



● **Board of Directors**  
***Communications and Legislation Committee***

12/11/2018 Board Meeting

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**8-2**

**Subject**

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Adopt Federal Legislative Priorities and Principles for 2019; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Executive Summary**

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This Board letter outlines the federal 2019 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

**Details**

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**Background**

After consulting with Metropolitan member agency legislative coordinators in October 2018, and member agency managers in November 2018, staff submits the following federal legislative priorities and principles for the Board's consideration and approval. Metropolitan's top federal priorities for 2019 have been included in anticipation of legislation in key policy areas during the first year of the 2019/20 session. Staff may sponsor or support legislative efforts related to these top federal priorities.

The federal principles for the 2019/20 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

**Metropolitan's Top Federal Priorities for 2019**

- Support legislation to authorize and direct the Secretary of the Department of Interior to implement the Drought Contingency Plans for Colorado River consistent with the seven Basin States' related agreements.
- Maintain funding for water science and data collection including stream gauge, water quality, salinity control, source protection, and ecosystem research.
- Secure funding/financing for water infrastructure, efficiency and restoration projects and seek to exempt infrastructure from the definition of "earmark."
- Support actions to initiate, expedite, and secure funding of the proposed Regional Recycled Water Program and related projects.
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior to eliminate duplication and increase efficiencies.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, local stormwater capture (e.g., rain barrels, cisterns), and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.

## **Federal Principles**

### *Bay-Delta and State Water Project Improvements*

- Support administrative/legislative action and federal funding to keep the California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.
- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.

### *Colorado River Initiatives*

- Support federal funding appropriations and coordination among states for continued implementation of the Lower Colorado River Multi-Species Conservation Program.
- Support federal funding for Colorado River System water conservation projects to offset the effects of extended drought conditions.
- Promote continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.
- Protect and preserve Metropolitan's interest in binational water conservation programs.

### *Federal Drought Related Legislation*

- Support administrative/legislative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections.
- Reflect broad, bipartisan agreement.
- Provide funding and regulatory assistance for regions affected by the drought for both immediate and long-term water projects that aid in the development, storage, treatment and delivery of water.
- Provide funding and regulatory incentives for conservation, water-use efficiency measures, recycled water, desalination, and groundwater recovery.
- Protect State Water Project (SWP), Colorado River Aqueduct, and local water supplies and ensure SWP, Colorado River Aqueduct, and local water supply reliability.
- Support funding and administrative or legislative efforts to increase drought resiliency on the Colorado River and Bay-Delta Systems.
- Work within the current federal and state Endangered Species Acts to increase operational flexibility while maintaining regulatory and statutory protections for listed species.
- Provide direction and funding to improve information about listed fish and wildlife species and water project operations in the Delta, including data collection, scientific understanding, and real-time monitoring of listed Delta species.
- Encourage use of the most current scientific data and analysis to provide enhanced flexibility for water project operations.

*Regional Water Resource Management*

- Continue to support and promote integrated water resources portfolio planning by advocating for clear, concise, and streamlined regulations/policies that are easily understandable to the regulated community and public.
- Support administrative/legislative action and funding to expedite the development of recycled water (including potable reuse), groundwater, stormwater, and desalination projects as water resources, without compromising the operational, financial, water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and ensure equitable implementation among urban and agricultural uses.

*Watershed Management*

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the “beneficiaries pay” principle. Consistent with Metropolitan’s Policy Principle on Watershed Management, oppose erosion of watershed protections.

*Water Quality*

- Support administrative/legislative actions to ensure supply chain reliability for water treatment chemicals that are transported by rail (notably chlorine, caustic soda, and polymers).
- Support regulatory streamlining of the oversight for the transportation, storage, and use of gaseous chlorine. Support continued U.S. Environmental Protection Agency (EPA) oversight of water system security through updated vulnerability assessments and site security plans.
- Support administrative/legislative actions to enhance regulatory streamlining that is also protective of public health and the environment.
- Support administrative/legislative actions and funding that protect public health, utilize current science, and reflect appropriate benefit/cost analyses and implementation schedules to protect and improve water quality from unacceptable risks of various constituents. Potential constituents of concern include, but are not limited to, arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, 1,2,3-trichloropropane, and uranium.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to source waters.
- Support administrative/legislative efforts to amend the federal Safe Drinking Water Act in a manner that utilizes current science, incorporates benefit/cost analyses, and provides adequate resources for treatment and mitigation measures.

