and San Joaquin Rivers and tributaries, as well as the Bay-Delta.
- A long-term funding source for comprehensive aquatic toxicity monitoring must be obtained that, to the extent possible, equitably allocates financial responsibility among all necessary parties in the Sacramento-San Joaquin Bay-Delta watersheds.
- Adequate, reliable funding for a comprehensive aquatic toxicity monitoring program must be available to the appropriate implementing agency.

M.I. 42287 - February 11, 1997

## DEVELOPMENT OF GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Issue: To guide staff in discussions on legislation for development of statewide geographic information:

### **Funding and Cost Sharing**

- Support legislation that provides funding mechanisms and grant programs for the development of statewide geographic information data bases in California.
- Support legislation that encourages the formation of consortia and public-private partnerships that can work together to produce commonly-needed data.

### **Responsiveness to the Needs of GIS Users**

- Support legislation that promotes coordinated, efficient development and dissemination of geographic information and avoids restrictive policies for data access and dissemination.
- Support legislation that encourages public input to the process of developing new GIS data bases, such as creation of an advisory board to provide input to the Department of Information Technology on data needs and eligibility requirements of any funding program.
- Support the development of common framework data bases containing basic geographic information that provides a base to register other data and to ensure data collected for different themes or different organizations can be integrated and used together.

M.I. 42287 - February 11, 1997

## IMPACT OF PRIVATIZATION OF WATER QUALITY LABORATORIES

Issue: To guide discussions on privatization of water quality laboratories:

1. All water utilities, public and privately owned, should continue to have the flexibility to choose to conduct water quality analyses for compliance, special investigations or research, in their own laboratory or to contract for laboratory services with other public or private entities.

2. Metropolitan should oppose legislation that limits or constrains the ability of Metropolitan and its Member Agencies to make decisions on conducting water quality laboratory analyses.

M.I. 42287 - February 11, 1997

## **BODY-CONTACT RECREATION AT EASTSIDE RESERVOIR PROJECT**

Issue: Potential body-contact recreation activities at the main lake of the Eastside Reservoir Project.

a. Metropolitan supports the development of significant recreation facilities and activities at the Eastside Reservoir Project.

b. Body-contact activities shall not result in a significant adverse impact to the health and safety of water users and consumers and will not result in a significant degradation of secondary water quality standards (e.g., taste and odor).

c. Body-contact uses of the reservoir shall not result in unreasonable cost to consumers or member agencies resulting from potential water treatment needs.

d. Body-contact activities on the reservoir shall not unreasonably impede the Eastside Reservoir Project's primary function as a domestic water supply reservoir.

e. Body-contact recreation activities at the Eastside Reservoir Project shall not result in significantly increased liability to Metropolitan.

f. Refrain from requesting exceptions to the Health & Safety Code until the recreation feasibility planning has been completed.

M.I. 42293 - February 11, 1997