

AGENDA
IRVINE RANCH WATER DISTRICT
WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE
WEDNESDAY, JUNE 5, 2019

CALL TO ORDER 3:00 p.m., Committee Room, Second Floor, District Office
15600 Sand Canyon Avenue, Irvine, California

ATTENDANCE Committee Chair: Mary Aileen Matheis _____
Member: John Withers _____

<u>ALSO PRESENT</u>	Paul Cook	_____	Cheryl Clary	_____
	Beth Beeman	_____	Paul Weghorst	_____
	Mark Tettemer	_____	Christine Compton	_____
	Fiona Sanchez	_____	Amy McNulty	_____
	Wendy Chambers	_____	Kellie Welch	_____
	Ray Bennett	_____	Jo Ann Corey	_____
	_____	_____	_____	_____

NOTICE: If you wish to address the Committee on any item, please file your name with the Committee. Forms are provided at the meeting. Remarks are limited to three minutes per speaker on each subject.

COMMUNICATIONS

1. Notes: Weghorst
2. Public Comments
3. Determine the need to discuss and/or take action on item(s) introduced that came to the attention of the District subsequent to the agenda being posted.
4. Determine which items may be approved without discussion.

ACTION

5. 2019 STATE AND REGULATORY UPDATE – COMPTON / COOK

Recommendation: That the Board adopt an “oppose unless amended” position on AB 217 (Garcia) and a “support” position on ACA 89 (Cooley), SB 200 (Monning), and the Drought Resiliency and Water Supply Infrastructure Act (Feinstein).

6. RESOLUTION FOR THE SYPHON RESERVOIR IMPROVEMENT PROJECT APPLICATION FOR TITLE XVI GRANT FUNDING – PALACIO WELCH / SANCHEZ / WEGHORST

Recommendation: That the Board adopt a resolution authorizing staff to submit an application for a Bureau of Reclamation WaterSMART: Title XVI Water Reclamation and Reuse Program grant for up to 25% of the total project costs for the Syphon Reservoir Improvement Project and authorize the General Manager to execute a related agreement to receive grant funding.

ACTION - Continued

7. WATER SUPPLY ASSESSMENT FOR THE UNIVERSITY RESEARCH
PARK 9 PROJECT – WELCH / AKIYOSHI / SANCHEZ / WEGHORST

Recommendation: That the Board approve the Water Supply Assessment for the University Research Park 9 Project.

8. WATER EFFICIENCY TACTICAL INCENTIVES FUNDING
AUTHORIZATION – HASTINGS / MCNULTY / SANCHEZ / WEGHORST

Recommendation: That the Board authorize the General Manager to allocate \$450,000 in funding to the FY 2019-20 rebate programs administered through the Water Conservation Participation Agreement Between MWDOC and IRWD, and execute addendums to the agreement as may be necessary to allocate funds to specific programs and modify device incentive levels based on customer participation rates and regional program funding levels.

9. CONSULTANT SELECTION FOR RECYCLED WATER USE SITE
INSPECTION, TESTING, TRAINING AND MAPPING – TETTEMER /
WEGHORST

Recommendation: That the Board authorize the General Manager to execute Professional Service Agreements with Aegis Engineering Management and Real Water Consultants, each in an amount not to exceed \$447,500, to provide on-call recycled water use site inspection, testing, Site Supervisor training and site mapping for a two-year period.

OTHER BUSINESS

10. Directors' Comments

11. Adjourn

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance of the meeting room at the District Office.

The Irvine Ranch Water District Committee Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in an alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

June 5, 2019
Prepared and
Submitted by: C. Compton
Approved by: Paul A. Cook



WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

2019 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2019-2020 legislative session and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate.

Staff recommends that the Board adopt the following positions:

- *AB 217 (Garcia) — Safe Drinking Water for All — “OPPOSE UNLESS AMENDED”;*
- *ACA 89 (Cooley) — Special Districts Week — “SUPPORT”;*
- *SB 200 (Monning) — Safe and Affordable Drinking Water Fund — “SUPPORT”; and*
- *Drought Resiliency and Water Supply Infrastructure Act (Feinstein) — “SUPPORT”.*

BACKGROUND:

The last day for fiscal committees to meet and report bills introduced in their house to the floor was May 17, 2019. In advance of that deadline, the Senate and Assembly Appropriations Committees acted on their respective Suspense Files, and decided which bills would be held in committee and which would advance this year. The Assembly Appropriations Committee acted on 721 bills, which was more than it had considered in any year during the past decade. That committee sent 472 bills to the floor and held the remaining 249 bills. Concurrently, the Senate Appropriations Committee acted on 355 bills in total.

May 31 was the house-of-origin deadline, the deadline by which each house is required to pass bills introduced in its house if they are to move forward this year. There were 540 bills on the Senate floor and 343 bills on the Assembly floor for the two houses to act on the two weeks before the deadline. When the Legislature returned to session after Memorial Day for the final week preceding the house-of-origin deadline, there were 76 bills on the Senate floor and 232 bills on the Assembly floor. Bills that failed to advance to the second house by the house-of-origin deadline are now two-year bills that cannot be acted on until next year, unless they contain an urgency clause or are proposed constitutional amendments.

The next legislative deadline is June 15, the constitutional deadline for passage of the State budget.

A copy of the 2019 Legislative Matrix is attached as Exhibit “A”. Exhibit “B” is the 2019 “Legislative Update Report Links to Bill Texts,” which contains links to the bills discussed below, unless a separate exhibit is noted.

State Budget Update:

April Revenue Numbers:

On May 10, 2019, State Controller Betty Yee released her monthly report on the State's finances. She announced that the State took in \$24.2 billion during the month of April. This was \$6.2 billion more than the State took in during the month of April in 2018. Fiscal year to date, the State has received \$113.9 billion in revenue, which exceeds revised budget revenue estimates by \$1 billion.

Governor's May Revise:

Governor Newsom released the May revision to his proposed Fiscal Year 2019-20 Budget (the May Revise) on May 9, 2019. For FY 2019-2020, the May Revise proposes \$147.03 billion in total General Fund expenditures, projects \$146.00 billion in total General Fund revenues, and designates \$2.16 billion for the Budget Stabilization Account / Rainy Day Fund, increasing the total amount in the fund to \$16.5 billion. This compares to the \$144.19 billion in total General Fund expenditures, \$144.38 billion in projected General Fund revenues, and \$1.77 billion designated for the Budget Stabilization Account / Rainy Day Fund in the Governor's Proposed Budget, released in January. If this level of Rainy Day Fund funding is appropriated, the Rainy Day Fund is projected to reach its constitutional cap of 10 percent of General Fund Revenues in FY 2020-2021, which is two years earlier than predicted in January.

The May Revise projects \$3.2 billion in higher revenues through FY 2019-2020 than projected in the Proposed Budget. It also proposes \$1.4 billion more to build budgetary resiliency and pay down the State's unfunded liabilities, allocating a total of \$15 billion for these purposes. "This includes \$4.5 billion to eliminate debts and reverse deferrals, \$5.7 billion to build reserves, and \$4.8 billion to pay down unfunded retirement liabilities." (May Revise - 2019-20 Summary, Page 3) The May Revise proposes to pay off all budgetary debts for the first time in over a decade.

Like past budgets, the May Revise cites growing uncertainty related to the global political and economic climate, federal policies, rising costs, and the length of the current economic expansion. It asserts that these risks require that the budget be prudent. Despite these uncertainties, the May Revise's revenue forecast assumes that the economy will continue to grow, but states that "the risks to the outlook are increasing" (May Revise – 2019-20 Summary, Page 95).

To put these risks in perspective, the Legislative Analyst's Office (LAO) estimates that a mild recession would reduce State revenues and require the use of approximately \$20 billion from reserves to cover budget deficits. A moderate recession would require the use of \$40 million from reserves to cover budget deficits. Accordingly, the LAO recommends that the Legislature consider building more reserves than proposed by the Governor.

Overall, compared to the Governor's Proposed Budget, the May Revise reduces discretionary spending on debt payments, increases one-time programmatic spending on the Governor's budget priorities, increases ongoing spending, and reduces discretionary reserves.

The Governor's May Revise includes the following as funding/proposals of interest to IRWD:

- *Preparing for Planned Power Interruptions:* \$75 million in one-time funding from the General Fund to improve resiliency of the state's critical infrastructure in response to utilities' planned power interruptions and to provide assistance to communities;
- *Achieving a Carbon-Neutral Economy:* Restates the Administration's commitment "to achieving a carbon-neutral economy, including a transition away from fossil fuels." (May Revise – 2019-20 Summary, Page 73). The May Revise provides additional funding for transit-oriented communities, vehicle upgrades to reduce diesel use, methane reductions in agriculture and, among other things, including increased Cap-and-Trade expenditures. The stated purpose of these effects is to "decrease demand and supply for fossil fuels." (May Revise – 2019-20 Summary, Page 74);
- *MediCal Expansion and Individual Mandate:* Expansion of MediCal eligibility to undocumented individuals ages 19 to 25 and inclusion of an individual mandate for carrying health coverage for all Californians. The May Revises proposes that penalty revenues for failing to carry health coverage would fund subsidies for the middle class to purchase health insurance;
- *Paid Family Leave:* Expansion of paid family leave for each parent from six to eight weeks; and
- *Homelessness:* \$1 billion to prevent and mitigate the impacts of homelessness.

2019 State Legislative Update:

Water Tax and Other Safe Drinking Water Proposals:

Since the end of the 2017-2018 legislative session, work on a solution for safe drinking water in California has continued to be a topic of considerable conversation at the State level. Over the past month the intensity of the discussion has increased substantially.

Governor Newsom included support for a funding solution in his inaugural address and State of the State, and included a funding proposal in his Proposed Budget. Following up on these previous actions, safe drinking water funding remained a key component of his May Revise.

- *Administration's Budget Trailer Bill:* On February 1, 2019, Governor Newsom released budget trailer bill language detailing his funding proposal in the Safe and Affordable Drinking Water and Exide Cleanup Budget Trailer Bill. The Safe and Affordable Drinking Water and Exide Cleanup Budget Trailer Bill follows the provisions of SB 623 (Monning, D-Santa Cruz) from 2017-2018 closely and includes a statewide water tax and a tax on fertilizer, confined animals facilities and dairy operations. The budget trailer bill also included the liability relief previously included in SB 623 for agricultural operations.

On May 14, 2019, the Administration amended the budget trailer bill. The revised Safe and Affordable Drinking Water budget trailer bill is substantially similar to the budget trailer bill released in February, but does not include Exide cleanup language. It still proposes a monthly water tax, beginning July 1, 2020 and until June 30, 2022, on the following:

- \$1.00 per month for meters less than or equal to 1-inch;
- \$4.00 per month for meters less than or equal to 2-inch;
- \$6.00 per month for meters less than or equal to 4-inch;
- \$10.00 per month for meters greater than 4-inch; and
- Customers without a meter would be taxed at a rate of \$1.00.

Additionally, the trailer bill exempts households with a household income no greater than 200 percent of the federal poverty level from the tax, and owners of housing for low-income tenants. The proposal grants the State Board the authority to establish a schedule for the tax beginning July 1, 2022, up to the specified amounts above. IRWD has an “oppose” position on the budget trailer bill.

Despite the language of the budget trailer bill, the Governor has backed off of actively promoting a water tax. The May Revision states the Administration’s perspective on funding for safe drinking water, as follows:

“The Administration remains committed to working in collaboration with the Legislature and stakeholders on a comprehensive package that includes a sustainable and reliable source of funding to support safe and affordable drinking water for all Californians.”

(May Revision – 2019-20 Summary, Page 73). While the Administration’s proposal has remained fairly consistent, the Senate and Assembly proposals have changed dramatically over the past few weeks.

- Senate’s Safe Drinking Water Proposal: On May 15, the Senate President Pro Tem announced the Senate’s proposal to fund safe drinking water. The Senate proposal consists of:
 - Funding safe drinking water through a \$150 million annual General Fund appropriation, which would be continuously appropriated each fiscal year and automatically reduced by an amount equivalent to any new fees, taxes or other revenues enacted into law;
 - Enactment of SB 200 (Monning, D-Santa Cruz), which is discussed in greater detail below;
 - Enactment of SB 414 (Caballero, D-Salinas), which is discussed in greater detail below; and
 - Appropriation of Proposition 1 and Proposition 68 for capital outlay projects to strengthen water delivery systems.

In light of the Senate Pro Tem's release of the Senate's safe drinking water program, the Senate Budget Subcommittee 2 on Resources, Environmental Protection, Energy and Transportation rejected the Governor's propose water tax and a budget trailer bill, and approved the Senate's proposal.

Conversely, the Speaker of the Assembly signed on as principal coauthor of the Assembly's water tax legislation — AB 217, authored by Assembly Water, Parks and Wildlife Chairman Eduardo Garcia (D-Coachella) and AB 134, authored by Assemblymember Richard Bloom (D-Santa Monica) — on May 21. The Assembly decided not to act on the Governor's water tax budget trailer bill proposal. The different actions taken by the Assembly and Senate mean that the funding for safe drinking water will be a topic of discussion within the budget negotiations.

In addition to the budget proposals, there are six policy bills in the Legislature that address safe drinking water.

- *AB 134 (Bloom) – Safe Drinking Water Restoration:* This bill was substantially amended on May 1, 2019. The prior contents of the bill, which included intent language, requirements for displaying funding for the Safe Drinking Water Fund or Safe and Affordable Drinking Water Fund in the annual Governor's budget, and requirements for assessments by the Legislative Analyst's office, were replaced. As amended, the bill would require the State Water Resources Control Board (State Board) to adopt an assessment of funding needed for at-risk water systems, adopt and provide for a sustainable plan for restoring safe drinking water based on the recommendation of a regional engineer, and make available a map of aquifers that are used or likely to be used as a source of drinking water and that are at high risk of containing contaminants. IRWD currently has a "watch" position on AB 134. The bill is currently on the Assembly Floor;
- *AB 217 (Garcia) – Safe Drinking Water for All Act:* The bill, as amended, would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the State Board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. Previous versions of the bill included a hybrid approach to funding safe drinking water which includes a water tax, an agricultural tax and development of a trust fund. The water tax included in the bill is a monthly \$0.50 per service connection tax on all public water systems. The bill would require each public water system to remit to the State Board the amount of the fee for its public water system on July 1, 2020, and each July 1 thereafter.

As amended on May 1 and May 21, the bill no longer includes the development of a trust fund, and was amended to include an urgency cause. IRWD previously had a "watch" position on AB 217, with strong opposition to a water tax. The Board authorized IRWD to move to a "support if amended" position on the bill if it had been amended positively. In its current form, with the removal of the trust fund, the bill proposes the same structure as the budget trailer bill. Staff recommends that the Board adopt an "oppose unless amended" position on AB 217. The bill is currently on the Assembly Floor;

- *SB 200 (Monning) – Safe and Affordable Drinking Water Fund:* The bill, as amended on March 11, 2019, would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. As amended, the bill does not include a funding mechanism. IRWD currently has a “watch” position on SB 200. Given that SB 200 is now linked to the Senate’s safe drinking water funding proposal, staff recommends that the Board adopt a “support” position on SB 200, which is consistent with the District’s support of the Senate’s funding proposal. The proposal is currently in the Assembly;
- *SB 414 (Caballero) – Small System Water Authority Act of 2019:* The California Municipal Utilities Association (CMUA), in coordination with the Eastern Municipal Water District, are sponsoring SB 414. SB 414, which is similar to AB 2050 (2018), proposes to enact the Small System Water Authority Act of 2019. The proposal seeks to address the governance issues causing unsafe drinking water in a number of communities in California. IRWD currently has a “support” position on the proposal. The bill is currently in the Assembly;
- *SB 669 (Caballero, D-Salinas) – Water Quality: Safe Drinking Water Fund:* SB 669 is the proposal sponsored by the Association of California Water Agencies (ACWA) and CMUA. It proposed an alternative mechanism to fund safe drinking water. The proposal would have create a Safe Drinking Water Trust to provide a perpetual funding source to address safe drinking water in disadvantaged communities; however, the bill was held on the Senate Appropriations Suspense File and will not advance this year. IRWD has a “support” position on SB 669; and
- *ACA 3 (Mathis (R-Visalia)/Garcia) – Water: Minimum Funding Guarantee:* ACA 3, while not directly related to safe and affordable drinking water, relates to providing a durable funding source for water in the state which could be used to address safe and affordable drinking water in California. The proposed constitutional amendment proposed that starting in the 2021–2022 fiscal year, not less than two percent of State revenues are to be set aside for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department; and water quality projects administered by the State Board. The bill failed passage in the Assembly Water, Parks and Wildlife Committee. IRWD has a “watch” position on ACA 3.

Staff continues to work with the water coalition on addressing safe drinking water in California without a water tax, and will provide an oral update on any new developments. Staff would propose adjusting the District’s position on the safe drinking water funding bills should the bills be amended to propose a water tax that is consistent with the Board-adopted position on a public good charge on water, or be amended in a way that presents other policy concerns for the District.

ACR 89 (Cooley, D-Rancho Cordova) – Special Districts Week:

ACR 89, authored by Assemblymember Ken Cooley, would establish September 22, 2019, to September 28, 2019, as Special Districts Week and would encourage all Californians to be involved in their communities and be civically engaged with their local government. The California Special Districts Association (CSDA) has sponsored the resolution to bring attention to the important role that special districts serve in providing Californians with essential government services. CSDA has requested that its members consider supporting the resolution. Given IRWD's involvement with CSDA, staff recommends that the Board adopt a "support" position on ACA 89.

SB 332 (Hertzberg, D-Van Nuys/Wiener, D-San Francisco) – Wastewater Treatment: Recycled Water:

SB 332 would have declared that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water, and would mandate that agencies reduce their ocean discharges by 50 percent by 2030 and by 95 percent by 2040, as compared to average annual wastewater discharges between 2010 and 2020. On May 16, the Senate Appropriations Committee held the bill on the Suspense File and as a result, the bill will not move forward this year.

IRWD currently has an "oppose unless amended" position on the bill.

State Legislative Action on Wildfire Response:

In response to recent wildfires in 2018 and 2019, Governor Brown signed into law SB 901, which was aimed at helping to mitigate wildfire risk and increase the pace and scale of recovery efforts. Under SB 901, the Governor's Office of Planning and Research was required to establish a Commission on Catastrophic Wildfire Cost and Recovery to examine issues related to wildfires associated with utility infrastructure, and to produce recommendations on changes to law that would ensure equitable distribution of costs among affected parties. Those recommendations are due to the Governor and the Legislature by July 1, 2019. The Commission released its draft report on May 28, which will be discussed at its meeting on June 7.

The draft report recommendations include creating a fund that would provide liquidity for utilities to pay wildfire damage claims and modifying California's strict liability standard to one based on fault. A modification of the liability standard would change the California constitutional principle known as inverse condemnation.

On May 8, the Senate Select Committee on the Governor's Wildfire Report convened an informational hearing to discuss wildfire response. One of the topics covered by the select committee was inverse condemnation. Testimony on inverse condemnation confirmed that it is a constitutional principle, but that the Legislature can seek to inform interpretation of the principle. Water utility liability was not discussed during this hearing; however, some have advocated that water utilities be included in any catastrophic wildfire fund created to aid in wildfire response.

It is expected that the topic of wildlife impacts and response will continue to be a topic of discussion in Sacramento. Staff will continue to monitor those discussions, and will work on aspects of wildlife response of interest to the District.

2019 State Regulatory Update:

Governor's Executive Order on a Water Resiliency Portfolio:

On April 29, 2019, Governor Newsom issued an executive order (EO) for the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture. The EO directed the agencies to prepare a water resiliency portfolio that “meets the needs of California’s communities, economy, and environment through the 21st century.” The EO directs the agencies to reassess the water priorities included in the 2016 California Water Action Plan, update projected climate change impacts to California’s water system, identify key priorities for the Administration’s water portfolio, and identify how to improve integration across State agencies. As stated in the press release accompanying the EO, the EO “directs the state to think bigger and more strategically on water.”

The EO finds that current State programs and policies, such as the Sustainable Groundwater Management Act and new urban water efficiency standards, can be built upon to meet the evolving challenges of climate change on water and other resources. It specifically cites unsafe drinking water, major flood risks, depleted groundwater aquifers, uncertain water supplies in agricultural communities, and native fish populations threatened with extinction as some of the water challenges facing the state.

In directing the State agencies to develop a Water Resiliency Portfolio, the Governor is seeking to develop his plan for California water. The full text of the EO can be read at <https://www.gov.ca.gov/wp-content/uploads/2019/04/4.29.19-EO-N-10-19-Attested.pdf>

Staff will work with stakeholders and State decision makers to shape the priorities included in the portfolio.

AB 401 Implementation- Study of Low Income Rate Assistance:

AB 401 (Dodd, 2015) requires the State Board to develop and provide the Legislature a plan for a statewide Low-Income Rate Assistance Program (LIRA) by February 1, 2018. As a result, the State Board held a series of public meetings in 2017 seeking input on various scenarios, which would provide low-income rate assistance to up to 34 percent of Californians, and over the past two years have met with a smaller group of stakeholders to discuss options for the plan. The State Board’s effort is based on the following philosophy:

“Californians have a right to safe water. State policy through AB 685 (2012) aims to ensure universal access to water by declaring that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” However, water is becoming more expensive. California’s growing economy and population create continued demand for water. Meanwhile,

drought and water leaks tighten available supplies. In addition, pipes and aging infrastructure result in expensive repairs or replacements. These conditions contribute to higher costs. The result is that more low-income households have unaffordable drinking water.”(http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/)

Earlier this year, State Board staff released a draft plan for implementing LIRA. After accepting public comments on the draft plan, State Board staff held an additional by-invite-only stakeholder meeting on May 22. While the State Board staff and members had previously indicated that the report would not contain recommendations, at the stakeholder meeting State Board staff announced that they will now include recommendations in the updated draft report, which is expected to be released this summer.

At this point in time, with respect to revenue, it appears that the updated draft will recommend a tax on high-income earners and removing the sales tax exemption for bottled water. The tax would require a 2/3 vote of each house of the Legislature and the exemption would require voter approval. It has been reported that the updated draft will recommend distributing these revenues through tiered direct bill assistance for low-income households, a renter’s tax credit for low-income households, and a Water Crisis Assistance Program that provides funding to water systems to prevent customer shutoff. State Board staff may also include a recommendation to protect tenants in multi-family housing from shutoff when the owner does not pay the water bill.

Staff will provide an oral report on any new developments related to AB 401 implementation.

Other 2019 State Regulatory Updates:

Staff continues to track, monitor and engage in a number of regulations of interest to IRWD. The following is a list of some of the state regulations and agency reports staff is monitoring, tracking or planning to engage in over the next 12 months. As the next drafts of the regulations or report are released for public review and comment, staff will engage, as appropriate. Staff will also provide an oral update to the Committee on any new developments related to these regulations.

The pending regulations and reports actively being tracked include the:

- Building Standards Commission’s “2019 California Plumbing Code;”
- Department of Water Resources (DWR) and the State Board’s implementation of the “Making Water Conservation a California Way of Life” legislation;
- DWR’s “The Open and Transparent Water Data Act (AB 1755, Dodd) Implementation Plan;”
- Office of Environmental Health Hazard Assessment’s “A Framework and Tool for Evaluating California’s Progress in Achieving the Human Right to Water;”
- State Board Electronic Annual Report;

- State Board's development of a "Cross Connection Policy Handbook;"
- State Board's proposed "Environmental Laboratory Accreditation Program Regulations;"
- State Board's proposed "Mercury TMDL and Statewide Mercury Control Program for Reservoirs" regulations;
- State Board's proposed regulations on "Prohibiting Wasteful Water Use Practices;"
- State Board's "Water Loss Performance Standards Regulations;"
- State Board's Water Rights Enforcement Policy; and
- State Board's "Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California" and draft "Toxicity Provisions."

2019 Federal Legislative Update:

Drought Resiliency and Water Supply Infrastructure Act (Feinstein):

Senator Diane Feinstein is proposing the "Drought Resiliency and Water Supply Infrastructure Act" (the Act). The Act expands and updates the Bureau of Reclamation's (Bureau) funding authorizations in the Water Infrastructure Improvements for the Nation Act (WIIN). Specifically, the Act would authorize the following funding at the 2019 level extended over five years:

- \$670 million for surface and groundwater storage projects, and supporting conveyance;
- \$100 million for water recycling projects; and
- \$60 million for desalination projects

The Act would also create a new loan program for water supply projects. The proposed Reclamation Infrastructure Finance and Innovation Act (RIFIA) loan program would be authorized at \$150 million, which would be leveraged to make \$8-12 billion in low interest loans available under the programs fund water supply projects. The Act proposes that RIFIA would use existing criteria under the Water Infrastructure Finance and Innovation Financing (WIFIA) program. Additionally, the Act would:

- Authorize \$120 million for restoration and environmental compliance projects, including forest restoration projects with water supply or water quality benefits and projects to help restore threatened and endangered species affected by Bureau water projects;
- Change the Bureau's maximum funding split for drought resiliency projects. The Act would cap the Bureau's funding for water supply projects at 50 percent for federally-opened water supply projects and 25 percent for state- and locally-led projects. The caps would exclude Bureau loans the project may be eligible for;
- Extends the existing WIIN provisions allowing water districts to prepay their outstanding capital debts and convert to indefinite length water supply contracts; and
- Deauthorize inactive water recycling project authorizations.

A discussion draft of the language being proposed for the Act is attached as Exhibit “C”. At the request of Senator Feinstein’s office, staff reviewed the Act. Given the additional funding for the Bureau’s water storage program, clarification that both surface and groundwater storage projects are eligible for funding under the water storage program, and increased funding for the Title XVI Water Recycling and Reuse Program, staff recommends that the Board adopt a “support” position on the Act.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board adopt an “oppose unless amended” position on AB 217 (Garcia) and a “support” position on ACA 89 (Cooley), SB 200 (Monning), and the Drought Resiliency and Water Supply Infrastructure Act (Feinstein) .

LIST OF EXHIBITS:

Exhibit “A” – IRWD Legislative Matrix

Exhibit “B” – 2019 Legislative Update Report Links to Bill Texts

Exhibit “C” – Discussion Draft of the Drought Resiliency and Water Supply Infrastructure Act

