THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

BOARD ACTION

- Board of Directors
  Communications and Legislation Committee

6/9/2015 Board Meeting

8-8

Subject

Express support for H.R. 1278 (Capps, D-CA) – Water Infrastructure Resiliency and Sustainability Act of 2015

Executive Summary

This board letter addresses H.R. 1278 (**Attachment 1**) which, if adopted, would authorize the Administrator of the United States Environmental Protection Agency (EPA) to establish a program for awarding grants to owners or operators of water systems to increase resiliency or adaptability of their systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States.

Background

The author of this legislation stated that the bill was introduced to "help local communities increase their resiliency to the impacts of climate change… [and would] help water utilities prepare for the impacts of climate-related risks to our water supplies." (**Attachment 2 - Press Release**). H.R. 1278 is supported by a coalition of water agencies who share the intent of the author, including the Association of California Water Agencies (ACWA), the Association of Metropolitan Water Agencies (AMWA), the California Association of Sanitation Agencies (CASA), the National Association of Water Companies (NAWC) and the National Association of Clean Water Agencies (NACWA), and WateReuse; as well as a coalition of environmental organizations, including the Natural Resources Defense Council (NRDC), American Rivers, and the National Wildlife Federation. (**Attachment 3 - Coalition Letter**).

Details

H.R. 1278, if passed, may offer benefits to Metropolitan through potential opportunities to participate in grant programs authorized through the law. The program would offer grant funding of $50 million for five fiscal years for a total of $250 million. The criteria and types of programs that the bill would fund appear to be broad enough that Metropolitan and its member agencies could qualify, although funds would be prioritized for projects responding to "greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions." Funds could be used for planning, design, construction, implementation, operation, or maintenance of a qualified program or project.

Grant funding would be made available to general categories including: water supply; wastewater; stormwater, and watersheds; with additional specified sub-areas including: water conservation/water use efficiency; water system infrastructure; water/wastewater/stormwater treatment; groundwater remediation; recycled water; desalination; watershed preservation/protection; energy efficiency; advanced water treatment; reservoir reoperations; water banking; water demand management; conservation pricing; irrigation improvements; groundwater recharge; stormwater capture; conjunctive use; flood damage reduction; changing hydrologic conditions impacts; and increasing resilience of water systems and regional and hydrological basins (including the Colorado River Basin) to rapid hydrologic change or natural disaster.

The program would be administered by EPA. The federal share of this grant program may not exceed 50 percent and the nonfederal share would be allowed to include in-kind services. Also, up to 20 percent of the funding in any fiscal year would be made available to grantees for reducing flood damage, risk, and vulnerability.

Policy

M.I. 44813 – March 12, 2002 Policy Principle: Global Climate Change and Water Resources Planning

California Environmental Quality Act (CEQA)

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

Option #1

Adopt the CEQA determination that the proposed action is not subject to CEQA, and

Authorize the General Manger to express support for H.R. 1278.

Fiscal Impact: No fiscal impact to Metropolitan
Business Analysis: If passed, this bill would develop a new program for water system adaptation grants that Metropolitan and its member agencies could apply for.

Option #2

Take no action.
Fiscal Impact: No fiscal impact to Metropolitan
Business Analysis: If H.R. 1278 fails passage, this grant program would not be developed.

Staff Recommendation

Option #1

6/1/2015
Dee Zinke *Date*
Deputy General Manager, External Affairs

6/2/2015
Jeffrey Kightlinger *Date*
General Manager

Attachment 1 – H.R. 1278 as introduced May 4, 2015
Attachment 2 – Press Release
Attachment 3 – Coalition Letter

Ref# ea12637633

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114TH CONGRESS
1ST SESSION

H. R. 1278

To authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mrs. CAPPS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Infrastructure Resiliency and Sustainability Act of 2015''.

