

- External Affairs May 2006 Activity Report

## Summary

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The fourth annual solar cup event at Lake Skinner was a great success, with 34 teams competing and more than 2,500 spectators attending the three-day event at Lake Skinner. In May, the press office received about 20 news media calls and issued three press releases, all concerning this year's Solar Cup competition. Stories about the event appeared in the *Inland Valley Daily Bulletin*, *Orange County Register*, *Pasadena Star News*, *Riverside Press Enterprise*, *San Gabriel Valley Tribune*, *Ventura County Star* and *Whittier Daily News* as well as on KCBS, KTLA, KABC, KNBC and Inland Empire Cable Channel 27. The Riverside Press Enterprise produced, with MWD's assistance, a special supplement about Solar Cup that was published the Sunday before the competition. The education unit conducted three Colorado River Aqueduct inspection trips, reaching 120 community members, provided in-service training to 64 teachers and DVL field trips for 354 students. There were more than 15 presentations on various topics to the public or legislative offices by staff. The district's Web sites received 72,094 hits during the same time, with a 26 percent increase in visits to the [bewaterwise.com](http://bewaterwise.com) Web site due to the current advertising campaign. Community partnering sponsored events and activities totaled \$10,300 for the month, for the Association of Water Agencies of Ventura County, the Coalition For Environment Protection, Friends of the Los Angeles River, LINC TELACU Education Foundation, Los Angeles Audubon Society, and Torrance Cultural Arts Center Foundation.

## Attachments

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MWD State Legislative Matrix

## Detailed Report

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### Initiatives

#### Bay-Delta

The House Energy and Water Development Appropriations Bill for FY 2007 was reported out of subcommittee on May 11. The bill was \$2 million above the President's budget to \$40.11 million for the CALFED program. The Appropriations bill includes \$6 million for Delta levees.

#### California Friendly™

Television and radio advertisements about the California Friendly campaign ran on all major Los Angeles and San Diego stations through May 22. Full-page ads appeared in the regional editions of *Better Homes & Gardens*, *Time*, *Newsweek* and *Sunset* magazines.

#### Community Outreach

Members of the community outreach section met with: City of Yorba Linda staff regarding construction near the Allen McColloch Pipeline and Diemer plant Oxygen Retrofit Program; Riverside County Flood Control District to develop a plan that will deter illegal and unauthorized activities on property adjacent to the San Jacinto riverbed; the Riverside Chamber of Commerce regarding the Perris Valley Pipeline; Claremont and Rancho Cucamonga officials to discuss the Rialto Feeder upgrade; and Brea officials on the status of the Diemer North Access Road improvements.

MWD hosted Los Angeles Theater Works/Monroe High School "Got Water" photo essay and exhibit May 1-12 in the Union Station Rotunda. The student exhibit, which included a photo album, emphasized water in Southern California and in their lives.

#### Education Outreach

About 400 students, representing 34 teams competed in the fourth annual Solar Cup event at Lake Skinner, May 19-21. Diamond Bar High School (Three Valleys MWD) won overall first place. Chino Hills High (Inland

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Empire UA) was second overall and the Charter Oak High School (Three Valleys MWD) was third. Among the other awards, Gabrielino High School won the Teamwork Award, Indio High School won the Spirit of Solar Cup–Bart Bezyiak Award and Murietta Valley High School won the Hottest Looking Boat Award. The three-day event drew more than 2,500 spectators and participants to Lake Skinner.

### Legislative Outreach

#### *Washington, D.C.*

U.S. Sen. Dianne Feinstein decided not to introduce national perchlorate cleanup legislation and instead introduced S. 2298, the California Perchlorate Contamination Remediation Act. No hearings have been set for her bill at this time.

