AGENDA
COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING
WITH BOARD OF DIRECTORS*
ORANGE COUNTY WATER DISTRICT
18700 Ward Street, Fountain Valley, CA (714) 378-3200
Thursday, January 7, 2016, 8:00 a.m. - Conference Room C-2

*The OCWD Communications and Legislative Liaison Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on the January 20, 2016 Board meeting Agenda for approval.

ROLL CALL

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

RECOMMENDATION: Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

VISITOR PARTICIPATION

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

CONSENT CALENDAR (ITEM NO. 1)

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

1. MINUTES OF COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING HELD NOVEMBER 5, 2015

RECOMMENDATION: Approve minutes as presented

END OF CONSENT CALENDAR

MATTERS FOR CONSIDERATION

2. FEDERAL LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for January 20 Board meeting: Take action as appropriate
3. STATE LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for January 20 Board meeting: Take action as appropriate

INFORMATIONAL ITEMS

4. AWARDS UPDATE

5. PUBLIC AFFAIRS OUTREACH REPORT [NOVEMBER/DECEMBER 2015]

CHAIR DIRECTION AS TO WHICH ITEMS IF ANY TO BE AGENDIZED AS A MATTER FOR CONSIDERATION AT THE JANUARY 20 BOARD MEETING

DIRECTOR’S ANNOUNCEMENTS/REPORTS

GENERAL MANAGER’S ANNOUNCEMENT/REPORT

ADJOURNMENT
COMMUNICATION AND LEGISLATIVE LIAISON COMMITTEE MEMBERS

- Chair
Phil Anthony - Vice Chair
Dina Nguyen
Vince Sarmiento
Steve Sheldon

ALTERNATES
Roger Yoh        Alternate 1
Shawn Dewane     Alternate 2
Jan Flory        Alternate 3
Denis Bilodeau   Alternate 4
Cathy Green      Ex Officio
MINUTES OF BOARD OF DIRECTORS MEETING
WITH COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE
ORANGE COUNTY WATER DISTRICT
November 5, 2015 @ 8:00 a.m.

Director Anthony called the Communications and Legislative Liaison Committee meeting to order in Conference Room C-2 at the District office. The Recording Secretary called the roll as follows:

<table>
<thead>
<tr>
<th>Committee Members</th>
<th>OCWD Staff</th>
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<tbody>
<tr>
<td>Harry Sidhu (not present)</td>
<td>Mike Markus - General Manager</td>
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<tr>
<td>Phil Anthony</td>
<td>Eleanor Torres - Director of Public Affairs</td>
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<tr>
<td>Dina Nguyen</td>
<td>Judy-Rae Karlsen - Assistant District Secretary</td>
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<tr>
<td>Roman Reyna</td>
<td>Gina Ayala, Alicia Dunkin, Diane Pinnick</td>
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<td>Steve Sheldon (not present)</td>
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<td></td>
<td>Teleconference</td>
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<tr>
<td>Alternates</td>
<td>David French - ENS Resources</td>
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<td>Roger Yoh (arrived 8:10 am)</td>
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<td>Shawn Dewane (not present)</td>
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<tr>
<td>Jan Flory (not present)</td>
<td>Debbie Cook</td>
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<tr>
<td>Denis Bilodeau</td>
<td>John Earl - Surf City Voice</td>
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<td>Cathy Green (arrived 8:17 am)</td>
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<td>Jim McConnell - McConnell &amp; Associates</td>
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<td>Peer Swan - Irvine Ranch Water District</td>
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<td>Cori Williams - Townsend Public Affairs</td>
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CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Nguyen, seconded by Director Reyna and carried [4-0] as follows.

[Yes –Anthony, Nguyen, Reyna, Bilodeau/No – 0]

1. Minutes of Previous Meeting

The minutes of the October 8, 2015 Communications/Legislative Liaison Committee meeting are approved as presented.

MATTERS FOR CONSIDERATION

Directors Yoh arrived at 8:10 a.m. during the following discussion.

2. Federal Legislative Update

Legislative advisor Jim McConnell gave an update on the federal budget, appropriations and potential funding opportunities. Legislative advisor David French (ENS Resources) teleconferenced into the meeting and briefed the Committee on the status of Water Resources Development Act (WRDA) legislation and the proposed drought bill. This item was informational and the Committee took no action.

Directors Green arrived at 8:17 a.m. during the following discussion.

3. State Legislative Update

Legislative advisor Cori Williams (Townsend Public Affairs/TPA) noted that legislators are on recess. She presented an update on pending legislation and discussed Proposition 1 funding strategies. Legislative Liaison Alicia Dunkin reported that staff is working with TPA to develop a score card on pending legislation and summarized recent discussions with legislators concerning drought legislation and water conservation.
General Manager Mike Markus suggested the Committee might want to wait and see if current water conservation standards become permanent before adopting a position. Director Cathy Green reported on her recent trip to Sacramento and gave a report on the positions adopted by the Association of California Water Agencies (ACWA) and potential regulations that may emerge as a result. This item was informational and the Committee took no action.

4. **9th Annual Orange County Water Summit**

Director of Public Affairs Eleanor Torres reported the Orange County (OC) Water Summit ad hoc Committee was informed by Municipal Water District of Orange County (MWDOC) staff that there would be a venue change for the 2016 event and opinions on alternate dates and venues were discussed. Ms. Torres noted that Disneyland is a key partner in the event each year and moving the event to another venue may impact sponsorship funding as well as significant in-kind assistance from Disney. The Committee discussed logistics, funding sources, other venues for consideration, and the need for the event to focus on regional and national issues to attract speakers, sponsors and participants. Director Green stated that she would bring the Committee’s concerns to the November 23 OC Water Summit ad hoc Committee for further discussion. This item was informational and the Committee took no action.

5. **Public Affairs Outreach Report (October 2015)**

Ms. Torres noted the Hallway project is nearing completion and the Outreach Report is in today’s packet. Mr. Markus reported that the GWRS tours continue to be well attended.

**ITEMS TO BE PLACED ON THE CONSENT CALENDAR FOR NOVEMBER 18 BOARD MEETING**

There were no items to be placed on the November 18 Board meeting agenda.

**General Manager’s Comments**

Mr. Markus reported that he met with Debra Mann (MWD) for a brief discussion after her presentation at the November 5 Municipal Water District of Orange County board meeting.

**President’s Comments**

Director Green reported that she will be attending the ACWA Board member orientation and board meeting in Sacramento on November 19-20 2015.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 8:32 a.m.

______________________________
Philip Anthony, Vice Chair
AGENDA ITEM SUBMITTAL

Meeting Date: January 7, 2016
To: Communications/Leg. Liaison Cte
   Board of Directors
From: Mike Markus
Staff Contact: E. Torres/A. Dunkin

Budgeted: N/A
Budgeted Amount: N/A
Cost Estimate: N/A
Funding Source: N/A
Program/Line Item No.: N/A
General Counsel Approval: N/A
Engineers/Feasibility Report: N/A
CEQA Compliance: N/A

POLICY ISSUE:  FEDERAL LEGISLATIVE UPDATE

SUMMARY

Orange County Water District (OCWD) Directors, staff, and federal consultants James McConnell and Eric Sapirstein, have been advocating for legislation to fund water recycling and desalination projects and to include beneficial language for the management of Prado Dam in legislation and/or Appropriations bills. In addition, advocacy has taken place in the areas of funding for the State Revolving Fund (SRF), and other funding mechanisms.

Attachment(s):
- Eric Sapirstein Memorandum re Omnibus Spending Agreement

RECOMMENDATION

Agendize for the January 20 Board meeting: Take action as appropriate.

RELEVANT STANDARDS

- Forge long-term, positive and proactive relationships with elected officials and policy makers.
- Keep abreast of federal legislation that may impact OCWD, other water agencies and/or special districts.

DISCUSSION/ANALYSIS

OCWD’s federal advocates will provide an oral report on the status of the Appropriations bills, language in the federal bills that aid management of Prado Dam, SRF funding levels, drought legislation, and any other federal legislation that may impact the District.
Congress finalized the Fiscal Year 2016 appropriations process on December 18 with passage of H.R. 2029. President Obama signed the bill into law later the same day.

On December 16, Congress released the text of the legislation, the $1.1 trillion “ Consolidated Appropriations Act, 2016” (Omnibus) after weeks of contentious negotiations over dozens of policy riders proposed to be attached to the must-pass spending bill. Both parties were unable to come to an agreement on this fiscal year’s appropriations before September 30, when Congress passed the first of three Continuing Resolutions (CR) that kept the government funded at Fiscal Year 2015 spending levels until an agreement could be made. At the same time, congressional negotiators unveiled a long-awaited tax break extender package that would make permanent 22 tax breaks and extend many others.

Congress hurriedly passed a five-day CR on December 11, before the first CR expired, to continue discussions over several major policy differences. Unable to meet the December 16 deadline of the five-day CR, Congress passed another stopgap measure through December 22 to ensure work could be completed before they recessed for the holidays.

The House adopted the $622 billion tax extender portion of the agreement on December 17, by a vote of 318-109. (Orange County Republican Members Issa, Rohrabacher, Royce and Walters voted in favor; Democrats Lowenthal and Linda and Loretta Sanchez voted against.)

The Omnibus appropriations bill was taken up in the House on December 18, and passed by a vote of 316-113, with a majority of each party in support. (Congressman Rohrabacher voted “nay” while the other six Members of the County’s delegation voted “yea.”)

The tax and spending measures were then rolled together into a single piece of legislation (still numbered H.R. 2029) and sent to the Senate, where it passed by a vote of
Regarding FY 16 appropriations, the Army Corps of Engineers gained spectacularly in the Omnibus. The Obama Administration had recommended in February of this year a 2016 total of $1.172 billion for Corps construction projects, including $21.5 million for the Santa Ana River Mainstem Project. The Omnibus provides $1.862 billion, an addition of $690 million, in construction funds, or nearly 60 percent more than requested. This also represents an increase of $223 million, or 14 percent, over FY 2015 construction funds.

The Corps' overall FY 16 budget totals $5.99 billion, which is $534 million larger than what Congress provided for FY 2015 and nearly $1.3 billion larger than the President's $4.7 billion budget request. The final number also exceeds the $5.5 billion that House and Senate appropriators approved earlier this year in the FY 16 Water and Energy spending bills reported from committee. Operations and maintenance, which includes flood control and the maintenance of inland waterways, will receive $3.1 billion—$400 million more than the President's budget request and $229 million over the FY 15 amount.