*Environmental Planning and Environmental Compliance*

- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials, and waste) that provide for regulatory compliance flexibility, improve clarity and workability of the requirements, and promote consistency and reduce regulatory duplication, but do not adversely impact public health or the environment.
- Protect Metropolitan’s interests in administrative/legislative actions to ensure Metropolitan’s ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan’s facilities. These actions include, but are not limited to, land conservation measures, such as the California Desert Protection Act, and EPA’s rules for “Waters of the United States” and water transfers.

- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior to eliminate duplication and increase efficiencies.
- Support administrative/legislative actions and funding for control and mitigation of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions pertaining to invasive species that are consistent with, and in no way interfere with, existing interstate water transfers.

#### *Energy Sustainability*

- Support efforts to ensure power costs to the SWP and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Support efforts to improve federal hydropower relicensing for existing facilities, including SWP resources.
- Work to ensure that administrative/legislative efforts seeking to enhance or expand hydropower at existing dams do not adversely impact those dams, either financially or operationally, or entities with rights to the power from the existing resources that directly or indirectly impact Metropolitan's service area.
- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.

#### *Infrastructure Security*

- Support administrative/legislative actions to enhance physical and cyber security for water and power infrastructure.
- Support associations and coalition efforts to develop standard guidance and best management practices for consistent and ongoing actions to reduce cyber vulnerabilities in process control systems for major water system providers.

#### *Infrastructure and Public Finance*

- Support measures to reduce the cost of planning, financing, construction, and rehabilitation of water infrastructure projects, such as dams, water conduits, pipelines, canals, pumping and power plants, and associated facilities. Potential financing mechanisms may include, but are not limited to, tax-credit financing, tax-exempt municipal bonds, an expanded Water Infrastructure Finance Innovation Act (WIFIA), Water Resources Development Act (WRDA), or Environmental Infrastructure Accounts.
- Support administrative/legislative actions that promote stormwater as a beneficial resource and facilitate the funding and permitting of stormwater capture projects to augment local and regional water supplies without compromising the operational, financial, regulatory, and customer interests of local and regional water agencies.
- Support "beneficiaries pay" approach as financing mechanism for statewide projects and programs.

#### *Federal Appropriations Priorities*

Metropolitan supports funding that benefits Metropolitan's service area for the following measures:

- Bay-Delta planning and implementation funding for near-term projects, including near-term and emergency response projects.
- Farm Bill/U.S. Department of Agriculture programs to support habitat projects in the Delta and agricultural water-use efficiency and source water protection projects in the Delta or in the Colorado River Basin.

- Colorado River Basin Salinity Control Program.
- Colorado River drought resiliency projects.
- Moab Uranium Mill Tailings Remedial Action (UMTRA) Project.
- Water quality protection initiatives (e.g., chromium 6, nitrate, perchlorate, salinity, uranium, cyanotoxins, 1,2,3-Trichloropropane (TCP) and constituents of emerging concern).
- Biological controls, mitigation management, or control of invasive species.
- Solar retrofits and other renewable energy and conservation projects.
- Water conservation and water-use efficiency programs such as the EPA WaterSense program, and other water resource projects.
- Desalination and salinity management research, including funding for the Brackish Groundwater National Desalination Research Facility through the Water Desalination Act of 1996.
- Lower Colorado River Multi-Species Conservation Program.
- Bureau of Reclamation Title XVI and WaterSMART programs, and Environmental Protection Agency WIFIA and WIIN programs.
- Climate change adaptation and mitigation research, including support for authorizing legislation to provide EPA grant funding for programs such as the Water Research Foundation to conduct research enabling water agencies to adapt to hydrologic changes.
- Water Resources Development Act-based Environmental Infrastructure Account.
- Federal authorization and appropriation of funds to implement the Salton Sea restoration solutions in partnership with state and local entities.
- Support appropriations for funding the research and development of innovation programs in the water sector.

## **Policy**

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Supports Metropolitan's mission and incorporates its overall water quality and supply reliability objectives.

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities.

## **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 legislative proposals that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Public Resources Code Section 21065 and Section 15378(b)(1) of the State CEQA Guidelines).

The proposed action is also 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).

### **CEQA determination for Option #2:**

None required.

## Board Options

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### Option #1

Adopt the Federal Legislative Priorities and Principles for 2019.

**Fiscal Impact:** None.

**Business Analysis:** Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to federal legislation in 2019.

### Option #2

Take no action.

**Fiscal Impact:** None.

**Business Analysis:** Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to federal legislation in 2019.

## Staff Recommendation

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### Option #1

	12/3/2018
Dee Zinke	Date
Assistant General Manager/Chief External Affairs Officer	
	12/4/2018
Jeffrey Kightlinger	Date
General Manager	