#### *Sacramento*

Several bills are being closely watched for their effects on Metropolitan. Those include:

- **AB 1881 (Laird) – Landscape Water Use Efficiency**  
This measure is the vehicle for recommendations of last year's AB 2717 task force – as coordinated by the California Urban Water Conservation Council.
- **SB 1574 (Kuehl, D-Los Angeles)**  
Among other provisions, Kuehl's SB 1574 would require development of an option to reduce dependence on the Delta for water supply through greater investments in local water supplies, water use efficiency, water recycling, demand management programs, and other actions outside the Delta.
- **SB 1612 (Simitian, D-Palo Alto) – Delta Conveyance**  
In April, SB 1612 was amended to: conditionally authorize construction of a facility to transport water around the Sacramento-San Joaquin Delta; fund planning and construction of the facility through issuance of \$3 billion in state bonds; and create the Water Quality and Environmental Improvement Authority to manage and operate the facility and provide grants for environmental and drinking water quality improvement projects. The author's staff has indicated that it is highly unlikely that the bill will be pursued further this year. Nevertheless, the author and his staff maintain that they remain committed to advancing the idea over the next several years and will continue to engage stakeholders in discussions – including environmental interests, Delta water users and business interests.

#### *Regional*

Staff participated in Central Basin Municipal Water District's welcome reception for General Manager Jeff Kightlinger on May 4. Director Robert Apodaca acted as the master of ceremonies and Director Phil Pace also spoke at the event. About 200 people attended.

Staff accompanied two separate delegations of business leaders to Washington D.C. to lobby on key business issues including water; namely: requesting \$20 million to accelerate Delta Levee repairs and more than \$22 million to move the mill tailings at Moab and Endangered Species Act reform.

Metropolitan and Calleguas MWD sponsored the Association of Water Agencies of Ventura County's annual Water Symposium. More than 100 representatives from various water agencies and cities throughout the county attended the May 18 educational forum. Jeff Kightlinger was the keynote speaker.

Metropolitan hosted a Community Leaders Breakfast May 19 that included local elected officials and business leaders with state Sen. Bob Margett (R-29), whose district includes the San Gabriel Valley, Northern Orange County and the Southwestern area of San Bernardino County. The Senator's remarks highlighted the state's infrastructure debate and related bills.

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Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effect on MWD
AB 342 Baca (D)	ASSEMBLY (TWO-YEAR BILL)	<b>Perchlorate Fee</b> - Declares the intent of the Legislature to enact legislation that would authorize the Department of Toxic Substances Control to assess a fee on products that contain perchlorate and to expand those funds to treat drinking water wells contaminated with perchlorate.	Watch	Position based on Board-adopted policy principle.
AB 371 Goldberg (D)	8/30/2005; Senate Inactive File	<b>Water Recycling</b> - Seeks to: 1) create incentives in the State Water Resources Control Board's annual fee structure for publicly-owned treatment works; 2) require recycled water producers to provide the state Departments of Transportation and General Services with specified information regarding future availability of recycled water for landscaping 3) require the Department of Water Resources to develop building code standards for recycled water systems; and 4) remove "skull and crossbones" symbol for recycled water.	Support 8/15/2005	As initially introduced, this bill included several additional provisions to improve local agencies' abilities to increase delivery of recycled water. The bill has been pared down to include only non-controversial items. However, it has been made a two-year bill and is intended to serve as a vehicle should the WaterReuse Associate reach consensus on additional provisions.
AB 492 Baca (D)	5/26/2005; Senate Inactive File	<b>Hazardous Materials: Perchlorate/Business Plans</b> - Requires a business that handles perchlorate material to include, as part of its business plan and any updates to the plan, information detailing the manner in which perchlorate waste generated onsite is disposed or otherwise handled.	Watch 5/26/2005	Position based on Board-adopted policy principle.
AB 984 Laird (D)	1/4/2006; Senate Natural Resources and Water Committee	<b>Tamarisk Plant Control</b> - Authorizes a plan to control or eradicate tamarisk plants in the Colorado River Watershed. Requires collaboration with affected water agencies and other affected entities.	Support 1/4/2006	Position based on historical practice. The bill provides State support for removal of invasive species from the Colorado River watershed, which supports both environmental and water conservation goals that are supported by Metropolitan.
AB 1244 Wolk (D)	5/3/2006; Senate Natural Resources and Water Committee (TWO-YEAR BILL)	<b>CALFED Bay-Delta Program</b> - Clarifies the relationship of the California Bay-Delta Authority and its implementing agencies with the federal government with regard to the California Bay-Delta Program and to conform the state act to the federal act, requiring state agencies to cooperate with federal agencies to meet the goals of the program. Authorizes the Authority to enter into specified cooperative agreements to carry out the program. Authorizes the lead scientist to seek assistance from experts for scientific programs.	Watch 01/19/2006	In light of pending discussions on a long-term finance plan for the CALFED Bay-Delta Program and the pending fiscal/program review undertaken by the Schwarzenegger Administration, the bill was placed on the inactive file until next year to allow both efforts to proceed.