EXHIBIT “A”
IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 5</u> Gonzalez (D)	Independent Contractors		States the intent of the Legislature to codify the decision in the case of Dynamex Operations West, Inc. v. Superior Court of Los Angeles and clarify its application. Provides that the factors of the ABC test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code and the Unemployment Insurance Code, unless another definition or specification of employee is provided.	05/24/2019 - In ASSEMBLY. Assembly Rule 69 suspended.;05/24/2019 - In ASSEMBLY. Read third time and amended. To third reading.
<u>AB 11</u> Chiu (D)	Community Redevelopment Law		Requires the Director of Finance to adjust the percentage of General Fund revenues appropriated for school districts and community college districts for computing the minimum amount of revenues that the state is required to appropriate for the support thereto in a manner that ensures that the division of taxes authorized by the Community Redevelopment Law have no net fiscal impact upon the total amount of the General Fund revenue and local property tax revenue allocated to such.	04/24/2019 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS.
<u>AB 15</u> Nazarian (D)	Student Financial Aid: Savings Account Program		Establishes the Children's Savings Account Program, under the administration of the Scholarshare Investment Board, for the purposes of expanding access to higher education through savings. Establishes the Children's Savings Account Program Fund to serve as the initial repository of all moneys received from state and private sources for the program.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 38</u> Wood (D)	Fire Safety: Low-cost Retrofits		Requires the Natural Resources Agency, by July 1, 2021, and in consultation with the State Fire Marshal and the Forest Management Task Force, to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience, and safety, as specified. Requires the Natural Resources Agency to make the review publicly available on its internet website.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 59</u> Kalra (D)	Elections: Polling Places: University Campuses		Requires that a local elections official designate at least one location on the main campus of each California State University within the official's jurisdiction as a vote center or satellite office. Requires the local elections official to request the use of University of California campuses as vote centers and satellite offices, as specified, and it would encourage the University of California to comply with these requests.	05/20/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 60</u> Friedman (D)	Water Conservation: Water Meters: Accuracy Standards		Requires the State Energy Resources Conservation and Development Commission to adopt regulations setting standards for the accuracy of water meters. Prohibits any water meter manufactured on or after the effective date of those regulations from being sold or offered for sale in the state, or installed by a water purveyor, unless it is certified by the manufacturer to be in compliance with those standards.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 64</u> Fong (R)	State Project Audits		Requires the California State Auditor to examine and audit a state contract involving the expenditure of public funds in excess of \$500,000,000 entered into by a state agency, board, commission, or department within one year of the date of final payment under the contract.	04/04/2019 - To ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.;04/04/2019 - From ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW with author's amendments.;04/04/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.
<u>AB 68</u> Ting (D)	Land Use: Accessory Dwelling Units	WATCH	Deletes the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size. Prohibits the imposition of those limitations if they do not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear yard setbacks.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 69</u> Ting (D)	Land Use: Accessory Dwelling Units	WATCH	Requires the department to propose small home building standards governing accessory dwelling units smaller than 800 square feet, junior accessory dwelling units, and detached dwelling units smaller than 800 square feet, as specified, and to submit the small home building standards to the California Building Standards Commission for adoption on or before a specified date.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 71</u> Melendez (R)	Independent Contractors and Employees		Requires a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom the service is rendered has the right to control the manner and means of accomplishing the result desired.	02/25/2019 - From ASSEMBLY Committee on LABOR AND EMPLOYMENT with author's amendments.;02/25/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.
<u>AB 134</u> Bloom (D)	Safe Drinking Water Restoration		Requires each regional engineer to arrange for a prescribed comprehensive assessment of each failed water system in the region of the drinking water regional office to be completed. Requires the board, upon adoption of an assessment of funding need, to convey to each regional engineer a list of at-risk water systems in that region and additional information. Requires the board by a specified date of each year to review the assessment of funding need and to prioritize the public water systems.	05/21/2019 - In ASSEMBLY. Read second time. To third reading.
<u>AB 196</u> Gonzalez (D)	Paid Family Leave		Revises the formula for determining benefits available pursuant to the family temporary disability insurance program for periods of disability by redefining the weekly benefit amount.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 202</u> Mathis (R)	Endangered Species: Conservation: Safe Harbor Program		Extends the operation of the California State Safe Harbor Agreement Program Act indefinitely, which encourages landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species.	04/24/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 217</u> Garcia E (D)	Safe Drinking Water for All Act	OPPOSE UNLESS AMENDED	Enacts the Safe Drinking Water for All Act. Establishes the Safe and Affordable Drinking Water Fund to provide a source of funding to secure access to safe drinking water for all state residents, also ensuring the long term sustainability of drinking water service and infrastructure. Authorizes the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies.	05/22/2019 - In ASSEMBLY. Read second time. To third reading.
<u>AB 223</u> Stone (D)	California Safe Drinking Water Act: Microplastics		Requires the State Water Resources Control Board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with requirements to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water.	02/04/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 233</u> Cooley (D)	Insurance: Licensees		Requires a broker agent, agent, or licensed organization that maintains multiple offices to prominently display a copy of its license in each office. Requires a broker agent, agent, or licensed organization that sells insurance on an internet website to display a link to a copy of its license on its home page.	05/22/2019 - To SENATE Committee on INSURANCE.
<u>AB 254</u> Quirk-Silva (D)	Warewashing Machines: Water Reuse		Authorizes water from a warewashing machine at a retail food business to be reused on the same warewashing machine, for prerinse purposes only, if an attendant is onsite to control the reuse of the water for prerinse purposes and a written disclosure notice is posted.	05/16/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 274</u> Mathis (R)	Water Treatment Facility: Grant		Appropriates a specified sum to the state Water Resources Board for the purpose of water treatment. Requires the Board to grant a specified sum to a specified joint powers authority for a water treatment facility to be operated by a joint powers authority.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 292</u> Quirk (D)	Recycled Water: Raw Water and Groundwater Augmentation	SUPPORT	Eliminates the definition of direct potable reuse and instead substitutes the term groundwater augmentation for indirect potable reuse for groundwater recharge in definitions. Requires the State Water Resources Control Board to adopt uniform water recycling criteria for raw water augmentation.	05/16/2019 - To SENATE Committees on ENVIRONMENTAL QUALITY and NATURAL RESOURCES AND WATER.
<u>AB 305</u> Nazarian (D)	Public Facilities: Water Agencies: Rate Reduction Bonds		Expands the definition of a publicly owned utility to include certain utilities furnishing wastewater service to a certain number of customers. Authorizes an authority to issue rate reduction bonds to finance or refinance water or wastewater utility projects. Eliminates specified duties of the Pollution Control Financing Authority under certain circumstances.	05/16/2019 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>AB 314</u> Bonta (D)	Public Employment: Labor Relations: Release Time		Prescribes requirements relating to release time that would apply to all of the public employers and employees subject to specified labor relations laws. Repeals the provisions relating to release time in those acts. Requires these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 322</u> Gallagher (R)	Political Reform Act: Online Filing System		Requires a local government agency to post on its internet website a copy of any specified statement, report, or other document filed with that agency in paper format. Requires that the statement, report, or other document be made available for four years from the date of the election associated with the filing.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
<u>AB 333</u> Eggman (D)	Whistleblower Protection: Patients' Rights Advocates		Extends whistleblower protections afforded to employees to county patients' rights advocates appointed or under contract to provide services relating to mental health advocacy. Applies prohibitions against retaliation by an employer to a local contracting agency.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 382</u> Mathis (R)	Integrated Regional Water Management Plans: Grants		Requires the Department of Water Resources to include in any criteria, used to select a project or program for grant funding, a criterion that provides a preference for a regional water management group undertaking a project improving upper watershed health upstream and outside of the defined geographical area covered by the group's plan.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 400</u> Lackey (R)	State Mandates		Amends existing law which authorizes a local agency or school district, by February 15, to file an annual reimbursement claim detailing state-mandated costs. Extends that date to March 1.	02/28/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 402</u> Quirk (D)	Water Resources Control Board: Local Primacy Delegation		Includes enforcement costs as costs covered by the annual Drinking Water Surveillance Program grant. Authorizes any local primacy agency, with the approval of the State Water Resources Control Board, to elect to participate in a funding stabilization program. Requires the State Board, during any fiscal year for which a local primacy agency participates in the program, to establish and collect all fees payable by public water systems for the local primacy agency activities.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 405</u> Rubio (D)	Sales and Use Taxes: Exemption: Water Treatment		Exempts from the Sales and Use Tax Law the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used by a city, county, public utility, and sanitation district to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers.	05/16/2019 - In ASSEMBLY. Joint Rule 62(a) suspended.;05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 418</u> Kalra (D)	Evidentiary Privileges: Union Agent-Worker Privilege		Establishes a privilege between a union agent and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified.	05/01/2019 - To SENATE Committee on JUDICIARY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 435</u> Fong (R)	High-speed Rail Bonds: Water		Provides that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase I blended system.	03/19/2019 - From ASSEMBLY Committee on TRANSPORTATION with author's amendments.;03/19/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.
<u>AB 441</u> Eggman (D)	Water: Underground Storage		Provides that any diversion of water to underground storage constitutes a diversion of water for beneficial use for which an appropriation may be made if the diverted water is put to beneficial use. Provides that the forfeiture periods of a water right do not include any period when the water is being used in the aquifer or storage area or is being held in underground storage for later application to beneficial use.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 448</u> Garcia E (D)	Water Rights: Stockponds		Provides that the owner of a stockpond built prior to a specified date, that does not have a capacity greater than ten acre feet, may obtain a right to appropriate water for the principal purpose of watering livestock if that person files a claim for a water right with the State Water Resources Control Board accompanied by a fee not later than a certain date, with certain exceptions.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 454</u> Kalra (D)	Migratory Birds: Migratory Bird Protection Act		Makes unlawful the taking or possession of any migratory nongame bird designated in the Migratory Bird Treaty Act before a specified date, any additional migratory nongame bird that may be designated in the Migratory Bird Treaty Act after that date, or any part of those migratory nongame birds, except as provided by rules and regulations adopted by the United States Secretary of the Interior under the Migratory Bird Treaty Act.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 456</u> Chiu (D)	Public Contracts: Claim Resolution		Removes the repeal date of a claim resolution process applicable to any claim by a contractor in connection with a public works project against a public entity, thereby making this claim resolution process operative indefinitely.	05/08/2019 - To SENATE Committee on JUDICIARY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 487</u> Gallagher (R)	Department of Water Resources: Dams and Reservoirs		Authorizes that a penalty plus interest may be imposed for fees received more than 30 days after the July 1 required date of payment in any year.	05/16/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 508</u> Chu (D)	Drinking Water: Consolidation of Service: Wells		Authorizes consolidation or extension of service by a water system if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. Imposes the additional requirement that the state board consider how many owners of dwelling units served by domestic wells in the service area have or are likely to provide written consent to extension of service. Revises the definition of a subsumed water system.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 510</u> Cooley (D)	Local Government Records: Destruction of Records	SUPPORT	Exempts the head of a department of a county or city, or the head of a special district from recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.	02/21/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 520</u> Kalra (D)	Public Works: Public Subsidy		Amends existing law relating to prevailing wages for workers employed on public works. Provides that a public subsidy is de minimis if it is both less than a specified amount and less than certain percentage of the total project cost. Specifies that these provisions do not apply to a project that was advertised for bid, or a contract that was awarded before a specified date.	05/16/2019 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.
<u>AB 533</u> Holden (D)	Income Tax: Exclusion: Turf Removal Water Conservation	SUPPORT	Extends the operative date of the provisions excluding from gross income specified amounts received in a turf removal water conservation program to taxable years beginning before a specified date. Requires the Department of Finance to include an analysis of these exclusions in its annual tax expenditure report provided to the Legislature and further provides that taxpayer information collected	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			pursuant to this requirement is subject to the limitation on the collection and use of that information.	
<u>AB 557</u> Wood (D)	Atmospheric Rivers: Research and Forecasting Program		Appropriates \$9,250,000 from the General Fund to the Department of Water Resources in the 2019-20 fiscal year to operate the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 587</u> Friedman (D)	Accessory Dwelling Units: Sale or Separate Conveyance		Authorizes a local agency to allow, by ordinance, an accessory dwelling unit that was created to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. Provides that those conditions include that the property was built or developed by a qualified nonprofit corporation that is receiving the welfare exemption, and a recorded contract exists between the qualified buyer and the qualified nonprofit corporation.	05/08/2019 - To SENATE Committees on HOUSING and GOVERNANCE AND FINANCE.
<u>AB 600</u> Chu (D)	Local Government: Disadvantaged Communities		Provides that an application to annex a contiguous disadvantaged community is not required if a local agency formation commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.	05/22/2019 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>AB 616</u> Patterson (R)	California Forest Carbon Plan: Reports		Requires the Department of Forestry and Fire Protection, in collaboration with the Natural Resources Agency and California Environmental Protection Agency, to prepare and submit to the Legislature and appropriate legislative policy and budget committees, on or before January 1, 2021, and by January 1 of each year thereafter, until January 1, 2024.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 626</u> Quirk-Silva (D)	Conflicts of Interest		Prohibits an officer or employee from being deemed interested in a contract, as described above, if the interest is that of an engineer, geologist, architect, landscape architect, land surveyor, or planner, performing specified services on a project, including preliminary	05/16/2019 - In ASSEMBLY. Read second time. To third reading.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			design and preconstruction services, when proposing to perform services on a subsequent portion or phase of the project, if the work product for prior phases is publicly available.	
<u>AB 636</u> Gray (D)	State Water Resources Control Board: Objectives		Prohibits the State Water Resources Control Board from implementing water quality objectives for which the state board makes a certain finding relating to environmental quality until it has submitted the water quality objectives and a statement of that finding to the appropriate policy committees of the Legislature and each committee has held a hearing on these matters.	03/14/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 637</u> Gray (D)	Disadvantaged Communities: Drinking Water		Requires the State Water Resources Control Board, before taking an action that significantly impacts drinking water, to use existing information to identify impacted disadvantaged communities and to seek to reduce impacts to those communities. Requires the Board to ensure that disadvantaged communities are provided an opportunity to participate in the public process for a decision that significantly impacts drinking water by holding a public hearing in or near an impacted community.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 638</u> Gray (D)	Dept. of Water Resources: Water Storage: Climate Change		Requires the Department of water Resources, with updates every 5 years, to identify water storage facilities vulnerable to climate change impacts and the mitigation strategies for anticipated adverse impacts. Requires the department to publish this information on the department's publicly available internet website and to provide a copy of the information to the appropriate policy committees of the Legislature.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 654</u> Rubio (D)	Public Records: Utility Customers: Personal Information		Authorizes a local agency to disclose the name, utility usage data, and home address of utility customers to an officer or employee of another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed	02/28/2019 - To ASSEMBLY Committee on JUDICIARY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			material agrees to maintain it as confidential in accordance with specified criteria.	
<u>AB 658</u> Arambula (D)	Water Rights: Water Management		Authorizes a groundwater sustainability agency or local agency to apply for, and the State water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin.	05/28/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 756</u> Garcia (D)	Public Water Systems: Perfluoroalkyl Substances		Authorizes the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances. Requires a community water system or a nontransient noncommunity water system, upon a detection of these substances, to report that detection.	05/24/2019 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;05/24/2019 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<u>AB 782</u> Berman (D)	Environmental Quality Act: Exemption: Land Transfers		Exempts from California Environmental Quality Act the acquisition, sale, or other transfer of interest in land by a public agency for certain purposes, or the granting or acceptance of funding by a public agency for those purposes, conditions those transactions on environmental review in accordance with CEQA before making physical changes to the transferred land before making those changes.	05/08/2019 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<u>AB 834</u> Quirk (D)	Safe Recreational Water Use: Standards		Requires the state Water Resources Control Board to establish a Freshwater and Estuarine Harmful Algal Bloom Program to protect water quality and public health from algal blooms. Requires the board in consultation with specified entities to coordinate immediate and long-term algal bloom even incident response and conduct and support algal bloom field assessment and ambient monitoring at the state, regional, watershed, and site-specific waterbody scales.	05/24/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 835</u> Quirk (D)	Safe Recreational Water Use: Harmful Algal Blooms		Requires the State Water Resources Control Board by regulation and in consultation with the State Department of Public Health, local health officers, California Native American tribes, as defined, and the public, to establish, maintain, and amend as necessary, minimum standards for the safety of freshwater recreational bodies as related to harmful algal blooms, as it determines are reasonably necessary for the protection of the public health and safety.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 841</u> Ting (D)	Drinking Water: Contaminants		Requires the Office of Environmental Health Hazard Assessment to adopt and complete a work plan within prescribed timeframes to assess which substances in the class of perfluoroalkyl and polyfluoroalkyl substances should be identified as a potential risk to human health.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 849</u> Bonta (D)	Elections: City and County Redistricting		Requires the governing body of each local jurisdiction to adopt new district boundaries after each federal decennial census, with exceptions. Specifies redistricting criteria and deadlines for the adoption of new boundaries by the governing body. Specifies hearing procedures that would allow the public to provide input on the placement of boundaries and on proposed boundary maps.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 868</u> Bigelow (R)	Electric Utilities: Wildfire Mitigation Plans		Requires each election corporation that deenergize portions of of the electrical grid as a wildfire mitigation measure to adopt protocols for when deenergization will be undertaken, protocols for providing notice and other steps to be taken to minimize any adverse effects from deenergization, and protocols for restoring electrical service following a deenergization. Requires such utilities to maintain a web site devoted to public safety as it relates to the utility services provided by the utility.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 881</u> Bloom (D)	Accessory Dwelling Units		Requires a local agency to designate areas where accessory dwelling units may be permitted based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Deletes the provision authorizing a	05/22/2019 - To SENATE Committees on HOUSING and GOVERNANCE AND FINANCE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			local agency to require owner occupancy as a condition of issuing a permit.	
<u>AB 931</u> Boerner Horvath (D)	Local Boards and Commissions		Requires the composition of a local board and commission of a city with a population of 50,000 or greater with appointed members to have a specified minimum number of women board members or commissioners based on the total number of board members or commissioners on that board.	05/24/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 937</u> Rivas R (D)	Waste Discharge Requirements: Produced Water		Authorizes a regional board to approve a waste discharge requirement for the use or reuse of produced water from an oil and gas operation for agricultural purpose or for groundwater recharge, only if, after a public hearing, it finds that the California Council on Science and Technology has reviewed the best available independent scientific evidence and has found the use will not pose a significant risk to the public from contaminants in the produced water.	03/04/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 945</u> McCarty (D)	Local Government: Financial Affairs: Surplus Funds		Authorizes a local agency to invest and deposit the agency's surplus funds in deposits at specified types of financial institutions whether those investments are certificates of deposit or another form, and increases the percentage of the local agency's funds that can be invested to a certain percentage.	05/08/2019 - To SENATE Committees on GOVERNANCE AND FINANCE and BANKING AND FINANCIAL INSTITUTIONS.
<u>AB 961</u> Reyes (D)	Energy Programs and Projects: Nonenergy Benefits		Requires the commission to establish common definitions of nonenergy benefits and attempt to determine consistent values for use in all distributed energy resource programs, meaningfully consider producing nonenergy benefits in distributed energy resource programs and projects, incorporate nonenergy benefits in distributed energy resource programs and projects in environmental and social justice communities and track the nonenergy benefits produced in distributed energy resource programs.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 992</u> Mullin (D)	Open Meetings: Local Agencies: Social Media		Provides that the Ralph M. Brown Act does not apply to the participation, as defined, in an internet- based social media platform, as defined, by a majority of the members of a legislative body, provides that a majority of the members do not discuss among themselves the business o a specific nature that is within subject matter jurisdiction of the legislative body.	05/01/2019 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Failed passage.;05/01/2019 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Reconsideration granted.
<u>AB 1013</u> Obernolte (R)	State Agencies: Grant Applications		Prohibits a state agency from selecting as an evaluator of a grant application a person who, within the five-year period preceding receipt of that application, was a representative, member, or staff member of an organization or person that is applying to receiver grant funding from that state agency.	05/22/2019 - From SENATE Committee on GOVERNMENTAL ORGANIZATION with author's amendments.;05/22/2019 - In SENATE. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION.
<u>AB 1035</u> Mayes (R)	Personal Information: Data Breaches		Requires a person or business that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system in the most expedient time possible and without unreasonable delay. Requires an agency that was the source of a security breach to offer, in the notice of the breach, appropriate identity theft prevention and mitigation services at no cost to potential or actual victims of the breach.	05/23/2019 - From SENATE Committee on JUDICIARY with author's amendments.;05/23/2019 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 1045</u> Chen (R)	Public Works: Prevailing Wages		Increase the threshold to require the payment of a prevailing rate of per diem wages.	03/19/2019 - From ASSEMBLY Committee on LABOR AND EMPLOYMENT with author's amendments.;03/19/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.
<u>AB 1093</u> Rubio (D)	Municipal Separate Storm Sewer Systems		Requires the State Water Resources Control Board to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. Requires the state	05/24/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			board and the regional boards to continue using available regulatory tools and other approaches to foster collaboration with permittees to implement permit requirements in light of the costs of implementation.	
<u>AB 1130</u> Levine (D)	Personal Information: Data Breaches		Revises the definition of personal information to add specified unique biometric data and tax identification numbers, passport numbers, military identification numbers, and unique identification numbers issued on a government document in addition to those for driver's licenses and State identification cards to these provisions.	05/20/2019 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1151</u> Daly (D)	Fire Damages: Civil Actions: Pecuniary Damages		Provides that in a civil action seeking damages caused by a fire, pecuniary damages must be quantifiable and not unreasonable in relation to the prefire fair market value of the damaged property or the prefire market value of similar property. Provides that these provisions are not intended to limit or change the ability of a public agency to recover costs arising from a fire, as provided in other specified provisions of law.	03/28/2019 - To ASSEMBLY Committees on JUDICIARY and NATURAL RESOURCES.;03/28/2019 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;03/28/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 1180</u> Friedman (D)	Water: Recycled Water	SUPPORT	Requires the State Water Resources Control Board to administer provisions under the California Safe Drinking Water Act relating to the regulation of drinking water to protect the public health. Requires the state board to adopt standards for the backflow protection and cross-connection control through the adoption of a policy handbook.	05/22/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 1194</u> Frazier (D)	Sacramento-San Joaquin Delta		Increases the membership of the Delta Stewardship Council to 13 members, including 11 voting members and 2 nonvoting members.	04/09/2019 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Held in committee.
<u>AB 1204</u> Rubio (D)	Public Water Systems: Primary Water Standards	SUPPORT	Relates to the California Safe Drinking Water Act. Requires the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal	03/11/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard.	
<u>AB 1212</u> Levine (D)	Public Employees' Retirement: Pension Fund		Requires a state agency that is responsible for infrastructure projects to produce a list of priority infrastructure projects for funding consideration by the retirement boards, as described, and to provide it to them. Requires a state agency also to provide further project information to a board upon request.	05/20/2019 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1220</u> Garcia (D)	Metropolitan Water Districts		Relates to the Metropolitan Water Districts Act. Prohibits a member public agency from having fewer than the number of representatives it had as of a certain date.	05/16/2019 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>AB 1224</u> Gray (D)	Disability Insurance: Paid Family Leave Program		Authorizes up to a certain period of temporary disability benefits in a specified period, but would limit each disability benefit period to a certain length of temporary disability benefits. Provides for the deposit of additional contributions in, and authorizes an increase in disbursements from, the Unemployment Compensation Disability Fund. Makes an appropriation.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1241</u> Quirk-Silva (D)	Contracts Between Public and Private Entities		Requires an agency that contracts with a person or private entity that owns or licenses an electronic database that contains the personal information of individuals for the purpose of hiring and training specified individuals, to do so only if the contract requires the person or private entity to comply with the requirements for disclosure and maintenance of personal information that are applicable to an agency pursuant to the Information Practices Act.	03/11/2019 - To ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.
<u>AB 1323</u> Stone (D)	Public Utilities Information: Confidentiality		Relates to the Public Utilities Act. Requires the information to be open to the public inspection unless federal or state law or an order of the commission based on a specified finding requires the information to be closed to inspection, or the withholding of that	04/02/2019 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;04/02/2019 - In ASSEMBLY. Read second time and

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			information is ordered by the commission, a commissioner, or an administrative law judge in the course of a hearing or proceeding.	amended. Re-referred to Committee on UTILITIES AND ENERGY.
<u>AB 1347</u> Boerner Horvath (D)	Electricity: Renewable Energy		Establishes the policy of the state that eligible renewable energy resources and zero carbon resources supply a percentage of all retail sales of electricity to state and local government buildings by a certain date, and to all the State end use customers by a certain date.	03/11/2019 - To ASSEMBLY Committees on UTILITIES AND ENERGY and NATURAL RESOURCES.
<u>AB 1375</u> Bigelow (R)	Disaster Relief: Dead and Dying Tree Removal		Provides that the state share for removal of dead and dying trees in connection with the Governor's Proclamation of a State of Emergency issued on October 30, 2015, is not more than a certain percentage of total eligible costs.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1381</u> Salas (D)	Safe Drinking Water Plan		Requires the State Water Resources Control Board, in its Safe Drinking Water Plan, to identify public water systems that fail to deliver water that meets all applicable standards under the Safe Drinking Water Act, specified areas in which persons have limited access to, or ability to pay for, safe and affordable drinking water, and strategies to address the changing needs of current and future populations. Requires the plan to include a publicly accessible map that identifies such areas.	03/18/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;03/18/2019 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/18/2019 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 1389</u> Eggman (D)	Special Districts: Organization: Revenue Loss		Authorizes the local agency formation commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency.	03/14/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1414</u> Friedman (D)	Urban Retail Water Suppliers: Reporting		Requires each urban retail water supplier on or before a certain day of each year until a certain date, to submit a completed and validated water loss audit report as prescribed by the Department of Water Resources. Requires on or before a certain date, and on or before a certain day of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year.	05/16/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 1415</u> Friedman (D)	Department of Water Resources: Reporting		Requires the department to impose a civil penalty on an entity that fails to file with the department a specified report or plan by the deadline required for that particular report or plan. Authorizes the department to reduce or waive the civil penalty under certain circumstances.	05/24/2019 - In ASSEMBLY. Read third time and amended. To third reading.
<u>AB 1432</u> Dahle (R)	Water Shortage Emergencies: Declarations: Wildfires		Authorizes a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.	05/08/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 1439</u> Melendez (R)	Policy for Water Quality Control		Makes nonsubstantive changes to the Porter-Cologne Water Quality Control Act.	02/22/2019 - INTRODUCED.
<u>AB 1445</u> Gloria (D)	Climate Change: Emergency Declaration and Policy		Declares that it is the policy of the State of California to restore an optimal safe climate and to provide maximum protection from climate change to all people and species, globally, including the most vulnerable.	02/22/2019 - INTRODUCED.
<u>AB 1484</u> Grayson (D)	Mitigation Fee Act: Housing Developments		Requires each city, county, or city and county to post on its internet website the type and amount of each fee imposed on a housing development project. Requires each city, county, or city and county to include the location on its internet website of all fees imposed upon a housing development project in the list of information provided to a development project applicant that was developed pursuant to certain provisions.	05/16/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1486</u> Ting (D)	Surplus Land	OPPOSE UNLESS AMENDED	Expands the definition of local agency to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state, and any instrumentality thereof, that is empowered to acquire and hold real property, thereby requiring these entities to comply with requirements for the disposal of surplus land.	05/20/2019 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1503</u> Burke (D)	Distributed Energy and Microgrids: Policies: Report		Requires in the report that the PUC also describe workforce opportunities in the areas of distributed energy and microgrids, including emerging energy jobs and professions and the costs and benefits to the ratepayers. Requires the PUC to collaborate with the Labor and Workforce Development Agency in the development of this section of the report.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1574</u> Mullin (D)	Lobbying Expenditures		Requires reports regarding lobbying expenditures to be filed on a monthly basis.	04/24/2019 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<u>AB 1588</u> Gloria (D)	Drinking Water and Wastewater Operator Certification	SUPPORT	Requires operators of complex industrial facilities, including members of the military and military service veterans, to receive appropriate equivalent experience credit and education credit for work and tasks performed that are directly related to the operation of water or wastewater facilities. Relates to water treatment operator certification.	05/23/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 1640</u> Boerner Horvath (D)	Local Government Finance: Budget Reserves.		Requires a local government by September 1, 2020, and annually thereafter, to submit a written report to the State Controller's office on how it plans to spend any of its budget reserves, as defined, on specified priorities over a 5-year fiscal period, including, among others, mental and behavioral health services and affordable housing.	03/18/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1672</u> Bloom (D)	Solid Waste: Flushable Products	SUPPORT	Prohibits a covered entity, as defined, from labeling a covered product as safe to flush, safe for sewer systems, or safe for septic systems, unless the product is a flushable wipe that meets certain performance standards. Requires nonflushable products to be labeled clearly and conspicuously to communicate that they should not be flushed.	05/16/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
<u>AB 1768</u> Carrillo (D)	Prevailing Wage: Public Works		Expands the definition of public works to include work conducted during site assessment or feasibility studies. Specifies that preconstruction work, including design, site assessment, feasibility studies, and land surveying, is deemed to be part of a public work, regardless of whether any further construction work is conducted.	05/22/2019 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.
<u>AB 1819</u> Judiciary Cmt	Public Records Inspection: Use of Requester's Equipment		Grants a requester of a public record the right to use the requester's equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce any record upon inspection and on the premises of the agency, unless the means of copy or reproduction would result in damage to the record, or unauthorized access to a computer system or secured network of the agency.	05/06/2019 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>ACA 3</u> Mathis (R)	Clean Water for All Act	WATCH	Requires not less than a certain percent of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act. Relates to water supply, delivery, and quality projects administered by the Department of Water Resources and water quality projects administered by the State Water Resources Control Board.	04/30/2019 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.;04/30/2019 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Reconsideration granted.
<u>SB 1</u> Atkins (D)	Environmental, Public Health, and Workers Defense Act		Enacts the California Environmental, Public Health, and Workers Defense Act, which prohibits a state or local agency from amending or revising its rules to be less stringent than the federal baseline standards pertaining to environmental protection.	05/21/2019 - In SENATE. Read second time and amended. To third reading.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 13</u> Wieckowski (D)	Accessory Dwelling Units	WATCH	Amends the Planning and Zoning Law. Authorizes the creation of accessory dwelling units in areas zoned to allow single family or multifamily dwelling use. Prohibits a local agency from requiring the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. Prohibits a local agency from requiring occupancy of either the primary or the accessory dwelling unit.	05/22/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 19</u> Dodd (D)	Water Resources: Stream Gages		Requires the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages.	05/20/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 43</u> Allen (D)	Carbon Taxes		Requires the state board, no later than January 1, 2022, to submit a report to the Legislature on the findings from a study, as specified, to determine the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law.	05/28/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 44</u> Skinner (D)	Medium and Heavy Duty Vehicles: Comprehensive Strategy		Requires the State Air Resources Board, in consultation with certain entities, to update the mobile source strategy to include a comprehensive strategy for the deployment of medium- and heavy-duty vehicles in the state for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the medium- and heavy-duty vehicle sector. Requires the board to recommend reasonable and achievable goals for reducing emissions.	05/20/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 45</u> Allen (D)	Wildfire, Drought, and Flood Protection Bond Act 2020		Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by voters, authorizes the issuance of bonds to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forests and watersheds, reduce climate	04/24/2019 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, and protect coastal lands and resources.	
<u>SB 46</u> Jackson (D)	Emergency Services: Telecommunications		Amends the Emergency Services Act. Requires a local government that enters into an agreement to access information of resident accountholders to, upon receipt of that information, notify residents that they have been entered into the public emergency warning system.	05/16/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 69</u> Wiener (D)	Ocean Resiliency Act		Requires the Department of Fish and Wildlife to undertake projects to improve hatchery management. Names certain streams and watercourses as the state Endangered Rivers List. Requires reporting on coastal and harbor management programs to address the effects of climate change. Imposes certain requirements for timber harvesting plans relating to discharge of waste into water.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 128</u> Beall (D)	Enhanced Infrastructure Financing Districts: Bonds		Authorizes the Public Financing Authority to issue bonds for purposes of enhanced infrastructure financing districts without submitting a proposal to the voters. Requires specified information related to the issuance of the bonds to be contained in the resolution. Requires the Authority to hold three public hearings on an enhanced infrastructure financing plan.	05/02/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 133</u> Galgiani (D)	Wildfires: Detection		States the intent of the Legislature to enact legislation to create and fund a program for installing remote infrared cameras that can help in detecting wildfires.	01/24/2019 - To SENATE Committee on RULES.
<u>SB 134</u> Hertzberg (D)	Water Conservation: Water Losses	SUPPORT	Prohibits the board from issuing an information order, written notice, or conservation order to an urban retail water supplier that does not meet its urban water use objective if the board determines the urban retail water supplier is not meeting its urban water use objective solely because the volume of water loss exceeds the	05/13/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			urban retail water supplier's standard for water loss and the board is taking enforcement action against the urban retail water supplier for not meeting the performance standards.	
<u>SB 139</u> Allen (D)	Independent Redistricting Commissions		Requires certain counties to establish an independent redistricting commission to adopt the county's supervisorial districts after each federal census. Requires these commissions to take steps to encourage county residents to participate in the redistricting process. Specifies certain procedures for a commission's hearing process relating to notice, the number of hearings, and translation of hearings. Requires the county to provide for reasonable funding and staffing of the commission.	05/22/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 166</u> Wiener (D)	Water Treatment Systems: Breweries and Wineries: Study		Requires the State Water Resources Control Board to convene a prescribed study group to advise the Legislature on policies regarding the onsite reuse of process water in breweries and wineries.	05/24/2019 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>SB 190</u> Dodd (D)	Fire Safety: Building Standards: Defensible Space		Requires the Office of the State Fire Marshal to develop a model defensible space program. Requires the Office to make available on their website a Wildland Urban Interface Fire Safety Building Standards Compliance training manual for the training of local building officials, builders, and firefighters.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 200</u> Monning (D)	Safe and Affordable Drinking Water Fund	WATCH	Establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long term. Authorizes the State Water Resources Control Board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. Provides that moneys are available to fund grants, loans, contracts, or services to assist eligible recipients.	05/22/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 204</u> Dodd (D)	State Water Project: Contracts	OPPOSE UNLESS AMENDED	Requires the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 209</u> Dodd (D)	California Wildfire Warning Center: Weather Monitoring		Establishes in the state government the California Wildfire Warning Center. Provides for representatives from the Public Utilities Commission, the Office of Emergency Services, the Department of Forestry and Fire Protection, two county fire chiefs, a representative of an electrical corporation, and a representative of a local publicly owned electric utility.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 210</u> Leyva (D)	Heavy-Duty Vehicle Inspection and Maintenance Program		Requires the state board, in consultation with the bureau and other specified entities, to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program. Requires the state board, no later than 2 years after the completion of the pilot program, to develop and implement a Heavy-duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles.	05/21/2019 - In SENATE. Read second time and amended. To third reading.
<u>SB 212</u> Allen (D)	Elections: Local Voting Methods		Authorizes a city, county, or local educational agency to conduct an election using ranked choice voting, in which voters rank the candidates for office in order of preference. Specifies the procedures for conducting an election using ranked choice voting as it applies to both a single seat election and a multiseat election.	05/28/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 226</u> Nielsen (R)	Watershed Restoration: Wildfires: Grant Program		Requires the Natural Resources Agency to develop and implement a watershed restoration grant program for purposes of awarding grants to private property land owners to assist them with	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			watershed restoration on watersheds that have been affected by wildfire. Requires the agency to provide technical resources to the private property land owners seeking assistance with watershed restoration.	
<u>SB 287</u> Nielsen (R)	Commission on State Mandates: Test Claims: Filing Date		Relates to the filing date on test claims for the Commission on State Mandates. Specifies that for purposes of filing a test claim based on the date of incurring increased costs, "within 12 months" means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 288</u> Wiener (D)	Electricity: Self Generation and Storage		Requires the Public Utilities Commission and the governing board of each local publicly owned electric utility with an annual electrical demand exceeding a certain amount to establish a streamlined and standardized process for the review of interconnection requests for customers seeking to install renewable energy and energy storage systems on the customer side of the point of interconnection to minimize uncertainty and the amount of time and cost of the review while maintaining electric system safety.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 307</u> Roth (D)	Water Conveyance: Use of Facility with Unused Capacity	WATCH	Prohibits a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission finds no adverse affect to the natural or cultural resources of those federal or state lands. Requires a transferor of water to submit an application to the Commission.	05/21/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 332</u> Hertzberg (D)	Wastewater Treatment: Recycled Water	OPPOSE UNLESS AMENDED	Declares that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. Requires each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual	05/16/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			flow as compared to the average annual dry weather wastewater discharge baseline volume. Provides a penalty for failing to submit a plan or report addressing the progress toward meeting the annual flow reduction deadlines.	
<u>SB 335</u> Hurtado (D)	Provision of Sewer Service: Onsite Treatment System		Authorizes the property owner of an affected residence to opt out of the provision of sewer service for a maximum of 5 years if the adequate onsite sewage treatment system was installed no more than 5 years prior to the issuance of the order.	02/28/2019 - To SENATE Committees on ENVIRONMENTAL QUALITY and GOVERNANCE AND FINANCE.
<u>SB 341</u> Morrell (R)	Public Employment and Retirement		Requires the Board of Administration of the Public Employees' Retirement System to report a calculation of liabilities based on a discount rate equal to the yield on a 10-year United States Treasury note in the year prior to the report. Requires the Teacher's Retirement Board to provide a description of the discount rate the board uses for reporting liabilities, a calculation of liabilities based on a discount rate that is 2% below the long-term rate of return.	03/27/2019 - In ASSEMBLY Committee on LABOR AND EMPLOYMENT: Failed passage.;03/27/2019 - In SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT: Reconsideration granted.
<u>SB 355</u> Portantino (D)	Joint Powers Agencies: Meetings		Relates to The Joint Exercise of Powers Act and the Ralph M. Brown Act. Authorizes any joint powers authority that is entirely within either the County of Los Angeles or the County of Ventura to designate alternate members of the legislative body of a joint powers agency who are not also members of the legislative body of a local agency member to attend closed sessions of the joint powers agency.	05/24/2019 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 414</u> Caballero (D)	Small System Water Authority Act of 2019	SUPPORT	Creates the Small System Water Authority Act of 2019 and states legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 454</u> Caballero (D)	Water Resources Control Board: Administrative Hearings		Requires the State Water Resources Control Board to assess filing fees for the filing of briefing papers or motions in a hearing conducted by the Office. Requires filing fees or monetary penalties to be deposited in the Water Rights Hearings Office Fund.	05/16/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 474</u> Stern (D)	Habitat Conservation Fund		Relates to the State Wildlife Protection Act of 1990. Establishes the Wildlife Protection Subaccount in the Habitat Conservation Fund and would require the Controller, if an appropriation is made for this purpose in any fiscal year, to transfer \$30,000,000 from the General Fund to the subaccount, less any amount transferred from specified accounts and funds, to be expended by the board for the acquisition, enhancement, or restoration of wildlife habitat.	05/28/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 487</u> Caballero (D)	Department Of Water Resources: Aerial Snow Survey		Requires the Department of Water Resources California snow survey program to conduct aerial surveys of the snowpack in the Trinity Alps and Sierra Nevada Mountains, including hydrologic areas that drain or supply water to certain major reservoirs and lakes. Requires the department to collect the aerial survey data up to 10 times per year in each hydrologic area and to summarize and make publicly available the data obtained.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 518</u> Wieckowski (D)	Public Records: Disclosure: Court Costs and Attorney		Relates to court costs and attorney's fees disclosure for purposes of the award of those costs specifically notwithstanding a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 535</u> Moorlach (R)	Global Warming Solutions Act: Scoping Plan		Requires the State Air Resources Board to submit a specified report to the Legislature that includes the greenhouse gas, criteria air pollutant, and short-lived climate pollutant emissions from wildfires and forest fires, an assessment of the increased severity of wildfires and forest fires from the impacts of climate change, and a calculation of the increase in the emissions of criteria air pollutants,	05/20/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			greenhouse gases, and short-lived climate pollutants based on the increased severity of wildfires.	
<u>SB 559</u> Hurtado (D)	Department of Water Resources Grant		Appropriates funds to the Department of Water Resources for the purposes of restoring the Friant-Kern Canal to its full capacity.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 608</u> Glazer (D)	Architects: Contracts		Relates to existing law requiring an architect to use a written contract when contracting to provide professional services. Requires the written contract to include a description of the project, a description of the procedure that will be used to accommodate contract changes, the project address, a statement identifying the ownership and use of instruments of service prepared by the architect.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 615</u> Hueso (D)	Public Records: Disclosure		Permits any person to institute proceedings for injunctive or declarative relief or a writ of mandate in any court of competent jurisdiction to enforce their right to inspect or to receive a copy of any public record or class of public records covered by the California Public Records Act. Requires a person to meet and confer in good faith with the agency in an attempt to informally resolve each issue.	03/14/2019 - To SENATE Committee on JUDICIARY.
<u>SB 629</u> McGuire (D)	Air Districts: Hearing Boards: Notice Requirements		Relates to the Ralph M. Brown Act. Requires a hearing board to send a notice of hearing not less than a specified number of hours before the hearing to any person who requests the notice.	05/09/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 641</u> Allen (D)	Special Elections		Changes the period of time in which a special election may be conducted for consolidation purposes to within 200 days following the proclamation.	05/13/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 646</u> Morrell (R)	Local Agency Utility Services: Service Extensions		Revises the definition of fee to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the	05/13/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			payor's burdens on, or benefits received from, the water connection or sewer connection.	
<u>SB 668</u> Rubio (D)	Fire Hydrants: Water Suppliers: Regulations		Imposes certain requirements upon an urban water supplier in statute. Requires the Office of Emergency Services to establish emergency response and recovery plans in coordination with urban water suppliers. Requires an urban water supplier to review and revise its disaster preparedness plan every 5 years.	05/23/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 669</u> Caballero (D)	Water Quality: Safe Drinking Water Fund	SUPPORT	Establishes the Safe Drinking Water Fund in the State Treasury. Provides that moneys in the fund are continuously appropriated to the state board. Requires the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs comply with those standards.	05/16/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 732</u> Allen (D)	South Coast Air Quality Management District		Authorizes the South Coast District Board to impose a transactions and use tax within the boundaries of the south coast district.	05/13/2019 - In SENATE Committee on APPROPRIATIONS: Not heard.
<u>SB 762</u> Jones (R)	Groundwater Storage		Makes a nonsubstantive change in provisions relating to groundwater storage.	03/14/2019 - To SENATE Committee on RULES.
<u>SB 779</u> Nat Resour & Water Cmt	Appropriation of Water: Change of Point of Diversion		Authorizes the State Water Resources Control Board, after a hearing, to change provisions or conditions for permits and licenses to appropriate water. Authorizes an applicant, permittee, or licensee to initiate the making of a minor change to an application, permit, or license without requiring the filing of a petition for change if the board makes specified findings, including that the change does not have the potential to adversely affect the water supply of other legal users of water.	05/16/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2019 LEGISLATIVE MATRIX
Updated 05/28/2019