The Corps will now need to prepare an FY 2016 workplan detailing how these additional funds will be allocated among its construction projects. If previous years are a guide, the Corps will submit its 2016 workplan to Congress on the first Monday of February when the President submits his Fiscal Year 2017 budget to Congress.

The Omnibus bill provided a mixed result for the State Revolving Fund (SRF) loan programs. The Clean Water SRF received an increase over what the Obama Administration had requested for FY 2016, while the Drinking Water SRF was reduced. In the case of both loan programs, the amount provided in FY 2016 is less than what was funded in FY 2015, though not drastically so.

The Clean Water SRF will be funded at $1.394 billion in FY 16 versus $1.449 in FY 15, a reduction of $55 million. However, the Obama Administration had requested only $1.116 billion for 2016, so the appropriated amount is $278 million more than requested.

The Drinking Water SRF will get $863 million in FY 16, as opposed to $907 million in 2015; a reduction of $44 million, or less than five percent. However, the Administration had requested $1.186 for FY 16, and that was not agreed to by Congress.

Not included in the final Omnibus bill was a compromise drought bill. Negotiations between House California Republicans broke down during the second week of December when House Majority Leader Kevin McCarthy (R-Bakersfield) released a draft compromise bill which he said had the support of Senator Feinstein.

Senator Feinstein reacted negatively saying no final draft had been agreed upon and she withdrew from further discussions on including drought legislation in the Omnibus. She said the draft released by Representative McCarthy was skewed in favor
of the House-passed bill, H.R. 2898 sponsored by Congressman David Valadao (R-Hanford), without incorporating enough of S. 1894, the legislation she introduced along with Senator Boxer.

H.R. 2898 would loosen environmental restrictions and raise the limit on how much water should be pumped from the Sacramento-San Joaquin River Delta to parched agricultural communities in the Central Valley and urban areas of Southern California. S. 1894 would take a less proscriptive approach, instead offering federal agencies more flexibility to make decisions aimed at increasing flows, while also making significant investments in desalination, water recycling and other long-term efforts.

On December 9, 21 Western Democrats wrote president Obama asking that the Administration not support including drought legislation in the Omnibus. The House Democrats, led by Congressman Jerry McNerney (D-Stockton), expressed a preference for the Senate bill and said the latest language would undermine the Endangered Species Act and the Clean Water Act. They also drew parallels between the language and that in the Valadao bill, which has drawn a veto threat from the Administration.

Despite the decision to abandon pursuit of legislation through the Omnibus, Senator Feinstein said that she believed the two sides had "come to closure on virtually all of the issues," and expected language this month that state and federal agencies could sign off on. She indicated she would consult with Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-AK) on moving the bill through regular order.

On December 21, six Northern California Democratic Members further raised the stakes of the drought legislation debate with a letter to Senator Feinstein asking for assurances that her latest attempt to manage the state's water will not violate Endangered Species Act (ESA) protections for fish or damage prospects for commercial fishing in the Sacramento-San Joaquin River Delta, the state's main water delivery source.

In addition to ESA protections, the House Democrats' letter asks whether the Senator plans to create new water rights for junior water contractors, which could limit the amount of water available for fish. It questions whether she has accepted Republican language that would allow water contractors a discount on their payments to the Bureau of Reclamation for their share of project costs. The language could save contractors $540 million, the letter says.

The letter was signed by Representatives Jared Huffman (San Rafael), Mike Thompson (St. Helena), Doris Matsui (Sacramento), Anna Eshoo (Palo Alto), Jerry McNerney and Mark DeSaulnier (Concord).

With regard to the tax extender portion of H.R. 2029, the legislation includes a two-year delay in implementation of the Affordable Care Act’s “Cadillac” excise tax on high-cost health insurance plans, such as that provided by OCWD to employees. Under the legislation the implementation date of the tax would be pushed to January 1, 2020 rather than January 1, 2018.
In addition, the bill conforms the Cadillac tax to the general rule for excise taxes, by making the tax deductible as a business expense. The cost to the Federal Government of the two-year delay is $9.4 billion in lost revenue.

The Obama Administration launched a water initiative in mid-December with the goal of increasing private investment in research and development of water conservation and supply technologies, including desalination, reuse and other water management tools. The Administration considers the initiative a new public-private water innovation strategy aimed at addressing the impacts of climate change on the use and supply of the nation’s water resources. The initiative is modeled after the Energy Department's “SunShot” Initiative, which aims to make solar energy cost-competitive with other energy sources by 2020.

The Department of the Interior will create the Natural Resource Investment Center to promote the sharing of information and resources by private investors, universities, nonprofits and other water interests. The Center will promote increased private investment in water infrastructure and facilitate locally-led water exchange agreements in the western United States. The Administration will make a series of announcements related to the Initiative leading up to World Water Day on March 22, 2016 and hold another White House meeting that month to continue discussions about the Initiative.
MEMORANDUM

TO: Eleanor Torres  
    Alicia Dunkin

FROM: Eric Sapirstein

DATE: December 28, 2015

SUBJECT: Washington Update

After several weeks of negotiations between congressional leaders and the White House, Congress approved and the president signed into law a year-long spending agreement (H.R. 2029) for fiscal year 2016. The action allowed Congress to adjourn the first session of the 114th Congress without the usual uncertainty surrounding governmental operations that had become the norm of the past several years. The action on the budget is important because it included budget decisions that positively addressed the priorities the District advocated over the past several months. Below is a summary of the key issues of interest to the District during the past month.

Congress returns to work on January 5. The first order of business will be the President’s final State of the Union address before Congress on January 12. At that time, the Administration’s final year policy priorities will be identified with the central domestic matter anticipated to be climate change.

Fiscal Year 2016 Budget Addresses District Priorities

Attached is a summary of the key elements of the final spending agreement of interest to the District. In summary, the District will find that:

- Congress agreed to increase funding levels of the state revolving loan fund program at USEPA that will benefit the ability of the state to offer subsidized assistance for recycled water infrastructure projects. As adopted, the clean water program was effectively restored to current spending levels of $1.34 billion. The drinking water program was cut to $833 million, but in the
aggregate the agency secures current year spending levels as the District sought.

- Within USBR, a record total of $100 million was appropriated to support drought-related project assistance. USBR will have the authority to provide funding to a variety of drought mitigation efforts across its program authority.

- The WaterSmart program was appropriated current year spending levels with Title XVI receiving $23 million. Additionally, another almost $20 million was appropriated to support competitive grants assistance.

- In an important budget priority statement, USBR’s budget for desalination research and technology development was boosted by approximately $10 million.

- Within the USACE’s budget, authority was provided to support a series of new starts that included ecosystem restoration actions. While the number of projects is limited, the budget overall provides almost $1 billion in additional spending for USACE needs.

**Emergency Drought Relief Assistance**

The much anticipated compromise drought bill between Senators Feinstein and Boxer and House California Members collapsed after the inability to reconcile environmental streamlining provisions contained in H.R. 2829 with spending priorities for water recycling and desalination contained within S. 1894. Senator Feinstein issued a statement in response to House critics of the failure that she would swiftly bring legislation to the Senate Committee on Energy and Natural Resources for consideration in January. At the same time, House California Democrats issued a statement criticizing the closed process of the negotiations that failed to deliver a compromise. It remains unclear on how a drought bill will proceed in the coming months. But, it now appears that alternative water supply infrastructure assistance for desalination and water recycling is likely to be part of any final agreement.

While discussions surrounding a compromise approach will continue, we also were informed that the Senate committee is considering legislative options to revise the water recycling program assistance. This action may portend a renewed effort in the next year to develop a new approach to facilitate the construction of water recycling projects, replacing the Title XVI process that currently requires a lengthy review and approval process.

**Policy Riders and Incentives**

Congressional efforts to rollback a number of policy initiatives failed to be included in the final budget. Instead, the agreement maintains current limitations and prohibitions on the ability of USACE to rely on new criteria that would influence
which projects would be eligible for program attention. The effort to roll back the Waters of the U.S. rulemaking was abandoned. Instead, the current prohibition on redefining how section 404 permits (dredge and fill) are approved was reaffirmed. Finally, a number of “tax extenders” were adopted as part of the compromise budget. Under the agreement, continued subsidies for alternative energy (including solar) were extended, allowing for the continued adoption of such technologies.

**WRRDA Reauthorization**

During the past month, the prospect for congressional action on a renewed WRRDA increased. Both the House and Senate WRRDA committees have begun the process of soliciting input from Members about project needs. The House Committee on Transportation and Infrastructure is expected to conduct oversight hearings as early as January with the goal of developing a bill for committee action later in the late spring or early summer. The Senate has not announced any hearing schedule.
Early this morning, congressional leaders released a final budget agreement (H.R. 2029) that will fund the federal government through September 30, 2016. The House and Senate are expected to proceed to floor debate and a vote not later than Friday or Saturday, allowing Congress to adjourn for the year thereafter.

**Summary Observations**

The agreement that is selectively summarized below, represents an achievement for its provisions to fund key infrastructure programs at current or higher levels compared with fiscal year 2015 appropriations. The action is important because Congress adopted funding levels for the SRF and water recycling programs that the District had advocated.

The agreement is also notable for provisions extending or renewing expired tax provisions that create incentives for renewable energy projects. Finally, while a number of policy riders were adopted as part of the budget agreement, the contentious Clean Water Rule rollback rider was not adopted. Instead, the U.S. Army Corps of Engineers was, again, prohibited from using any funds to change the existing definition of waters subject to Clean Water Act regulation.