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<p>AB 1245 Wolk (D)</p>	<p>4/21/2005; Senate Natural Resources and Water Committee</p>	<p><b>CALFED Bay-Delta Program</b> - Relates to the California Bay-Delta Authority. Establishes the Environmental Water Account Fund for the benefit of the California Bay-Delta Environmental Water Account Program. Authorizes the money in the fund to be expended for the protection and recovery of fishery resources, the adjustment of the operations of the State Water Project, or the Central Valley Project, or the acquisition of water to supplement the water made available by regulation. Authorizes the acquiring or selling of water.</p>	<p>Support 04/21/2005</p>	<p>The EWA is an important element of Metropolitan's water supply reliability. In light of pending discussions on a long-term finance plan for the CALFED Bay-Delta Program and the pending fiscal/program review undertaken by the Schwarzenegger Administration, the author made the bill a two-year bill.</p>
<p>AB 1290 La Malfa (R)</p>	<p>ASSEMBLY (TWO-YEAR BILL)</p>	<p><b>Water Use Fees</b> - Declares that it is the intent of the Legislature to finance programs that were formerly funded by the imposition of fees for a specified application, registration, petition, request, or proof of claim relating to water use, or a notice to extract groundwater by appropriating funds from the fund that remain available for that purpose.</p>	<p>Oppose</p>	<p>This bill seeks to effectively and completely eliminate funding for the SWRCB's Division of Water Rights. It eliminates the SWRCB's ability to carry out its general regulatory responsibilities and would eliminate funds necessary to process water rights filings and to administer existing water rights.</p>
<p>AB 1341 Environmental Safety &amp; Toxic Material Cmte</p>	<p>8/22/05; Senate Environmental Quality Committee</p>	<p><b>Hazardous Waste: Major Appliance Disposal</b> - Makes a technical, nonsubstantive change to existing law that requires a person who transports, delivers, or sells discarded major appliances to a scrap recycling facility to provide evidence that the person is a certified appliance recycler and that prohibits a scrap recycling facility from accepting a discarded major appliance from any person who is not a certified appliance recycler.</p>	<p>Watch 6/21/2005</p>	<p>Position based on Board-adopted policy principle.</p>
<p>AB 1354 Baca (D)</p>	<p>Assembly (TWO-YEAR BILL)</p>	<p><b>Drinking Water: Perchlorate Levels</b> - Requires the Department of Health Services to establish a maximum drinking water standard contaminant level for perchlorate of 6 parts per billion, to be phased in over a period of two years commencing January 1, 2006.</p>	<p>Oppose</p>	<p>Position based on Board-adopted policy principle. Metropolitan historically opposes legislation that seeks to set MCLs through legislation versus the regulatory process.</p>
<p>AB 1453 Daucher (R)</p>	<p>3/30/2005; ASSEMBLY (TWO-YEAR BILL)</p>	<p><b>Superior Courts: Adjudication of Rights to Produce</b> - Establishes nine water divisions in the superior courts of specified counties. Requires the presiding judge of the superior court of each specified county to assign a water judge to the water division to preside over actions that involve the adjudication of rights to produce groundwater. Provides for the transfer of groundwater actions to those court. Requires the presiding judge to consider the experience in groundwater adjudications of each candidate for assignment as a water judge.</p>	<p>Support in Concept 3/30/2005</p>	<p>Judges with a water law background would provide greater efficiency and expertise in adjudicating and improving the administration of groundwater cases.</p>