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 780</u> Governance and Finance Cmt	Local Government Omnibus Act		Requires the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing a specified statement of facts about the agency.	05/16/2019 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>HR 1162</u> Napolitano (D)	Water Recycling and Reuse Projects Grant Program		Establishes a grant program for the funding of water recycling and reuse projects.	03/04/2019 - In HOUSE Committee on NATURAL RESOURCES: Referred to Subcommittee on WATER, POWER AND OCEANS.
<u>HR 1764</u> Garamendi (D)	Federal Water Pollution Control Permitting Terms	SUPPORT	Amends the Federal Water Pollution Control Act with respect to permitting terms.	03/15/2019 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.

Exhibit “B”

2019 Legislative Update Report:
Links to Bill & Regulatory Texts
(as of May 28, 2019)

Bill Number/Version Date	Link to Bill Text
Safe and Affordable Drinking Water Budget Trailer Bill	http://dof.ca.gov/budget/Trailer_Bill_Language/documents/EnvironmentalJustice-SafeandAffordableDrinkingWaterMayRevision.pdf
AB 134 (Bloom), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB134
AB 217 (Garcia), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB217
ACA 3 (Mathis/Garcia), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200ACA3
ACR 89 (Cooley), as introduced	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200ACR89
SB 200 (Monning), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB200
SB 332 (Hertzberg/Wiener), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB332
SB 414 (Caballero), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB414
SB 669 (Caballero), as introduced	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB669

EXHIBIT “C”

Discussion Draft

Title: To support water infrastructure in Reclamation States, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drought Resiliency and Water Supply Infrastructure Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DESIGN; STUDY.—The terms “design” and “study” include any design, permitting, materials engineering or testing, surveying, or preconstruction activity relating to a water storage facility.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. SURFACE AND GROUNDWATER STORAGE AND SUPPORTING PROJECTS.

(a) Definitions.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Natural Resources of the House of Representatives.

(2) FEDERALLY OWNED STORAGE PROJECT.—The term “federally owned storage project” means any project in a Reclamation State—

(A) that involves—

(i) a surface water storage facility; or

(ii) a facility conveying water to or from a surface or groundwater storage facility;

(B) to which the United States holds title; and

(C) that was authorized to be constructed, operated, and maintained pursuant to the reclamation laws.

(3) RECLAMATION STATE.—The term “Reclamation State” has the meaning given the term in section 4014 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322).

(4) STATE-LED STORAGE PROJECT.—The term “State-led storage project” means any

EXHIBIT “C”

Discussion Draft

project in a Reclamation State through which—

(A) any State, department of a State, subdivision of a State, or public agency organized pursuant to State law constructs or expands, operates, and maintains—

(i) a surface or groundwater storage facility; or

(ii) a facility conveying water to or from a surface or groundwater storage facility; and

(B) a benefit is provided in meeting any obligation under applicable Federal law (including regulations).

(b) Grant Program.—The Secretary may provide a grant under this section to a Reclamation State to carry out, within the Reclamation State—

(1) a federally owned storage project in accordance with subsection (c); or

(2) a State-led storage project in accordance with subsection (d).

(c) Federally Owned Storage Projects.—

(1) AGREEMENTS.—On request of any Reclamation State, any department, agency, or subdivision of a Reclamation State, or any public agency organized pursuant to the laws of a Reclamation State, the Secretary may negotiate and enter into an agreement on behalf of the United States for the design, study, and construction or expansion of a federally owned storage project located in the Reclamation State in accordance with this subsection.

(2) FEDERAL SHARE.—Subject to the requirements of this subsection, the Secretary may participate in a federally owned storage project in an amount equal to not more than 50 percent of the total cost of the federally owned storage project.

(3) CONDITIONS FOR FEDERAL PARTICIPATION.—The Secretary may not participate in a federally owned storage project under this subsection unless the Secretary determines that—

(A) the federally owned storage project provides a Federal benefit in accordance with the reclamation laws; and

(B) as a condition of providing the Federal cost-share of the federally owned storage project, not less than a proportionate share of the benefits of the federally owned storage project shall be Federal benefits, including water supplies dedicated to specific purposes, such as environmental enhancement and wildlife refuges.

(4) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—In addition to meeting the conditions described in paragraph (3), the construction of a federally owned storage project that is the subject of an agreement under this subsection shall not commence until the Secretary—

(A) determines that the proposed federally owned storage project is feasible in accordance with the reclamation laws; and

(B) secures an agreement providing such upfront funding as is necessary to pay the non-Federal share of the capital costs of the federally owned storage project.

(5) NOTIFICATION.—The Secretary shall submit to the appropriate committees of Congress a written notification of the determinations under paragraphs (3) and (4) by not

EXHIBIT “C”

Discussion Draft

1 later than 30 days after the date of the determinations.

2 (6) ENVIRONMENTAL LAWS.—In participating in a federally owned storage project under
3 this subsection, the Secretary shall comply with all applicable environmental laws,
4 including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 (7) EXPANSION.—The expansion of a federally owned storage project shall require the
6 agreement of any entity that has an existing water service contract or repayment contract for
7 more than 60 percent of the capacity or yield of the federally owned storage project that the
8 expansion will not adversely affect any right or interest of the entity under the water service
9 contract or repayment contract, as applicable.

10 (d) State-led Storage Projects.—

11 (1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may
12 participate in the design, study, and construction of a State-led storage project in an amount
13 equal to not more than 25 percent of the total cost of the State-led storage project.

14 (2) CONDITIONS FOR FEDERAL PARTICIPATION.—Participation by the Secretary in a State-
15 led storage project under this subsection shall not occur unless—

16 (A) the participation has been requested by the Governor of the State in which the
17 State-led storage project is located; and

18 (B) the Secretary determines that—

19 (i) the State-led storage project provides a Federal benefit in accordance with
20 the reclamation laws; and

21 (ii) as a condition of providing the Federal cost-share of the State-led storage
22 project, not less than a proportionate share of the benefits of the State-led storage
23 project shall be Federal benefits, including water supplies dedicated to specific
24 purposes, such as environmental enhancement and wildlife refuges.

25 (3) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—In addition to meeting the
26 conditions described in paragraph (2), participation by the Secretary in the construction of a
27 State-led storage project under this subsection shall not occur unless the applicable State or
28 local sponsor determines, and the Secretary concurs, that—

29 (A) the State-led storage project is technically and financially feasible;

30 (B) sufficient non-Federal funding is available to complete the State-led storage
31 project; and

32 (C) the sponsors of the State-led storage project are financially solvent.

33 (4) NOTIFICATION.—The Secretary shall submit to the appropriate committees of
34 Congress a written notification of the determinations under paragraphs (2) and (3) by not
35 later than 30 days after the date of the determinations.

36 (5) ENVIRONMENTAL LAWS.—In participating in a State-led storage project under this
37 subsection, the Secretary shall comply with all applicable environmental laws, including the
38 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

39 (6) INFORMATION.—

EXHIBIT “C”

Discussion Draft

1 (A) IN GENERAL.—In participating in a State-led storage project under this
2 subsection, the Secretary—

3 (i) may rely on reports prepared by the sponsor of the State-led storage project,
4 including feasibility or equivalent studies, environmental analyses, and other
5 pertinent reports and analyses; but

6 (ii) shall retain responsibility for making the independent determinations
7 described in paragraph (2).

8 (B) GUIDELINES.—Not later than 180 days after the date of enactment of this Act,
9 the Secretary shall issue guidelines for feasibility or equivalent studies for State-led
10 storage projects that shall be considered to provide—

11 (i) sufficient information for making the independent determinations described
12 in paragraph (2); and

13 (ii) a categorical exception to oversight review requirements under section 6 of
14 the portion under the subject heading “Identifying Design, Cost Estimating, and
15 Construction Projects for Which Independent Oversight Review is Required, and
16 Performing Those Reviews” of the manual entitled “Reclamation Manual
17 Directives and Standards”, numbered FAC 10–01, dated November 7, 2007, and
18 revised on July 30, 2014, subject to the condition that the Bureau of Reclamation
19 shall not have responsibility for the technical adequacy of any design, costs
20 estimate, or construction relating to a State-led storage project.

21 (e) Rights to Use Capacity.—Subject to compliance with applicable Reclamation State water
22 rights laws, the right to use the capacity of a federally owned storage project or State-led storage
23 project with respect to which the Secretary has entered into an agreement under this subsection
24 shall be allocated in such manner as may be mutually agreed to by the Secretary and each other
25 party to the agreement.

26 (f) Funding.—

27 (1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the
28 Secretary to carry out this section \$670,000,000 for the period of fiscal years 2020 through
29 2024.

30 (2) CONGRESSIONAL APPROVAL INITIALLY REQUIRED.—

31 (A) IN GENERAL.—Each initial award under this section for preconstruction or
32 construction of a federally owned storage project or a State-led storage project shall be
33 approved by an Act of Congress.

34 (B) RECLAMATION RECOMMENDATIONS.—

35 (i) IN GENERAL.—Subject to clause (ii), the Commissioner of Reclamation shall
36 submit to the appropriate committees of Congress recommendations regarding the
37 initial award of preconstruction and construction funding for consideration under
38 subparagraph (A).

39 (ii) REQUIREMENT.—The Commissioner of Reclamation shall confer with the
40 appropriate committees of Congress before submitting the recommendations
41 under clause (i).

EXHIBIT “C”

Discussion Draft

(3) SUBSEQUENT FUNDING AWARDS.—After approval by Congress of an initial award of preconstruction or construction funding for a federally owned storage project or a State-led storage project under paragraph (2), the Secretary may award additional preconstruction or construction funding, respectively, for the federally owned storage project or State-led storage project without further congressional approval.

(4) PRELIMINARY STUDIES.—Of the amounts made available under paragraph (1), not more than 25 percent shall be provided for appraisal studies, feasibility studies, or other preliminary studies.

(5) WIIN ACT STORAGE FUNDING.—Each federally owned storage project and State-led storage project shall be eligible to receive any amounts made available pursuant to section 4007(h) of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) (as in effect on the day before the date of enactment of this Act), in accordance with paragraphs (2) and (3).

(g) Consistency With State Law.—Nothing in this section preempts or modifies any obligation of the United States to act in accordance with applicable State law.

(h) Partnership and Agreements Relating to Certain Water Storage Projects.—The Secretary, acting through the Commissioner of Reclamation, may enter into a partnership or other agreement relating to a water storage project described in section 103(d)(1) of the Calfed Bay-Delta Authorization Act (Public Law 108–361; 118 Stat. 1684) with a local joint-powers authority established pursuant to State law by 1 or more irrigation districts or other local water districts or units of local government within the applicable hydrologic region, to advance the project.

(i) Calfed Reauthorization.—Title I of Public Law 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat. 1866) is amended by striking “2019” each place it appears and inserting “2024”.

(j) Conforming Amendment.—Section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) is repealed.

SEC. 4. WATER RECYCLING AND REUSE.

(a) Authorization of New Water Recycling and Reuse Projects.—Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by striking paragraph (2) of subsection (f) and all that follows through the end of subsection (g) and inserting the following:

“(2) PRIORITIES AND DIVERSITY OF PROJECT TYPES.—In providing grants under paragraph (1), the Secretary shall—

“(A) give priority to projects that—

“(i) are likely to provide a more-reliable water supply for a unit of State or local government;

“(ii) are likely to increase the water management flexibility and reduce impacts on environmental resources, as compared to projects operated by Federal and State agencies; or

EXHIBIT “C”

Discussion Draft

“(iii) provide multiple benefits, including water supply reliability, ecosystem benefits, groundwater management and enhancements, and water quality improvements; and

“(B) take into consideration selecting a diversity of project types, including projects that serve—

“(i) a region or more than 1 community;

“(ii) a rural or small community; or

“(iii) an urban community or city.

“(g) Funding.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsections (e) and (f) \$100,000,000 for the period of fiscal years 2020 through 2024.

“(2) CONGRESSIONAL APPROVAL INITIALLY REQUIRED.—

“(A) IN GENERAL.—Each initial award under this section for preconstruction or construction of a project under subsection (e) or (f) shall be approved by an Act of Congress.

“(B) RECLAMATION RECOMMENDATIONS.—The Commissioner of Reclamation shall submit recommendations regarding the initial award of preconstruction and construction funding for consideration under subparagraph (A) to—

“(i) the Committee on Appropriations of the Senate;

“(ii) the Committee on Energy and Natural Resources of the Senate;

“(iii) the Committee on Appropriations of the House of Representatives; and

“(iv) the Committee on Natural Resources of the House of Representatives.

“(3) SUBSEQUENT FUNDING AWARDS.—After approval by Congress of an initial award of preconstruction or construction funding for a project under paragraph (2), the Commissioner of Reclamation may award additional preconstruction or construction funding, respectively, for the project without further congressional approval.”.

(b) Limitation on Funding.—Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended—

(1) in paragraph (1)—

(A) by striking “by paragraph (2)” and inserting “in paragraphs (2) and (3)”; and

(B) striking “\$20,000,000 (October 1996 prices)” and inserting “\$30,000,000 (in prices as determined for January 2019)”; and

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking “(B) In the case” and inserting the following:

“(B) SAN GABRIEL BASIN.—In the case”; and

EXHIBIT “C”

Discussion Draft

(ii) by indenting clauses (i) and (ii) appropriately; and

(B) by striking “(2)(A) Subject to” and inserting the following:

“(2) PROJECTS FUNDED AS OF 2020.—The Federal share of the cost of any single project authorized under this title shall be \$20,000,000 if the project has received that amount as of December 31, 2020.

“(3) OLDER PROJECTS.—

“(A) IN GENERAL.—Subject to”.

SEC. 5. DESALINATION.

Section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by striking the second paragraph (1) (relating to projects) and inserting the following:

“(2) PROJECTS.—

“(A) DEFINITION OF ELIGIBLE DESALINATION PROJECT.—In this paragraph, the term ‘eligible desalination project’ means any project located in a Reclamation State that—

“(i) involves an ocean or brackish water desalination facility—

“(I) constructed, operated, and maintained by a State, Indian Tribe, irrigation district, water district, or other organization with water or power delivery authority; or

“(II) sponsored or funded by any State, department of a State, subdivision of a State, or public agency organized pursuant to State law, including through—

“(aa) direct sponsorship or funding; or

“(bb) indirect sponsorship or funding, such as by paying for the water provided by the facility; and

“(ii) provides a Federal benefit in accordance with the reclamation laws.

“(B) FEDERAL SHARE.—Subject to the requirements of this paragraph, the Secretary may participate in an eligible desalination project in an amount equal to not more than 25 percent of the total cost of the eligible desalination project.

“(C) STATE ROLE.—Participation by the Secretary in an eligible desalination project under this paragraph shall not occur unless—

“(i)(I) the eligible desalination project is included in a State-approved plan; or

“(II) the participation has been requested by the Governor of the State in which the eligible desalination project is located; and

“(ii) the State or local sponsor of the eligible desalination project determines, and the Secretary concurs, that—

“(I) the eligible desalination project—

“(aa) is technically and financially feasible; and

EXHIBIT “C”

Discussion Draft

“(bb) provides a Federal benefit in accordance with the reclamation laws;

“(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

“(III) the eligible desalination project sponsors are financially solvent; and

“(iii) the Secretary submits to Congress a written notification of the determinations under clause (ii) by not later than 30 days after the date of the determinations.

“(D) ENVIRONMENTAL LAWS.—In participating in an eligible desalination project under this paragraph, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(E) INFORMATION.—In participating in an eligible desalination project under this subsection, the Secretary—

“(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility or equivalent studies, environmental analyses, and other pertinent reports and analyses; but

“(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

“(F) FUNDING.—

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$60,000,000 for the period of fiscal years 2020 through 2024.

“(ii) CONGRESSIONAL APPROVAL INITIALLY REQUIRED.—

“(I) IN GENERAL.—Each initial award under this paragraph for preconstruction or construction of an eligible desalination project shall be approved by an Act of Congress.

“(II) RECLAMATION RECOMMENDATIONS.—The Commissioner of Reclamation shall submit recommendations regarding the initial award of preconstruction and construction funding for consideration under subclause (I) to—

“(aa) the Committee on Appropriations of the Senate;

“(bb) the Committee on Energy and Natural Resources of the Senate;

“(cc) the Committee on Appropriations of the House of Representatives; and

“(dd) the Committee on Natural Resources of the House of Representatives.

“(iii) SUBSEQUENT FUNDING AWARDS.—After approval by Congress of an initial award of preconstruction or construction funding for an eligible

EXHIBIT “C”

Discussion Draft

desalination project under clause (ii), the Commissioner of Reclamation may award additional preconstruction or construction funding, respectively, for the eligible desalination project without further congressional approval.”.

SEC. 6. RECLAMATION INFRASTRUCTURE FINANCE AND INNOVATION PILOT PROGRAM.

(a) Establishment.—The Secretary shall establish and carry out a pilot program under which the Secretary shall provide to eligible entities described in subsection (c) financial assistance in accordance with this section to carry out eligible projects described in subsection (b).

(b) Eligible Projects.—

(1) IN GENERAL.—A project eligible to receive assistance under the pilot program under this section is a water supply project that, as determined by the Secretary—

(A) is located in—

(i) the State of Alaska;

(ii) the State of Hawaii; or

(iii) a Reclamation State (as defined in section 4014 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322));

(B) would contribute directly or indirectly (including through groundwater recharge) to a safe, adequate water supply for domestic, agricultural, environmental, or municipal or industrial use; and

(C) is otherwise eligible for assistance under this section.

(2) PROJECTS ASSOCIATED WITH BUREAU OF RECLAMATION FACILITIES.—A project that supports an improvement to, or is associated with, a Bureau of Reclamation facility shall be eligible to receive assistance under the pilot program under this section if—

(A) the project meets the criteria described in paragraph (1);

(B) the eligible entity carrying out the project demonstrates to the satisfaction of the Secretary that the eligible entity is initiating and implementing the project for non-Federal purposes;

(C) the eligible entity retains or secures, through a long-term Federal property lease or easement agreement with the Secretary, substantial control over the assets, operation, management, and maintenance of the project; and

(D) the project meets such other criteria as the Secretary may establish.

(3) SMALL COMMUNITY PROJECTS.—For projects eligible for assistance under this section and section 5028(a)(2)(B) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)(2)(B)), the Secretary may assist applicants in combining 1 or more projects into a single application in order to meet the minimum project cost of \$5,000,000 required under that section.

(c) Eligible Entities.—The following entities are eligible to receive assistance under this section:

EXHIBIT “C”

Discussion Draft

1 (1) An entity described in section 5025 of the Water Resources Reform and Development
2 Act of 2014 (33 U.S.C. 3904).

3 (2) A conservancy district, Reclamation district, or irrigation district.

4 (3) A canal company or mutual water company.

5 (4) A water users’ association.

6 (5) An agency established by an interstate compact.

7 (6) Any other individual or entity that has the capacity to contract with the United States
8 under the reclamation laws.

9 (d) Requirements.—

10 (1) PROJECT SELECTION.—In selecting eligible projects to receive assistance under the
11 pilot program under this section, the Secretary shall ensure diversity with respect to—

12 (A) project type; and

13 (B) geographical location within the States referred to in subsection (b)(1)(A).

14 (2) IMPORTATION OF OTHER REQUIREMENTS.—The following provisions of law shall
15 apply to the pilot program under this section:

16 (A) Sections 5022, 5024, 5027, 5028, 5029, 5030, 5031, 5032, and 5034(a) of the
17 Water Resources Reform and Development Act of 2014 (33 U.S.C. 3901, 3903, 3906,
18 3907, 3908, 3909, 3910, 3911, 3913(a)), except that—

19 (i) any reference contained in those sections to the Secretary of the Army shall
20 be considered to be a reference to the Secretary;

21 (ii) any reference contained in those sections to an eligible project shall be
22 considered to be a reference to an eligible project described in subsection (b);

23 (iii) paragraphs (1)(E) and (6)(B) of subsection (a), and subsection (b)(3), of
24 section 5028 of that Act (33 U.S.C. 3907) shall not apply with respect to this
25 section; and

26 (iv) subsections (e) and (f) of section 5030 of that Act (33 U.S.C. 3909) shall
27 not apply with respect to this section.

28 (B) The agreement between the Administrator of the Environmental Protection
29 Agency and the Commissioner of Reclamation required under section 4301 of the
30 America’s Water Infrastructure Act of 2018 (Public Law 115–270), pursuant to which
31 the Administrator shall retain responsibility for administering any loans under this
32 section.

33 (C) Other applicable environmental laws, including the National Environmental
34 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

35 (e) Authorization of Appropriations.—

36 (1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out the
37 pilot program under this section \$150,000,000 for the period of fiscal years 2021 through
38 2025, to remain available until expended.

EXHIBIT “C”

Discussion Draft

(2) ADMINISTRATIVE COSTS.—Of the funds made available pursuant to paragraph (1), the Secretary may use for administrative costs of carrying out the pilot program under this section (including for the provision of technical assistance to project sponsors pursuant to paragraph (3), to obtain any necessary approval, and for transfer to the Administrator of the Environmental Protection Agency to provide assistance in administering and servicing Federal credit instruments under the pilot program) not more than \$5,000,000 for each applicable fiscal year.

(3) SMALL COMMUNITY PROJECTS.—

(A) IN GENERAL.—Subject to subsection (b), the Commissioner may use the funds made available under paragraph (2) to provide assistance, including assistance to pay the costs of acquiring the rating opinion letters under paragraph (1)(D) of section 5028(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)), to assist project sponsors in obtaining the necessary approvals for small community projects that are eligible for assistance under paragraph (2)(B) of that section or subsection (b)(3).

(B) LIMITATION.—Assistance provided to a project sponsor under subparagraph (A) may not exceed an amount equal to 75 percent of the total administrative costs incurred by the project sponsor in securing financial assistance under this section.

SEC. 7. RESTORATION AND ENVIRONMENTAL COMPLIANCE.

(a) In General.—The Secretary may participate in—

(1) environmental restoration activities benefitting species—

(A) listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that are adversely affected by the operation of water projects of the Bureau of Reclamation; or

(B) through water delivery from a Bureau of Reclamation project, including through an improvement to water delivery infrastructure;

(2) environmental compliance activities, including monitoring and other data collection activities, to assist water projects of the Bureau of Reclamation in—

(A) achieving the purposes of the projects; and

(B) minimizing harm to species referred to in paragraph (1)(A); and

(3) a forest restoration activity on Federal land—

(A) that has 1 or more of the effects of—

(i) increasing the quantity or improving the quality of runoff to a Bureau of Reclamation facility or project;

(ii) increasing the quantity or improving the quality of runoff to a surface or groundwater storage facility that is operated in conjunction with a Bureau of Reclamation facility or project;

EXHIBIT “C”

Discussion Draft

- (iii) reducing sedimentation of a Bureau of Reclamation facility; or
- (iv) reducing the threat of wildfire that could affect quantity or quality of runoff to, or sedimentation or structural integrity of, a Bureau of Reclamation facility; and

(B) with respect to which the Secretary ensures that—

- (i) the proportion that the amount of Federal funding under this section bears to the total cost of the project is not greater than the proportion that water supply and water quality benefits bears to the total benefits of the project; and

- (ii) Federal water contractors receive at least part of the water supply or water quality benefits of the project.

(b) Priority.—In carrying out this section, the Secretary shall give priority to restoration or environmental compliance activities that—

(1) implement congressional direction, such as projects described in—

(A) subsection (a)(3); or

(B) section 4001 or 4010 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1851);

(2) are recommended by collaborative processes or plans developed by Federal agencies in conjunction with States, water contractors, environmental or fishing interests, or other stakeholders; or

(3) implement settlements with State agencies or requirements under State water laws to restore species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or other species adversely affected by the operation of water projects of the Bureau of Reclamation.

(c) Cost-share.—

(1) IN GENERAL.—The Federal share of the cost of any individual program, activity, or project carried out using funds made available pursuant to this section—

(A) shall be not more than 50 percent; and

(B) shall be nonreimbursable.

(2) PROGRAM-LEVEL CALCULATION.—The Federal cost-share described in paragraph (1) shall be calculated at the program level, at which a group of activities or projects are considered to be a part of a broader, cohesive program.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary—

(1) \$20,000,000 to carry out subsection (a)(3) for the period of fiscal years 2020 through 2021; and

(2) \$120,000,000 to carry out this section for the period of fiscal years 2022 through 2024.

SEC. 8. DEAUTHORIZATION OF CERTAIN WATER

EXHIBIT “C”

Discussion Draft

1 RECYCLING PROJECTS.

2 (a) Purpose; Definition.—

3 (1) PURPOSE.—The purpose of this section is to establish an efficient and transparent
4 process for deauthorizing Bureau of Reclamation title XVI projects that have failed—

5 (A) to receive a minimum level of Federal investment; or

6 (B) to initiate construction.

7 (2) DEFINITION OF TITLE XVI PROJECT.—In this section, the term “title XVI project”
8 means a project authorized by title XVI of Public Law 102–575 (43 U.S.C. 390h et seq.).

9 (b) Backlog List.—Not later than 180 days after the date of enactment of this Act, the
10 Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the
11 Committee on Natural Resources of the House of Representatives, and make available on a
12 publicly accessible internet website in a manner that is downloadable, searchable, and sortable, a
13 list of—

14 (1) title XVI projects—

15 (A) that are authorized; and

16 (B) for which, during the current fiscal year and each of the preceding 10 fiscal
17 years—

18 (i) no Federal funding was obligated; and

19 (ii) no construction has occurred; and

20 (2) for each title XVI project listed under paragraph (1)—

21 (A) the date of authorization of the title XVI project, including any subsequent
22 modifications to the original authorization;

23 (B) a brief description of the title XVI project; and

24 (C) any amounts appropriated for the title XVI project that remain unobligated.

25 (c) Interim Deauthorization List.—

26 (1) IN GENERAL.—The Secretary shall develop and make publicly available an interim
27 deauthorization list that identifies each title XVI project described in subsection (b)(1).

28 (2) PUBLIC COMMENT AND CONSULTATION.—

29 (A) IN GENERAL.—The Secretary shall solicit and accept, for a period of not less
30 than 90 days, comments relating to the interim deauthorization list under paragraph (1)
31 from—

32 (i) the public; and

33 (ii) the Governor of each applicable State.