**U.S. Environmental Protection Agency**

The budget agreement provides for important support to the agency’s core water infrastructure program, raising final spending for the SRF program by more than $500 million from the House/Senate marks approved earlier this year. The bill also clarifies that USEPA must work with Office of Management and Budget to avoid a repetition of engaging in publicity to advance regulatory initiatives that violates federal prohibitions on advocacy by agencies. A policy statement on Buy American is included that simply extends the mandate on SDWA projects comply with the standard. CWA projects are subject to a permanent mandate. Within the agreement, the agency will receive:
• $1.34 billion to fund capitalization grants for clean water infrastructure
• $863 million to fund capitalization grants for drinking water infrastructure
• where projects exist a CWA SRF set-aside of 10% to support green infrastructure, water or energy efficiency improvements or other environmentally innovative projects
• where projects exist a SDWA SRF set-aside to support green infrastructure, water or energy efficiency improvements or other environmentally innovative projects is authorized
• states must reserve 10% of CWA SRF and 20% of SDWA SRF to provide enhanced subsidies (forgiveness, negative interest loans, or grants)
• Funding for WIFIA was not provided aside from resources to implement the program

U.S. Department of the Interior/U.S. Bureau of Reclamation

The agreement enhances the efforts of USBR to advance solutions to western drought. Overall, USBR receives $1.118 billion slightly above current year spending. In what represents a significant boost in funding water infrastructure and conservation programs, the bill provides broad latitude to USBR to support such projects by competitive solicitation. Additionally, Indian water rights settlements are endorsed with continued funding. As agreed upon USBR has:
• $50 million to support the WaterSmart Program within which $23 million will assist Title XVI water recycling projects and almost $20 million will support desalination research and development activities
• $100 million to support west-wide drought relief responses including water recycling
• a prohibition on the use of any funds to convey water through U.S. BLM lands or to store water underground within the Mojave National Preserve (this prohibition is considered a provision impacting the Cadiz Water Project)
• CAL-FED Bay Delta Authorization is renewed for an additional year and receives $37 million
• Land and Water Conservation Fund renewed at $450 million to support grants

U.S. Department of Commerce

Support of the USGS stream monitoring program continues with funding boosted incrementally. Key funding decisions:
• The reconfigured budget account for water resources provides $213 million a slight increase of $1.7 million over FY 2015:
  o $42 million for Water Availability and Use Science ($300 for drought forecasting)
  o $2 million for groundwater resources to review transboundary aquifers
  o $71 million for Groundwater and Streamflow information network including:
    ▪ increase of $1 million for groundwater network
- $928 thousand for streamgages
  - $92 million for National Water Quality Programs

**U.S. Army Corps of Engineers**

USACE was provided $21 million for the Santa Ana Mainstem program, setting an important statement that the project must be completed. This bodes well for the project and the District’s related ecosystem restoration and conservation priority. Funding of flood and navigation projects benefit from strong funding support in the omnibus measure. Within the bill, USACE core programs will receive:

- $1.2 billion to support harbors and waterways construction and O&M needs
- $1.7 billion to support flood and stormwater damage reduction needs
- Authorization to initiate 10 new study starts and 6 new construction project starts as follows:
  - 3 navigation studies
  - 3 flood and storm reduction studies and 1 construction
  - 1 additional flood or storm reduction study and 1 construction
  - 3 environmental restoration studies and 1 construction
  - 3 additional construction projects shall be flood or navigation and 1 for environmental restoration

- Priority for USACE to implement at least one project to demonstrate the feasibility of a public private partnership relying on one of the authorized new starts to demonstrate the feasibility

**Homeland Security**

The Federal Emergency Management Agency receives $4.62 billion, which is $268.9 million more than the 2015 enacted level.

- $2.54 billion for FEMA state and local grants and training
- $100 million for Predisaster Mitigation, $75 million more than 2015
- $190 million for Flood Mapping, $90 million more than 2015
AGENDA ITEM SUBMITTAL

Meeting Date: January 7, 2016
Budgeted: N/A

To: Communications/Leg. Liaison Cte.
Board of Directors

Cost Estimate: N/A

Budgeted Amount: N/A

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

From: Mike Markus

Staff Contact: E.Torres/A.Dunkin

POLICY ISSUE: STATE LEGISLATIVE UPDATE

SUMMARY

Orange County Water District (OCWD; the District) staff and Townsend Public Affairs (TPA) continue to advocate on issues at the state level that impact the District. Current issues include advocating for modifications to the State Board’s regulations that would allow Drought-Sustainable Water Supplies, which would be defined as potable reuse and desalination supplies, to be allowed a credit from a retail water agencies reduction target, effectively adjusting its conservation savings. After participating in the State Board’s December 7th workgroup and writing position letters, the State Board released a staff recommendation on December 21st to provide a one-tier (four percentage point) reduction in the conservation standard of urban water suppliers using indirect potable reuse or desalinated seawater. This credit will apply to all OCWD water producers.

In addition, meetings with elected officials and their staff were held to discuss a collaborative approach to addressing groundwater contamination and strategic planning to secure water bond funding for District projects.

Attachment(s):
- Townsend Public Affairs Monthly Activity Report (December 2015)
- OCWD and Producers Comments on the Emergency Drought Regulations (December 1, 2015)

RECOMMENDATION

Agendize for January 20 Board meeting: Take action as appropriate.

DISCUSSION/ANALYSIS

On April 1, 2015, Governor Brown issued the fourth in a series of executive orders on actions necessary to address California’s drought. On May 5, 2015, the State Water Resources Control Board (State Water Board) adopted an Emergency Regulation to address specific provisions of the April 1 Executive Order, including a mandatory 25 percent statewide reduction in potable urban water use between June 2015 and February 2016.
To reach the statewide 25 percent reduction mandate, the Emergency Regulation assigns each urban water supplier a conservation tier that ranges between 4 and 36 percent based residential per capita water use for the months of July – September 2014. At the time the State Water Board adopted the current Emergency Regulation some urban water suppliers had proposed further refinement to the conservation tiers to reflect a range of factors that contribute to water use. State Water Board Resolution No. 2015-0032 directed staff to work with stakeholders to further develop and consider these factors, including but not limited to temperature, growth, use of drought resilient supplies, and others for adjustment to the Emergency Regulation should it need to be extended into 2016.

On November 13, 2015, Governor Brown issued Executive Order B-36-15 (EO B-36-15) calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. Between August and November 2015 State Water Board staff convened a small group of individuals representing a variety of water interests to further explore potential modification of the Emergency Regulation.

The State Water Board also held a public workshop on December 7, 2015, to solicit input on elements of the existing Emergency Regulation, if any, that should be modified. The stakeholder process and workshop led to development of several proposals for modification of the Emergency Regulation, which are discussed below, along with staff recommendations.

Staff recommendations are based on the criteria that modifications to the Emergency Regulation be transparent, intelligible, equitable, reasonable, provide sufficient water savings statewide, and be feasible to implement and enforce. As directed by the Governor in EO B-36-15, this proposal would extend until October 31, 2016 restrictions to achieve a statewide reduction in urban potable water usage.

NOVEMBER/DECEMBER STATE LEGISLATIVE ACTIVITIES

- November 12    President Green, Mike Markus, Jose Solorio, and Alicia Dunkin briefed the Governor’s staff on OCWD and met with staff to Speaker Rendon and Assemblymember Levine’s office (Chair of the Water, Parks and Wildlife Committee)
- November 24    President Green, Director Yoh, Mike Markus, Alicia Dunkin and TPA briefed Assemblymember Gomez (Chair of Appropriations) on OCWD
- December 1-4    President Green, Directors Anthony, Bilodeau, and Dewane, and Mike Markus, Alicia Dunkin, Greg Woodside attended the ACWA fall conference
- December 7     Mike Markus participated in the State Board’s workshop on the extended emergency regulations for urban water conservation
- December 17    Bill Hunt, Alicia Dunkin, Cody Storm, and TPA met with staff to Ling Ling Chang and Young Kim to brief them on the status of groundwater cleanup projects
MEMORANDUM

To: Orange County Water District
From: Townsend Public Affairs, Inc.
Date: December 23, 2015
Subject: Monthly Political and Activity Report

Specific Activities for the Month:

- TPA is working with OCWD to schedule a meeting with the State Water Resources Control Board (SWRCB) to discuss securing Proposition 1 funding for the final expansion of GWRS. TPA is awaiting feedback from staff on the appropriate timing.

- In November, TPA provided staff with a document that outlines the 2016 Water Focused priorities that will be discussed in Sacramento as well as the specific interest to OCWD and their Producers. That document is attached to this report.

- TPA is working with OCWD staff on proposed WateReuse legislation for the bottling of potable reuse water.

- Throughout November and December, TPA has provided updates and information to OCWD staff regarding the SWRCB emergency conservation regulations.

- On November 16, TPA monitored the Senate Natural Resources and Water information hearing and provided notes to OCWD staff.

- On November 24, TPA scheduled and participated in a meeting with Assemblymember Gomez, Chair of the Assembly Appropriations Committee.

- On December 17, TPA facilitated and participated in meetings with the following offices to provide an update on the North Basin groundwater contamination clean-up.
  - Office of Assemblymember Ling Ling Chang
  - Office of Assemblymember Young Kim

- TPA worked with OCWD staff to schedule a meeting with Senator Hertzberg on February 5.

- TPA is working with OCWD staff to schedule time for a briefing on the OCWD Wildlife Exhibit.
State Political Update

When the Legislature returns from interim recess on January 4, both the Senate and the Assembly will have accelerated legislative timelines as they must consider the 302 two year bills that were introduced in the previous session and did not advance. January 31 is the last day for each house to pass bills that did not pass out of their house of origin in the first year of session. February 19 is the last day for any new legislation to be introduced. The second year of the two-year session will be roughly a month shorter than the first year, therefore the Legislature will be busy early and often.

After the Legislature returns, in addition to the activity surrounding two-year bills, the Governor will be laying out his policy and fiscal positions for consideration by the Legislature. The same week that the Legislature reconvenes, the Governor will be unveiling his proposed January Budget for the 2016-17 fiscal year. While the Governor has not yet indicated what may be contained in his budget, an economic outlook performed by the Legislative Analyst's Office indicates that the State is projected to have a multi-billion budget surplus for the next several budget years. While most of these excess revenues will be directed to voter-mandated categories, primarily Proposition 98 and Proposition 2, the State's rainy day fund, there are still likely to be considerable funds available for additional priorities. In addition to the funding priorities that the Governor will put forth in the budget, the Governor will also lay out his policy priorities for the coming year in his annual State of the State Address, which is also likely to occur the week that the Legislature returns from their recess.

