



- Board of Directors  
*Communications and Legislation Committee*

12/14/2010 Board Meeting

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8-8

## Subject

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Adopt Legislative Strategy for 2011

## Description

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After consulting with Metropolitan member agencies in October 2010 and the Board Communications and Legislation Committee in October and November 2010, the following federal and state legislative priorities are submitted for your consideration and approval. The priorities for 2010 support Metropolitan's mission and incorporate its overall conservation, sustainability and Delta objectives:

### Federal Legislative Priorities

#### *Bay-Delta Improvements*

- Encourage coordination between federal and state agencies and support federal funding to advance the Bay Delta Conservation Plan (BDCP) consistent with the coequal goals of water supply reliability and ecosystem restoration in the Delta. Pursue funding authorization through the Water Resources Development Act for BDCP projects and initiatives.

#### *Salinity Management*

- Support funding authorization for ongoing research and management of salinity in Southern California water supplies.

#### *Colorado River Supply Initiatives*

- Support initiatives to protect water quality in the Colorado River watershed, including ongoing remediation efforts for uranium, chromium and perchlorate contamination.

#### *Energy and Water Initiatives*

- Promote legislation to authorize a long-term contract for hydropower generated at Hoover Dam for the benefit of Arizona, Southern California, and Nevada water users who rely on that source of power to minimize costs to consumers of local public utilities.
- Support legislation to authorize grant funding for energy efficiency, including programs to reduce greenhouse gases and develop alternative renewable resources. Additionally, support legislation that provides renewable credits for hydroelectric power, sustained distribution system reliability and efficiency, and helps contain escalating public power costs.

#### *Invasive Species Mitigation Legislation*

- Develop a strategy to promote authorizing legislation designed to offset the cost of mitigating the ongoing impacts of quagga mussel infestation.

### *Chlorine Gas as a Disinfectant*

- Continue to support legislation that accommodates local jurisdiction over the use and on-site storage of chlorine gas as a disinfectant.

### *Evolving Water Resource Management Challenges*

- Support legislation authorizing the U.S. Environmental Protection Agency to provide grant funding to conduct research enabling water agencies to adapt to hydrologic changes.
- Support legislation authorizing EPA's *WaterSense* program and other federal incentive programs that promote water use efficiency.
- Pursue legislative vehicles to enact the Property Assessed Clean Energy Program at the federal level to include water use efficiency language.

### *Appropriations Priorities*

- Environmental planning and early mitigation projects related to the Bay Delta Conservation Plan
- Invasive species research and mitigation to control quagga mussel infestation
- Ozone, solar and other retrofits for Metropolitan water treatment plants
- Metropolitan Water District Area Regional Water Conservation Plan
- Colorado River water quality initiatives
- Drinking Water Research Foundation
- Additional funding for the Bureau of Reclamation's Title XVI program

### **State Legislative Priorities**

#### *Bay-Delta Improvements*

- Support legislative or administrative action to separate the utility function of the State Water Project from the Department of Water Resources (DWR) consistent with the following criteria adopted by Metropolitan's Board in September 2007:
  - *Governance – Management of the State Water Project should be given to a separate agency tasked with the single mission of managing and operating the project. This would separate the utility function from the Department of Water Resources thereby removing conflicts within DWR in its role of operating a utility for certain contractors while providing statewide water planning. Appropriate forms of such an independent agency include a special district or a joint powers authority. This new entity would continue to be regulated by state and federal agencies and all applicable laws.*

A separate agency should be created to govern and operate the State Water Project including any new Delta water supply infrastructure. This agency would be created under state law and be subject to all requirements of law, regulated by the state resource agencies and State Water Resources Control Board. This would allow DWR to focus on its mission as the state's water planning agency and eliminate the confusion created by the state regulating its own activities.

- Continue to support implementation of the 2009 Delta/water management legislative package to help ensure critical milestones are met in a timely manner, including the development of the Delta Plan as outlined in SBX7-1 (Simitian, 2009).
- Encourage coordination between state and federal agencies and support state funding to advance the Bay Delta Conservation Plan consistent with the coequal goals of water supply reliability and ecosystem restoration in the Delta.

### **State Legislative Proposals (Cosponsorship)**

*Cosponsor: Association of California Water Agencies (ACWA)*

- *Quagga Mussel Inspection Program:* Although there are many reservoirs that inspect for invasive mussels on watercraft, the fact remains that many water bodies within the state do not have watercraft inspection programs. The lack of inspection within the state presents a serious problem to both the water supply reliability and cost to maintain the distribution system. Compromising water reliability at these facilities will have debilitating effects, which include substantially increased operational and maintenance costs if infestation should occur.

In addition, AB 1683 (Wolk, Statutes of 2007) contained a sunset on the original authority granted to inspect and quarantine infested boats and other vessels. Quagga mussel infestation continues to be a menace for water supply operators and the need for continuing legal authority for inspecting and quarantining potential mussel carriers has not lessened. Therefore, it is necessary to remove the sunset clause in Section 2301 of the Fish and Game Code.

Metropolitan has requested that ACWA sponsor legislation to:

- (1) Establish a statewide boat inspection program throughout California to reduce the risk of introducing quagga mussels and other invasive species into the water supply system within the state;
- (2) Help ensure that inspection programs could continue at the local level without the Department of Fish and Game intervention and collection of fees;
- (3) Establish a gate fee to offset costs related to implementing the boat inspection program by the Department of Fish and Game and appropriate state and local agencies at those locations where local agencies have not implemented boat inspections; and
- (4) Eliminate the sunset clause in existing law that authorizes the inspection program.

*Cosponsor: California Municipal Utilities Association (CMUA):*

- *Water Conservation Expertise on Building Standards Commission:* Statewide objectives have been clearly established to ensure that the per capita reduction in water use is achieved. Code changes to address health and safety issues often present opportunities for water conservation. The presence of a water conservation expert to help assess proposals or make qualified recommendations would increase the potential water conservation benefits from code updates. Without this expertise, California is at a disadvantage in its efforts to identify and implement sound, effective and applicable water efficiency measures. An effective way to address this notable void is proper representation within the Building Standards Commission (BSC), as well as representation on its advisory committees. The BSC is the entity tasked with adopting building and plumbing code standards, but does not have a representative with related local government water conservation expertise.

Metropolitan has requested that CMUA sponsor legislation to require the appointment of a local government water conservation expert on the Building Standards Commission and its appropriate advisory committees.

**NOTE:** In addition to the proposed legislative strategies for 2011, staff will continue to be engaged in state and federal legislation for which the Board has previously taken positions in support or opposition. New legislation, not consistent with board-adopted policy, will be presented to the Board for consideration.

### **Policy**

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Supports Metropolitan's mission and overall conservation and sustainability objectives

## California Environmental Quality Act (CEQA)

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CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

## Board Options

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### Option #1

Adopt the CEQA determination and Legislative Strategy for 2011.

**Fiscal Impact:** None

### Option #2

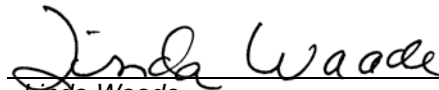
Take no action.

**Fiscal Impact:** None

## Staff Recommendation

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Option #1

  
 Linda Waade  
 Deputy General Manager, External Affairs

11/24/2010  
 Date

  
 Jeffrey Kightlinger  
 General Manager

11/29/2010  
 Date