34 (B) PROJECT SPONSORS.—As part of the public comment period under subparagraph
35 (A), the Secretary shall provide to title XVI project sponsors the opportunity to provide
36 to the Secretary a notice of the intent to initiate construction of the title XVI project by

EXHIBIT “C”

Discussion Draft

not later than the date that is 2 years after the date of publication of the preliminary final deauthorization list under subsection (d).

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of submission of the backlog list under subsection (b), the Secretary shall—

(A) submit the interim deauthorization list under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; and

(B) publish the interim deauthorization list in the Federal Register.

(d) Preliminary Final Deauthorization List.—

(1) IN GENERAL.—The Secretary shall develop a preliminary final deauthorization list that includes each title XVI project identified pursuant to paragraph (2).

(2) IDENTIFICATION OF PROJECTS.—

(A) EXCLUSIONS.—The Secretary may identify a title XVI project described in subsection (b)(1) for exclusion from the preliminary final deauthorization list if the Secretary determines, on a case-by-case basis following receipt of public comments, that the title XVI project is critical for interests of the United States, based on the practicable impact of the title XVI project on—

(i) public health and safety;

(ii) the national economy; or

(iii) the environment.

(B) SUBJECT TO DEAUTHORIZATION DESIGNATION.—Any title XVI project the sponsor of which has provided to the Secretary a notice of the intent to initiate construction by not later than 2 years after the date of publication of the preliminary final deauthorization list under this subsection shall be designated on that list as “subject to deauthorization”.

(C) APPENDIX.—The Secretary shall include as part of the preliminary final deauthorization list under this subsection an appendix that—

(i) identifies each title XVI project included on the interim deauthorization list under subsection (c) that is not included on the preliminary final deauthorization list; and

(ii) describes the reasons why each title XVI project identified under clause (i) is not included on the preliminary final deauthorization list.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of expiration of the public comment period under subsection (c)(2)(A), the Secretary shall—

(A) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the preliminary final deauthorization list and the appendix required under this subsection; and

(B) publish the preliminary final deauthorization list and appendix in the Federal Register.

EXHIBIT “C”

Discussion Draft

(e) Deauthorization; Congressional Review.—Effective beginning on the date that is 180 days after the date of submission to Congress of the preliminary final deauthorization list under subsection (d)(3)(A), each title XVI project included on that list is deauthorized, unless—

(1) the title XVI project is designated as “subject to deauthorization” pursuant to subsection (d)(2)(B); or

(2) Congress has enacted a joint resolution disapproving the preliminary final deauthorization list.

(f) Updated Final Deauthorization List.—

(1) PUBLICATION.—Not later than the date that is 2 years after the date of publication of the preliminary final deauthorization list under subsection (d)(3)(B), the Secretary shall publish an updated final deauthorization list.

(2) PROJECTS SUBJECT TO DEAUTHORIZATION.—On the updated final deauthorization list under this subsection, the Secretary shall describe any title XVI project designated as “subject to deauthorization” on the preliminary final deauthorization list pursuant to subsection (d)(2)(B) as—

(A) authorized, if the Secretary has received evidence that the sponsor of the title XVI project has substantially initiated construction on the title XVI project; or

(B) deauthorized, if the Secretary has not received the evidence described in subparagraph (A).

(3) DEAUTHORIZATION.—Any project described as deauthorized pursuant to paragraph (2)(B) shall be deauthorized on the date that is 180 days after the date of submission of the updated final deauthorization list under paragraph (1), unless Congress has enacted a joint resolution disapproving that list.

(g) Treatment of Project Modifications.—For purposes of this section, if a title XVI project has been modified by an Act of Congress, the date of authorization of the title XVI project shall be considered to be the date of the most recent modification.

SEC. 9. OFFSETS.

(a) Definition of Water Users’ Association.—In this section:

(1) IN GENERAL.—The term “water users’ association” means an entity that is—

(A) organized and recognized under applicable State law; and

(B) eligible to enter into contracts with the Bureau of Reclamation—

(i) to receive contract water for delivery to end users of the water; and

(ii) to pay applicable charges relating to that water.

(2) INCLUSIONS.—The term “water users’ association” includes—

(A) an association;

(B) a conservancy district;

(C) an irrigation district;

EXHIBIT “C”

Discussion Draft

(D) a municipality;

(E) a water project contract unit; and

(F) any similar entity described in paragraph (1).

(b) Prepayment of Certain Repayment Contracts.—

(1) CONVERSION AND PREPAYMENT.—On receipt of a request from a party to the contract, the Secretary shall convert any water service contract in effect on the date of enactment of this Act between the United States and a water users’ association to allow for prepayment of the contract pursuant to paragraph (2) under mutually agreeable terms and conditions, subject to the conditions that—

(A) a water service contract entered into under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1193, chapter 418), proposed to be converted under this subsection shall be converted to a repayment contract under subsection (d) of that section; and

(B) a water service contract entered into under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1193, chapter 418), proposed to be converted under this subsection shall be converted to a contract under subsection (c)(1) of that section.

(2) PREPAYMENT.—Except for a repayment contract under which the contractor has previously negotiated for prepayment, on request of a party to the contract, a repayment contract under section 9(d) of the Act of August 4, 1939 (53 Stat. 1195, chapter 418), in effect on the date of enactment of this Act, and all contracts converted pursuant to paragraph (1)(A), shall—

(A) provide for the repayment, in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project-specific irrigation rate repayment schedules, as adjusted to reflect payments not reflected in those schedules, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, not later than 3 years after the effective date of the repayment contract, subject to the conditions that—

(i) the amount of the repayment shall be discounted by an amount equal to the product obtained by multiplying—

(I) the 20-year constant maturity treasury rate published by the Department of the Treasury, as in effect on the effective date of the contract; and

(II) 0.5; and

(ii) the contractor shall submit to the Secretary an estimate of any remaining construction costs, as adjusted, by not later than 90 days after the date of submission of the initial request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referred to in subparagraph (A), and properly assignable to the contractor, shall be repaid—

(i) by not later than 5 years after the date of notification of the allocation, if the

EXHIBIT “C”

Discussion Draft

amount is a result of a collective annual allocation of capital costs to the exercising contract conversion under this subsection of less than \$5,000,000; or

(ii) in accordance with applicable reclamation laws, if the amount is \$5,000,000 or more;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue in effect for the period during which the contractor pays applicable charges, in accordance with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195, chapter 418), and other applicable law.

(3) COVERED CONTRACT REQUIREMENTS.—

(A) DEFINITION OF COVERED CONTRACT.—In this paragraph:

(i) IN GENERAL.—The term “covered contract” means—

(I) on request of the contractor, a repayment contract under subsection (c)(1) of section 9 of the Act of August 4, 1939 (53 Stat. 1193, chapter 418), that is in effect on the date of enactment of this Act; and

(II) a contract converted pursuant to paragraph (1)(B).

(ii) EXCLUSION.—The term “covered contract” does not include a repayment contract under which the contractor has previously negotiated for prepayment.

(B) REQUIREMENTS.—Each covered contract shall—

(i) provide for the repayment, in lump sum, of the remaining construction costs identified in water project-specific irrigation rate repayment schedules, as adjusted to reflect payments not reflected in those schedules, and properly assignable for ultimate return by the contractor, subject to the condition that the contractor shall submit to the Secretary an estimate of any remaining construction costs, as adjusted, by not later than 90 days after the date of submission of the initial request of the contractor;

(ii) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referred to in clause (i), and properly assignable to the contractor, shall be repaid—

(I) by not later than 5 years after the date of notification of the allocation, if the amount is a result of a collective annual allocation of capital costs to the exercising contract conversion under this subsection of less than \$5,000,000; or

(II) in accordance with applicable reclamation laws, if the amount is \$5,000,000 or more; and

(iii) continue in effect for the period during which the contractor pays applicable charges, in accordance with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1194, chapter 418), and other applicable law.

(4) CONDITIONS.—A contract entered into pursuant to paragraph (1), (2), or (3)—

EXHIBIT “C”

Discussion Draft

(A) shall not be adjusted on the basis of the type of prepayment financing used by the applicable water users’ association;

(B) shall conform to any other agreements, such as applicable settlement agreements and newly constructed appurtenant facilities agreements; and

(C) shall not modify any other water service, repayment, exchange, or transfer contractual right between the applicable water users’ association and the Bureau of Reclamation, or any right, obligation, or relationship of the water users’ association and any affected landowner in accordance with applicable State law.

(c) Accounting.—

(1) FINAL COST ALLOCATION.—Any amount paid pursuant to subsection (b) shall be subject to adjustment after a final cost allocation by the Secretary.

(2) CONTRACTOR RESPONSIBILITY.—

(A) IN GENERAL.—If a final cost allocation under paragraph (1) indicates that a cost properly assignable to a contractor covered by this section is greater than the amount paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs in accordance with an additional repayment contract under subparagraph (B).

(B) ADDITIONAL REPAYMENT CONTRACTS.—Subject to any other provision mutually agreed to by all affected parties, the term of an additional repayment contract under subparagraph (A) shall be—

(i) not less than 1 year; and

(ii) not more than 10 years.

(3) CREDIT.—If a final cost allocation under paragraph (1) indicates that a cost properly assignable to a contractor are less than the amount paid by the contractor, the Secretary shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor, with the exception of any Central Valley Project Restoration Fund charge assessed pursuant to section 3407(d) of Public Law 102–575 (106 Stat. 4727).

(d) Applicability of Certain Provisions.—

(1) EFFECT OF EXISTING LAW.—On compliance by a contract or with, and discharge of, an obligation of repayment of construction costs pursuant to a contract under subsection (b)(2)(A), subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm) shall apply to any affected land.

(2) EFFECT OF OTHER OBLIGATIONS.—On payment by a contractor of any amount required under a repayment contract under subsection (b)(2)(A), the obligation of a contractor to repay construction costs or other capitalized costs described in subsection (b)(2)(B), (b)(3)(B), or (c) shall not affect—

(A) the status of the contractor as having repaid all construction costs assignable to the contractor; or

(B) the applicability of subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm).

EXHIBIT “C”

Discussion Draft

(e) Effect on Existing Law.—Nothing in this section alters—

(1) any repayment obligation of a water service or repayment contractor receiving water from the same water project, or shifts any cost that would otherwise have been properly assignable to—

(A) a water users’ association identified in paragraph (1), (2), or (3) of subsection (b), including—

(i) operation and maintenance costs;

(ii) construction costs; or

(iii) any other capitalized cost incurred after the date of enactment of this Act; or

(B) another contractor;

(2) any specific requirement for the disposition of amounts received as repayment by the Secretary under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.));

(3) the priority of a water service or repayment contractor to receive water; or

(4) except as expressly provided in this section, any obligation under the reclamation laws, including the continuation of any Central Valley Project Restoration Fund charge assessed pursuant to section 3407(d) of Public Law 102–575 (106 Stat. 4727), of a water service or repayment contractor making a prepayment pursuant to this section.

(f) Conforming Amendment.—Section 4011 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1878) is repealed.

SEC. 10. SAVINGS CLAUSE.

Nothing in this Act or an amendment made by this Act shall be interpreted or implemented in a manner that—


(1) preempts or modifies any obligation of the United States under Federal law to act in accordance with applicable State law, including applicable State water law; or

(2) affects or modifies any obligation under Federal environmental law.

June 5, 2019

Prepared by: N. Palacio / K. Welch

Submitted by: F. Sanchez / P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

RESOLUTION FOR THE SYPHON RESERVOIR IMPROVEMENT PROJECT APPLICATION FOR TITLE XVI GRANT FUNDING

SUMMARY:

The Bureau of Reclamation is accepting applications for grant funding under its WaterSMART: Title XVI Water Reclamation and Reuse Program, as amended under the Water Infrastructure Improvements for the Nation (WIIN) Act. In response to the opportunity, staff is preparing an application for grant funding for the Syphon Reservoir Improvement Project for up to 25% of total project costs that are planned to be incurred through September 30, 2021. As part of the application process, Reclamation requires a resolution adopted by an applicant's governing body designating an authorized representative to submit a proposal for the grant and to enter into an agreement to receive the funding. The resolution must also confirm that the applicant has the ability to provide a cost share up to 75% of the project costs. Staff recommends that the Board:

- Adopt a resolution authorizing staff to submit an application to Reclamation for grant funding through the WaterSMART program for up to 25% of the total Syphon Reservoir Improvement Project costs that will be incurred before September 30, 2021, and
- Authorize the General Manager to execute a related agreement to receive grant funding.

BACKGROUND:

In July 2018, IRWD submitted a WaterSMART grant funding application for the Syphon Reservoir Improvement Project under Reclamation's Title XVI Program as amended by the WIIN Act for Fiscal Year (FY) 2018. In February 2019, Reclamation notified IRWD that the Syphon Reservoir Improvement Project was not among those projects receiving the highest ratings, so the project was not selected for a grant award at that time. In a debriefing meeting with IRWD, Reclamation staff stated that other projects scored higher than the Syphon Reservoir Project because the other projects advance planning work had been completed. The Title XVI Program allows project sponsors to reapply for funding multiple times until a project's funding award has reached 25% of total project costs or \$20 million maximum.

Current Title XVI Funding Opportunity:

In April 2019, Reclamation issued a Funding Opportunity Announcement for WaterSMART grants through its Title XVI Program. This Funding Announcement is exclusively offered to sponsors of projects eligible under the WIIN Act. The WIIN Act allows new projects with an approved feasibility study (but not necessarily pre-authorized by Congress) to be eligible to receive federal funding. The Syphon Reservoir Improvement Project has an approved Title XVI Feasibility Study and is eligible to request funding through the current Funding Announcement.

The current Funding Announcement stipulates that Reclamation is offering federal cost-share funding up to 25% of project costs, up to a maximum of \$20 million per project. Costs are allowed for planning, design, and/or construction activities that were or will be incurred from February 7, 2018 through September 30, 2021. Project sponsors that receive WaterSMART funding are required to provide at least 75% of total project costs as a total cost share. The due date for grant applications is June 28, 2019. Staff expects that an application for the Syphon Reservoir Improvement Project under the current Funding Announcement will be more competitive because project planning information has been refined to improve alignment with Reclamation's evaluation criteria. Reclamation expects to award two to six projects with a total of \$12 million that is available in Reclamation's FY 2019-20 budget.

Required Resolution:

Staff is now preparing an application for WaterSMART grant funding for the Syphon Reservoir Improvement Project. As part of the application process, Reclamation requires that a resolution be adopted by an applicant's governing body. The resolution must designate an authorized representative to submit an application for a grant and to enter into an agreement to receive funding. It must also confirm that the applicant has the ability provide a cost share of up to 75% of the project costs. Accordingly, staff recommends that the Board adopt the resolution, attached as Exhibit "A", supporting the WaterSMART grant application for the Syphon Reservoir Improvement Project.

FISCAL IMPACTS:

The Syphon Reservoir Improvement Project (Project 03808) is included in the FY 2018-19 Capital Budget as a flagged project. On July 7, 2017, the Board approved an Expenditure Authorization in the amount of \$2,500,000 for design, environmental compliance and permitting work associated with the project.

ENVIRONMENTAL COMPLIANCE:

This project is subject to the California Environmental Quality Act. In conformance with the California Code of Regulations Title 14, Chapter 3, Section 15004, IRWD is preparing an Environmental Impact Report for the project.

RECOMMENDATION:

That the Board adopt a resolution authorizing staff to submit an application for a Bureau of Reclamation WaterSMART: Title XVI Water Reclamation and Reuse Program grant for up to 25% of the total project costs for the Syphon Reservoir Improvement Project and authorize the General Manager to execute a related agreement to receive grant funding.

LIST OF EXHIBITS:

Exhibit "A" – Resolution of the IRWD Board Authorizing Submission of a Grant Application for the WaterSMART Title XVI WIIN Water Reclamation and Reuse Program

EXHIBIT "A"

RESOLUTION NO. 2019 -

RESOLUTION OF THE BOARD OF DIRECTORS OF IRVINE RANCH WATER DISTRICT AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE WATERSMART TITLE XVI WIIN WATER RECLAMATION AND REUSE PROGRAM TO THE DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, POLICY AND ADMINISTRATION

The Department of the Interior, Bureau of Reclamation, Policy and Administration (“**Reclamation**”) has released a Funding Opportunity Announcement to provide federal grants under the WaterSMART: Title XVI WIIN Water Reclamation and Reuse Projects funding opportunity as amended by the Water Infrastructure Improvements for the Nation Act (“**WIIN Act**”).

Reclamation is seeking applications from water agencies with projects eligible under section 4009(c) of the WIIN Act for grant funding for the planning, design and/or construction of water reclamation and reuse projects.

The Irvine Ranch Water District is eligible to submit an application for grant funding for up to 25 percent of the total Project cost for its Syphon Reservoir Improvement Project.

The Board of Directors of Irvine Ranch Water District therefore resolves as follows:

Section 1. The General Manager of the Irvine Ranch Water District or his designee is hereby authorized to submit an application to Reclamation for grant funding for up to 25 percent of the total project cost for its Syphon Reservoir Improvement Project.

Section 2. The Board of Directors of the Irvine Ranch Water District has reviewed and supports the application for a grant from Reclamation for the WaterSMART Title XVI WIIN Water Reclamation and Reuse Program.

Section 3. The Irvine Ranch Water District hereby confirms that it has the capability to provide 75 percent or more of the total project costs as specified in the application’s project funding plan.

Section 4. The General Manager or his designee is hereby authorized to enter into a cooperative agreement and any amendments thereto with Reclamation on behalf of the Irvine Ranch Water District.

Section 5. The General Manager or his designee is hereby authorized to work with Reclamation to meet the established deadlines for entering into a cooperative agreement.

Section 6. The Secretary is hereby authorized to certify a copy of this resolution to accompany the grant application.

ADOPTED, SIGNED AND APPROVED this 10th day of June, 2019.

President, IRVINE RANCH WATER DISTRICT
and the Board of Directors thereof

Secretary, IRVINE RANCH WATER DISTRICT
and the Board of Directors thereof

APPROVED AS TO FORM:
Lewis Brisbois Bisgaard & Smith, LLP

By: _____
District Counsel

June 5, 2019

Prepared by: K. Welch / E. Akiyoshi

Submitted by: F. Sanchez / P. Weghorst

Approved by: Paul A. Cook



WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

WATER SUPPLY ASSESSMENT FOR THE UNIVERSITY RESEARCH PARK 9 PROJECT

SUMMARY:

In March 2019, staff received a request from the City of Irvine (City) to complete a Water Supply Assessment (WSA) as required under SB 610 for the University Research Park 9 project. The project is a proposed university residence community, located off of University Drive. Staff has completed the WSA for the proposed project and recommends Board approval of the WSA.

BACKGROUND:

The City is proposing a new university residence community called the University Research Park 9, which will be located adjacent to the University of California at Irvine campus off of University Drive between MacArthur Boulevard and California Avenue. The proposed project is a university residence community consisting of 2,800 student housing beds. In March 2019, staff received a request to prepare a WSA for the project. A location map of the University Research Park 9 project is attached as Exhibit "A".

A WSA has been completed for the University Research Park 9 proposed project and is provided as Exhibit "B". The WSA for the proposed project is based on information from IRWD's most recent Water Resources Master Plan. Estimates show an increase in IRWD potable water demands for the project of 478 acre-feet per year (AFY) and 12 AFY of non-potable demands. The WSA concludes that the total water supplies available to IRWD during normal, single-dry and multiple-dry years within a 20-year projection will meet the projected water demand of the project. This demand is in addition to the existing and other planned future uses including, but not limited to, agricultural and manufacturing uses.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

The development of this study is exempt from the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15262 which provides exemption for planning studies.

RECOMMENDATION:

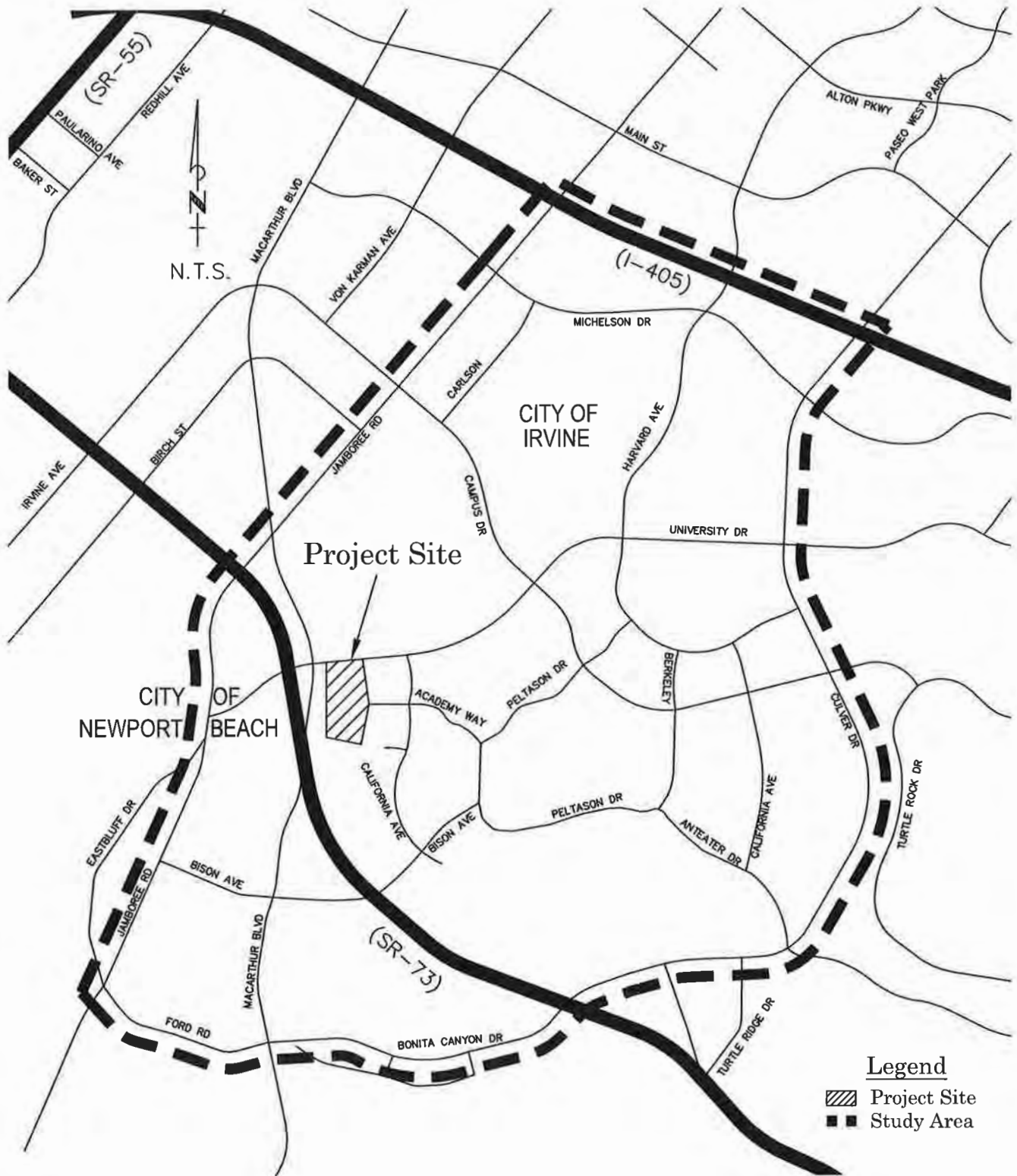
That the Board approve the Water Supply Assessment for the University Research Park 9 Project.

LIST OF EXHIBITS:

Exhibit “A” – Location Map

Exhibit “B” – Water Supply Assessment for University Research Park 9 Project

EXHIBIT "A"



1/15/19

Exhibit A
Study Area
URP 9 University Residence Community (Planning Area 25)



EXHIBIT "B"

IRVINE RANCH WATER DISTRICT ASSESSMENT OF WATER SUPPLY Water Code §10910 *et seq.*

To: (Lead Agency)

City of Irvine
One Civic Center Plaza
Irvine, CA 92606

(Applicant)
The Irvine Company
550 Newport Center Drive
Newport Beach, CA 92658-6370

Project Information

Project Title: University Research Park 9 (URP) (Exhibit A)

- ☐ Residential: No. of dwelling units: _____
- ☐ Shopping center or business: No. of employees _____ Sq. ft. of floor space _____
- ☐ Commercial office: No. of employees _____ Sq. ft. of floor space _____
- ☐ Hotel or motel: No. of rooms _____
- ☐ Industrial, manufacturing or processing: No. of employees _____ No. of acres _____
Sq. ft. of floor space _____
- ☐ Mixed use (check and complete all above that apply) _____
- ☒ Other: Student Housing - 2,800 beds (see Exhibit B)

Assessment of Availability of Water Supply

On _____, the Board of Directors of the Irvine Ranch Water District (IRWD) approved the within assessment and made the following determination regarding the above-described Project:

- ☐ The projected water demand for the Project ☐ was ☐ was not included in IRWD's most recently adopted urban water management plan.
- ☐ A sufficient water supply is available for the Project.
The total water supplies available to IRWD during normal, single-dry and multiple-dry years within a 20-year projection will meet the projected water demand of the Project in addition to the demand of existing and other planned future uses, including, but not limited to, agricultural and manufacturing uses.
- ☐ A sufficient water supply is not available for the Project. *[Plan for acquiring and developing sufficient supply attached. Water Code § 10911(a)]*

The foregoing determination is based on the following Water Supply Assessment Information and supporting information in the records of IRWD.

Signature _____ Date _____ Title _____

Water Supply Assessment Information

Purpose of Assessment

Irvine Ranch Water District (“IRWD”) has been identified by the City as a public water system that will supply water service (both potable and nonpotable) to the project identified on the cover page of this assessment (the “Project”). As the public water system, IRWD is required by Section 10910 *et seq.* of the Water Code to provide the City with an assessment of water supply availability (“assessment”) for defined types of projects. The Project has been found by the City to be a project requiring an assessment. The City is required to include this assessment in the environmental document for the Project, and, based on the record, make a determination whether projected water supplies are sufficient for the Project and existing and planned uses.

Water Code Section 10910 *et seq.* (the “Assessment Law”) contains the requirements for the information to be set forth in the assessment.

Prior Water Supply Assessments

IRWD does not allocate particular supplies to any project, but identifies total supplies for its service area. Because of IRWD’s aggregation of demands and supplies, each assessment completed by IRWD is expected to be generally similar to the most recent assessment, with changes as needed to take into account changes, if any, in demands and supplies, and any updated and corrected information obtained by IRWD. Previously assessed projects’ water demands will be included in the baseline. A newly assessed project’s water demand will have been included in previous water supply assessments for other projects (as part of IRWD’s “full build-out” demand) to the extent of any land use planning or other water demand information for the project that was available to IRWD.

The Project’s water demand was included (as part of IRWD’s “full build-out” demand) in previous water supply assessments performed by IRWD, based on land use planning information available to IRWD. In this water supply assessment, the Project demand will be revised in accordance with updated information provided by the applicant and included in the “with project” demand.

Supporting Documentation

IRWD prepares two planning documents to guide water supply decision-making. IRWD’s principal planning document is IRWD’s “Water Resources Master Plan” (“WRMP”). The WRMP is a comprehensive document compiling data and analyses that IRWD considers necessary for its planning needs. IRWD also prepares an Urban Water Management Plan (“UWMP”), a document required by statute. The UWMP is based on the WRMP, but contains defined elements as listed in the statute (Water Code Section 10631 *et seq.*), and, as a result, is more limited than the WRMP in the treatment of supply and demand issues. Therefore, IRWD primarily relies on its most recent WRMP. The UWMP is required to be updated in years ending with “five” and “zero,” and IRWD’s most recent update of that document (2015 UWMP) was adopted June 27, 2016.

In addition to the WRMP and the 2015 UWMP mentioned above, other supporting documentation referenced herein is found in Section 6 of this assessment.

Due to the number of contracts, statutes and other documents comprising IRWD's written proof of entitlement to its water supplies, in lieu of attachment of such items, they are identified by title and summarized in Section 2(b) of this assessment (written contracts/proof of entitlement). Copies of the summarized items can be obtained from IRWD.

Assessment Methodology

Water use factors; dry-year increases. IRWD employs water use factors to enable it to assign water demands to the various land use types and aggregate the demands. The water use factors are based on average water use and incorporate the effect of IRWD's tiered-rate conservation pricing and its other water use efficiency programs. The factors are derived from historical usage (billing data) and a detailed review of water use factors within the IRWD service areas conducted as a part of the WRMP. System losses at a rate of approximately 5% are built into the water use factors. Water demands also reflect normal hydrologic conditions (precipitation). Lower levels of precipitation and higher temperatures will result in higher water demands, due primarily to the need for additional water for irrigation. To reflect this, base (normal) WRMP water demands have been increased 7% in the assessment during both "single-dry" and "multiple-dry" years. This is consistent with IRWD's 2015 UWMP and historical regional demand variation as documented in the Metropolitan Water District of Southern California's ("MWD's") Integrated Resources Plan (1996) (Volume 1). This increase in estimated demands is also consistent with the Municipal Water District of Orange County's ("MWDOC") 2015 UWMP which assumes increased demands in single-dry and multiple dry years of 6% based on MWDOC's Orange County Reliability Study (MWDOC 2015 UWMP, pg. 3-42).

Planning horizon. For consistency with IRWD's WRMP, the assessment reviews demands and supplies through the year 2040, which is considered to represent build-out or "ultimate development".

Assessment of demands. Water demands are reviewed in this assessment for three development projections (to 2040):

- Existing and committed demand (without the Project) ("baseline"). This provides a baseline condition as of the date of this assessment, consisting of demand from existing development, plus demand from development that has both approved zoning and (if required by the Assessment Law) an adopted water supply assessment.
- Existing and committed demand, plus the Project ("with-project"). This projection adds the Project water demands to the baseline demands.
- Full WRMP build-out ("full build-out"). In addition to the Project, this projection adds potential demands for all presently undeveloped areas of IRWD based on current general plan information, modified by more specific information available to IRWD, as more fully described in Chapter 2 of the WRMP.

Assessment of supplies. For comparison with demands, water supplies are classified as *currently available* or *under development*:

- *Currently available* supplies include those that are presently operational, and those that will be operational within the next several years. Supplies expected to be operational in

the next several years are those having completed or substantially completed the environmental and regulatory review process, as well as having necessary contracts (if any) in place to move forward. These supplies are in various stages of planning, design, or construction.

- In general, supplies *under development* may necessitate the preparation and completion of environmental documents, regulatory approvals, and/or contracts prior to full construction and implementation.

IRWD is also evaluating the development of additional supplies that are not included in either *currently available* or *under-development* supplies for purposes of this assessment. As outlined in the WRMP, prudent water supply and financial planning dictates that development of supplies be phased in over time consistent with the growth in demand.

Water supplies available to IRWD include several sources: groundwater pumped from the Orange County groundwater basin (including the Irvine Subbasin); captured local (native) surface water; recycled sewage; and supplemental imported water supplied by MWD through the MWDOC. The supply-demand comparisons in this assessment are broken down among the various sources, and are further separated into potable and nonpotable water sources.

Comparison of demand and supply. The three demand projections noted above (baseline, with-project and full build-out) are compared with supplies in the following ways:

- On a total *annual* quantity basis (stated in acre-feet per year (“AFY”)).
- On a *peak-flow* (maximum day) basis (stated in cubic feet per second (“cfs”)).
- Under three climate conditions: base (normal) conditions and single-dry and multiple-dry year conditions. (Note: These conditions are compared for *annual* demands and not for *peak-flow* demands. *Peak-flow* is a measure of a water delivery system’s ability to meet the highest day’s demand of the fluctuating demands that will be experienced in a year’s time. Peak demands occur during the hot, dry season and as a result are not appreciably changed by dry-year conditions; dry-year conditions do affect *annual* demand by increasing the quantity of water needed to supplement normal wet-season precipitation.)