While the Legislature has been on recess they have still been conducting informational committee hearings on items that they are likely to consider in the upcoming session. On November 16, Senator Fran Pavley, Chair of the Senate Natural Resources and Water Committee, hosted an informational hearing relating to water infrastructure funding needs. The hearing was a “fact finding mission” focused on acquiring information relating to the funding needs for water infrastructure throughout the state. The next hearing, to be held in early 2016, will look at these various funding solutions in more detail. At the hearing, several prominent figures in the water field testified that California suffers from an estimated $2-$3 billion a year in water infrastructure funding shortfalls. Senator Pavley mentioned that a public goods charge is being looked at as a possible method of bridging the funding gap and that historically, funding for water infrastructure projects has been most successful at the local level. Additionally, Lester Snow, Executive Director of the California Water Foundation, mentioned that a public goods charge could be modeled after the surcharge on customers of publicly owned utilities. This hearing was just the beginning of a complex and sensitive topic that will be discussed in the upcoming year.

On the Assembly side, Assemblymember Richard Gordon, Chair of the Assembly Select Committee on Water Consumption and Alternative Sources, hosted his own informational hearing on November 17 relating to improving water availability through alternative sources. The panel of water experts included staff from the Department of Water Resources, the State Water Resources Control Board, and the Natural Resources Agency, as well as representatives from private institutions relating to water and a professor from the Ben Gurion University of the Negev in Israel. The panel reiterated that the best method for long term water supply resiliency is a portfolio based approach which leverages various sources of water and reduces dependability. Ellen Hanak of the Water Policy Center at the Public Policy Institute added that California should build on what was currently working such as regional coordination for projects and mandatory conservations. In the hearing, Proposition 218 passed by the voters in 1996, was cited as an obstacle to combating this drought. The panel went on to explain that local water agencies across the state have had their hands tied behind their back while they are struggling to overcome drought conditions. It is expected that more talk relating to Proposition 218 will emerge as a result of increasing drought conditions.
Executive Order 8-36-15

On November 13, the Governor issued Executive Order 8-36-15, which enacts further actions in order for the state to better mitigate the effects of the drought. The executive order streamlines the permitting process for projects that attempt to capture stormwater in events of high precipitation. This executive order also gives the State Water Resources Control Board (SWRCB) the authority to extend the restrictions on urban potable water use if drought conditions last through January 2016.

A breakdown of the order is below:

- Previous executive orders and proclamations remain in full effect, except as modified in this executive order

- SWRCB and California Regional Water Quality Control Board shall prioritize temporary water rights permits, water quality certifications, waste discharge requirements, and conditional waivers in relation to projects that help capture stormwater in rain events

- If drought conditions extend through January 2016, the SWRCB shall extend the restrictions to October 31, and shall consider modifying its existing restrictions

- The SWRCB shall use up to $5 million for permanent solutions that provide safer, cleaner, and more reliable drinking water to systems with less than 15 drinking water connections

- The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of remediating any wildfire damage and to restore power plant operation by authorizing emergency construction activities including demolition, alteration, replacement, repair or reconstruction necessary for power plant operation.

In order for the SWRCB to renew their emergency conservation regulations, they needed to receive specific authority, which is covered under this Executive Order.

Draft Urban Water Conservation Regulatory Framework Amendments

The State Water Resources Control Board (SWRCB) released their draft amendments to the emergency regulation for urban water conservation on December 21. The draft amendments were a result of a stakeholder workgroup formed by the SWRCB to discuss possible changes to the emergency regulations. The SWRCB hosted a workshop on December 7, to solicit feedback from agencies around the State about the emergency conservation standards and their effect on local agencies. The hearing started with a staff update from both the State Water Resources Control Board as well as the Department of Water Resources regarding California’s current hydrology and conservation efforts. Five panels made up of various stakeholders throughout the state then gave their opinion on the conservation measures as well as ideas on how to make them better if they are needed in 2016. Many agencies expressed disappointment about various items, such as indirect potable re-use projects, desalination projects, or other water supply creating projects, which are not factored under the current regulations. Many other agencies spoke about the financial hardship that the conservation measures have placed on their agencies, and how the State needs to consider the financial position that face agencies throughout the State. During the workshop, the most talked about themes involved providing conservation adjustments or credits based on water recycling, growth equity, climate equity, and effective groundwater management.
The draft amendments released by SWRCB staff on December 21 addressed all of the major themes brought forth by the stakeholder working group. Staff recommends that all credits and adjustments be capped to allow up to a maximum of a four percentage point decrease to any individual water supplier's conservation standard. The draft proposal does provide a credit for desalination seawater or indirect potable re-use water for a total of a one-tier reduction to the conservation standard. Comments are due on this proposed framework by January 6, 2016. It is anticipated that the SWRCB will take action at their Board meeting on February 2 regarding the framework amendments.

A summary of the staff proposed credits or adjustments includes:

- **Growth adjustment**: Provide a mechanism to adjust urban water supplier conservation standards to account for population growth since 2013. The adjustment will be equal to the ratio of the additional volume of water used since 2013 to the baseline water use for 2013, multiplied by the water supplier’s conservation standard. This adjustment is estimated to result in a one percentage point reduction in statewide overall water savings.

- **Drought Resilient Sources of Credit**: Provide a four percentage point (one tier) reduction to the conservation standard of urban water suppliers using new drought resilient water supplies. Documentation must be provided that at least four percent of the potable supply is comprised of indirect potable reuse or desalinated seawater developed since 2013. This is estimated to result in a 0.6 percentage point decrease in statewide water savings.

- **No credit for non-potable recycled water use**

- **Climate adjustment**: Incorporate a climate adjustment in the regulation that reduces the conservation requirement by up to 4 percentage points for water supplies located in the warmest regions of the state (based on service area evapotranspiration (ET)). The climate adjustment would be based on each urban water supplier’s approximate service area ET for the months of July through September as compared to the statewide average ET for the same months. The adjustment would range from a 2-4 percentage point decrease in an urban water supplier’s conservation requirement for an estimated 1.4 percentage point decrease in statewide water savings.

- **Groundwater credits**: Do not provide credit for groundwater use or management since this is not well-defined and is inconsistent with the goal of conserving the state’s remaining surface and groundwater supplies during the drought. Groundwater augmentation is materially different than creation of a new drought-resilient source of supply, such as indirect potable reuse.

- **Regional compliance**: Not recommended, has the potential to reduce individual water supplier accountability and there is nothing currently prohibiting regional coordination for education or media campaigns.

- **Other**: Maintain the monthly reporting requirements for urban water suppliers and add a prohibition against homeowners’ associations interfering with certain conservation actions of their association members in violation of existing law.

**Drinking Water Fee Workshop**

On December 4, the SWRCB hosted a workshop to discuss the drinking water fee structure set to expire July 1, 2016 as a result of SB 83. The Drinking Water Program is currently funded by three sources: fees from public water systems, public water system supervision (PWSS) grants, and federal funds from the State Revolving Fund (SRF). Since the Drinking Water Program was transferred to the State Water Resources Control Board on July 1, 2014, a fiscal analysis performed by Water Board staff revealed that:

- The existing fee structure is not generating sufficient revenue to support the program
- The existing fee structure appears to be unreliable, unsustainable, and inequitable
Nearly 55% of program costs are being funded by federal funds, which are not guaranteed on an annual basis.

Health and Safety Code section 116590 contained a cap that would prevent the Water Board staff from making the program whole through a fee increase.

As a result of stakeholder meetings, the SWRCB has come up with four proposed solutions:

- **Option 1 – Diminishing Tiers**, provided by the California Municipal Utilities Association (CMUA) in conjunction with the Association of California Water Agencies (ACWA)
  - Under 100 service connections - $250 flat fee
  - 100-1,000 service connections - $4.00 per connection
  - 1,001-3,000 service connections - $2.75 per connection
  - 3,001-10,000 service connections - $2.00 per connection
  - 10,001 - 50,000 service connections - $1.50 per connection
  - >50,000 service connections - $0.50 per connection

- **Option 2 – SWRCB response to Option 1**
  - Under 50 service connections - $100 flat fee
  - First 10,000 service connections - $2.50 per connection
  - 10,001 connections and above - $1.25 per connection

- **Option 3 – Base Fee + Service Connection Charge**
  - Community Water Systems with less than 50 connections - $100 flat fee
  - Community Water Systems with more than 50 connections - $100 + $1.75 per connection

- **Option 4 – Base Fee + Service Connection Charge with Cap**
  - Community Water Systems with less than 50 connections - $100 flat fee
  - Community Water Systems with more than 50 connections - $100 + $1.85 per connection
  - $500,000 maximum annual fee

The current fee structure places a greater amount of burden on small water systems to pay for the Drinking Water Regulatory Program based on the amount of fees paid per service connection. These solutions provide equity to all fee payers based on per connection cost as well as introduce simplicity, flexibility, and stability to the Drinking Water Program. The Board will adopt a solution and submit draft regulations for public review by the end of January. The Board plans on submitting a regulation package to the Office of Administrative Law by March 1, 2016.

**State Water Use: October 2015**

Californians continue to stay on track toward meeting the Governor’s goal of conserving 1.2 million acre feet of water by February 2016 despite only reducing water use levels by 22.2% in October. The cumulative water savings from June, July, August, September, and October when compared to the same months in 2013, is now 27.1 percent. The State Water Resources Control Board anticipated a slight dip in conservation numbers due to unusually hot weather in October 2015, and also explained that keeping the conservation percentages up through winter will be difficult due to the lack of outdoor watering that usually takes place. Of the 409 suppliers reporting for October, 69 percent met or were within one percentage point of meeting their conservation standard and 15 percent were between one and five percentage points of meeting their standard.
In October:

- For June through October, the cumulative statewide reduction was 27.1 percent, compared with the same months in 2013. That equates to 913,851 acre-feet (297.8 billion gallons), or 76 percent of the 1.2 million acre-feet savings goal to be achieved by the end of February 2016.

- Statewide, the average water use for October was 87 residential gallons per capita per day (R-GPCD), a decrease from the 97 residential gallons per capita per day reported for September.

- Although October 2015 had the lowest level of monthly savings since June 2015, suppliers still saved more than three times the volume of water saved in October 2014.

- The last five months have been the hottest on record and October was no exception, with higher average temperatures than October 2013.
MEMORANDUM

To: Orange County Water District

From: Townsend Public Affairs, Inc.

Date: November 13, 2015

Subject: 2016 Water Focused Priorities – Looking Ahead

Emergency Drought Conservation Mandate

- **Status:**
  - Current regulations expire February 2016
    - Governor will need to declare Executive Order to extend
  - SWRCB is considering how emergency regulations may be modified should they be renewed in February
    - Looking at amendments and modifications. Specifically looking at additional data that needs to be collected and accounting for any precipitation in the coming months that will impact water use
  - SWRCB is conducting a Public Workshop on December 7. Written comments are due by noon on December 2. Water agencies are highly encouraged to attend and participate.
  - 2016 Legislation: It is likely that legislation will be introduced to address a long term solution. As discussions occur, TPA will keep OCWD updated.