SEC. 2. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITIONS.—The term ''hydrologic conditions'' means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term ''owner or operator of a water system'' means an entity (including a regional, State, Tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSION.—The term ''owner or operator of a water system'' includes—

(i) a non-Federal entity that has operational responsibilities for a federally, tribally, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least one other entity.

(4) WATER SYSTEM.—The term ''water system'' means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwaters.

(b) PROGRAM.—The Administrator shall establish and implement a program, to be known as the Water Infrastructure Resiliency and Sustainability Program, under which the Administrator awards grants in each of fiscal years 2016 through 2020 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(c) USE OF FUNDS.—As a condition on receipt of a grant under this section, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (b) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat,

or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities

or land currently in agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of utilization of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land currently in agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetlands, and uplands integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, re-

moval, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone lands and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(d) APPLICATION.—To seek a grant under this section, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal of the program, strategy, or infrastructure improvement to be planned,

designed, constructed, implemented, or maintained by the water system;

(2) cites the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) how the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) explains how the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes how the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribe, or local climate adaptation plan, if any.

(e) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this section, subject to subsection (h)(2), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to utilize innovative approaches to meet one or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(f) COST-SHARING.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (b) paid through funds distributed under this section shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of

a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (d), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(g) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Administrator shall submit to the Congress a report on progress in implementing this section, including information on project applications received and funded annually.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out this section, there is authorized to be appropriated $50,000,000 for each of fiscal years 2016 through 2020.

(2) LIMITATION.—Of the amount made available to carry out this section for a fiscal year, not more than 20 percent may be made available to

grantees for activities described in subsection (c)(10) (relating to reducing flood damage, risk, and vulnerability).

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Capps Reintroduces Bills to Help Communities Prepare for Climate Change

Mar 4, 2015 Issues: Energy & Environment

Legislation would help California address issues such as drought and sea level rise

Rep. Lois Capps (CA-24) reintroduced three climate change-related bills that would help local communities increase their resiliency to the impacts of climate change. The bills would help local agencies plan for public health impacts, help water utilities prepare for the impacts of climate-related risks to our water supplies, and help coastal states plan and implement climate change mitigation projects.

From heat waves, droughts, wildfires, and other extreme weather events, the impacts of climate change pose very real threats to our public health, infrastructure, and economy," Capps said. "We must do more to help our local communities prepare for these inevitable impacts, and these commonsense pieces of legislation will help ensure that we're properly prepared for the future."

The Coastal State Climate Change Planning Act would help coastal states plan and implement climate change mitigation projects to prepare for sea level rise as well as other impacts. States could use the grant funding to update their coastal management plans or implement climate change adaptation strategies, such as identifying areas with the greatest risk of sea level rise and implementing plans to protect coastal infrastructure at risk of flooding. Coastal counties are home to more than 50% of the U.S. population and provide 58% of the country's GDP, with nearly five million Americans living within four feet of the high tide level. Advanced planning and investment to prepare for sea level rise benefits not only these individuals, but also the millions more who depend on the regional and national economic benefits of coastal ports, fishing, and tourism.

Additionally, Capps re-introduced the Water System Resiliency and Sustainability Act, which would help drinking water, wastewater, and stormwater utilities prepare for the impacts of climate-related risks to our water supplies. Drought, sea level rise, and severe storms, all of which would significantly impact water systems and availability, are expected to grow more frequent and severe due to climate change.

Under the legislation, drinking water, wastewater, and stormwater utilities could apply for EPA matching funds to implement projects, such as the emergency pumping system recently installed at Lake Cachuma, that address the most significant climate-related risks and benefit the largest numbers of water users. Utilities may use the federal matching funds on projects that build resiliency to changing hydrological conditions, including through water conservation and efficiency measures, enhancing water management through source water protection and green infrastructure, or facilitating the use of advanced technologies -- such as water reuse and recycling -- to increase available water supplies.