Summary of Results of Demand-Supply Comparisons

Listed below are Figures provided in this assessment, comparing projected potable and nonpotable water supplies and demands under the three development projections:

- Figure 1: Normal Year Supply and Demand – Potable Water
- Figure 2: Single Dry-Year Supply and Demand – Potable Water
- Figure 3: Multiple Dry-Year Supply and Demand – Potable Water
- Figure 4: Maximum-Day Supply and Demand – Potable Water
- Figure 5: Normal Year Supply and Demand – Nonpotable Water
- Figure 6: Single Dry-Year Supply and Demand – Nonpotable Water
- Figure 7: Multiple Dry-Year Supply and Demand – Nonpotable Water
- Figure 8: Maximum-Day Supply and Demand – Nonpotable Water

It can be observed in the Figures that IRWD's *supplies* remain essentially constant between normal, single-dry and multiple-dry years. This result is due to the fact that groundwater and MWD imported water account for the majority of all of IRWD's potable supply, and recycled water, groundwater and imported water comprise all of IRWD's nonpotable supply. Groundwater production typically remains constant or may increase in cycles of dry years, even if overdraft of the basin temporarily increases, as groundwater producers reduce their demand on imported supplies to secure reliability. (See Section 4 herein.) As to imported water, MWD's 2015 Urban Water Management Plan (MWD 2015 UWMP) concludes that MWD has sufficient supply capabilities to meet expected demands from 2020 through 2040 under a repeat of the 1990-1992 multiple dry-year hydrology and the 1977 single dry-year hydrology. (See also Section 2(b) (1) "IMPORTED SUPPLY - ADDITIONAL INFORMATION," below.) Recycled water production also remains constant, and is considered "drought-proof" as a result of the fact that sewage flows remain virtually unaffected by dry years. Only a small portion of IRWD's supply, native water captured in Irvine Lake, is reduced in single-dry and multiple-dry years. The foregoing factors also serve to explain why there is no difference in IRWD's supplies between single-dry and multiple-dry years.

A review of the Figures indicates the following:

- *Currently available* supplies of potable water are adequate to meet annual demands for the *baseline*, *with-project* and *full build-out* scenarios projected under the normal year, and the single- and multiple-dry year conditions through the year 2040. (Figures 1, 2 and 3.) IRWD plans to proceed with the implementation of future potable supplies (*under development*), as shown in the Figures, to improve local reliability during dry-year conditions.
- Adequate *currently available* potable water supply capacity is available to meet *peak-flow* (maximum day) demands for all demand projections through the year 2040. (Figure 4.)
- With respect to nonpotable water, *currently available* supplies are adequate to meet projected annual demands for both the *baseline* and *with-project* demand projections under both dry-year conditions through the year 2040. (Figures 5, 6, 7 and 8.) IRWD has implemented all planned nonpotable supplies, as shown in the Figures, to improve local reliability during dry-year conditions.

The foregoing Figures provide an overview of IRWD potable and nonpotable water supply capabilities. More detailed information on the anticipated development and use of supplies, which incorporates source costs and reliability issues, is provided in the WRMP.

Margins of safety. The Figures and other information described in this assessment show that IRWD's assessment of supply availability contains several margins of safety or buffers:

- "Reserve" water supplies (excess of supplies over demands) will be available to serve as a buffer against inaccuracies in demand projections, future changes in land use, or alterations in supply availability.
- Conservative estimates of annual potable and nonpotable *imported* supplies have been made based on connected delivery capacity (by application of peaking factors as described below in Section 2, footnote 1); additional supplies are expected to be

available from these sources, based on legal entitlements, historical uses and information provided by MWD. In addition to MWD's existing regional supply assessments, this assessment has considered MWD information concerning operational limits on Delta pumping. See "**Actions on Delta Pumping**," below.

- Information provided by MWD, as the imported water supplier, concerning the adequacy of its regional supplies, summarized herein, demonstrates MWD's inclusion of reserves in its regional supply assessments. In addition to MWD's existing regional supply assessments, this assessment has considered MWD's information concerning operational limits on Delta pumping. See "**Actions on Delta Pumping**," below.
- Although groundwater supply amounts shown in this assessment assume production levels within applicable basin production percentages described herein, production of groundwater can exceed applicable basin production percentages on a short-term basis, which can provide additional reliability during dry years or emergencies.

Actions on Delta Pumping. The Sacramento/San Joaquin Delta ("Delta") is a vulnerable component in both the State and Federal systems to convey water from northern portions of California to areas south of the Delta. Issues associated with the Delta have generally been known for years; however, the continuing decline in the number of endangered Delta smelt resulted in the filing of litigation challenging permits for the operation of the Delta pumping facilities. On August 31, 2007, a Federal court ordered interim protective measures for the endangered Delta smelt, including operational limits on Delta pumping, which have an effect on State Water Project ("SWP") operations and supplies. On June 4, 2009, a federal biological opinion imposed rules that further restrict water diversions from the Delta to protect endangered salmon and other endangered fish species. At present, several proceedings concerning Delta operations are ongoing to evaluate options to address Delta smelt impacts and other environmental concerns. In addition to the regulatory and judicial proceedings to address immediate environmental concerns, the Delta Vision process and Bay-Delta Conservation Plan ("BDCP") process are defining long-term solutions for the Delta. In addition, State and federal agencies and water user entities are currently engaged in the development of the BDCP/California WaterFix, which is aimed at making physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, south of Delta SWP water supplies and water quality (MWD 2015 UWMP). Prior to the 2007 court decision, MWD's Board approved a Delta Action Plan in May 2007, that described short, mid and long-term conditions and the actions to mitigate potential supply shortages and to develop and implement long-term solutions. To address uncertainties in expected SWP supplies, in October 2007, MWD prepared its 2007 Integrated Resources Plan ("IRP") Implementation Report, in which MWD estimated that it could see as much as up to a 22% reduction on average of its SWP supplies based on the court order. To comprehensively address the impacts of the SWP cut back on MWD's water supply development targets, in December 2007, MWD brought to its Board a strategy and work plan to update its long-term IRP. As part of its ongoing long term planning, in its 2010 IRP Update, MWD identified changes to the long-term plan and established direction to address the range of potential changes in water supply planning. The 2010 IRP also discusses dealing with uncertainties related to impacts of climate change (see additional discussion of this below), as well as actions to protect endangered fisheries. MWD's reliability goal that full-service demands at the retail level will be satisfied for all foreseeable hydrologic conditions remained unchanged in the 2010 IRP Update. The 2010 IRP Update emphasizes an evolving approach and suite of actions to address the water supply challenges that are posed by uncertain weather patterns, regulatory and environmental restrictions, water quality impacts and changes in the state and the region. MWD's Adaptive Resource Management Strategy

includes three components: Core Resources Strategy, Supply Buffer Implementation and Foundational Actions, which together provides the basis for the 2010 IRP Update. The 2010 IRP Update expands the concept of developing a planning buffer from the 2004 IRP Update by implementing a supply buffer equal to 10 percent of the total retail demand. MWD indicates it will collaborate with its member agencies to implement this buffer through complying with Senate Bill 7 which calls for the state to reduce per capita water use 20 percent by the year 2020.

In January 2016, MWD adopted its 2015 IRP Update. In the 2015 IRP Update, MWD continued its Adaptive Resource Management Strategy and integrated future supply actions to improve the viability of potential contingency resources as needed, and to position the region to effectively implement these resources in a timely manner. The 2015 IRP finds that additional actions are needed in investments in conservation, local supplies, the California WaterFix, and stabilizing Colorado River supplies. Among the supply actions, MWD will continue to work collaboratively with state and federal agencies on the California WaterFix, maximize its storage and transfer approach, and continue to develop and protect local supplies and conservation.

IRWD's Evaluation of Effect of Reduced MWD Supplies to IRWD: In the MWD 2015 UWMP, MWD states it has supply capability that would be sufficient to meet expected demands from 2020 to 2040 under single dry year and multiple dry year conditions.¹

Based on the prior MWD 2007 IRP Implementation Report, as a result of the 2007 federal court order, MWD estimated that it could receive reduction of SWP supplies of up to 22% on average until a long term solution was implemented. For purposes of ensuring a conservative analysis, IRWD made an evaluation of the effect of the 22% estimated reduction of MWD's SWP supplies on its overall imported supplies. IRWD estimates that 22% reduction of SWP supplies conservatively translates to approximately 16% reduction in all of MWD's imported supplies over the years 2020 through 2040. For this purpose it is assumed that MWD's total supplies consist only of imported SWP and Colorado deliveries. Based on this estimate, this assessment uses a 16% reduction in MWD supplies available to IRWD for the years 2020 through 2040, using IRWD's connected capacity without any water supply allocation imposed by MWD. This reduction in MWD supplies is reflected in Figures 1, 2, 3, 5, 6, and 7.

Per the MWD 2015 UWMP, MWD performs water shortage planning in its Water Surplus and Drought Management ("WSDM") Plan (1988) which guides MWD's planning and operations during both shortage and surplus conditions. Furthermore, MWD developed the Water Supply Allocation Plan ("WSAP") (dated February 2009, updated December 2014) which provides standardized methodology for allocation of MWD's supplies during times of shortage. The WSDM Plan distinguishes between shortages, severe shortages and extreme shortages. These terms have specific meanings relating to MWD's ability to deliver water and the actions it takes. In June 2008, MWD's Board adopted a Water Supply Condition Framework to communicate the urgency of the region's water supply situation and the need for further water conservation to reduce regional demands, MWD uses the WSDM Plan and Framework to determine if a WSAP is recommended.

¹ The MWD 2015 UWMP utilized DWR's 2015 SWP Delivery Capability Report to estimate its SWP supplies for 2015 through 2040. These estimates incorporate the effect of regulatory requirements in accordance with biological opinions and also reflect potential impacts of climate change on SWP operations. Tables A.3-7 of the MWD 2015 UWMP reflect a reduction of approximately 12% in MWD's expected average year SWP entitlement supplies. This amount is a smaller percentage reduction than MWD's 2007 estimate of 22% that was used by IRWD for purposes of this analysis. For purposes of a conservative analysis, IRWD has used the 22% reduction cited by MWD in its October 2007 IRP Implementation Report as the basis of IRWD's analysis.

As an alternative means of analyzing the effect of reduced MWD supplies on IRWD, listed below are Figures provided comparing projected potable water supplies and demands in all of the five year increments, under a temporary MWD allocation scenario:

Figure 1a: Normal Year Supply and Demand (MWD Allocated) – Potable Water
Figure 2a: Single Dry-Year Supply and Demand (MWD Allocated) – Potable Water
Figure 3a: Multiple Dry-Year Supply and Demand (MWD Allocated) – Potable Water

Figures 1a, 2a, and 3a show IRWD's estimated supplies (average and single and multiple dry years) under a short-term MWD water supply allocation scenario whereby MWD declares a shortage stage under its WSAP, and a cutback is applied to IRWD's actual usage rather than its connected capacity. IRWD's evaluation of reduced MWD supplies to IRWD as shown in Figures 1a, 2a and 3a conservatively analyzes the effect of up to a MWD level 5 Regional Shortage Level. In addition, these Figures do not reflect a reduction in demands, thus representing a more conservative view of IRWD's supply capability. (see "**Recent Actions Related to Drought Conditions**" below)

On April 14, 2015, MWD approved the implementation of its WSAP at a level 3 Regional Shortage Level and an effective 15% reduction in regional deliveries effective July 1, 2015 through June 30, 2016. As a result of IRWD's diversified water supplies, IRWD is reliant on MWD for only 20% of its total supplies. IRWD's evaluation of reduced MWD supplies to IRWD as shown in Figures 1a, 2a and 3a includes MWD's 2015 actions to implement a level 3 Regional Shortage Level and 15% reduction.

Under shortage scenarios, IRWD may need to supplement supplies with production of groundwater, which can exceed the applicable basin production percentage on a short-term basis, providing additional reliability during dry years or emergencies.²

In addition, IRWD has developed water banking projects in Kern County, California which may be called upon for delivery of supplemental banked water to IRWD under a MWD WSAP.³ IRWD may also convert non-potable water uses to recycled water as a way to conserve potable water. In addition, if needed, resultant net shortage levels can be addressed by demand reduction programs as described in IRWD's Water Shortage Contingency Plan.

² In these scenarios, it is anticipated that other water suppliers who produce water from the Orange County Basin will also experience cutbacks of imported supplies and will increase groundwater production and that Orange County Water District ("OCWD") imported replenishment water may also be cutback. The OCWD's "2017-2018 Engineer's Report on the Groundwater Conditions, Water Supply and Basin Utilization" references a report (OCWD Report on Evaluation of Orange County Groundwater Basin Storage and Operational Strategy, 2007) which recommends a basin management strategy that provides general guidelines for annual basin refill or storage decrease based on the level of accumulated overdraft. It states: "Although it is considered to be generally acceptable to allow the basin to decline to 500,000 AF overdraft for brief periods due to severe drought conditions and lack of supplemental water...an accumulated overdraft of 100,000 AF best represents an optimal basin management target. This optimal target level provides sufficient storage space to accommodate anticipated recharge from a single wet year while also providing water in storage for at least 2 or 3 consecutive years of drought." MWD replenishment water is a supplemental source of recharge water and OCWD estimates other main supply sources for recharge are available.

³ IRWD has developed water banking projects ("Water Bank") in Kern County, California and has entered into a 30-year water banking partnership with Rosedale-Rio Bravo Water Storage District to operate IRWD's Strand Ranch and Stockdale West portions of the Water Bank. The Water Bank can improve IRWD's water supply reliability by capturing lower cost water available during wet hydrologic periods for use during dry periods. The Water Bank can enhance IRWD's ability to respond to drought conditions and potential water supply interruptions.

In May 2018, IRWD updated Section 15 of its Rules and Regulations entitled “Water Conservation and Water Supply Shortage Program and Regulations” and also updated its Water Shortage Contingency Plan which is a supporting document for the implementation of Section 15. Section 15 of IRWD’s Rules and Regulations serves as IRWD’s “conservation ordinance”. As stated in IRWD’s Water Shortage Contingency Plan, use of local supplies, storage and other supply augmentation measures can mitigate shortages, and are assumed to be in use to the maximum extent possible during declared shortage levels.

It can be noted that IRWD’s above approach is conservative, in that IRWD evaluates the effect of the 16% reduction through 2040 and shows the effect of current allocation scenarios in all of the five-year increments. However, MWD reports that it has made significant progress in other water resource categories such as transfers, groundwater storage and developing other local resources, and supplies will be available from these resources over the long-term.

Climate Change. The California Department of Water Resources (“DWR”) released a report “Progress on Incorporating Climate Change into Management of California’s Water Resources” (July 2006), considering the impacts of climate change on the State’s water supply. In 2012, DWR adopted phase 1 of its Climate Action Plan, its department-wide plan for reducing greenhouse gas emissions (GHG). In September 2018, the DWR released phase 2 of its Climate Action Plan, which is DWR’s guide to addressing climate change in the programs, projects and activities over which it has authority. Per this guidance, California’s climate policy focuses on reducing GHG emissions, preparing for climate change impacts, and supporting climate-related research to inform policy responses and decision-making processes.

In MWD’s 2015 IRP Update, MWD recognizes there is additional risk and uncertainty associated with climate change that may affect future supply and demands. MWD plans to hedge against supply and demand uncertainties by implementing a long-term plan that recognizes the risk and provides resource development to offset the risk. Per the MWD 2015 UWMP, for longer term risks, like climate change, MWD established a Robust Decision Making (“RDM”) approach that can show how vulnerable the region’s reliability is to the longer-term risks and can also establish “signposts” that can be monitored to see when crucial changes may be happening. MWD has stated in its 2015 UWMP that it intends to revisit the RDM approach with the new resource reliability targets identified in its 2015 IRP Update.

Per the MWD 2015 UWMP, MWD continues to incorporate current climate change science into its planning efforts. MWD’s 2015 IRP Update incorporates evaluating a wider range of water management strategies and seeking robust and adaptive action plans that respond to uncertain conditions as they evolve over time, and that ultimately will perform adequately under a wide range of future conditions. Per the MWD 2015 UWMP, MWD’s planning activities support the MWD Board-adopted principles on climate change by: 1) Supporting reasonable, economically viable, and technologically feasible management strategies for reducing impacts on water supply; 2) Supporting flexible “no regret” solutions that provide water supply and quality benefits while increasing the ability to manage future climate change impacts; and 3) Evaluating staff recommendations regarding climate change and water resources against the California Environmental Quality Act to avoid adverse effects on the environment. Potential climate change impacts on state, regional and local water supplies and relevant information for the Orange County hydrologic basin and Santa Ana Watershed have not been sufficiently developed at this time to permit IRWD to assess and quantify the effect of any such impact on its conclusions in the Assessment.

Catastrophic Supply Interruption Planning. MWD has developed Emergency Storage Requirements (MWD 2015 UWMP) to safeguard the region from catastrophic loss of water supply. MWD has made substantial investments in emergency storage and has based its planning on a 100% reduction in its supplies for a period of six months. The emergency plan outlines that under such a catastrophe, non-firm service deliveries would be suspended, and firm supplies would be restricted by a mandatory cutback of 25 percent from normal year demand deliveries. In addition, MWD discusses DWR's investments in improvements on the SWP and the long term Delta plan in the MWD 2015 UWMP (pages 3-19 to 3-23). IRWD has also addressed supply interruption planning in its WRMP and 2015 UWMP.

Recent Actions Related to Drought Conditions. In response to historically dry conditions throughout the state of California, on April 1, 2015, Governor Brown issued an Executive Order directing the State Water Resources Control Board (SWRCB) to impose restrictions to achieve an aggregate statewide 25 percent reduction in potable water use through February 2016. The Governor's Order also included mandatory actions aimed at reducing water demands, with a particular focus on outdoor water use. On May 5, 2015, the SWRCB adopted regulations which required that IRWD achieve a 16% reduction in potable water use from its 2013 potable water use levels. On November 13, 2015, Governor Brown issued an Executive Order directing the SWRCB to extend the 2015 Emergency Regulation through October 31, 2016 if drought conditions continued. On February 2, 2016, the SWRCB adopted an extended and modified Emergency Regulation. As a result of the modification, IRWD's mandated reduction was changed from 16% to 9% effective March 1, 2016. On April 14, 2015, MWD approved actions to implement its WSAP at a level 3 Regional Shortage Level and a 15% reduction in regional deliveries effective July 1, 2015, through June 30, 2016. During this period, IRWD continued to implement actions to reduce potable water demands during the drought; however, this did not affect IRWD's long-term supply capability to meet the demands.

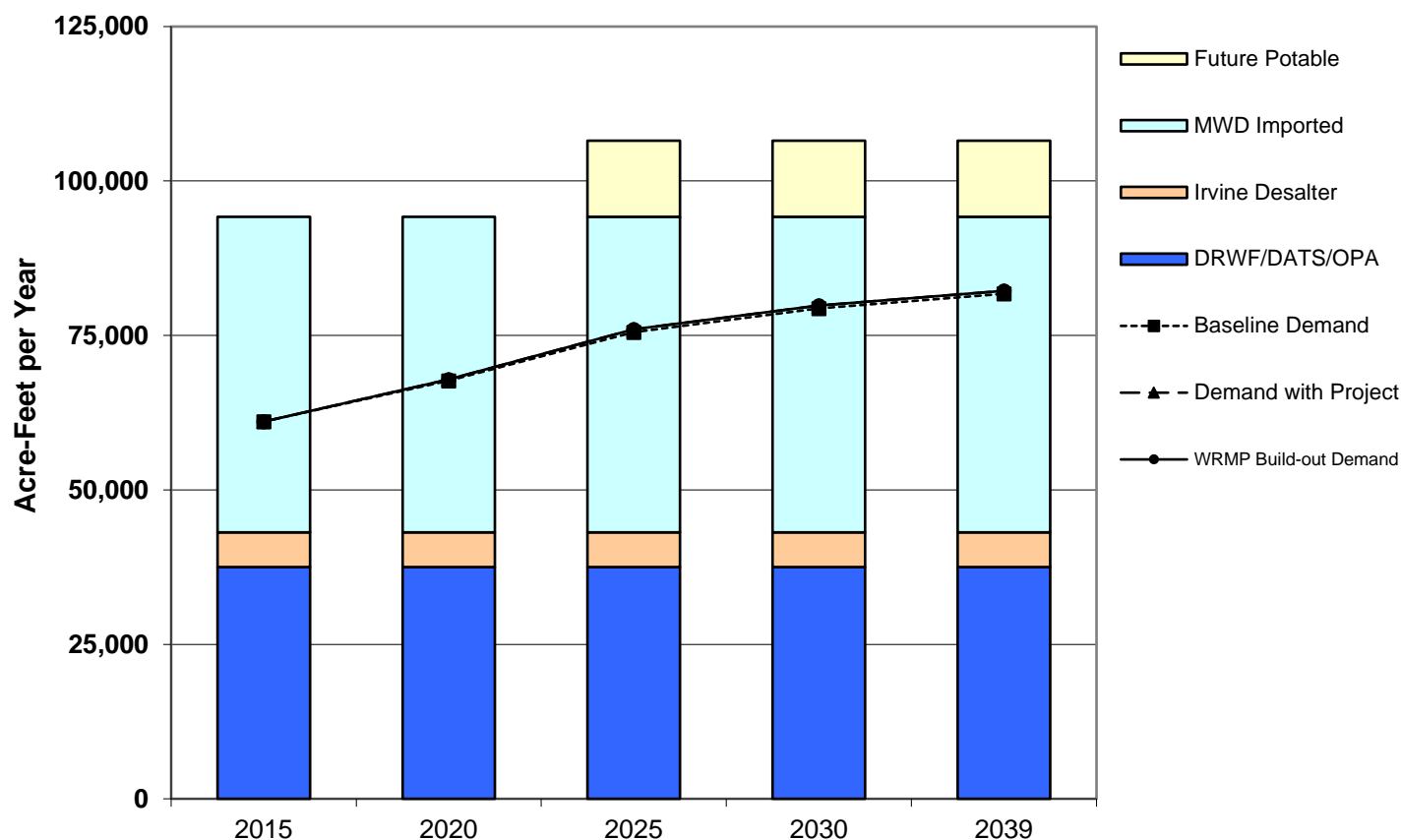
As discussed under "*IRWD's Evaluation of Effect of Reduced MWD Supplies to IRWD*" (see above), IRWD has effectively analyzed an imported water supply reduction up to a level 5 Regional Shortage Stage in Figures 1a, 2a, 3a. These Figures, however, do not reflect a reduction in demands, thus representing a more conservative view of IRWD's supply capability. In particular, the reduction in demand mandated by Senate Bill 7 in 2010, requiring urban retail water suppliers to establish water use targets to achieve a 20% reduction in daily per capita water use by 2020, has not been factored into the demands in this analysis. Similarly, notwithstanding the Governor's order, IRWD's conservative supply-sufficiency analysis in Figures 1a, 2a and 3a does not include the ordered reduction in potable demands. On April 7, 2017, Governor Brown rescinded the Executive Order in all but four counties in California.

Detailed Assessment

1. Supply and demand comparison

Comparisons of IRWD's average annual and peak (maximum day) demands and supplies, under *baseline* (existing and committed demand, without the Project), *with-project* (baseline plus Project), and *full build-out* development projections, are shown in the following Figures 1-4 (potable water), Figures 5-8 (nonpotable water) and Figures 1a, 2a, and 3a (short term MWD allocation potable water). See also the "Actions on Delta Pumping" above.

Figure 1
IRWD Normal-Year Supply & Demand - Potable Water



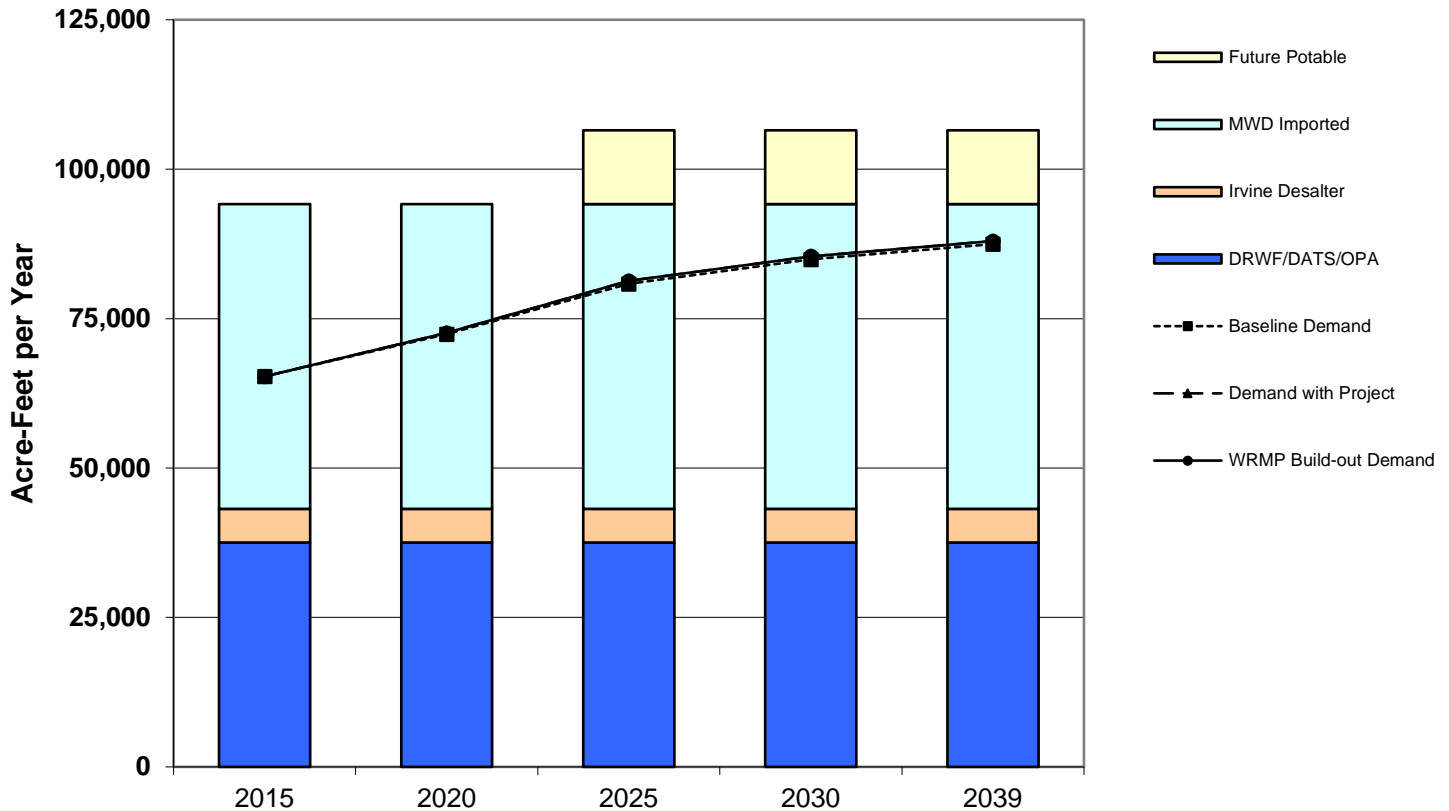
(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	-	3,048	3,048	3,048	3,048
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	100,506	103,554	115,907	115,907	115,907
Baseline Demand	61,061	67,656	75,532	79,369	81,746
Demand with Project	61,049	67,887	76,008	79,845	82,223
WRMP Build-out Demand	61,049	67,887	76,008	79,845	82,223
Reserve Supply with Project	39,457	35,667	39,898	36,061	33,683

Notes: By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

Baker Water Treatment Plant will be supplied untreated imported water and native water from Irvine Lake.

Figure 2
IRWD Single Dry-Year Supply & Demand - Potable Water



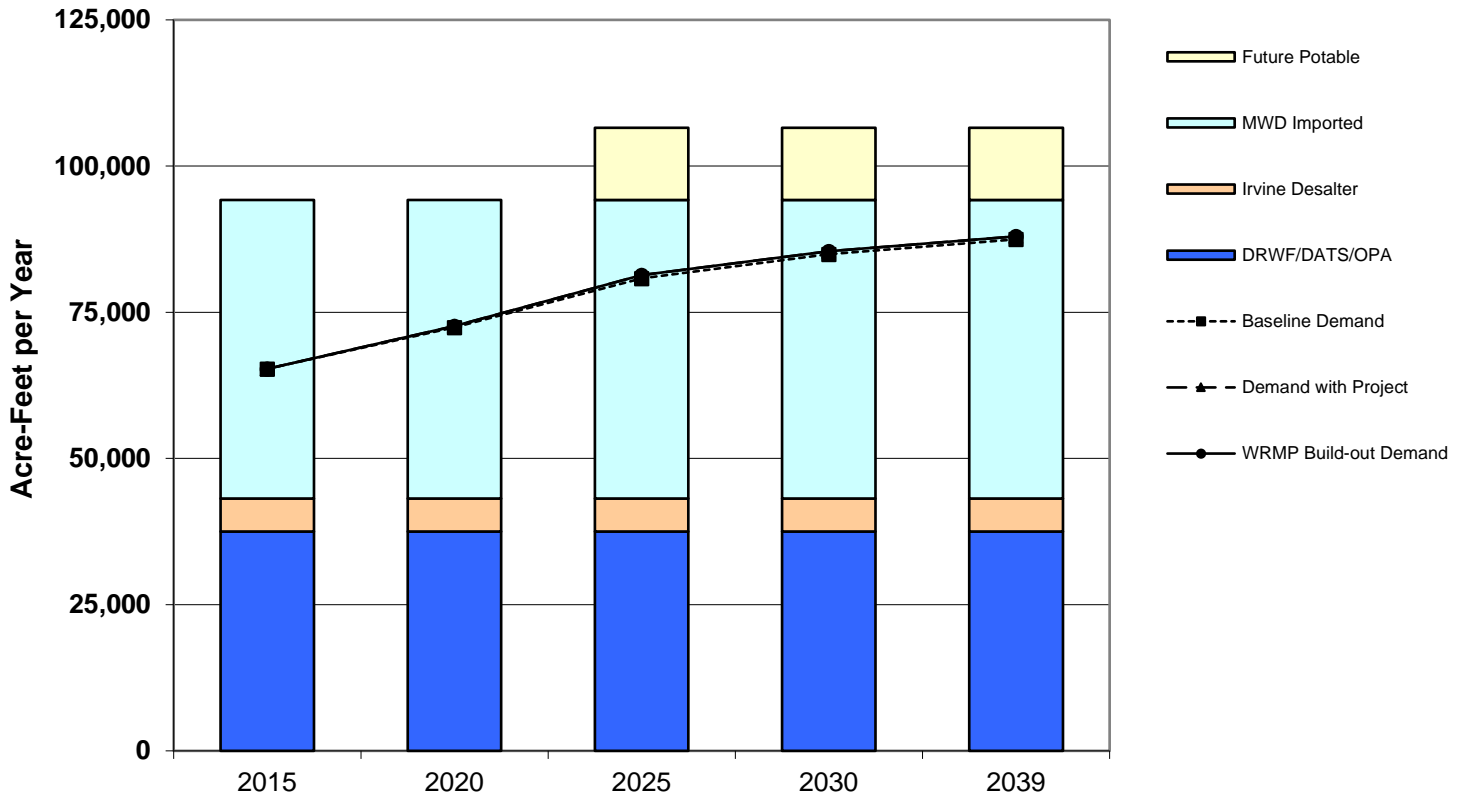
(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	-	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	100,506	101,506	113,859	113,859	113,859
Baseline Demand	65,335	72,392	80,819	84,925	87,468
Demand with Project	65,323	72,639	81,329	85,435	87,979
WRMP Build-out Demand	65,323	72,639	81,329	85,435	87,979
Reserve Supply with Project	35,183	28,867	32,530	28,424	25,880

Notes: Supplies identical to Normal-Year based on Metropolitan's Urban Water Management Plan and usage of groundwater under drought conditions (OCWD Master Plan). Demands increased 7% from Normal-Year. By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

Baker Water Treatment Plant will be supplied untreated imported water and native water from Irvine Lake.