- **OCWD/Producer Interest:**
  - Direct impact to all OCWD producers.
  - Leverage Mike Markus’ position on the SWRCB stakeholder groups. Provide feedback, based on producer comments, on what modifications might be helpful.
    - Key modifications for OCWD could include:
      - Will indirect potable reuse receive credit in any future change in individual mandates.
      - How can local reliability projects (GWRS) be factored into future regulations or conservation thresholds?
  - While SWRCB indicates that they view the regulation an extension as a separate conversation from long-term, permanent regulations, it should be anticipated that the outcome from the stakeholder process may be incorporated into longer term conservation efforts.
Proposition 218 – Amendment/Re-Structure

- **Status:**
  - Administration:
    - Assemblymember Dodd’s 2015 bill, AB 401, established a low-income water rate assistance program and was signed into law by the Governor this year.
    - In the signing message for AB 401, the Governor notes that Proposition 218 serves as the largest impediment to establishing low-income rate assistance programs, as well as other to other water related improvements. He indicates that his Administration is going to work with the Legislature and stakeholders next year to address issues with Proposition 218.
    - TPA has had discussions with Governor Brown’s Senior Advisor on water issues, Wade Crowfoot about Proposition 218. The Administration is sensitive to the issues that water districts are facing as they work to achieve their conservation mandates, but this may result in a need to increase water rates to cover the cost of providing service.
    - The Administration will be working on this issue in the coming months.
  - Statewide Public Agency Coalition
    - Several statewide associations, including the League of California Cities, ACWA, and the California Water Foundation have formed a coalition to pursue amendments to Prop 218.
      - The coalition is looking at three key elements in their proposal:
        - Flexibility for tiered rate structures
        - Enhance ability to fund stormwater/flood management
        - Provide ability to do lifeline rates
      - Coalition approach could take one of two paths
        - Initiative route
          - Looking to develop and submit language to the Attorney General in December.
          - Once title and summary has been received they will conduct polling and focus groups to gauge the viability of their proposal.
        - Legislation
          - Would need to introduce a constitutional amendment
          - The constitutional amendment would need to go through the legislative process, which would require a 2/3 vote in each House, by July 2016.
          - Will likely be difficult to achieve a 2/3 vote, particularly in an election year.
  - **OCWD/Producer Interest**
    - Strong Producer Interest
      - OCWD to engage in discussions at the ACWA level through President Green
      - OCWD to engage in discussions at the Administration level through TPA.
      - Producers may have conflicting views about a restructure of Proposition 218. OCWD can serve as a conduit for information sharing as well as advocating for a regional/localized approach.
• Ensure that a more regional approach is taken into account and there is not one specific rate structure statewide – regional and local priorities need to be taken into account.
• Ensure that any modifications to Prop 218 preserve local control and cannot be subsequently used by state agencies, such as the SWRCB, to force local agencies to modify their rate structure.
  o This will be a major initiative or a constitutional amendment which will require strong bi-partisan support.
    ▪ If this is a constitutional amendment, republican support will be critical. OCWD has a strong republican delegation, leverage these relationships to ensure that OCWD Producers are protected.

Desalination – Increase Funding Cap/Potential Legislation

• Status
  o Proposition 1 Desalination Funding:
    ▪ The water desalination grant program has conducted three rounds of funding since 2005 using Proposition 50 funds. The fourth round of funding will consist of Proposition 1 funds as well as the remnants of Proposition 50 funds. Applications are expected to be available in Spring 2016 with the first round of funding announcements in Summer 2016
  • Total Available Funds: $50 million for FY 15-16, $100 million total

• OCWD/Producer Interest
  o Strong interest to increase the funding cap as it relates to opportunities to fund the Pipeline project.
  o Focus on the timing. Need to ensure that the cap is increased in line with the timing of the OCWD Pipeline project. With only $100 million available, once the cap is increased to $15 million the amount of projects that may be funded will decrease.
    ▪ Does it make sense with the timing of our advocacy as well as the timing of the project to advocate for this cap increase during the second round of funding?
  o Legislative engagement will be critical if the funding cap increase needs to be done through the legislative process – which means it likely would not be effective until the second round of funding.
  o Any and all legislation that would impact desalination projects will be high priority. Assemblymember Harper has a pending 2-year spot bill that is on our radar.

Sustainable Funding for Water Infrastructure – Public Goods Charge

• Status
  o At the end of the legislative session, Senator Fran Pavley amended SB 20 (Water Resiliency Investment Fund) so that it would create the “California Water Resiliency Investment Fund.”
    ▪ While the bill does not currently include a proposal as to how funds would be allocated into the Fund, it is likely that the bill will be used as a vehicle to discuss a statewide public goods charge on water.
- The current language in the bill would allow funding to be used for: emergency drought response, integrated regional water resiliency, safe drinking water for disadvantaged communities, environmental protections for fish and wildlife, and for improved data collection and management.
  - The Senator is planning to conduct two informational hearings, one on November 16 and one in January, to further discuss the State's ongoing water funding needs and the subject of a public goods charge.

- **OCWD/Producer Interest**
  - A public goods charge will directly impact OCWD and OCWD Producers.
  - Pavley is not necessarily beholden to a public goods charge at this point. However, there is a strong focus on structuring a solution that will help to create a sustainable funding source.
    - There is a strong emphasis on creating a statewide funding solution.
    - Can OCWD work with Producers to come up with an alternative, statewide, solution that can be proposed?
      - Can a more regional solution or local goods charge be considered? What about a statewide solution with a sliding scale.
      - If there is going to be a public goods charge, then there should be some form of assurances that the funding will be used to benefit ratepayers throughout the State for projects that provide a direct benefit.

**Recycled Water and Ocean Discharge**

- **Status**
  - SB 163 by Senator Hertzberg was amended the last week of the Legislative session to address wastewater treatment.
  - The bill would declare that the discharge of treated wastewater from ocean outfalls, except in compliance with the bill's provisions, is a waste and unreasonable use of water in light of the cost-effective opportunities to recycle this water for further beneficial use.
    - This bill, on or before January 1, 2026, would require a wastewater treatment facility discharging through an ocean outfall to achieve at least 50% reuse of the facility's actual annual flow for beneficial purposes.
    - This bill, on or before January 1, 2036, would prohibit the discharge of treated wastewater through ocean outfalls, except as backup discharge, and would require a wastewater treatment facility to achieve 100% reuse of the facility's actual annual flow for beneficial purposes.

- **OCWD/Producer Interest**
  - Impacts to GWRS flows
    - OCWD is meeting with Senator Hertzberg on December 7.
    - Hertzberg's office is collecting letters that outline agency concerns. Willing to have an open dialogue on how this will work for agencies.
    - OCWD to provide feedback as the leader in water recycling
Water Consolidation – Cleanup Legislation

- **Status**
  - Budget Trailer Bill, SB 88, included consolidation language
  - The final language allows the State Water Board to order public water system consolidations or extensions of service when a system serving a disadvantaged unincorporated community “consistently fails to provide an adequate supply of safe drinking water.”
    - The State Water Board would have to take several steps before ordering a consolidation or extension of service, including notifying the affected systems, consulting with the relevant local agency formation commission (LAFCO), and allowing time to negotiate another means of providing an adequate supply of safe drinking water.

- **OCWD/Producer Interest**
  - Protect against mandated consolidations, as well as expansion of the language that would include OCWD or Producers
    - Potential additional legislation or trailer bill language in 2016 to expand the efforts to mandate consolidations.
    - TPA is on the lookout for legislation or trailer bill language that will be introduced on this topic. If introduced, this would be a critical issue to engage with key legislative members, both within and outside, Orange County.
      - Position OCWD as a leader in Southern California who can provide feedback on an appropriate effort to consolidate agencies.

Bay Delta Conservation Plan

- **Status:**
  - The public comment period on the recirculated draft environmental documents for California WaterFix ended on October 30.
    - California WaterFix is the preferred project by state and federal officials which aims to build two large pipes under the Delta in an effort to better protect Southern California’s water future. The public comment period had been open since July 10 and the comments will help the State finalize the Environmental Impact Report (EIR). All comments will be addressed in the final EIR and will be considered during the decision making process. The state will not make final decisions about the proposed project until after the CEQA and NEPA processes have finished.
  - Qualified Initiative for 2016 Ballot:
    - Revenue Bonds—Statewide Voter Approval. Initiative Constitutional Amendment.
      - This initiative would require statewide voter approval before any revenue bonds can be issued or sold by the state for projects that are financed, owned, operated, or managed by the state or any joint agency created by or including the state, if the bond amount exceeds $2 billion. Prohibits dividing projects into multiple separate projects to avoid statewide voter approval requirement.
This initiative has the ability to impact many large scale state projects, including the proposed Delta tunnels project.

- **OCWD/Producer Interest**
  - If the Delta levees were to collapse, the amount of water pumped from the Delta to Southern California could be significantly reduced, if not stopped completely, until repairs were made.
  - Is this something where the OCWD Board wants to take an official position? Previously this has not been an item of interest but discussion on this topic will be heavy, especially with the qualified initiative.

### WateReuse Bottling Legislation

- **Status**
  - WateReuse is looking to sponsor legislation in 2016 that will allow the bottling of potable reuse demonstration water for educational purposes.
  - OCWD, with the support of TPA, previously ran AB 110 in the 2010 legislative session to bottle GWRS water. The bill stalled in the Senate Environmental Quality committee.

- **OCWD/Producer Interest**
  - Major direct impact. OCWD will be a key supporter. OCWD and TPA will play a critical role in working to support this legislation and secure passage of the bill, as well as a signature by the Governor.
  - TPA will work with OCWD and WateReuse to see that the bill is introduced by a strong author to increase the likelihood of success.
  - Will work with the author and sponsor to highlight GWRS and position OCWD as the industry leader and a clear example of why this bill is needed and how it would be carried out were it to become law.