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<p>AB 1665 Laird (D)</p>	<p>9/8/2005; Senate Natural Resources and Water Committee</p>	<p><b>Flooding</b> - Renames the Reclamation Board the Central Valley Flood Management Board. Also requires DWR to develop a schedule for mapping flood risk areas in the Sacramento and San Joaquin River drainage areas and directs DWR to prepare a report describing a flood control plan. Further requires each local agency responsible for project flood works O&amp;M to annually submit specified information to the new Board. Counties must identify every parcel of land located in a levee failure inundation zone and provide landowner notice of the flood hazard. Further requires a flood control system status report by 1/1/11 and requires Board to prepare levee failure inundation maps.</p>	<p>Watch 08/15/2005</p>	<p>DWR sponsored bill in response to the Paterno court decision.</p>
<p>AB 2396 Calderon (D)</p>	<p>ASSEMBLY</p>	<p><b>Metropolitan Water Districts</b> - Relates to the Metropolitan Water District Act. Amends the act to change the composition of the board of directors and to provide for the direct election of members of the board by voters residing in the service area of the district.</p>	<p>Oppose</p>	<p>Position based on historical practice.</p>
<p>AB 2397 Calderon (D)</p>	<p>Assembly Third Reading File</p>	<p><b>Metropolitan Water Districts: Service Contracts</b> - Relates to the Metropolitan Water District Act. Prohibits a district from entering into a contract for permanent or temporary services, skilled or unskilled, if such services are of a kind that persons selected through its civil service system could perform adequately and competently.</p>	<p>Oppose</p>	<p>Position based on historical practice.</p>
<p>AB 2496 Laird (D)</p>	<p>Assembly Third Reading File</p>	<p><b>Water Conservation: Low-Fulsh Water Closets</b> - Requires all new buildings constructed in the state that use tank type use water closets to use a specified amount of water per flush that is less than currently allowed. Requires all new buildings that uses flushometer type water closets and all wash-down urinals to use a specified amount of water per flush that is less than that currently allowed. Requires the same of tank type and all flushometer-type water closets.</p>	<p>Support</p>	<p>Position based on Board-adopted policy principle</p>

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<p>AB 2951 Goldberg (D)</p>	<p>5/9/2006; Assembly Appropriations Committee</p>	<p><b>Capital Facilities Fees</b> - Requires a public agency that provides public utility services to only charge a public agency rates, charges, surcharges or fees that are determined on the basis of the same objective criteria and methodology applicable to comparable nonpublic users. Provides commencement requirements for any judicial action or proceeding brought by a public agency that seeks a refund or challenges the validity, of a fee, rate, charge, or surcharge or increase, or any action to validate an ordinance.</p>	<p>Watch 4/17/2006</p>	<p>Could impact the annual reimposition of Metropolitan's capacity charge.</p>
<p>ACA 13 Harman (R)</p>	<p>4/21/2005; Assembly Local Government Committee</p>	<p><b>Local Government: Assessments and Fees or Charges</b> - Proposes a Constitutional Amendment that excludes a fee or charge related to flood control, stormwater drainage or surface water drainage from restrictions on the imposition or increase of a property-related fee or charge by a city, county or special district.</p>	<p>Watch 4/21/2005</p>	<p>Would exclude any levy for flood control purposes from the Constitutional requirements of Proposition 218, including any levy imposed to finance capital costs or maintenance and operation expenses for flood control. If the Legislature and the voters approved this change to Proposition 218, it would make it easier for local flood control agencies to adopt assessments for flood control purposes since approvals would only be required from their respective boards.</p>
<p>ACR 84 Walters (R)</p>	<p>Assembly Water, Parks and Wildlife Committee</p>	<p><b>Ocean Water Desalination</b> - Memorializes the Legislature's support of the development of ocean water desalination, where economically and environmentally appropriate, as an element of a balanced water supply portfolio to increase available water supply, to meet current and future water demands, and to reduce the level of dependence on imported water supplies.</p>	<p>Support</p>	<p>This resolution is for support of future seawater desalination projects. It could facilitate development of seawater desalination projects by Metropolitan or our member agencies to meet the IRP Update targets for desalination.</p>
<p>SB 31 Florez (D)</p>	<p>SENATE (TWO-YEAR BILL)</p>	<p><b>Water Fees</b> - Revises provisions for making water rights filings with the State Water Resources Control Board. Changes the listing of applications subject to the board's schedule of fees. Denominates the fees as transaction fees. Limits the fees to processing costs. Requires adjustments of individual transaction fees. Requires the annual permit or license fees to be imposed based upon the number of acre-feet of water covered by the permit or license.</p>	<p>Oppose Unless Amended</p>	<p>This bill would not provide adequate funding for the SWRCB Division of Water Rights thus severely impacting the Division's ability to address misuse of water or environmental impacts. Also, the federal CVP's share of fees could be shifted to SWP contractors and other water users.</p>