Figure 3
IRWD Multiple Dry-Year Supply & Demand - Potable Water



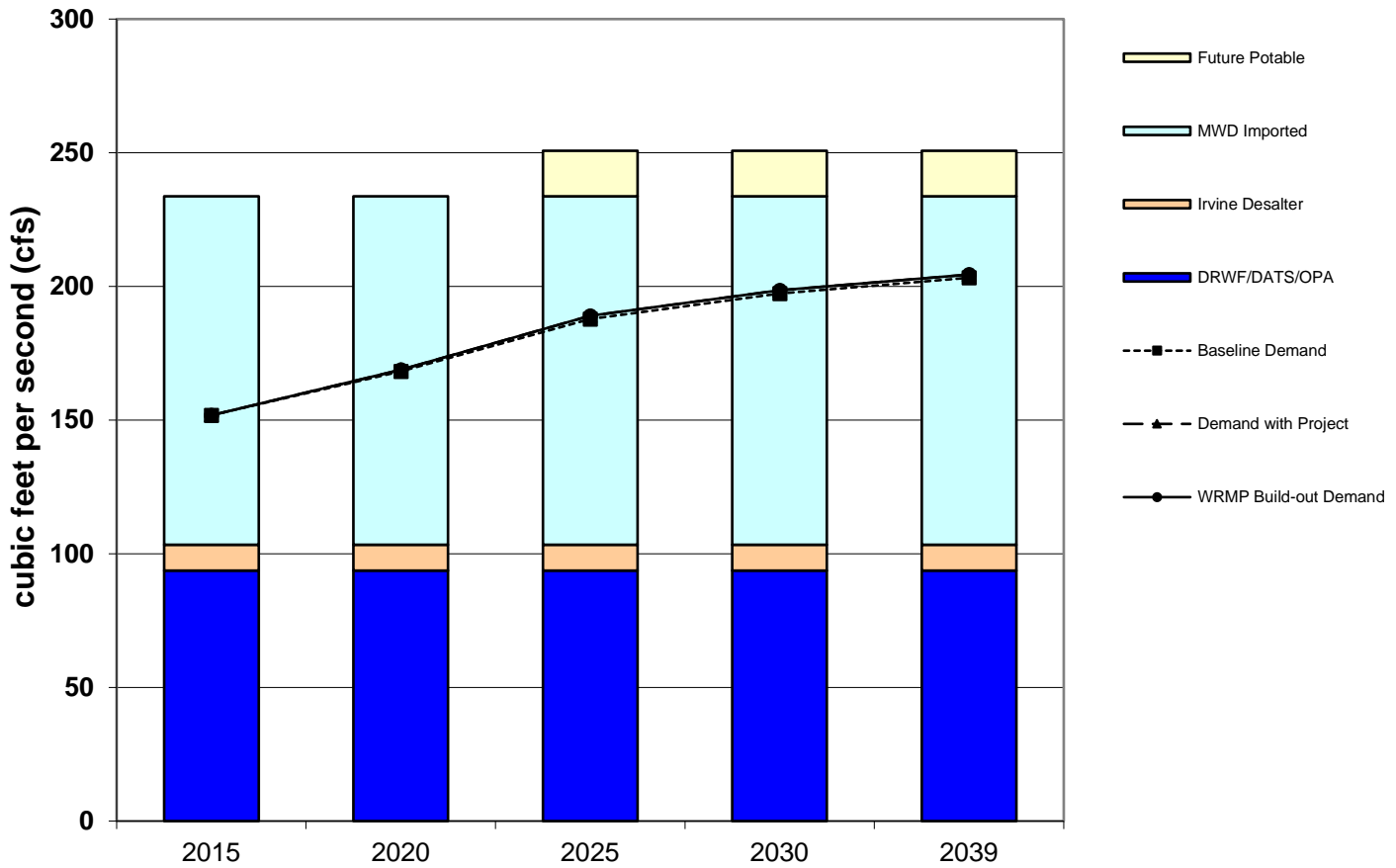
(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, B&E)	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portic)	-	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	100,506	101,506	113,859	113,859	113,859
Baseline Demand	65,335	72,392	80,819	84,925	87,468
Demand with Project	65,323	72,639	81,329	85,435	87,979
WRMP Build-out Demand	65,323	72,639	81,329	85,435	87,979
Reserve Supply with Project	35,183	28,867	32,530	28,424	25,880

Notes: Supplies identical to Normal-Year based on Metropolitan's Urban Water Management Plan and usage of groundwater under drought conditions (OCWD Master Plan). Demands increased 7% from Normal-Year. By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

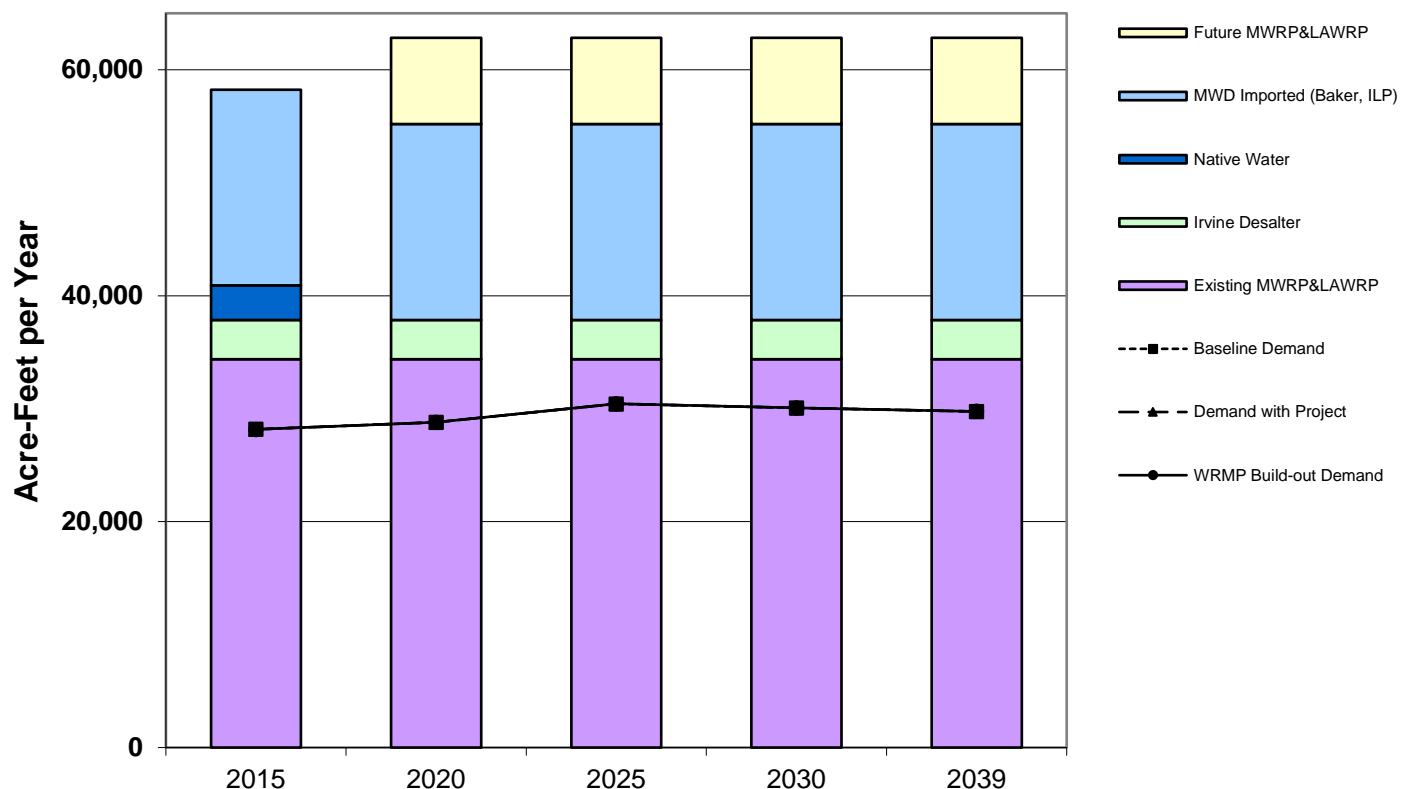
Baker Water Treatment Plant will be supplied untreated imported water and native water from Irvine Lake.

Figure 4
IRWD Maximum-Day Supply & Demand - Potable Water



(in cfs)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	130.4	130.4	130.4	130.4	130.4
DRWF/DATS/OPA	93.7	93.7	93.7	93.7	93.7
Irvine Desalter	9.7	9.7	9.7	9.7	9.7
Wells 21 & 22	8.6	8.6	8.6	8.6	8.6
Baker Water Treatment Plant (native port	-	4.2	4.2	4.2	4.2
Supplies Under Development					
Future Potable	-	-	17.0	17.0	17.0
Maximum Supply Capability	242.3	246.6	263.6	263.6	263.6
Baseline Demand	151.8	168.2	187.8	197.3	203.2
Demand with Project	151.8	168.8	189.0	198.5	204.4
WRMP Build-out Demand	151.8	168.8	189.0	198.5	204.4
Reserve Supply with Project	90.6	77.8	74.6	65.0	59.1

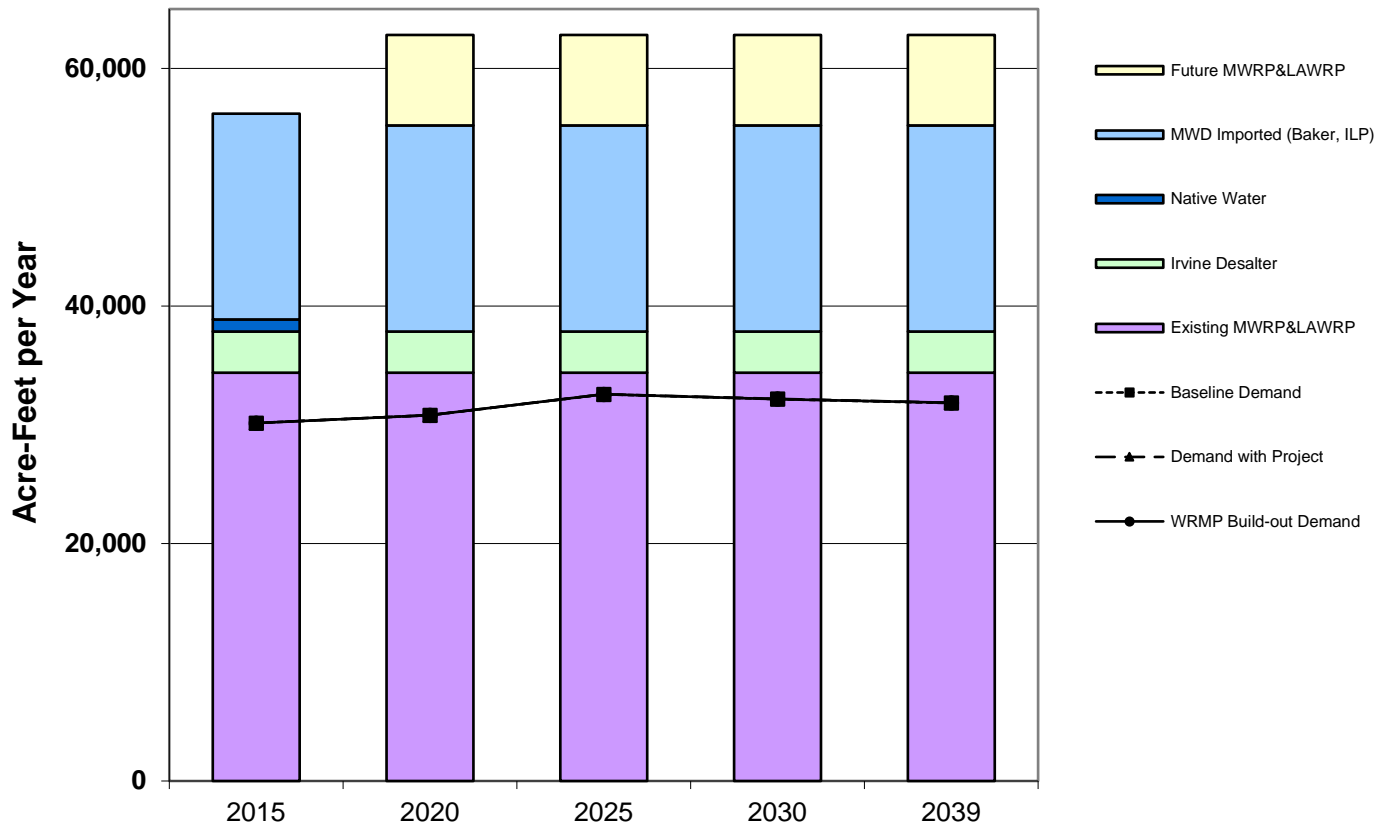
Figure 5
IRWD Normal-Year Supply & Demand - Nonpotable Water



(in acre-feet per year)	2015	2020	2025	2030	2039
Current Nonpotable Supplies					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	3,048	-	-	-	-
Maximum Supply Capability	58,245	62,820	62,820	62,820	62,820
Baseline Demand	28,173	28,785	30,425	30,058	29,749
Demand with Project	28,167	28,788	30,438	30,070	29,762
WRMP Build-out Demand	28,167	28,788	30,438	30,058	29,762
Reserve Supply with Project	30,078	34,032	32,382	32,762	33,058

Note: Downward trend reflects reduction in agricultural use over time.
Native water will be treated to potable through the Baker Water Treatment Plant after 2016.
MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

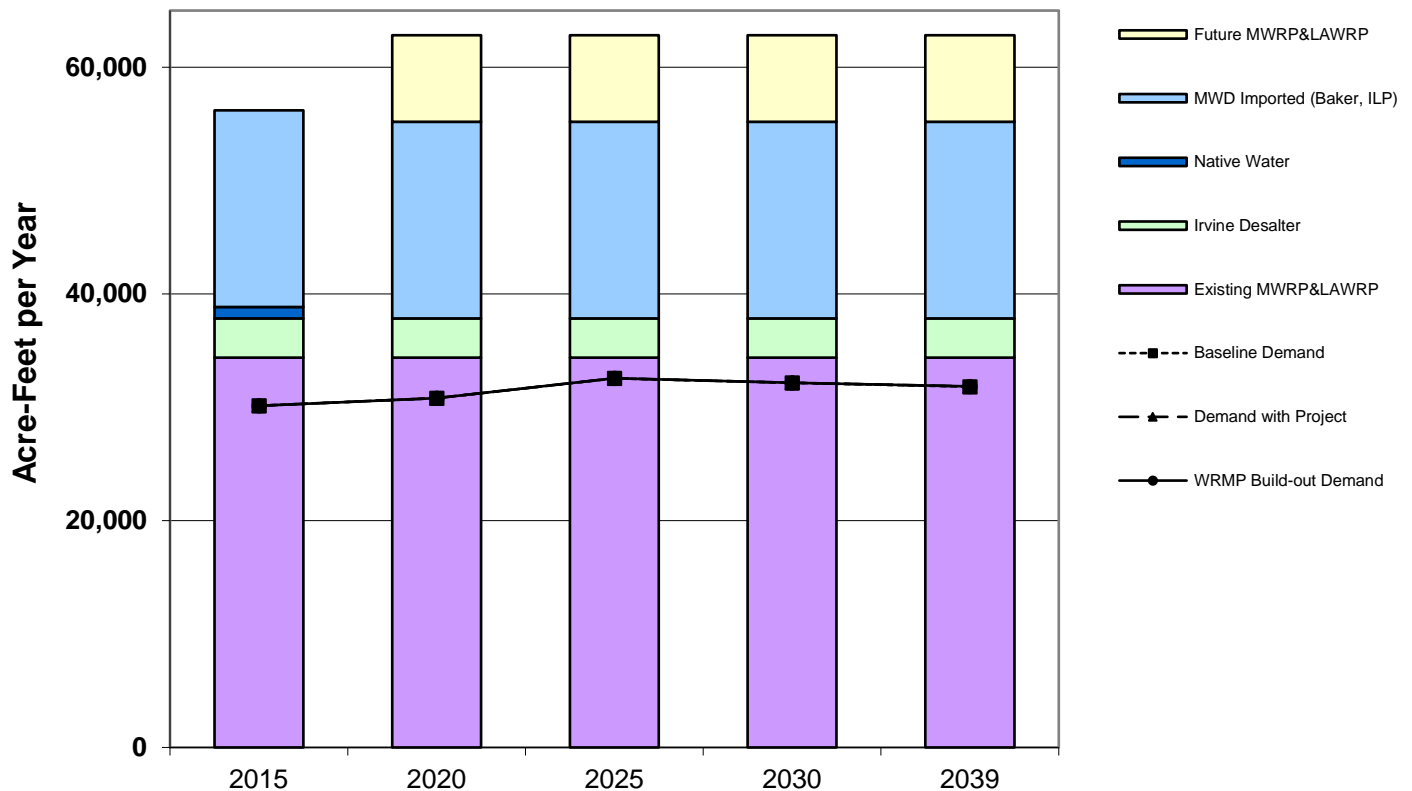
Figure 6
IRWD Single Dry-Year Supply & Demand - Nonpotable Water



(in acre-feet per year)	2015	2020	2025	2030	2039
<u>Current Nonpotable Supplies</u>					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	1,000	-	-	-	-
Maximum Supply Capability	56,197	62,820	62,820	62,820	62,820
Baseline Demand	30,145	30,800	32,555	32,162	31,832
Demand with Project	30,138	30,804	32,568	32,175	31,845
WRMP Build-out Demand	30,138	30,804	32,568	32,162	31,845
Reserve Supply with Project	26,059	32,016	30,252	30,645	30,975

Note: Downward trend reflects reduction in agricultural use over time.
Native water will be treated to potable through the Baker Water Treatment Plant after 2016.
MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

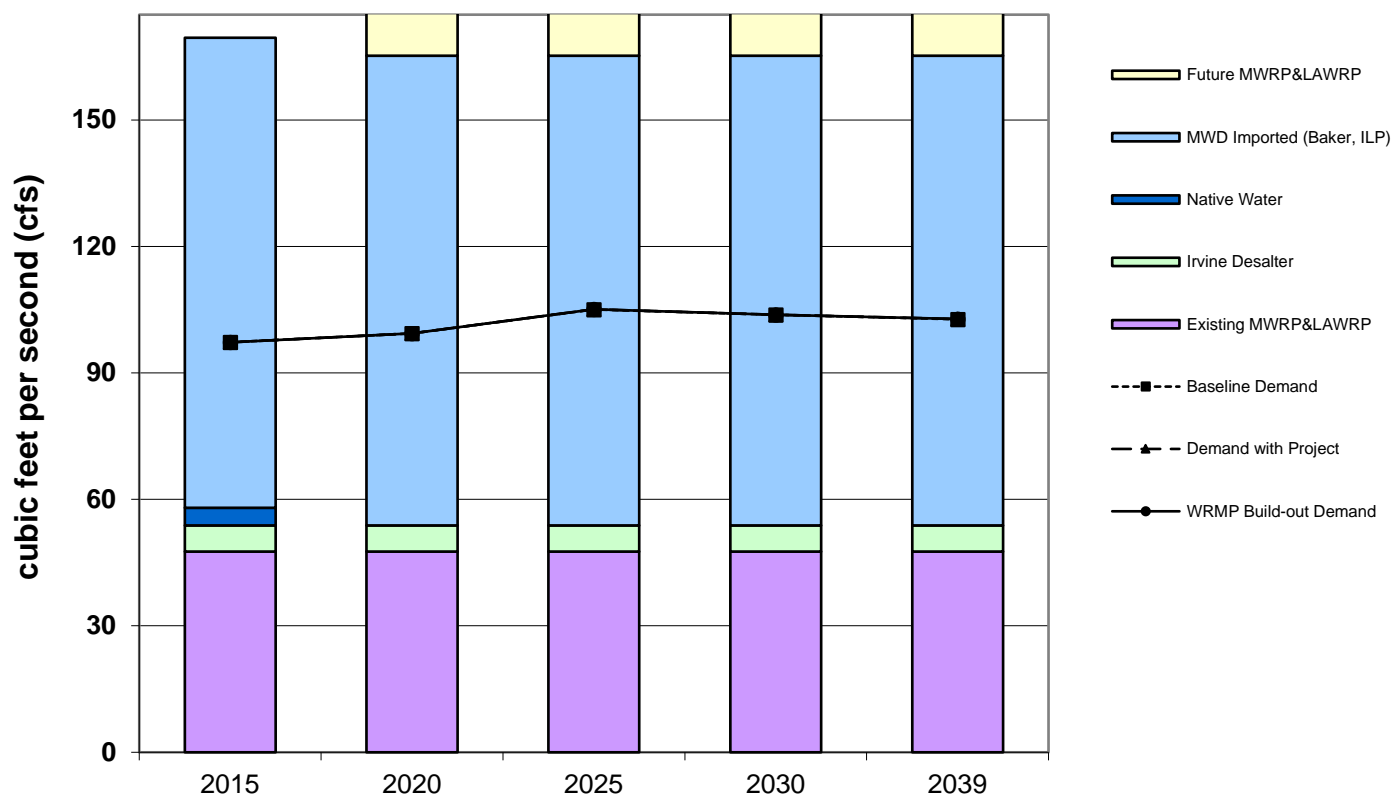
Figure 7
IRWD Multiple Dry-Year Supply & Demand - Nonpotable Water



(in acre-feet per year)	2015	2020	2025	2030	2039
<u>Current Nonpotable Supplies</u>					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	1,000	-	-	-	-
Maximum Supply Capability	56,197	62,820	62,820	62,820	62,820
Baseline Demand	30,145	30,800	32,555	32,162	31,832
Demand with Project	30,138	30,804	32,568	32,175	31,845
WRMP Build-out Demand	30,138	30,804	32,568	32,162	31,845
Reserve Supply with Project	26,059	32,016	30,252	30,645	30,975

Note: Downward trend reflects reduction in agricultural use over time.
 Native water will be treated to potable through the Baker Water Treatment Plant after 2016.
 MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

Figure 8
IRWD Maximum-Dry Supply & Demand - Nonpotable Water

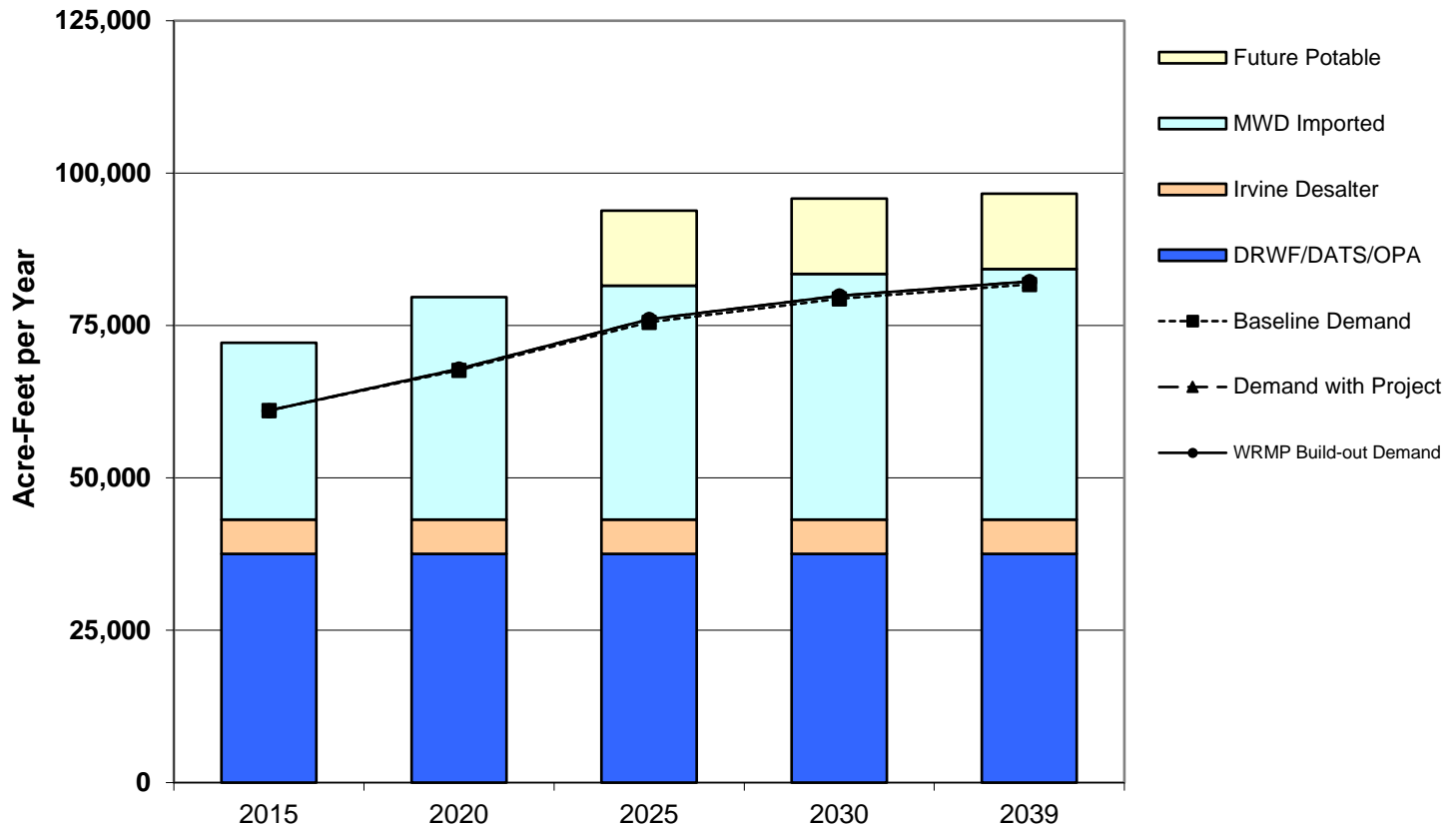


(in cfs)	2015	2020	2025	2030	2039
Current Nonpotable Supplies					
Existing MWRP&LAWRP	47.6	47.6	47.6	47.6	47.6
Future MWRP&LAWRP	-	10.5	10.5	10.5	10.5
MWD Imported (Baker, ILP)	111.5	111.5	111.5	111.5	111.5
Irvine Desalter	6.2	6.2	6.2	6.2	6.2
Native Water	4.2	-	-	-	-
Maximum Supply Capability	169.5	175.8	175.8	175.8	175.8
Baseline Demand	97.3	99.4	105.1	103.8	102.7
Demand with Project	97.3	99.4	105.1	103.8	102.8
WRMP Build-out Demand	97.3	99.4	105.1	103.8	102.8
Reserve Supply with Project	72.2	76.4	70.7	72.0	73.1

Note: Downward trend reflects reduction in agricultural use over time.

Native water will be treated to potable through the Baker Water Treatment Plant after 2016.

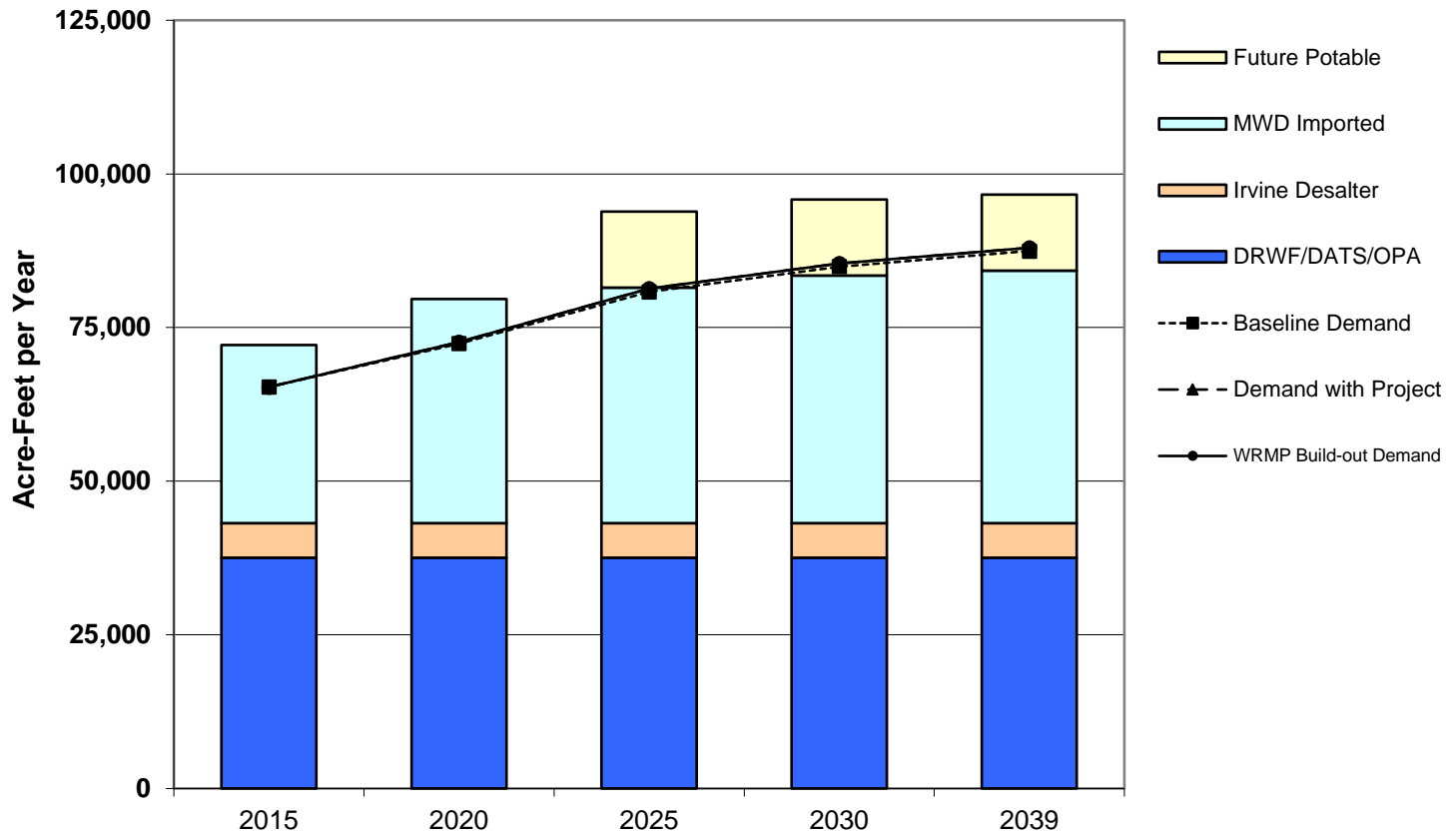
Figure 1a
IRWD Normal-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	29,000	36,500	38,362	40,319	41,129
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	-	3,048	3,048	3,048	3,048
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	78,479	89,027	103,242	105,199	106,009
Baseline Demand	61,061	67,656	75,532	79,369	81,746
Demand with Project	61,049	67,887	76,008	79,845	82,223
WRMP Build-out Demand	61,049	67,887	76,008	79,845	82,224
Reserve Supply with Project	17,430	21,140	27,233	25,353	23,786

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation, Shortage Stage 3 in all of the 5-year increments. However, it is likely that such a scenario would only be temporary. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water only.