### Underground Surface Storage - AB 647 and Proposition 1 Storage

- **Status**
  - AB 647 by Assemblymember Eggman is a two year bill.
    - Current version of the bill includes OCWD proposed amendments preserving their existing water rights permit issued by the SWRCB
    - Since the bill is already in the Senate, it is not subject to the two-year bill deadlines in January 2016
  - Proposition 1 allocates $2.7 billion for storage to be used on storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, as well as groundwater storage, groundwater contamination, local and regional surface storage.
    - Discussions are occurring if this money would be better spent on groundwater projects rather than the construction of new dams and reservoirs
      - The California Water Commission (CWC) is the implementing agency for these funds.
      - The CWC must adopt regulations by December 15, 2016
• **OCWD/Producer Interest**
  
o Ensuring that OCWD’s existing water rights permit issued by the SWRCB is preserved allowing OCWD to divert water from the Santa Ana River to groundwater storage
    - Ensure that an existing water rights holder does not have to seek a change petition from the SWRCB
  
o OCWD providing expertise and feedback to the CWC on the value of groundwater projects
    - OCWD can be touted as the leader in groundwater management. Can help frame the discussion on how the money will be allocated.
    - Advocate for money to be allocated specifically to groundwater contamination prevention or remediation projects that will provide greater water storage benefits and increase local water supplies.

**Drinking Water Program Fee Restructure**

- **Status**
  
o In 2015, Budget Trailer Bill SB 83 passed. The bill keeps the existing drinking water fee structure in place for one year and creates a stakeholder process to provide input on changes moving forward. SWRCB must adopt first round of changes through regulatory process.
  
o SWRCB is currently holding stakeholder meetings on changes to the public water system operating fees.
    - SWRCB is working on a few fee schedule for the FY 16-17 year.
    - SWRCB is working on several different alternatives.
      - Would allow a 5 percent increase each year.
      - One proposed solution is eliminating the fee for service model – wholesale water systems will have a separate fee schedule based on production and transient non-community systems will be billed a flat fee per water system
  
o ACWA is supporting the following:
    - Ensuring all water systems receive an appropriate level of service
    - Emphasizing the need for the Drinking Water Program to retain and enhance its accounting of where they are dedicating staff time and resources
    - Preserving “system level” equity in a revised fee structure

• **OCWD/Producer Interest**
  
o Strong Producer interest. OCWD to work with Producers to support their interests.
  
o The stakeholder process is happening now. OCWD to work with TPA to provide feedback and comments on the proposed alternatives for the FY 16-17 year.
  
o OCWD can also leverage President Green’s position on the ACWA Board to ensure that the ACWA proposal is in line with OCWD Producers interests.

**Greywater**

- **Status**
  
o In 2015, Assemblymember Gatto introduced AB 1463, which would have required the State to establish water quality standards as well as distribution, monitoring, and reporting requirements for onsite water recycling systems.
    - This is a two year bill.
• Assemblymember Gatto is beginning discussions with stakeholders about amendments to the bill and how to best move forward.
  o Discussions will continue this year through the Legislature and appropriate agencies.
  • Members recently took a trip to Australia to study the drought and what steps Australia has taken to combat their drought conditions. One tactic is that the Country provides rebates to homes that install a greywater system.

• **OCWD/Producer Interest**
  o Greywater systems could impact flows to GWRS.
  o TPA to set up a meeting with Assemblymember Gatto for OCWD to explain their concerns over the possible loss of upstream source water. We will need to quantify this number and direct impact as best as possible prior to this discussion. The timing is appropriate to engage with the Assemblymember now.

**Flood Management**

• **Status**
  o If El Nino comes to fruition, there will be likely be legislation introduced to deal with the consequences

• **OCWD/Producer Interest**
  o Potential for emergency legislation to deal with extreme flooding. Action on this topic will likely be related to emergency situations that occur over the winter months.
Proposed Regulatory Framework for
Extended Emergency Regulation for Urban Water Conservation

Background:
On April 1, 2015, Governor Brown issued the fourth in a series of executive orders on actions necessary to address California’s drought. On May 5, 2015, the State Water Resources Control Board (State Water Board) adopted an Emergency Regulation to address specific provisions of the April 1 Executive Order, including a mandatory 25 percent statewide reduction in potable urban water use between June 2015 and February 2016. To reach the statewide 25 percent reduction mandate, the Emergency Regulation assigns each urban water supplier a conservation tier that ranges between 4 and 36 percent based residential per capita water use for the months of July – September 2014.

At the time the State Water Board adopted the current Emergency Regulation some urban water suppliers had proposed further refinement to the conservation tiers to reflect a range of factors that contribute to water use. State Water Board Resolution No. 2015-0032 directed staff to work with stakeholders to further develop and consider these factors, including but not limited to temperature, growth, use of drought resilient supplies, and others for adjustment to the Emergency Regulation should it need to be extended into 2016.

On November 13, 2015, Governor Brown issued Executive Order B-36-15 (EO B-36-15) calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. Between August and November 2015 State Water Board staff convened a small group of individuals representing a variety of water interests to further explore potential modification of the Emergency Regulation. The State Water Board also held a public workshop on December 7, 2015, to solicit input on elements of the existing Emergency Regulation, if any, that should be modified. The stakeholder process and workshop led to development of several proposals for modification of the Emergency Regulation, which are discussed below, along with staff recommendations.

Staff recommendations are based on the criteria that modifications to the Emergency Regulation be transparent, intelligible, equitable, reasonable, provide sufficient water savings statewide, and be feasible to implement and enforce. As directed by the Governor in EO B-36-15, this proposal would extend until October 31, 2016 restrictions to achieve a statewide reduction in urban potable water usage.

Climate adjustment:

Stakeholder Proposal: Water suppliers in warmer climates would be granted a reduced conservation standard based on their service area evapotranspiration (ET) relative to statewide average ET. The adjustments would be calculated by multiplying the deviation from average ET by the water supplier’s conservation standard and would range from a 0-15 percentage point decrease to suppliers existing conservation requirement. As proposed, no supplier would have their standard increased.

Staff Recommendation: Incorporate a climate adjustment in the Emergency Regulation that reduces the conservation requirement by up to 4 percentage points for water suppliers located in
the warmest regions of the State. The climate adjustment would be based on each urban water supplier’s approximate service area ET for the months of July through September as compared to statewide average ET for the same months. The adjustment would range from a 2-4 percentage point decrease in an urban water supplier’s conservation requirement depending on service area ET as follows:

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<thead>
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<th>Deviation from Average ET</th>
<th>Reduction in Conservation Standard</th>
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<td>4%</td>
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<td>10 to 20%</td>
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<td>5 to &lt;10%</td>
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</tbody>
</table>

Default service area ET will be based on the California Irrigation Management Information System (CIMIS) Mapped ET Zone for which the supplier’s service area has the greatest overlap. Each Urban Water Supplier will have the opportunity to refine its service area ET using specific data from CIMIS stations within its service area, provided each station used has a continuous period of record of at least 5 years.

Staff estimates that this adjustment will result in 1.4 percentage point reduction in statewide water savings from that currently required.

**Example Calculation of Climate Adjustment**

<table>
<thead>
<tr>
<th>Original Conservation Requirement</th>
<th>32%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide Average ET Jul-Sep</td>
<td>6.13 inches</td>
</tr>
<tr>
<td>Service Area Average ET Jul-Sep (Zone 17)</td>
<td>8.4 inches</td>
</tr>
<tr>
<td>Service Area % Deviation from Average ET = (8.4-6.13)/6.13</td>
<td>0.37 or 37%</td>
</tr>
<tr>
<td>Climate Adjustment</td>
<td>-4%</td>
</tr>
<tr>
<td>Adjusted Conservation Requirement</td>
<td>28%</td>
</tr>
</tbody>
</table>

**Growth adjustment:**

**Stakeholder Proposal:** Each urban water supplier’s 2013 baseline water use would be increased to account for growth in new service connections since 2013. The volume of water per connection in 2013 would be calculated (based on total use divided by number of connections) and multiplied by the number of connections added since 2013. This volume of water could be added to the 2013 baseline to account for new growth, resulting in a decrease to the supplier’s conservation volume requirement but not its conservation standard.

**Staff Recommendation:** Provide a mechanism to adjust urban water supplier conservation standards to account for water efficient growth since 2013. The adjustment will be equal to the ratio of the additional volume of water used since 2013 to the baseline water use for 2013, multiplied by the water supplier’s conservation standard. The volume of water added due to growth will be calculated as the sum of:
1. Number of new residential connections since 2013 multiplied by 165 gallons (55 gallons per person per day multiplied by three people) multiplied by 270 days.

2. Area of new residential landscaped area (square feet) served by connections since 2013 multiplied by 55% of total service area ET (inches) for the months of February through October multiplied by a conversion factor of 0.623 (converting inches to gallons).

3. Number of new commercial, industrial, and institutional (CII) connections since 2013 multiplied by the average commercial industrial, and institutional water use per connection during February through October 2015.

Staff estimates that this adjustment will result in about a one percentage point reduction in statewide water savings compared to the current requirements, assuming that growth has increased by 4% since 2013 for every urban water supplier.

**Example Calculation of Growth Adjustment**

<table>
<thead>
<tr>
<th># of new residential connections since 2013</th>
<th>4,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential landscaped area served by connections since 2013</td>
<td>10,000,000 sq. feet</td>
</tr>
<tr>
<td>Total ET February through October</td>
<td>44 inches</td>
</tr>
<tr>
<td>Volume of water attributable to new residential connections</td>
<td>328,966,000 gallons</td>
</tr>
</tbody>
</table>

\[
\text{Volume of water attributable to new residential connections} = (4000 \times 165 \times 270) + (10,000,000 \times 44 \times 0.55 \times 0.623)
\]

<table>
<thead>
<tr>
<th># of new commercial, industrial, and institutional connections since 2013</th>
<th>700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average use per CII connection Feb-Oct 2015</td>
<td>900,000 gallons</td>
</tr>
<tr>
<td>Volume of water attributable to new CII connections</td>
<td>630,000,000 gallons</td>
</tr>
</tbody>
</table>

\[
\text{Volume of water attributable to new CII connections} = 700 \times 900,000
\]

<table>
<thead>
<tr>
<th>Total volume of water attributable to growth since 2013</th>
<th>958,966,000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline 2013 total water production Feb-Oct</td>
<td>16,000,000,000 gallons</td>
</tr>
<tr>
<td>Gallons of water attributable to growth</td>
<td>958,966,000 gallons</td>
</tr>
<tr>
<td>Percentage change in potable water production due to growth</td>
<td>6%</td>
</tr>
<tr>
<td>Original Conservation Requirement</td>
<td>36%</td>
</tr>
<tr>
<td>Adjusted Conservation Requirement = .36 \times [1-0.06]</td>
<td>34%</td>
</tr>
</tbody>
</table>

**Drought Resilient Sources of Supply Credit:**

Stakeholder Proposal Suppliers would receive a credit for desalinated seawater or indirect potable re-use (IPR) water. The credit would come in the form of a one-to-one reduction from the calculated amount of water that needs to be saved under the Emergency Regulation. A supplier could deduct all water derived from desalination or IPR from their total savings requirement. San
Diego County Water Authority proposes a similar credit for Colorado River water received through long-term transfers of conserved water. No supplier would be allowed to have an effective conservation rate below 8%.