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<p>SB 113 Machado (D)</p>	<p>4/14/2005; Assembly Water, Parks and Wildlife Committee (TWO-YEAR BILL)</p>	<p><b>California Bay-Delta Authority Act</b> - Relates to existing law which requires the California Bay-Delta Authority to review, approve, and make recommendations regarding certain annual program plans and project expenditures submitted by the implementing agencies based on prescribed criteria. Requires the Authority, in undertaking that review, approval or modification, to consider the extent to which those plans or expenditures are consistent with the beneficiary pays principle.</p>	<p>Oppose 4/14/2005</p>	<p>Seeks to define the CALFED concept of "beneficiary pays." Metropolitan is concerned that the measure's definitions of public and private benefits and its general descriptions of what types of projects would and would not be eligible for public funding would effectively create a burden of proof for using public funds for such purposes as water use efficiency projects. In light of pending discussions on a long-term finance plan for the CALFED Bay-Delta Program and the pending fiscal/program review undertaken by the Schwarzenegger Administration, the bill was made a two-year bill.</p>
<p>SB 187 Soto (D)</p>	<p>6/22/2005; Assembly Environmental Safety and Toxic Materials Committee</p>	<p><b>Drinking Water: Contaminants</b> - Requires OEHHA to revise the perchlorate PHG if 1) "any risk assessment conducted by any state agency in the United States after April 1, 2005" concludes that perchlorate exposure below 6 ppb is a risk to pregnant women, fetuses, infants or other vulnerable sub-populations; or 2) any state agency in the U.S. establishes an MCL lower than 6 ppb. Also requires DHS to revise the perchlorate MCL if the PHG is revised.</p>	<p>Oppose 6/22/2005</p>	<p>Position based on Board-adopted policy principle. Establishes a dangerous precedent in that it gives deference to regulatory agencies outside California. Undercuts OEHHA's authority, requires OEHHA to revise the PHG independent of the quality of the risk assessment conducted by another agency and fails to recognize that a margin of safety is already built into the current PHG.</p>
<p>SB 350 Machado (D)</p>	<p>7/5/2005; Assembly Water, Parks and Wildlife Committee</p>	<p><b>San Joaquin River Restoration and Water Management</b> - Sponsored by the Natural Resources Defense Council and the Central/South Delta Water Agencies, this bill would establish the San Joaquin River Fund to provide grants for "restoration of streamflows and native anadromous fish populations" or "acquisition of cost-effective replacement water supplies and related actions." Appropriates \$9.16 million from Proposition 13 (proceeds from a grant previously awarded to but reverted from the Friant Water Users Authority) and directs the Secretary of Resources to expend funds in roughly equal amounts for grants for restoration and water supply projects.</p>	<p>Watch 7/5/2005</p>	<p>Friant and NRDC have been in an intense court conflict over San Joaquin River restoration since 1988. Metropolitan has an interest in actions taken on the San Joaquin River because such actions could improve source water quality and, potentially, improve the regulatory environment for SWP operations by helping to increase fish populations.</p>