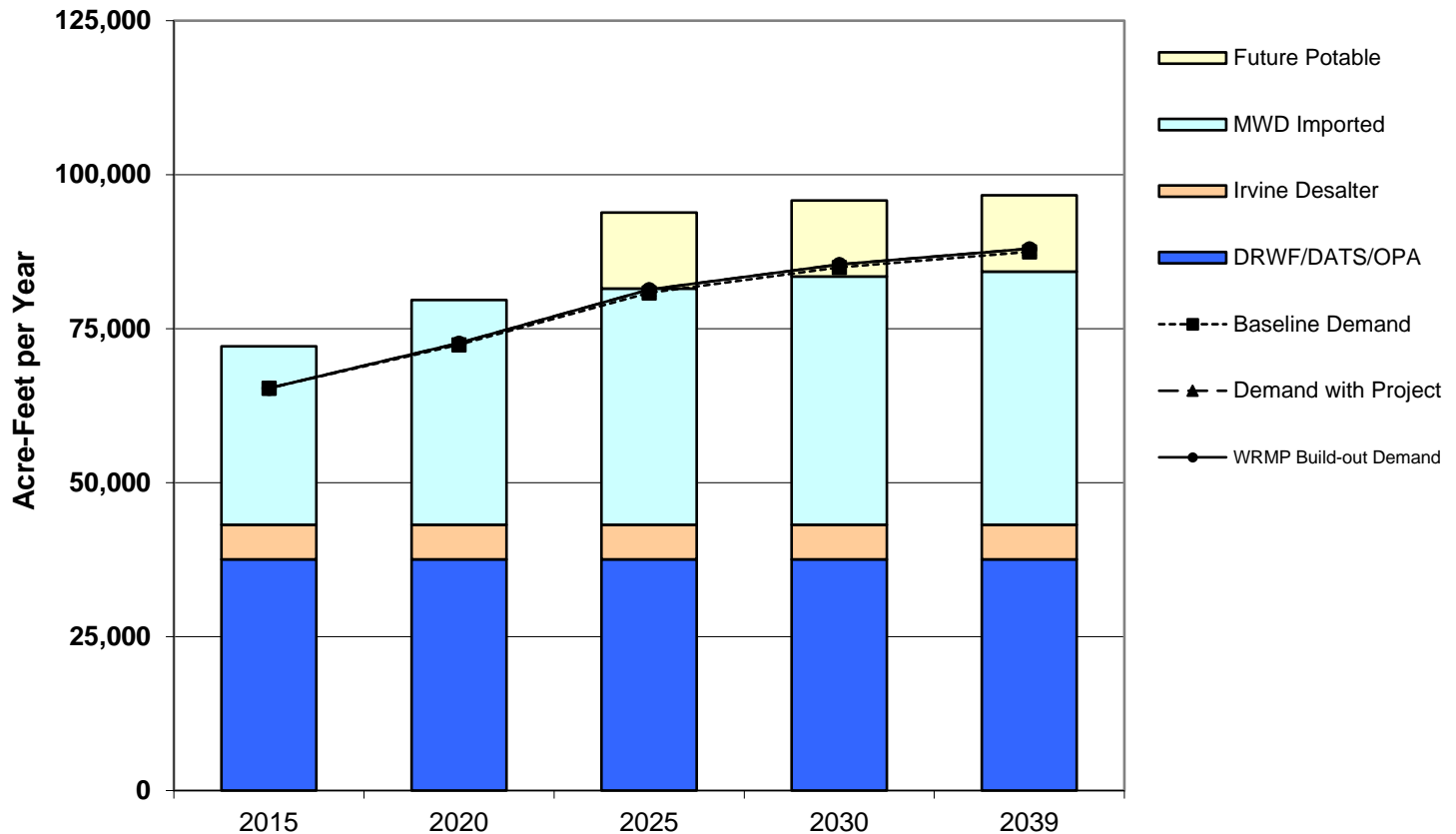
Figure 2a
IRWD Single Dry-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	29,000	36,500	38,362	40,319	41,129
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	-	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	78,479	86,979	101,194	103,151	103,961
Baseline Demand	65,335	72,392	80,819	84,925	87,468
Demand with Project	65,323	72,639	81,329	85,435	87,979
WRMP Build-out Demand	65,323	72,639	81,329	85,435	87,980
Reserve Supply with Project	13,157	14,340	19,865	17,716	15,982

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation, Shortage Stage 3 in all of the 5-year increments. However, it is likely that such a scenario would only be temporary. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water only.

Figure 3a
IRWD Single Dry-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2015	2020	2025	2030	2039
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	29,000	36,500	38,362	40,319	41,129
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	-	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	-	12,352	12,352	12,352
Maximum Supply Capability	78,479	86,979	101,194	103,151	103,961
Baseline Demand	65,335	72,392	80,819	84,925	87,468
Demand with Project	65,323	72,639	81,329	85,435	87,979
WRMP Build-out Demand	65,323	72,639	81,329	85,435	87,979
Reserve Supply with Project	13,157	14,340	19,865	17,716	15,982

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation, Shortage Stage 3 in all of the 5-year increments. However, it is likely that such a scenario would only be temporary. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water only.

2. Information concerning supplies

(a)(1) Existing sources of identified water supply for the proposed project: IRWD does not allocate particular supplies to any project, but identifies total supplies for its service area, as updated in the following table:

	Max Day (cfs)	Avg. Annual (AFY)	Annual by Category (AFY)
Current Supplies			
Potable - Imported ¹⁰			
East Orange County Feeder No. 2	41.4	18,746	¹
Allen-McColloch Pipeline*	64.7	29,296	¹
Orange County Feeder	18.0	8,150	¹
	124.1	56,192	56,192
Potable - Treated Surface			
Baker Treatment Plant (Imported) ¹⁰	6.3	4,554	⁶
Baker Treatment Plant (Native)	4.2	3,048	⁶
Potable - Groundwater			
Dyer Road Wellfield	80.0	28,000	²
OPA Well	1.4	914	
Deep Aquifer Treatment System-DATS	12.3	8,618	²
Wells 21 & 22	8.6	6,329	²
Irvine Desalter	9.7	5,618	³
Total Potable Current Supplies	246.6		113,273
Nonpotable - Recycled Water			
MWRP (25.2 mgd)	39.1	28,228	⁴
LAWRP (5.5 mgd)	8.5	6,161	⁴
Future MWRP & LAWRP	10.6	7,623	⁵
Nonpotable - Imported ¹⁰			
Baker Aqueduct	40.2	11,651	⁶
Irvine Lake Pipeline	65.0	9,000	⁷
	105.2	20,651	20,651
Nonpotable - Groundwater			
Irvine Desalter-Nonpotable	6.2	3,461	⁸
Nonpotable Native			
Irvine Lake (see Baker Treatment Plant above)	4.2	3,048	^{6,9}
Total Nonpotable Current Supplies (Excludes Native)	169.6		66,124
Total Combined Current Supplies	416.2		179,397
Supplies Under Development			
Potable Supplies			
Future Groundwater Production Facilities	17.0	12,352	12,352
Total Under Development	17.0	12,352	12,352
Total Supplies			
Potable Supplies	263.6		125,625
Nonpotable Supplies	169.6		66,124
Total Supplies (Current and Under Development)	433.2		191,750

1 Based on converting maximum day capacity to average by dividing the capacity by a peaking factor of 1.6 (see Footnote 4, page 24). Max Day is equivalent to Treatment Plant Production

2 Contract amount - See Potable Supply-Groundwater(iii).

3 Contract amount - See Potable Supply-Groundwater (iv) and (v). Maximum day well capacity is compatible with contract amount.

4 MWRP 28.0 mgd treatment capacity (28,228 AFY RW production) with 90% plant efficiency (25.2 mgd) and LAWRP permitted 5.5 mgd tertiary treatment capacity (6,161 AFY)

5 Future estimated MWRP & LAWRP recycled water production. Includes biosolids and expansion to 33 mgd

6 Since 2017, Baker Water Treatment Plant (WTP) treats imported and native water. Baker Aqueduct capacity has been allocated to Baker WTP participants and IRWD owns 46.50 cfs in Baker Aqueduct, of which, 10.5 cfs is for for potable treatment. IRWD has 36 cfs remaining capacity for non-potable uses. The nonpotable average use is based on converting maximum day capacity to average by dividing the capacity by a peaking factor of 2.5 (see Footnote 8, page 27).

7 Based on IRWD's proportion of Irvine Lake imported water storage; Actual ILP capacity would allow the use of additional imported water from MWD through the Santiago Lateral.

8 Contract amount - See Nonpotable Supply-Groundwater (i) and (ii). Maximum day well capacity (cfs) is compatible with contract amount.

9 Based on 70+ years historical average of Santiago Creek Inflow into Irvine Lake. By 2020, native water will be treated through Baker WTP.

10 Supplies in this table are total and are not adjusted to account for any reductions in imported water.

*64.7 cfs is current assigned capacity; based on increased peak flow, IRWD can purchase 10 cfs more (see page 25 (b)(1)(iii))

(b) Required information concerning currently available and under-development water supply entitlements, water rights and water service contracts:

(1) Written contracts or other proof of entitlement.^{4 5}

• POTABLE SUPPLY - IMPORTED⁶

Potable imported water service connections (currently available).

(i) Potable imported water is delivered to IRWD at various service connections to the imported water delivery system of The Metropolitan Water District of Southern California ("MWD"): service connections CM-01A and OC-7 (Orange County Feeder); CM-10, CM-12, OC-38, OC-39, OC-57, OC-58, OC-63 (East Orange County Feeder No. 2); and OC-68, OC-71, OC-72, OC-73/73A, OC-74, OC-75, OC-83, OC-84, OC-87 (Allen-McColloch Pipeline). IRWD's entitlements regarding service from the MWD delivery system facilities are described in the following paragraphs and summarized in the above Table ((2)(a)(1)). IRWD receives imported water service through Municipal Water District of Orange County ("MWDOC"), a member agency of MWD.

Allen-McColloch Pipeline ("AMP") (currently available).

(ii) Agreement For Sale and Purchase of Allen-McColloch Pipeline, dated as of July 1, 1994 (Metropolitan Water District Agreement No. 4623) ("AMP Sale Agreement"). Under the AMP Sale Agreement, MWD purchased the Allen-McColloch Pipeline (formerly known as the "Diemer Intertie") from MWDOC, the MWDOC Water Facilities Corporation and certain agencies, including IRWD and Los Alisos Water District ("LAWD"),⁷ identified as "Participants" therein. Section 5.02 of the AMP Sale Agreement obligates MWD to meet IRWD's and the other Participants' requests for deliveries and specified minimum hydraulic grade lines at each connection serving a Participant, subject to availability of water. MWD agrees to operate the AMP as any other MWD pipeline. MWD has the right to operate the AMP on a "utility basis," meaning that MWD need not observe

⁴ In some instances, the contractual and other legal entitlements referred to in the following descriptions are stated in terms of flow capacities, in cubic feet per second (cfs). In such instances, the cfs flows are converted to volumes of AFY for purposes of analyzing supply sufficiency in this assessment, by dividing the capacity by a peaking factor of 1.8 (potable) or 2.5 (nonpotable), consistent with maximum day peaking factors used in the WRMP. The resulting reduction in assumed available annual AFY volumes through the application of these factors recognizes that connected capacity is provided to meet peak demands and that seasonal variation in demand and limitations in local storage prevent these capacities from being utilized at peak capacity on a year-round basis. However, the application of these factors produces a conservatively low estimate of annual AFY volumes from these connections; additional volumes of water are expected to be available from these sources.

⁵ In the following discussion, contractual and other legal entitlements are characterized as either potable or nonpotable, according to the characterization of the source of supply. Some of the nonpotable supplies surplus to nonpotable demand could potentially be rendered potable by the addition of treatment facilities; however, except where otherwise noted, IRWD has no current plans to do so.

⁶ See Imported Supply - Additional Information, below, for information concerning the availability of the MWD supply.

⁷ IRWD has succeeded to LAWD's interests in the AMP and other LAWD water supply facilities and rights mentioned in this assessment, by virtue of the consolidation of IRWD and LAWD on December 31, 2000.

capacity allocations of the Participants but may use available capacity to meet demand at any service connection.

The AMP Sale Agreement obligates MWD to monitor and project AMP demands and to construct specified pump facilities or make other provision for augmenting MWD's capacity along the AMP, at MWD's expense, should that be necessary to meet demands of all of the Participants (Section 5.08).

(iii) Agreement For Allocation of Proceeds of Sale of Allen-McColloch Pipeline, dated as of July 1, 1994 ("AMP Allocation Agreement"). This agreement, entered into concurrently with the AMP Sale Agreement, provided each Participant, including IRWD, with a capacity allocation in the AMP, for the purpose of allocating the sale proceeds among the Participants in accordance with their prior contractual capacities adjusted to conform to their respective future demands. IRWD's capacity under the AMP Allocation Agreement (including its capacity as legal successor agency to LAWD) is 64.69 cfs at IRWD's first four AMP connections, 49.69 cfs at IRWD's next five downstream AMP connections and 35.01 and 10.00 cfs, respectively at IRWD's remaining two downstream connections. The AMP Allocation Agreement further provides that if a Participant's peak flow exceeds its capacity, the Participant shall "purchase" additional capacity from the other Participants who are using less than their capacity, until such time as MWD augments the capacity of the AMP. The foregoing notwithstanding, as mentioned in the preceding paragraph, the allocated capacities do not alter MWD's obligation under the AMP Sale Agreement to meet all Participants' demands along the AMP, and to augment the capacity of the AMP if necessary. Accordingly, under these agreements, IRWD can legally increase its use of the AMP beyond the above-stated capacities, but would be required to reimburse other Participants from a portion of the proceeds IRWD received from the sale of the AMP.

(iv) Improvement Subleases (or "FAP" Subleases) [MWDOC and LAWD; MWDOC and IRWD], dated August 1, 1989; 1996 Amended and Restated Allen-McColloch Pipeline Subleases [MWDOC and LAWD; MWDOC and IRWD], dated March 1, 1996. IRWD subleases its AMP capacity, including the capacity it acquired as successor to LAWD. To facilitate bond financing for the construction of the AMP, it was provided that the MWDOC Water Facilities Corporation, and subsequently MWDOC, would have ownership of the pipeline, and the Participants would be sublessees. As is the case with the AMP Sale Agreement, the subleases similarly provide that water is subject to availability.

East Orange County Feeder No. 2 ("EOCF#2") (currently available).

(v) Agreement For Joint Exercise of Powers For Construction, Operation and Maintenance of East Orange County Feeder No. 2, dated July 11, 1961, as amended on July 25, 1962 and April 26, 1965; Agreement Re Capacity Rights In Proposed Water Line, dated September 11, 1961 ("IRWD MWDOC Assignment Agreement"); Agreement Regarding Capacity Rights In the East Orange County Feeder No. 2, dated August 28, 2000 ("IRWD Coastal Assignment Agreement"). East Orange County Feeder No. 2 ("EOCF#2"), a feeder linking Orange County with MWD's feeder system, was constructed pursuant to a joint powers agreement among MWDOC (then called Orange County Municipal Water District), MWD, Coastal Municipal Water District ("Coastal"), Anaheim and Santa

Ana. A portion of IRWD's territory is within MWDOC and the remainder is within the former Coastal (which was consolidated with MWDOC in 2001). Under the IRWD MWDOC Assignment Agreement, MWDOC assigned 41 cfs of capacity to IRWD in the reaches of EOCF#2 upstream of the point known as Coastal Junction (reaches 1 through 3), and 27 cfs in reach 4, downstream of Coastal Junction. Similarly, under the IRWD Coastal Assignment Agreement, prior to Coastal's consolidation with MWDOC, Coastal assigned to IRWD 0.4 cfs of capacity in reaches 1 through 3 and 0.6 cfs in reach 4 of EOCF#2. Delivery of water through EOCF#2 is subject to the rules and regulations of MWD and MWDOC, and is further subject to application and agreement of IRWD respecting turnouts.

Orange County Feeder (currently available)

(vi) Agreement, dated March 13, 1956. This 1956 Agreement between MWDOC's predecessor district and the Santa Ana Heights Water Company ("SAHWC") provides for delivery of MWD imported supply to the former SAHWC service area. SAHWC's interests were acquired on behalf of IRWD through a stock purchase and IRWD annexation of the SAHWC service area in 1997. The supply is delivered through a connection to MWD's Orange County Feeder designated as OC-7.

(vii) Agreement For Transfer of Interest In Pacific Coast Highway Water Transmission and Storage Facilities From The Irvine Company To the Irvine Ranch Water District, dated April 23, 1984; Joint Powers Agreement For the Construction, Operation and Maintenance of Sections 1a, 1b and 2 of the Coast Supply Line, dated June 9, 1989; Agreement, dated January 13, 1955 ("1955 Agreement"). The jointly constructed facility known as the Coast Supply Line ("CSL"), extending southward from a connection with MWD's Orange County Feeder at Fernleaf Street in Newport Beach, was originally constructed pursuant to a 1952 agreement among Laguna Beach County Water District ("LBCWD"), The Irvine Company (TIC) and South Coast County Water District. Portions were later reconstructed. Under the above-referenced transfer agreement in 1984, IRWD succeeded to TIC's interests in the CSL. The CSL is presently operated under the above-referenced 1989 joint powers agreement, which reflects IRWD's ownership of 10 cfs of capacity. The 1989 agreement obligates LBCWD, as the managing agent and trustee for the CSL, to purchase water and deliver it into the CSL for IRWD. LBCWD purchases such supply, delivered by MWD to the Fernleaf connection, pursuant to the 1955 Agreement with Coastal (now MWDOC).

Baker Water Treatment Plant (currently available)

IRWD recently constructed the Baker Water Treatment Plant (Baker WTP) in partnership with El Toro Water District, Moulton-Niguel Water District, Santa Margarita Water District and Trabuco Canyon Water District. The Baker WTP is supplied with untreated imported water from MWD and native Irvine Lake water supply. IRWD owns 10.5 cfs of treatment capacity rights in the Baker WTP.⁸

•POTABLE SUPPLY - GROUNDWATER

(i) Orange County Water District Act (“OCWD”), Water Code App., Ch. 40 (“Act”). IRWD is an operator of groundwater-producing facilities in the Orange County Groundwater Basin (the “Basin”). Although the rights of the producers within the Basin vis a vis one another have not been adjudicated, they nevertheless exist and have not been abrogated by the Act (§40-77). The rights consist of municipal appropriators’ rights and may include overlying and riparian rights. The Basin is managed by OCWD under the Act, which functions as a statutorily-imposed physical solution. The Act empowers OCWD to impose replenishment assessments and basin equity assessments on production and to require registration of water-producing facilities and the filing of certain reports; however, OCWD is expressly prohibited from limiting extraction unless a producer agrees to such limitation (§ 40-2(6) (c)) and from impairing vested rights to the use of water (§ 40-77). Thus, producers may install and operate production facilities under the Act; OCWD approval is not required. OCWD is required to annually investigate the condition of the Basin, assess overdraft and accumulated overdraft, and determine the amount of water necessary for replenishment (§40-26). OCWD has studied the Basin replenishment needs and potential projects to address growth in demand through 2035 in its Final Draft Long-Term Facilities Plan (January, 2006), last updated November 19, 2014. The Long-Term Facilities Plan is updated approximately every five years.

(ii) *Irvine Ranch Water District v. Orange County Water District*, Orange County Superior Court Case No. 795827. A portion of IRWD is outside the jurisdictional boundary of OCWD. IRWD is eligible to annex the Santa Ana River Watershed portion of this territory to OCWD, under OCWD’s current annexation policy (OCWD Resolution No. 86-2-15, adopted on February 19, 1986 and reaffirmed on June 2, 1999). This September 29, 1998, Superior Court ruling indicates that IRWD is entitled to deliver groundwater from the Basin to the IRWD service area irrespective of whether such area is also within OCWD.

Dyer Road Wellfield (“DWRF”) / Deep Aquifer Treatment System (“DATS”) (currently available)

(iii) Agreement For Water Production and Transmission Facilities, dated March 18, 1981, as amended May 2, 1984, September 19, 1990 and November 3, 1999 (the “DRWF Agreement”). The DRWF Agreement, among IRWD, OCWD and Santa Ana, concerns the development of IRWD’s Dyer Road Wellfield (DRWF),

⁸ The Baker WTP is supplied nonpotable imported water through the existing Baker Pipeline. IRWD’s existing Baker Pipeline capacity (see Section 2(b)(1) NONPOTABLE SUPPLY – IMPORTED) has been apportioned to the Baker WTP participants based on Baker WTP capacity ownership, and IRWD retains 10.5 cfs of pipeline capacity through the Baker WTP for potable supply and retains 36 cfs in Reach 1U of the Baker Pipeline capacity for nonpotable supply.

within the Basin. The DRWF consists of 16 wells pumping from the non-colored water zone of the Basin and 2 wells (with colored-water treatment facilities) pumping from the deep, colored-water zone of the Basin (the colored-water portion of the DRWF is sometimes referred to as the Deep Aquifer Treatment System or DATS.) Under the DRWF Agreement, an “equivalent” basin production percentage (“BPP”) has been established for the DRWF, currently 28,000 AFY of non-colored water and 8,000 AFY of colored water, provided any amount of the latter 8,000 AFY not produced results in a matching reduction of the 28,000 AFY BPP. Although typically IRWD production from the DRWF does not materially exceed the equivalent BPP, the equivalent BPP is not an extraction limitation; it results in imposition of monetary assessments on the excess production. The DRWF Agreement also establishes monthly pumping amounts for the DRWF. With the addition of the Concentrated Treatment System (“CATS”), IRWD has increased the yield of DATS.

Irvine Subbasin / Irvine Desalter (currently available)

(iv) First Amended and Restated Agreement, dated March 11, 2002, as amended June 15, 2006, restating May 5, 1988 agreement (“Irvine Subbasin Agreement”). TIC has historically pumped agricultural water from the Irvine Subbasin. (As in the rest of the Basin of which this subbasin is a part, the groundwater rights have not been adjudicated, and OCWD provides governance and management under the Act.) The 1988 agreement between IRWD and TIC provided for the joint use and management of the Irvine Subbasin. The 1988 agreement further provided that the 13,000 AFY annual yield of the Irvine Subbasin (“Subbasin”) would be allocated 1,000 AFY to IRWD and 12,000 AFY to TIC. Under the restated Irvine Subbasin Agreement, the foregoing allocations were superseded as a result of TIC’s commencement of the building its Northern Sphere Area project, with the effect that the Subbasin production capability, wells and other facilities, and associated rights have been transferred from TIC to IRWD, and IRWD has assumed the production from the Subbasin. In consideration of the transfer, IRWD is required to count the supplies attributable to the transferred Subbasin production in calculating available supplies for the Northern Sphere Area project and other TIC development and has agreed that they will not be counted toward non-TIC development.

A portion of the existing Subbasin water production facilities produce water which is of potable quality. IRWD could treat some of the water produced from the Subbasin for potable use, by means of the Desalter and other projects. Although, as noted above, the Subbasin has not been adjudicated and is managed by OCWD, TIC reserved water rights from conveyances of its lands as development over the Subbasin has occurred, and under the Irvine Subbasin Agreement TIC has transferred its rights to IRWD.

(v) Second Amended and Restated Agreement Between Orange County Water District and Irvine Ranch Water District Regarding the Irvine Desalter Project, dated June 11, 2001, and other agreements referenced therein. This agreement provides for the extraction and treatment of subpotable groundwater from the Irvine Subbasin, a portion of the Basin. As is the case with the remainder of the Basin, IRWD’s entitlement to extract this water is not adjudicated, but the use of the entitlement is governed by the OCWD Act. (See also, discussion of Irvine Subbasin in the preceding paragraph.) A portion of the product water has been

delivered into the IRWD potable system, and the remainder has been delivered into the IRWD nonpotable system.

Orange Park Acres (currently available)

On June 1, 2008, through annexation and merger, IRWD acquired the water system of the former Orange Park Acres Mutual Water company, including its well ("OPA Well"). The well is operated within the Basin.

Wells 21 and 22 (currently available)

In early 2013, IRWD completed construction of treatment facilities, pipelines and wellhead facilities for Wells 21 and 22. Water supplied through this project became available in 2013. The wells are operated within the Basin.

Irvine Wells (under development)

(vi) IRWD is pursuing the installation of production facilities in the west Irvine, Tustin Legacy and Tustin Ranch portions of the Basin. These groundwater supplies are considered to be under development; however, four wells have been drilled and have previously produced groundwater, three wells have been drilled but have not been used as production wells to date, and a site for an additional well and treatment facility has been acquired by IRWD. These production facilities can be constructed and operated under the Act; no statutory or contractual approval is required to do so. Appropriate environmental review has or will be conducted for each facility. See discussion of the Act under Potable Supply - Groundwater, paragraph (i), above.

• **NONPOTABLE SUPPLY - RECYCLED**

Water Recycling Plants (currently available)

Water Code Section 1210. IRWD supplies its own recycled water from sewage collected by IRWD and delivered to IRWD's Michelson Water Recycling Plant ("MWRP") and Los Alisos Water Recycling Plant ("LAWRP"). Under the recently completed MWRP Phase II Capacity Expansion Project, IRWD increased its tertiary treatment capacity on the existing MWRP site to produce sufficient recycled water to meet the projected demand through the year 2040. MWRP currently has a permitted tertiary capacity of 28 million gallons per day ("MGD") and LAWRP currently has a permitted tertiary capacity of 5.5 MGD. Water Code Section 1210 provides that the owner of a sewage treatment plant operated for the purposes of treating wastes from a sanitary sewer system holds the exclusive right to the treated effluent as against anyone who has supplied the water discharged into the sewer system. IRWD's permits for the operation of MWRP and LAWRP allow only irrigation and other customer uses of recycled water, and do not permit stream discharge of recycled water under normal conditions; thus, no issue of downstream appropriation arises, and IRWD is entitled to deliver all of the effluent to meet contractual and customer demands. Additional reclamation capacity will augment local nonpotable supplies and improve reliability.

•NONPOTABLE SUPPLY - IMPORTED⁹

Baker Pipeline (currently available)

Santiago Aqueduct Commission (“SAC”) Joint Powers Agreement, dated September 11, 1961, as amended December 20, 1974, January 13, 1978, November 1, 1978, September 1, 1981, October 22, 1986, and July 8, 1999 (the “SAC Agreement”); Agreement Between Irvine Ranch Water District and Carma-Whiting Joint Venture Relative to Proposed Annexation of Certain Property to Irvine Ranch Water District, dated May 26, 1981 (the “Whiting Annexation Agreement”); service connections OC-13/13A, OC-33/33A. The imported untreated water pipeline initially known as the Santiago Aqueduct and now known as the Baker Pipeline was constructed under the SAC Agreement, a joint powers agreement. The Baker Pipeline is connected to MWD’s Santiago Lateral. IRWD’s capacity in the Baker Pipeline includes the capacity it subleases as successor to LAWD, as well as capacity rights IRWD acquired through the Whiting Annexation Agreement. (To finance the construction of AMP parallel untreated reaches which were incorporated into the Baker Pipeline, replacing original SAC untreated reaches that were made a part of the AMP potable system, it was provided that the MWDOC Water Facilities Corporation, and subsequently MWDOC, would have ownership, and the participants would be sublessees.) IRWD’s original capacities in the Baker Pipeline include 52.70 cfs in the first reach, 12.50 cfs in each of the second, third and fourth reaches and 7.51 cfs in the fifth reach of the Baker Pipeline. These existing Baker Pipeline capacities have been apportioned to the Baker WTP participants based on Baker WTP capacity ownership. IRWD retains 10.5 cfs of the pipeline capacity for potable supply through the Baker WTP and retains 36 cfs in Reach 1U of the Baker Pipeline capacity for nonpotable supply (See also footnote 8, page 27). Water is subject to availability from MWD.

•NONPOTABLE SUPPLY - NATIVE

Irvine Lake (currently available)

(i) Permit For Diversion and Use of Water (“Permit No. 19306”) issued pursuant to Application No. 27503; License For Diversion and Use of Water (“License 2347”) resulting from Application No. 4302 and Permit No. 3238; License For Diversion and Use of Water (“License 2348”) resulting from Application No. 9005 and Permit No. 5202. The foregoing permit and licenses, jointly held by IRWD (as successor to The Irvine Company (“TIC”) and Carpenter Irrigation District (“CID”)) and Serrano Water District (“SWD”), secure appropriative rights to the flows of Santiago Creek. Under Licenses 2347 and 2348, IRWD and SWD have the right to diversion by storage at Santiago Dam (Irvine Lake) and a submerged dam, of a total of 25,000 AFY. Under Permit No. 19306, IRWD and SWD have the right to diversion by storage of an additional 3,000 AFY by flashboards at Santiago Dam (Irvine Lake). (Rights under Permit No. 19306 may be junior to an OCWD permit to divert up to 35,000 AFY of Santiago Creek flows to spreading

⁹ See Imported Supply - Additional Information, below, for information concerning the availability of the MWD supply.

pits downstream of Santiago Dam.) The combined total of native water that may be diverted to storage under these licenses and permit is 28,000 AFY. A 1996 amendment to License Nos. 2347, 2348 and 2349 [replaced by Permit No. 19306 in 1984] limits the withdrawal of water from the Lake to 15,483 AFY under the licenses. This limitation specifically references the licenses and doesn't reference water stored pursuant to other legal entitlements. The use and allocation of the native water is governed by the agreements described in the next paragraph.

(ii) Agreement, dated February 6, 1928 ("1928 Agreement"); Agreement, dated May 15, 1956, as amended November 12, 1973 ("1956 Agreement"); Agreement, dated as of December 21, 1970 ("1970 Agreement"); Agreement Between Irvine Ranch Water District and The Irvine Company Relative to Irvine Lake and the Acquisition of Water Rights In and To Santiago Creek, As Well As Additional Storage Capacity in Irvine Lake, dated as of May 31, 1974 ("1974 Agreement"). The 1928 Agreement was entered into among SWD, CID and TIC, providing for the use and allocation of native water in Irvine Lake. Through the 1970 Agreement and the 1974 Agreement, IRWD acquired the interests of CID and TIC, leaving IRWD and SWD as the two co-owners. TIC retains certain reserved rights. The 1928 Agreement divides the stored native water by a formula which allocates to IRWD one-half of the first 1,000 AF, plus increments that generally yield three-fourths of the amount over 1,000 AF.¹⁰ The agreements also provide for evaporation and spill losses and carryover water remaining in the Lake at the annual allocation dates. Given the dependence of native water on rainfall, for purposes of this assessment only a small portion of IRWD's share of the 28,000 AFY of native water rights (3,048 AFY in normal years and 1,000 AFY in single and multiple-dry years) is shown in currently available supplies, based on averaging of historical data. However, IRWD's ability to supplement Irvine Lake storage with its imported untreated water supplies, described herein, offsets the uncertainty associated with the native water supply.

•NONPOTABLE SUPPLY - GROUNDWATER

Irvine Subbasin / Irvine Desalter (currently available)

(i) IRWD's entitlement to produce nonpotable water from the Irvine Subbasin is included within the Irvine Subbasin Agreement. See discussion of the Irvine Subbasin Agreement under Potable Supply - Groundwater; paragraph (iv), above.

(ii) See discussion of the Irvine Desalter project under Potable Supply - Groundwater, paragraph (v), above. The Irvine Desalter project will produce nonpotable as well as potable water.

¹⁰ The 1956 Agreement provides for facilities to deliver MWD imported water into Irvine Lake, and grants storage capacity for the imported water. By succession, IRWD owns 9,000 AFY of this 12,000 AFY imported water storage capacity. This storage capacity does not affect availability of the imported supply, which can be either stored or delivered for direct use by customers.