**Staff Recommendation:** Provide a one-tier (four percentage point) reduction to the conservation standard of urban water suppliers using new drought resilient water supplies. The credit would apply to urban water suppliers that certify, and provide documentation upon request, that at least 4 percent of its potable supply is comprised of indirect potable reuse of coastal wastewater (the creation and use of which does not injure another legal user of water or the environment) or desalinated seawater developed since 2013. Staff does not recommend extending this credit to Colorado River water received through long-term transfer of conserved water.

Staff estimates that this credit will result in about a 0.6 percentage point decrease in statewide water savings.

**Non-potable Recycled Water Use Credit:**

**Stakeholder Proposal:** This proposal would apply to suppliers that meet a large portion of irrigation demand with non-potable recycled water. These suppliers would be able to reduce their 2016 monthly potable water production by the ratio of non-potable recycled water use to total potable water production multiplied by their total water production and their conservation. Reducing 2016 total potable water production would have the effect of reducing the required volume of water saved.

**Staff Recommendation:** Staff does not recommend providing additional credit for non-potable recycled water use. Under the current Emergency Regulation, non-potable recycled water is not counted in total potable water production. Suppliers’ conservation standards are based on residential use of potable water, and while suppliers have been generally expected to target outdoor irrigation as a means of achieving savings, high use of recycled water should not, by itself, prevent a supplier from meeting those standards with reductions from residential and non-residential customers. These suppliers have already realized the benefit of providing recycled water by not having that water counted as part of their total production and not having to reduce use of that water. Urban water suppliers that cannot meet their conservation standard due to a disproportionate share of recycled water use may pursue relief through the existing alternate compliance process on case by case basis.

**Groundwater Credits:**

**Stakeholder Proposal:** This set of proposals would provide credit for “sustainable” groundwater management and groundwater augmentation. Suppliers would provide verification that the groundwater supply is formally certified to meet certain eligibility requirements and then would be eligible to deduct certain groundwater use from their total potable production. In effect, the use of eligible groundwater would be counted the same as conserved water. There are four proposed credit scenarios: 1) Groundwater Banking; (2) Conjunctive Use; (3) “Sustainable” Groundwater Management; and (4) Adjudicated Basins. The proposals include requirements that would govern the use of the credits under each scenario.
Staff Recommendation: Staff does not recommend providing credits for groundwater use or management since the effect of such credits are not well-defined and are generally inconsistent with goal of conserving the state’s remaining surface and groundwater supplies during the drought. While groundwater augmentation with surface water is a critical element of drought resilience, it is materially different than creation of new drought-resilient sources of supply, such as through indirect potable reuse of wastewater or seawater desalination. Using seawater and wastewater that, for example, would otherwise have been discharged to the ocean to create supply adds to existing surface and groundwater supplies, whereas groundwater augmentation uses water that was already part of existing freshwater resources. Moreover, the proposed groundwater management credits do not adequately demonstrate how other users of a groundwater basin, whether adjudicated or not, would be impacted from pumping by the supplier receiving a credit. Suppliers whose basins are replenished with imported water would place additional strain on those supplies by using more water under a credit system. Suppliers whose basins fill without imports may impact others by increasing pumping under a credit system. Even self-sufficient, adjudicated basins are not guaranteed to maintain all uses during an extended severe drought, where the next opportunity for recharge is unknown. Additionally, there is no credible estimate of how much credit would accrue for groundwater management and how that credit would impact statewide savings. Credit for sustainable groundwater management may be appropriate for a permanent regulation, and certainly will be addressed by the Sustainable Groundwater Management Act as that legislation is implemented, but it is not adequately transparent, intelligible, implementable, or reasonable for an Emergency Regulation of limited duration, the chief aim of which is to preserve existing surface and groundwater supplies through conservation while extreme drought conditions persist.

Regional Compliance Approach:

Stakeholder Proposal: This proposal would allow suppliers to jointly comply with their aggregated conservation standards as a single entity. Regions would be allowed to form, on a voluntary basis, based on the criteria for forming a SBx7-7 regional alliance, per Water Code Section 10608.28. A lead agency for the region would report the Regional Conservation Standard monthly to the State Water Board on behalf of the region. Each urban retail water supplier would also continue to report their individual monthly water use data. If a group as whole did not meet its regional conservation target, the suppliers would revert back to their individual requirements.

Staff Recommendation: Staff does not recommend providing an option for regional compliance because it will impede timely compliance and enforcement action by the Board and has the potential to reduce individual water supplier accountability. While a regional approach could help water suppliers provide a consistent message about a regional target to their customers, residents and businesses need to conserve differing amounts to achieve a supplier’s reduction target, so the benefits of this approach are not well substantiated. There is no reason that suppliers (and their regional or wholesale partners) cannot develop consistent messaging under the current Emergency Regulation, such as limits on outdoor watering, nor does the current emergency regulation inhibit regionally-grouped suppliers or wholesalers from working together on messaging to encourage conservation. In addition, there are multiple drawbacks to the proposed regional approach. First, it would impede the Board’s enforcement and compliance efforts, by disallowing the Board from using its enforcement tools to timely address the shortcomings of an individual supplier if that supplier’s region was meeting its target. In the case where a region dropped out of compliance late
in the 270 day life of the regulation, the Board would have little time to institute corrective actions for the individual suppliers. Second, it could encourage regional agencies to focus efforts on additional conservation savings in high-performing communities rather than on steps to change the conservation behaviors of poorer performing communities in order to meet the regional target. Finally, the regional approach would undermine the direct accountability for water supply managers established through the existing regulation. Staff encourages suppliers to work together on messaging and outreach, but believes the drawbacks of a regional approach outweigh any potential benefits.

Elimination of Commercial Agriculture Exclusion:

Stakeholder Proposal: The current Emergency Regulation allows water supplied for commercial agricultural use to be excluded from total potable production, if certain conditions are met. The proposal is to eliminate the exclusion or to change the definition of what constitutes commercial agricultural use to prevent exclusion of water attributable to noncommercial agricultural use or non-agricultural use that may be excluded improperly.

Staff Recommendation: Staff recommends modifying the Commercial Agriculture Exclusion to require certification that customers whose water use is subtracted under the exclusion produce a minimum of $1,000 per year in revenue from agricultural sales and are not subtracting water used on ornamental landscapes. This change would limit use of the exclusion for properties with minimal agricultural sales or mixed commercial agricultural and ornamental landscape use. The $1,000 threshold is consistent with the US Department of Agriculture’s definition of a farm.¹

Staff estimates the existing agricultural exclusion has resulted in about an 11,000 acre feet reduction in conserved water since June 2015. Modifying the commercial agriculture exclusion as proposed could result in a slight increase of conserved water.

Exemption for regions without drought conditions and no exports/imports:

Stakeholder Proposal: This proposal would allow isolated hydrogeological regions that do not have drought conditions and do not import or export water to be excluded from the conservation standard element of the Emergency Regulation. Suppliers would apply to the State Water Board for an exemption from the conservation standard and provide verification that water resources in these regions are not available to benefit other regions.

Staff Recommendation: Staff does not recommend exempting or relaxing conservation requirements for isolated hydrogeologic regions. The current Emergency Regulation contains a reserved four percent tier for suppliers that can demonstrate multiple years of supply and no use of imported water and groundwater. Staff continues to believe the four percent tier is adequate and appropriate for an extended Emergency Regulation given the uncertainty of the state’s surface and groundwater suppliers during the drought.

Revisions for suppliers with significant seasonal or transient populations:

Stakeholder Proposal: The Emergency Regulation assigned conservation tiers based on R-GPCD during the months of July, August, and September 2014. The proposal is to re-assign tiers based on 12 months of R-GPCD data, because some areas, mainly the desert regions, have the highest population during the winter months.

Staff Recommendation: **Staff does not recommend changing the process for assigning conservation tiers to account for year round residential per capita water use because it would reduce the regulation’s current emphasis on saving water where outdoor use is highest.** In addition, this proposal would in effect provide allowances for properties that are unoccupied for part of the year but irrigated year-round. However, staff proposes to update each water suppliers R-GPCD values using the most up to date July-September 2014 data that had been provided as of January 1, 2016. Water suppliers have also been encouraged and allowed to correct any inaccurate data and provide modified population information to account for monthly changes in population.

A Cap on Credits and Adjustments:  
**Staff recommends that all credits and adjustments be capped to allow up to a maximum of a four percentage point decrease to any individual water supplier’s conservation standard (tier).**

Staff Recommendations on Other Elements of an Extended Emergency Regulation:  
Staff recommends maintaining other elements of the current Emergency Regulation in the extended Emergency Regulation. These elements include the alternate compliance approach, the statewide prohibited end-uses, the monthly reporting requirements for urban water suppliers, and the conservation and reporting requirements for small suppliers. Staff proposes that small suppliers again be required to report after six months of conservation under a readopted emergency regulation.

Staff also recommends, based on feedback from both suppliers and the general public, adding a prohibition against homeowners’ associations interfering with certain conservation actions of their association members in violation of existing law.

Next Steps:  
- Comments are due on this proposed regulatory framework by January 6, 2016
- A draft Emergency Regulation will be released for public comment in mid-January 2016
- State Water Board consideration of an extended emergency regulation is anticipated in early February 2016.