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<p>SB 393 Ortiz (D)</p>	<p>5/10/2005; SENATE (HELD BY COMMITTEE)</p>	<p><b>Special Districts</b> - Requires audits of special purpose districts to be performed in accordance with government auditing standards for financial audits. Requires the governing boards of special districts to conduct legal and ethics orientation sessions that governing board members would be required to attend, if they choose to receive compensation for their activities. Specifies whistle-blower protections for members who make protected disclosures of improper governmental activities.</p>	<p>Oppose 5/10/2005</p>	<p>This bill unfairly singles out special districts and the travel reimbursement restrictions that remain in the measure are too inflexible and may not allow for necessary travel.</p>
<p>SB 866 Kehoe (D)</p>	<p>4/19/2005; SENATE (TWO-YEAR BILL)</p>	<p><b>Water Use Measurement Information</b> - Requires the Department of Water Resources to prepare and submit to the Legislature a report with regard to various matters concerning water use measurement information. Requires the department to conduct a study to determine the cost-effectiveness of more accurate farm-gate measurement and report to the Legislature. Requires the department to develop and implement jointly with the Department of Health Services the use of a coordinated water use reporting database.</p>	<p>Support</p>	<p>Creates a single point of information for agricultural and urban water uses and would help Metropolitan develop better water supply strategies and help determine the effectiveness of existing water measurement practices in the state. In light of pending discussions on a long-term finance plan for the CALFED Bay-Delta Program and the pending fiscal/program review undertaken by the Schwarzenegger Administration, the bill was made a two-year bill.</p>
<p>SB 977 Ashburn (R)</p>	<p>SENATE (TWO-YEAR BILL)</p>	<p><b>Hazardous Substances: Perchlorate</b> - Contains provisions governing perchlorate contamination prevention, defines ""perchlorate"" to mean all perchlorate-containing compounds, and ""perchlorate material"" to mean perchlorate and all perchlorate-containing waste. Specifies that ""perchlorate"" does not include perchlorate located in unused military munitions.</p>	<p>Watch</p>	<p>Position based on Board-adopted policy principle.</p>
<p>SB 978 Ashburn (R)</p>	<p>SENATE (TWO-YEAR BILL)</p>	<p><b>Water Use: Military Land and Housing Areas</b> - Requires an urban water supplier to install water meters on all municipal and industrial water service connections that are located in its service area. Requires an urban water supplier to charge each customer that has a service connection for which a water meter has been installed, based on the actual volume of deliveries, as measured by a water meter.</p>	<p>Oppose Unless Amended</p>	<p>Position based on Board-adopted policy principle. To the extent that Metropolitan's water serves military bases, this bill impedes efforts to implement water-use efficiency across all classes of customers in an equitable manner.</p>

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<p>SB 1506 Margett (R)</p>	<p>3/30/2006; ASSEMBLY</p>	<p><b>Department of Water Resources: Water Projects: Energy -</b> Exempts, for purposes of the State Water Project, certain contracts and agreements relating to the purchase and sale of electric power or natural gas entered into by the Department of Water Resources for those purposes. Exempts those contracts from specified state contracting law, if the department determines that the application of those contracting laws is detrimental to the purposes of the State Water Project.</p>	<p>Support</p>	<p>This bill would benefit Metropolitan, which pays the vast majority of SWP power costs, by granting DWR more flexibility in its power and natural gas procurement, and by expediting DWR's ability to enter into such agreements.</p>
<p>SB 1574 Kuehl (D)</p>	<p>ASSEMBLY</p>	<p><b>Sacramento-San Joaquin Delta -</b> Relates to the Sacramento-San Joaquin Delta or the Sacramento and San Joaquin river systems. Requires one of those principal options to be designated to reduce dependence on the delta for water supply through greater investments in local water supplies, water use efficiency, water recycling, demand management programs, and other actions outside the delta.</p>	<p>Oppose Unless Amended</p>	<p>Position based on Board-adopted policy principle.</p>
<p>SB 1640 Kuehl (D)</p>	<p>4/19/2006; Senate Appropriations Committee</p>	<p><b>Water -</b> Relates to a report of hydrologic conditions of water project facilities to each contractor, water diversions covered by a permit or license for small domestic or livestock stockpond uses, civil liability for failing to file a statement for a diversion or use, the California Water Plan, and coordination of an urban water management plan with utilities that provide electric or gas service.</p>	<p>4/19/2006; Support</p>	<p>Position based on support for SB 820. This bill promotes better planning by state and local planning agencies and will provide a heightened level of reliability and certainty to existing and future customers of state, regional and local water purveyors.</p>