Extreme weather and changing hydrological conditions will pose new challenges for our country's communities in the coming decades, as severe drought, melting snowpack, rising sea levels, and more frequent heavy precipitation events will have widespread effects on water quality and quantity," said Association of Metropolitan Water Agencies Executive Director Diane VanDe Hei. "Our nation's water and wastewater utilities will need additional resources to prepare for the coming changes, and to undertake the necessary measures to adapt. The 'Water Infrastructure Resiliency and Sustainability Act' answers this call by offering assistance to communities that are planning projects to keep their water clean, safe, and plentiful in the face of these challenges. AMWA thanks Congresswoman Capps for introducing this important legislation, and we look forward to working with her to build its support."

The Climate Change Health Protection and Promotion Act would provide public health officials with the tools and resources they need to effectively track and prepare for the significant public health challenges that will come with climate change, like increased rates of asthma and other respiratory illnesses, vector-borne diseases, life-threatening temperatures, and food shortages. A new survey of more than 900 doctors found the majority of them believe climate change is already negatively affecting the health of their patients. In fact, 77 percent of the doctors who responded reported increases in air pollution due to climate change are worsening the severity of illnesses in their patients, and they also expect these health impacts to increase.

Climate change presents a growing threat to our nation's health," said Georges C. Benjamin, MD, Executive Director of American Public Health Association. "Our nation's public health departments play a pivotal role in addressing the unique health challenges of climate change in communities across the country; however, too many health departments lack the resources to do so. The bill introduced today would enhance their capacity and help protect our communities, especially the most vulnerable, including people living in poverty, the

elderly and young children, from the health effects of climate change. We are grateful to Rep. Capps for her continued leadership to combat the health threats associated with climate change."

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March 5, 2015

The Honorable Lois Capps
2231 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Capps:

On behalf of the undersigned water utility and environmental organizations, we write to you today in support of H.R. 1278, the "Water Infrastructure Resiliency and Sustainability Act of 2015." This legislation will address a critical need by helping communities across the country ensure their drinking water, wastewater, and stormwater infrastructure is able to withstand the variety of threats posed by changing hydrologic conditions and extreme weather.

NASA and NOAA recently announced that 2014 was Earth's warmest year on record, and extreme weather events – ranging from severe storms in the East to prolonged drought in the West – continue to batter our nation. H.R. 1278 outlines a policy to help our nation's drinking water, wastewater, and stormwater utilities build resiliency to these new challenges and position themselves to continue providing affordable, quality water service into the coming decades.

The "Water Infrastructure Resiliency and Sustainability Act of 2015" will offer competitive matching funds to help communities undertake projects to adapt their infrastructure to extreme weather events and the long term impacts of changing hydrologic conditions. Eligible projects will include those that conserve water or increase efficiency in its use, preserve or improve water quality, rebuild or relocate threatened infrastructure, protect source waters and ecosystems, and implement advanced treatment technologies such as water reuse and recycling.

The legislation encourages water systems to utilize innovative infrastructure approaches that will serve as models for other communities struggling with similar water management challenges. Local water utilities will also be able to use funding assistance to increase their use of renewable energy or to conduct local-level analyses of future water resource challenges they will face. In sum, the legislation will encourage

communities across the country to build resiliency into their infrastructure today, while helping ensure uninterrupted water and wastewater service for decades to come.

Again, we support H.R. 1278, the "Water Infrastructure Resiliency and Sustainability Act of 2015" as an important step in our nation's effort to adapt its critical infrastructure to extreme weather events and changing hydrologic conditions. We thank you for your leadership on this issue, and look forward to working with you toward the passage of this legislation.

Sincerely,

American Public Works Association
American Rivers
American Society of Landscape Architects
Association of California Water Agencies
Association of Metropolitan Water Agencies
California Association of Sanitation Agencies
National Association of Clean Water Agencies
National Association of Water Companies
National Wildlife Federation
Natural Resources Defense Council
Water Environment Federation
WateReuse Association
Water Utility Climate Alliance