Input Requested: The State Water Board is interested in receiving feedback on this proposed regulatory framework. Please submit comments with the subject line: “Comments on Proposed Regulatory Framework” by email to: Kathy Frevert at Kathy.Frevert@waterboards.ca.gov by January 6, 2016.
December 1, 2015

Sent via Electronic Mail: commentletters@waterboards.ca.gov

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comments on the Emergency Drought Regulations

Dear Chair Marcus and Members of the Board:

The Orange County Water District (OCWD; the District) and its groundwater producers, representing 19 retail water agencies serving 2.4 million people, want to thank the State Water Resources Control Board (State Board) for allowing public input on potential changes to the emergency regulations to conserve urban water supplies. We also appreciate the work that the State Board and its staff have done and continue to do in addressing the challenges that exist within the State regarding water issues.

As previously discussed in the workgroup discussions, we strongly support the proposed modifications to the State Board’s regulations that would allow Drought-Sustainable Water Supplies, which would be defined as potable reuse and desalination supplies, to be allowed a credit from a retail water agencies reduction target, effectively adjusting its conservation savings. The proposal also suggested that a floor of an 8% conservation savings would exist so that no one would be excluded from having to conserve water.

California water agencies have invested billions of dollars in drought sustainable water supplies and yet those agencies that have developed sustainable supplies are not receiving credit for their investments. Without those supplies the current conditions would be much more severe. By incentivizing the building of sustainable water supply projects, it will help mitigate the severity of future droughts.

OCWD developed and operates the Groundwater Replenishment System (GWRS), which currently produces 103,000 acre-feet per year (afy) of recycled water that offsets the need to import that amount of water into Orange County. Currently, because this is potable reused water, the District’s water producers do not get credit for this Drought-Sustainable Water Supply under the current regulations, but if it were a non-potable reuse application it would result in a credit. We would advocate that all recycled water should be treated the same because it serves the same purpose, that purpose being a reduction in the need for imported potable water supplies.
OCWD has always worked in a proactive manner to plan far in advance to help reduce our region's dependence on imported water sources. The District is currently exploring purchasing up to 56,000 afy of desalinated seawater from the proposed Huntington Beach Desalination Project as a way to increase local water supplies as well as expanding our GWRS to provide an additional 31,000 afy. These new sources of sustainable water supply would reduce the region’s dependence on imported water sources from Northern California and the Colorado River that are vulnerable to drought, natural disasters and regulatory restrictions. We ask that the State Board recognize investments in new sustainable water supplies by modifying the emergency drought regulations to incorporate the proposal regarding Drought-Sustainable Water Supplies submitted during the workshop process.

We also believe that our position is supported in the Governor's Executive Order issued on November 13, 2015, where he states, “The Water Board shall consider modifying its existing restrictions to address uses of potable and non-potable water, as well as to incorporate insights gained from existing restrictions.”

Thank you, again, for considering our comments on the emergency drought regulations. Please do not hesitate to contact us or Alicia Dunkin, Legislative Affairs Liaison with the Orange County Water District at (714) 378-8232 or adunkin@ocwd.com if we may be of assistance to you or your staff.

Sincerely,

Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager

CC: Mr. Wade Crowfoot, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.
Mr. Tom Howard, Executive Director, State Water Board
Mr. Eric Oppenheimer, Director of the State Water Board’s Office of Research, Planning and Performance, State Water Board
Mr. Max Gomberg, Climate Change Mitigation Strategist, State Water Board
Michael Moore
Acting Assistant General Manager
City of Anaheim

Lisa Ohlund
General Manager
East Orange County Water District

David Schickling
Water Systems Manager
City of Fullerton

Ken Vecchiarelli
General Manager
Golden State Water Company

Paul A. Cook
General Manager
Irvine Ranch Water District

Jim Biery, P.E.
Director of Public Works
City of Buena Park

Mark Lewis
Director of Public Works/City Engineer
City of Fountain Valley

Bill Murray
Water Services Manager
City of Garden Grove

Brian A. Ragland
Utilities Manager
City of Huntington Beach

James Tsumura
Water Supervisor
City of La Palma
SUMMARY

The Groundwater Replenishment System Initial Expansion (GWRSIE) is the recipient of the 2016 Engineering Project of the Year Award from the International Ultraviolet Association (IUVA). Staff is researching 2016 award opportunities for the District recently completed projects, including the GWRSIE, water exhibit and new website.

RECOMMENDATION

Informational

DISCUSSION/ANALYSIS

The District is the recipient of the 2016 Engineering Project of the Year Award presented by the IUVA, for the GWRSIE. The award will be presented at the IUVA World Congress on February 2, 2016 in Vancouver, Canada.

In December 2015, staff completed the following award applications:

• American Society of Civil Engineers – Project of the Year, GWRSIE
• American Society of Civil Engineers – Engineer of the Year, Mehul Patel
• American Membrane Technology Association & American Water Works Association Joint Award – Membrane Facility of the Year, GWRSIE
• American Membrane Technology Association & American Water Works Association Joint Award – Water Quality Person of the Year, Nira Yamachika

In January 2016, staff will apply for the following award:

• WateReuse California – Recycled Water Agency of the Year Category 1, GWRSIE

Staff will continue to research award opportunities and apply for additional awards for the GWRSIE, the recently completed water exhibit and the new website, and will apprise the Board of these efforts.
AGENDA ITEM SUBMITTAL

Meeting Date: January 7, 2016
To: Communications/Leg. Liaison Cte. Board of Directors
From: Mike Markus
Staff Contact: E. Torres/G. Ayala

Budgeted: N/A
Budgeted Amount: N/A
Cost Estimate: N/A
Funding Source: N/A
Program/Line Item No.: N/A
General Counsel Approval: N/A
Engineers/Feasibility Report: N/A
CEQA Compliance: N/A

POLICY ISSUE: PUBLIC AFFAIRS OUTREACH REPORT [NOVEMBER/DECEMBER 2015]

SUMMARY

Outreach for Orange County Water District (OCWD) projects, including the Groundwater Replenishment System (GWRS), continues with a major focus to build and maintain support for OCWD projects and the GWRS, as well as field media interest and media coverage. Following is list of outreach and media activity.

Attachment(s): November and December 2015 clip report

RECOMMENDATION

Informational

RELEVANT STANDARDS

- Maintain a transparent role within the community by educating stakeholders about OCWD’s roles, priorities and strategic initiatives.
- Build confidence and support with the community.
- Build and maintain support for OCWD and its projects and educate stakeholders about them.

DISCUSSION/ANALYSIS

Tours:

Approximately 471 guests toured the GWRS and other OCWD facilities in November and December; following is list of groups, companies, schools and organizations that participated in the tours.

- Representatives from Daegu Metropolitan City Water Works in Korea
- Two groups of nursing students from California State University, Long Beach (CSULB)
- Members of Encina Wastewater Authority
- Staff from Membrane Development Specialists
- Members of two public tours
- Representatives from Raytheon
- Two groups of nursing students from California State University, Fullerton (CSUF)
- Students from Citrus College
- Staff from Mojave Water Agency
- Students from Costa Mesa High School
- A Chinese delegation in association with Cal Poly Pomona
- Students from Mt. San Antonio College
- Staff from Metropolitan Water District of Southern California
- Students from Westminster High School
- An independent panel member of the National Water Research Institute
- Two groups of nursing students from West Coast University
- Members of the Los Angeles County Sanitation District and of the Taiwanese Water Corporation
- A Chinese delegation
- Staff from the County of Orange Environmental Health
- Representatives from the city of Huntington Beach
- Students from CSUF
- Representatives from the National Health Foundation in Brazil
- Students from Dana Hills High School
- Staff from Brenntag
- The Santa Clara Valley Water District outreach team
- CosmosID Founder Dr. Rita Colwell
- MERIT club members from Westminster High School
- Staff from Moulton Niguel Water District

**Upcoming tours:**
- Dana Hills High School, January 5
- Public tour, January 8 and February 5
- International Symposium on Potable Reuse, January 27
- Rancho Alamitos High School, February 9
- San Clemente High School, February 11 & 18
- Certified Unified Program Agency, February 25

**Speakers bureau:**
As part of OCWD’s standard to forge and maintain long-term, positive and proactive relationships with members of the community and be transparent about its operations and programs, OCWD board members and staff participate, regularly, at community events and speak before civic groups. Below is a listing of the November/December speakers’ bureau engagements.

- California Resource Management Association Vision Conference
- Orange County Sanitation District committee meetings
- North Orange County Probus
- Society of American Military Engineers Federal Business Opportunities Symposium
Kiwanis Club of Westminster
Kiwanis Club of Newport Beach/Corona del Mar
National Water Research Institute GWRS Independent Panel

Upcoming speakers bureau:
(The Speakers Bureau schedule is provided via email on a weekly basis)
- Leisure World, January 4
- Groundwater Management Districts Association Conference, January 8
- Autonetics Rockwell Boeing Retirement Group, January 13
- Fullerton Sunrise Rotary, January 28
- Water Issues Study Group, February 10

Media clips and inquiries
There were 23 media inquiries during the months of November and December from local, national and international outlets.

There were 224 global news hits for OCWD, the GWRS and other District programs and projects. This number reflects multiple hits of the same story. The news clips report for November/December is attached.

Social media:
Following are the number of social media posts for OCWD social media channels during November and December.
- OCWD Twitter: 80 posts
- OCWD Facebook: 40 posts

Press releases and electronic publications:
- In December, two press releases were issued:
  - OCWD BOD Elects 2016 Officers
  - Anaheim Appoints Brandman to OCWD Board

Other
- Staff wrote and distributed November and December issues of Hydrospectives, OCWD’s monthly e-newsletter.
- 9 editions of OCWD’s weekly Water Lines were distributed electronically to keep stakeholders informed of important water news and issues.
<table>
<thead>
<tr>
<th>Outlet/Publication</th>
<th>Country</th>
<th>Date</th>
<th>Headline</th>
</tr>
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<tr>
<td>The Desert Sun</td>
<td>United States</td>
<td>11/30/15</td>
<td>Wow your dinner guests with a show-stopping caviar parfait</td>
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<td>NBC Bay Area</td>
<td>United States</td>
<td>11/20/15</td>
<td>Solutions to California’s Water Crisis Have Already Been Implemented Abroad</td>
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<td>Bick Law Group</td>
<td>United States</td>
<td>11/19/15</td>
<td>EPA Oversight and Superfund Listing Anticipated for North Basin Regional Groundwater Contamination in Orange County</td>
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<td>Yahoo! Finance</td>
<td>United States</td>
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<td>Yahoo! India Finance</td>
<td>India</td>
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<td>A Peek Inside the World of Todd Spitzer, Inc.</td>
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