•IMPORTED SUPPLY - ADDITIONAL INFORMATION

As described above, the imported supply from MWD is contractually subject to availability. To assist local water providers in assessing the adequacy of local water supplies that are reliant in whole or in part on MWD's imported supply, MWD has provided information concerning the availability of the supplies to its entire service area. In the MWD 2015 UWMP, MWD has extended its planning timeframe out through 2040 to ensure that the MWD 2015 UWMP may be used as a source document for meeting requirements for sufficient supplies. In addition, the MWD 2015 UWMP includes "Justifications for Supply Projections" (Appendix A-3) that details the planning, legal, financial, and regulatory basis for including each source of supply in the plan. The MWD 2015 UWMP summarizes MWD's planning initiatives over the past 15 years, which includes the Integrated Resources Plan (IRP), the IRP 2015 Update, the WSDM Plan, Strategic Plan and Rate Structure. The reliability analysis in MWD's 2015 IRP Update shows that MWD can maintain reliable supplies under the conditions that have existed in past dry periods throughout the period through 2040. The MWD 2015 UWMP includes tables that show the region can provide reliable supplies under both the single driest year (1977) and multiple dry years (1990-92) through 2040. MWD has also identified buffer supplies, including additional State Water Project groundwater storage and transfers that could serve to supply the additional water needed.

It is anticipated that MWD will revise its regional supply availability analysis periodically, if needed, to supplement the MWD 2015 UWMP in years when the MWD UWMP is not being updated.

IRWD is permitted by the statute (Wat. Code, § 10610 *et seq.*) to rely upon the water supply information provided by the wholesaler concerning a wholesale water supply source, for use in preparing its UWMPs. In turn, the statute provides for the use of UWMP information to support water supply assessments and verifications. In accordance with these provisions, IRWD is entitled to rely upon the conclusions of the MWD UWMP. As referenced above under Summary of Results of Demand-Supply Comparisons - **Actions on Delta Pumping**, MWD has provided additional information on its imported water supply.

MWD's reserve supplies, together with the fact that IRWD relies on MWD supplies as supplemental supplies that need not be used to the extent IRWD operates currently available and under-development local supplies, build a margin of safety into IRWD's supply availability.

(2) Adopted capital outlay program to finance delivery of the water supplies.

All necessary delivery facilities currently exist for the use of the *currently available* and *under-development* supplies assessed herein, with the exception of future groundwater wells, and IRWD sub-regional and developer-dedicated conveyance facilities necessary to complete the local distribution systems for the Project. IRWD's turnout at each MWD connection and IRWD's regional delivery facilities are sufficiently sized to deliver all of the supply to the sub-regional and local distribution systems.

With respect to future groundwater well projects (PR Nos. 01402 and 07140), IRWD adopted its fiscal year 2018-19 capital budget on April 23, 2018 (Resolution No. 2018-11), budgeting portions of the funds for such projects. (A copy is available from IRWD on request.) For these facilities, as well as unbuilt IRWD sub-regional conveyance facilities, the sources of funding are previously authorized general obligation bonds, revenue-supported certificates of participation and/or capital funds held by IRWD Improvement Districts. IRWD has maintained a successful program for the issuance of general obligation bonds and certificates of participation on favorable borrowing terms, and IRWD has received AAA public bond ratings. IRWD has approximately \$585.5 million (water) and \$711.1 million (recycled water) of unissued, voter-approved general obligation bond authorization. Certificates of participation do not require voter approval. Proceeds of bonds and available capital funds are expected to be sufficient to fund all IRWD facilities for delivery of the supplies under development. Tract-level conveyance facilities are required to be donated to IRWD by the Applicant or its successor(s) at time of development.

See also the MWD 2015 UWMP, Appendix A.3 Justifications for Supply Projections with respect to capital outlay programs related to MWD's supplies.

(3) Federal, state and local permits for construction of delivery infrastructure.

Most IRWD delivery facilities are constructed in public right-of-way or future right-of-way. State statute confers on IRWD the right to construct works along, under or across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch or flume (Water Code Section 35603). Although this right cannot be denied, local agencies may require encroachment permits when work is to be performed within a street. If easements are necessary for delivery infrastructure, IRWD requires the developer to provide them. The crossing of watercourses or areas with protected species requires federal and/or state permits as applicable.

See also the MWD 2015 UWMP, Appendix A.3 Justifications for Supply Projections with respect to permits related to MWD's supplies.

(4) Regulatory approvals for conveyance or delivery of the supplies.

See response to preceding item (3). Additionally, in general, supplies under development may necessitate the preparation and completion of environmental documents and/or regulatory approvals prior to full construction and implementation. IRWD obtains such approvals when required, and copies of documents pertaining to approvals can be obtained from IRWD.

See also the MWD 2015 UWMP, Appendix A.3 Justifications for Supply Projections with respect to regulatory approvals related to MWD's supplies.

3. Other users and contractholders (identified supply not previously used).

For each of the water supply sources identified by IRWD, if no water has been received from that source(s), IRWD is required to identify other public water systems or water service contractholders that receive a water supply from, or have existing water supply entitlements, water rights and water service contracts to, that source(s):

Water has been received from all listed sources. A small quantity of Subbasin water is used by Woodbridge Village Association for the purpose of supplying its North and South Lakes. There are no other public water systems or water service contractholders that receive a water supply from, or have existing water supply entitlements, water rights and water service contracts to, the Irvine Subbasin.

4. Information concerning groundwater included in the supply identified for the Project:

(a) Relevant information in the Urban Water Management Plan (UWMP):

See Irvine Ranch Water District 2015 UWMP, section 6.2.

(b) Description of the groundwater basin(s) from which the Project will be supplied:

The Orange County Groundwater Basin ("Basin") is described in the Orange County Water District Groundwater Management Plan ("GMP") 2015 Update, dated June 17, 2015¹¹. The rights of the producers within the Basin vis a vis one another have not been adjudicated. The Basin is managed by the Orange County Water District ("OCWD") for the benefit of municipal, agricultural and private groundwater producers. OCWD is responsible for the protection of water rights to the Santa Ana River in Orange County as well as the management and replenishment of the Basin. Current production from the Basin is approximately 310,000 AFY.

The DWR has not identified the Basin as "critically overdrafted," and has not identified the Basin as overdrafted in its most current bulletin that characterizes the condition of the Basin, Bulletin 118 (2003) and 2016 Bulletin 118 Interim Update. The efforts being undertaken by OCWD to eliminate long-term overdraft in the Basin are described in the OCWD GMP 2015 Update and OCWD Master Plan Report ("MPR"), including in particular, Chapters 4, 5, 6, 14 and 15 of the MPR. OCWD has also prepared a Long Term Facilities Plan ("LTFP") which was received by the OCWD Board in July 2009, and was last updated in November 2014. The LTFP Chapter 3 describes the efforts being undertaken by OCWD to eliminate long-term overdraft in the Basin. See also section on "**Sustainable Groundwater Management Act**".

Although the water supply assessment statute (Water Code Section 10910(f)) refers to elimination of "long-term overdraft," overdraft includes conditions which may be managed for optimum basin storage, rather than eliminated. OCWD's Act defines annual groundwater overdraft to be the quantity by which production exceeds the natural replenishment of the Basin. Accumulated overdraft is defined in the OCWD Act to be the quantity of water needed in the groundwater basin forebay to prevent landward movement of seawater into the fresh groundwater body. However, seawater intrusion control facilities have been constructed by OCWD since the Act was written, and have been effective in

¹¹ OCWD has also prepared a Long-Term Facilities Plan which was received and filed by its Board in July 2009, and last updated in November 2014.

preventing landward movement of seawater. These facilities allow greater utilization of the storage capacity of the Basin.

OCWD has invested over \$250 million in seawater intrusion control (injection barriers), recharge facilities, laboratories, and Basin monitoring to effectively manage the Basin. Consequently, although the Basin is defined to be in an “overdraft” condition, it is actually managed to allow utilization of up to 500,000 acre-feet of storage capacity of the basin during dry periods, acting as an underground reservoir and buffer against drought. OCWD has an optimal basin management target of 100,000 acre-feet of accumulated overdraft provides sufficient storage space to accommodate increased supplies from one wet year while also provide enough water in storage to offset decreased supplies during a two- to three year drought. If the Basin is too full, artesian conditions can occur along the coastal area, causing rising water and water logging, an adverse condition. Since the formation of OCWD in 1933, OCWD has made substantial investment in facilities, Basin management and water rights protection, resulting in the elimination and prevention of adverse long-term “mining” overdraft conditions. OCWD continues to develop new replenishment supplies, recharge capacity and basin protection measures to meet projected production from the basin during normal rainfall and drought periods. (OCWD GMP, OCWD MPR and LTFP)

OCWD's efforts include ongoing replenishment programs and planned capital improvements. It should be noted under OCWD's management of overdraft to maximize the Basin's use for annual production and recharge operations, overdraft varies over time as the Basin is managed to keep it in balance over the long term. The Basin is not operated on an annual safe-yield basis. (OCWD GMP, OCWD MPR, section 3.2 and LTFP, section 6). See also the following section on “**Sustainable Groundwater Management Act**”.

(c) Description and analysis of the amount and location of groundwater pumped by IRWD from the Basin for the past five years:

The following table shows the amounts pumped, by groundwater source since the year 2002:

(In AFY)

Year (ending 6/30)	DRWF/DATS/ OPA/21-22	Irvine Subbasin (IRWD)	Irvine Subbasin (TIC)	LAWD ¹²
2018	38,196	4,619	0	0
2017	39,787	4,077	0	169
2016	37,216	4,672	0	307
2015	40,656	9,840	0	336

¹² The water produced from IRWD's Los Alisos wells is not included in this assessment. IRWD is presently evaluating the future use of these wells.

2014	42,424	10,995	0	376
2013	38,617	8,629	0	282
2012	37,059	7,059	0	0
2011	34,275	7,055	0	0
2010	37,151	8,695	0	3
2009	38,140	7,614	0	0
2008	36,741	4,539	0	16
2007	37,864	5,407	0	6
2006	37,046	2,825	0	268
2005	36,316	2,285	628	357
2004	30,265	1,938	3,079	101
2003	24,040	2,132	4,234	598
2002	25,855	2,533	5,075	744

(d) Description and analysis of the amount and location of groundwater projected to be pumped by IRWD from the Basin:

IRWD has a developed groundwater supply of 35,200 AFY from its Dyer Road Wellfield (including the Deep Aquifer Treatment System), in the main portion of the Basin.

Although TIC's historical production from the Subbasin declined as its use of the Subbasin for agricultural water diminished, OCWD's and other historical production records for the Subbasin show that production has been as high as 13,000 AFY. Plans are also underway to expand IRWD's main Orange County Groundwater Basin supply (characterized as *under-development* supplies herein). (See Section 2 (a) (1) herein). IRWD anticipates the development of potential additional production facilities within both the main Basin and the Irvine Subbasin. However, such additional facilities have not been included or relied upon in this assessment. Additional groundwater development will provide an additional margin of safety as well as reduce future water supply costs to IRWD.

The following table summarizes future IRWD groundwater production from currently available and under-development supplies.

(In AFY)

Year (ending 6/30)	DRWF ¹³	Future GW ¹⁴	IDP (Potable)	IDP (Nonpotable)
2020	43,861	0	5,618	3,461
2025	43,861	12,352	5,618	3,461
2035	43,861	12,352	5,618	3,461
2040	43,861	12,352	5,618	3,461

(e) If not included in the 2015 UWMP, analysis of the sufficiency of groundwater projected to be pumped by IRWD from the Basin to meet the projected water demand of the Project:

See responses to 4(b) and 4(d).

The OCWD MPR and LTFP examined future Basin conditions and capabilities, water supply and demand, and identified projects to meet increased replenishment needs of the basin. With the implementation of OCWD's preferred projects, the Basin yield in the year 2025 would be up to 500,000 AF. The amount that can be produced will be a function of which projects will be implemented by OCWD and how much increased recharge capacity is created by those projects, total demands by all producers, and the resulting Basin Production Percentage ("BPP") that OCWD sets based on these factors.¹⁵ Sufficient replenishment supplies are projected by the OCWD MPR to be available to OCWD to meet the increasing demand on the Basin. These supplies include capture of increasing Santa Ana River flows, purchases of replenishment water from MWD, and development of new local supplies. In 2008, OCWD began operating its replenishment supply project, the Groundwater Replenishment System project ("GWRS"). The GWRS currently produces approximately 100,000 AFY of new replenishment supply from recycled water (OCWD GMP).

¹³ See Potable Supply - Groundwater, paragraph (iii), above. DRWF non-colored production above 28,000 AFY and colored water production above 8,000 AFY are subject to contractually-imposed assessments. In addition, seasonal production amounts apply. This also includes 914 AFY for the OPA well and 6,329 AFY for Wells 21 & 22.

¹⁴ Under-development.

¹⁵ OCWD has adopted a basin production percentage of 77% for 2018-19. In prior years OCWD has maintained a basin production percentage that is lower than the current percentage, and IRWD anticipates that such reductions may occur from time to time as a temporary measure employed by OCWD to encourage lower pumping levels as OCWD implements other measures to reduce the current accumulated overdraft in the Basin. Any such reductions are not expected to affect any of IRWD's currently available groundwater supplies listed in this assessment, which are subject to a contractually-set equivalent basin production percentage as described, or are exempt from the basin production percentage.

Production of groundwater can exceed applicable basin production percentages on a short-term basis, providing additional reliability during dry years or emergencies. Additional groundwater production is anticipated by OCWD in the Basin in dry years, as producers reduce their use of imported supplies, and the Basin is “mined” in anticipation of the eventual availability of replenishment water. (OCWD MPR, section 14.6.)

See also, Figures 1-8 hereto. IRWD assesses sufficiency of supplies on an aggregated basis, as neither groundwater nor other supply sources are allocated to particular projects or customers. Under the Irvine Subbasin Agreement, IRWD is contractually obligated to attribute the Subbasin supply only to TIC development projects for assessment purposes; however, the agreement does not allocate or assign rights in the Subbasin supply to any project.

Sustainable Groundwater Management Act. Pursuant to the Sustainable Groundwater Management Act (“SGMA”), the DWR has designated the Orange County groundwater basin, Basin 8-1, as a medium priority basin for purposes of groundwater management. The SGMA specifically calls for OCWD, which regulates the Orange County groundwater basin, to serve as the groundwater sustainability agency or “GSA”. The SGMA allows Special Act Districts created by statute, such as OCWD, to prepare and submit an alternative to a Groundwater Sustainability Plan (“GSP”) that is “functionally equivalent” to a GSP. Basin 8-1 includes the OCWD service area and several fringe areas outside of OCWD that are within the Basin 8-1 boundary. Per the requirements of SGMA, an Alternative Plan must encompass the entire groundwater basin as defined by DWR. On January 1, 2017, OCWD and the overlying agencies within Basin 8-1, including IRWD, jointly prepared and submitted an alternative plan in compliance with SGMA (Basin 8-1 Alternative).

5. ☐ This Water Supply Assessment is being completed for a project included in a prior water supply assessment. Check all of the following that apply:

- ☐ Changes in the Project have substantially increased water demand.
- ☐ Changes in circumstances or conditions have substantially affected IRWD's ability to provide a sufficient water supply for the Project.
- ☐ Significant new information has become available which was not known and could not have been known at the date of the prior Water Supply Assessment.

6. References

Water Resources Master Plan, Irvine Ranch Water District, Updated 2017

Section 15 of the Rules and Regulations – Water Conservation and Water Supply Shortage Program, Irvine Ranch Water District, February 2009

Water Shortage Contingency Plan, Irvine Ranch Water District, May 2018

2015 Urban Water Management Plan, Irvine Ranch Water District, June, 2016

Southern California's Integrated Water Resources Plan, Metropolitan Water District of Southern California, March 1996

Proposed Framework for Metropolitan Water District's Delta Action Plan, Metropolitan Water District of Southern California, May 8, 2007

2007 IRP Implementation Report, Metropolitan Water District of Southern California, October 7, 2007

Board Letter, Action plan for updating the Integrated Resources Plan, Metropolitan Water District of Southern California, December 11, 2007

2010 Integrated Resources Plan Update, Metropolitan Water District of Southern California, October 2010

2015 Integrated Resources Plan Update, Metropolitan Water District of Southern California, January 2016

2015 Urban Water Management Plan, Metropolitan Water District of Southern California, June 2016

2015 Urban Water Management Plan, Municipal Water District of Orange County, May 2016

Climate Action Plan Phase 2: Climate Change Analysis Guidance, California Department of Water Resources, September 2018

Master Plan Report, Orange County Water District, April 1999

Groundwater Management Plan 2015 Update, Orange County Water District, June 2015

Final Draft Long-Term Facilities Plan, Orange County Water District, January 2006

Long-Term Facilities Plan 2014 Update, Orange County Water District, November 2014

2017-2018 Engineer's Report on Groundwater Conditions, Water Supply and Basin Utilization in the Orange County Water District, Orange County Water District, February 2019

Basin 8-1 Alternative, Orange County Water District, January 2017

Exhibit A

Depiction of Project Area

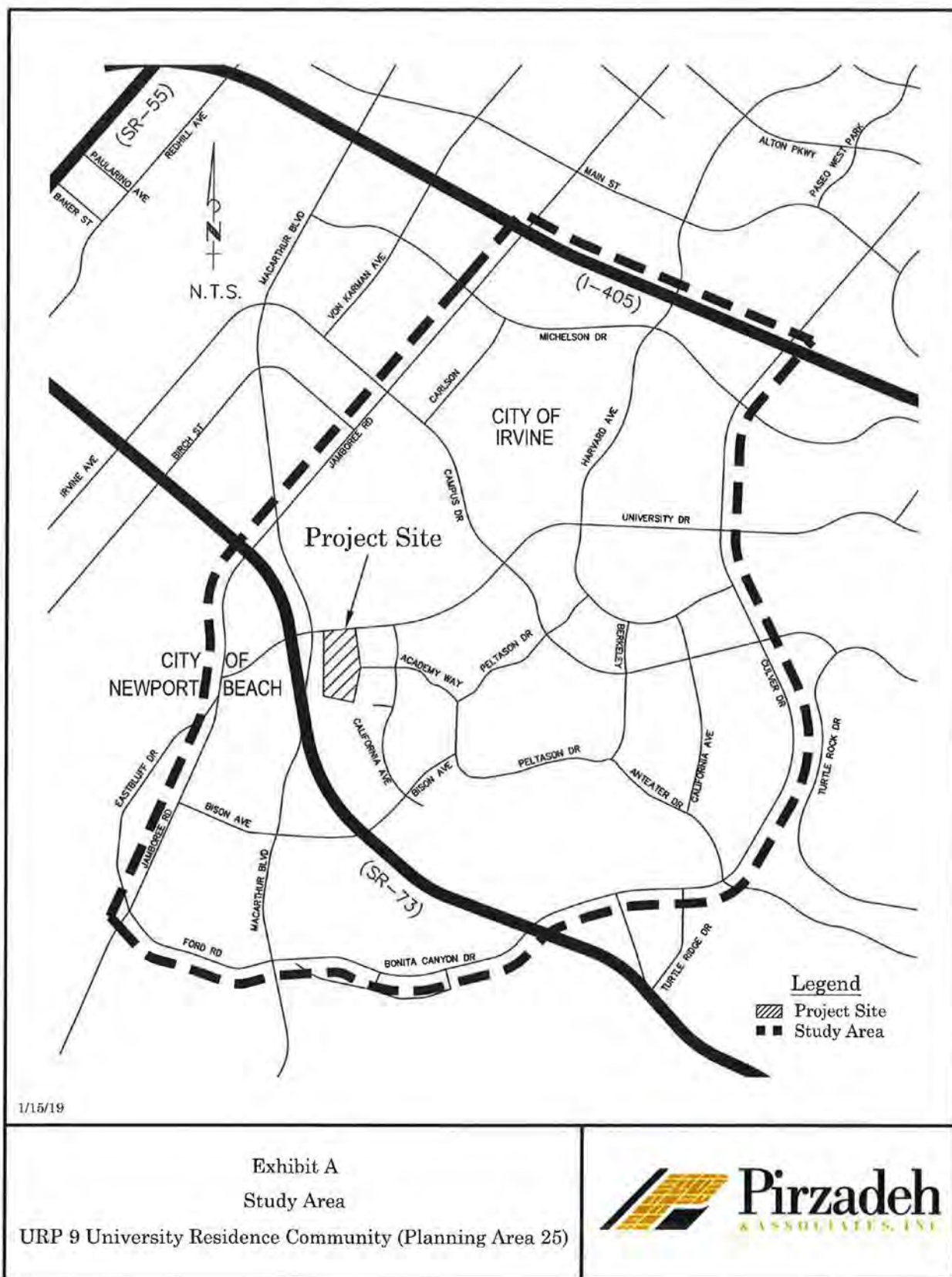


Exhibit B

Uses Included in Project

February 28, 2019

Irvine Ranch Water District
15600 Sand Canyon Avenue
P.O. Box 57000
Irvine, CA 92619-7000

Re: Request for Water Supply Availability Assessment (Water Code §10910 *et seq.*)

The City of Irvine hereby requests an assessment of water supply availability for the below-described project. The [[City]] has determined that the project is a "project" as defined in Water Code §10912, and has determined that an environmental impact report is required for the project.

Proposed Project Information

Project Title: University Research Park 9 (URP9)

Location of project: 120 Academy Way Irvine, CA 92617 (APN 45524109)

- ☐ (For projects requiring a new assessment under Water Code §10910 (h).) Previous Water Supply Assessment including this project was prepared on: _____. This application requests a new Water Supply Assessment, due to the following (check all that apply):
- ☒ Changes in the project have substantially increased water demand
- ☐ Changes in circumstances or conditions have substantially affected IRWD's ability to provide a sufficient water supply for the project
- ☐ Significant new information has become available which was not known and could not have been known at the date of the prior Water Supply Assessment
- (Enclose maps and exhibits of the project)

Type of Development:

- ☐ Residential: No. of dwelling units: _____
- ☐ Shopping center or business: No. of employees _____ Sq. ft. of floor space _____
- ☐ Commercial office: No. of employees _____ Sq. ft. of floor space _____
- ☐ Hotel or motel: No. of rooms _____
- ☐ Industrial, manufacturing, processing or industrial park: No. of employees _____
No. of acres _____ Sq. ft. of floor space _____
- ☐ Mixed use (check and complete all above that apply)
- ☒ Other: Student Housing – 2800 beds

Total acreage of project: 26.28 gross acres

Acreage devoted to landscape:

Greenbelt N/A golf course N/A parks N/A
Agriculture N/A other landscaped areas 8.5 acres

Number of schools N/A Number of public facilities N/A

Other factors or uses that would affect the quantity of water needed, such as peak flow requirements or potential uses to be added to the project to reduce or mitigate environmental impacts:
None

What is the current land use of the area subject to a land use change under the project?
Commercial.

Is the project included in the existing General Plan? Yes. If no, describe the existing General Plan Designation _____

The City acknowledges that IRWD's assessment will be based on the information hereby provided to IRWD concerning the project. If it is necessary for corrected or additional information to be submitted to enable IRWD to complete the assessment, the request will be considered incomplete until IRWD's receipt of the corrected or additional information. If the project, circumstances or conditions change or new information becomes available after the issuance of a Water Supply Assessment, the Water Supply Assessment may no longer be valid. The City will request a new Water Supply Assessment if it determines that one is required.

The City acknowledges that the Water Supply Assessment shall not constitute a "will-serve" or in any way entitle the project applicant to service or to any right, priority or allocation in any supply, capacity or facility, and that the issuance of the Water Supply Assessment shall not affect IRWD's obligation to provide service to its existing customers or any potential future customers including the project applicant. In order to receive service, the project applicant shall be required to file a completed Application(s) for Service and Agreement with the Irvine Ranch Water District on IRWD's forms, together with all fees and charges, plans and specifications, bonds and conveyance of necessary easements, and meet all other requirement as specified therein.

CITY OF IRVINE

By: Ann Wu, Senior Planner (awuu@cityofirvine.org)

REQUEST RECEIVED:

Date: March 4, 2019
By: Kellie Welch
Irvine Ranch Water District

REQUEST COMPLETE:

Date: March 6, 2019
By: Kellie Welch
Irvine Ranch Water District

June 5, 2019

Prepared by: N. Hastings / A. McNulty

Submitted by: F. Sanchez / P. Weghorst

Approved by: Paul A. Cook



WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

WATER EFFICIENCY TACTICAL INCENTIVES FUNDING AUTHORIZATION

SUMMARY:

IRWD's Water Use Efficiency Program includes a "Tactical Incentives" element to encourage customers to install water conservation devices that are cost-effective to the District. In 2015, IRWD executed a multi-year Water Conservation Participation Agreement with the Municipal Water District of Orange County (MWDOC) to administer IRWD's incentives for regional rebate programs. The Fiscal Year (FY) 2019-20 Operating Budget includes funding for IRWD's tactical incentives programs. Staff recommends that the Board:

- Authorize the General Manager to allocate \$450,000 in funding to FY 2019-20 rebate programs administered through the Water Conservation Participation Agreement with MWDOC, and
- Execute addendums to the agreement as may be necessary to reallocate the funds among the individual rebate programs and modify incentive levels based on customer participation rates and changes in regional program funding levels.

BACKGROUND:

Tactical Incentives are one of the key elements of IRWD's Water Use Efficiency Program. The financial incentives provided by IRWD are used to supplement existing regional rebate programs that are administered by Metropolitan Water District of Southern California or MWDOC. The IRWD incentives are provided taking into consideration costs that are avoided by IRWD as a result of the installation and use of the various water conservation devices.

In July 2015, the Board approved a 10-year Water Conservation Participation Agreement with MWDOC that is provided as Exhibit "A". Each fiscal year, addendums to the agreement are executed to allocate funding and to specify device rebate funding levels for the Residential, Commercial, Water Savings Incentive, Turf Removal and Spray to Drip programs.

Device Funding Levels:

Proposed funding levels per device for FY 2019-20 have been revised from FY 2018-19 to reflect the elimination of indoor device incentives. The proposed allocation of the IRWD tactical incentives funding and the specific device funding levels for FY 2019-20 are shown in Exhibit "B". The allocation is based on prior customer participation rates and regional funding levels.

Total incentives program funding in the amount of \$450,000 is included in the FY 2019-20 Operating Budget. Authorization from the Board of Directors is needed to allocate funds to the Water Conservation Participation Agreement with MWDOC, which is necessary to continue providing program incentives through FY 2019-20.

FISCAL IMPACTS:

Funding from over-allocation revenues for tactical incentives in the amount of \$450,000 is included in the adopted FY 2019-20 Operating Budget.

ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15378.

RECOMMENDATION:

That the Board authorize the General Manager to allocate \$450,000 in funding to the FY 2019-20 rebate programs administered through the Water Conservation Participation Agreement Between MWDOC and IRWD; and to execute addendums to the agreement as may be necessary to allocate funds to specific programs and modify device incentive levels based on customer participation rates and regional program funding levels.

LIST OF EXHIBITS:

Exhibit “A” – Water Conservation Participation Agreement with MWDOC
Exhibit “B” – Device Funding Levels FY 2019-20

EXHIBIT "A"

Water Conservation Participation Agreement between the Municipal Water District of Orange County and Irvine Ranch Water District

This Water Conservation Participation Agreement ("Agreement") is made between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("Participant Agency"). MWDOC and Participant Agency may be collectively referred to as "Parties" and individually as "Party."

Recitals

- A. The Metropolitan Water District of Southern California ("Metropolitan") provides incentive funding to residential, commercial, and industrial water users in its service area for a variety of water conservation activities, including, but not limited to, rebates for the purchase and installation of water-saving devices ("Metropolitan Base Incentives").
- B. MWDOC is a member agency of Metropolitan and has agreements with Metropolitan that enable residential, commercial, and industrial water users in MWDOC's service area, and for the benefit of MWDOC's member agencies, to participate in and take advantage of Metropolitan's Base Incentives.
- C. Participant Agency, as a MWDOC member agency or a direct Metropolitan member agency, may elect to participate in Metropolitan's program to replace non-conserving items within its service area.
- D. The Metropolitan Base Incentives amounts for each eligible device or program available to MWDOC and Metropolitan member agencies are listed in the attached Addendums 1A and 1B. It is expected that Metropolitan will establish funding for additional water conservation items and to change some or all of the existing funding rates throughout the term of this Agreement. Any such changes will be incorporated herein by amendment to Addendums 1A and 1B.
- E. Metropolitan and MWDOC each have fiscal responsibility to manage their individual budgets, and hence may have a need to limit availability of funds.
- F. MWDOC and Metropolitan member agencies may also choose to provide additional supplemental funding of their own to augment the Metropolitan Base Incentives. Based on the terms and conditions of this Agreement, MWDOC will facilitate supplemental funding for Participant Agency through the Metropolitan rebate contractor ("Rebate Contractor") or MWDOC directly. Metropolitan member agencies will coordinate any supplemental funding directly with Metropolitan.
- G. In addition to the Metropolitan Base Incentives, MWDOC has developed and arranged additional local, state, and federal grant funding ("Grant Funding") for eligible devices in a number of water conservation programs ("MWDOC Administered Programs") that MWDOC offers to Participant Agency and Metropolitan member agencies. This grant funding may be used to enhance the Metropolitan Base Incentives. Granting agencies

include, but are not limited to, the Department of Water Resources and the United States Bureau of Reclamation.

- H. Participant Agency may also operate customized, local water conservation incentive programs in their respective service areas ("Participant Agency Administered Programs) and may have access to the Metropolitan Base Incentives and Grant Funding for such, subject to MWDOC and Metropolitan approval and the terms and conditions of this Agreement and any MWDOC and/or Metropolitan agreements.
- I. The purpose of this Agreement is to create a master water conservation participation agreement between MWDOC and Participant Agency that combines all of the conservation programs and incentives ("Programs") into one agreement. Addendums to this Agreement will be issued for changes involving Metropolitan approved items, MWDOC Board approved items, Grant Funding, adding and subtracting MWDOC Administered Programs and Participant Agency Administered Programs as identified in Section 2, and changes to incentive programs, including funding and incentive levels.

NOW THEREFORE, in consideration of the promises and covenants hereinafter set forth, the Parties do agree as follows:

Section 1: Agreement Term and Administration

- 1.1 This Agreement will be effective on July 1, 2015 or upon execution of this Agreement by all Parties, whichever is later, and shall terminate on June 30, 2025 ("Term"). Continuance of this Agreement will be subject to annual budget approval by MWDOC's Board of Directors.
- 1.2 This Agreement may be amended at any time by written mutual agreement of the Parties, or by Addendums issued by MWDOC as set forth in Recital I.
- 1.3 This Agreement may be terminated by either Party for any reason upon thirty (30) days written notice to the other Party.
- 1.4 All Addendums are enforced for the duration of this Agreement unless the Addendums are amended or terminated by either Party.
- 1.5 In the event the Agreement is terminated early, Participant Agency is responsible for payment of any funding contributions required by this Agreement that that were initiated prior to the effective date of the termination. For purposes of this Agreement, an application is deemed initiated when an application has been received by Metropolitan's rebate vendor, EGIA, by MWDOC, or a reservation has been made within any of MWDOC's online application portals that is pursuant to any of the programs described within this Agreement and the attached Addendums.
- 1.6 Notwithstanding any other provision in this Agreement, funds for all of the programs described within this Agreement and the attached Addendums are conditioned upon the

availability of funds and MWDOC is under no obligation to provide funding for any of the programs if MWDOC determines, in its own discretion, that such funding is exhausted, reduced, eliminated, or unavailable from any funding source, for any reason.

Section 2: Program Funding

2.1 Supplemental Funding

2.1.1 In addition to the Metropolitan Base Incentives, Participant Agency may provide additional funding to augment the Metropolitan Base Incentives amounts for those programs and devices that Participant Agency identifies, and in the amounts indicated, in the appropriate locations in Addendums 2A, 2B, and 2C (“Supplemental Funding”). The Supplemental Funding listed in Addendums 2A through 2C shall specify the amount of Supplemental Funding Participant Agency will provide per device or program, as well as the total maximum Supplemental Funding amount committed to each category of device or program. If the Participant Agency does not complete, sign, and return Addendums 2A through 2C to MWDOC, notwithstanding any other provision of this Agreement, the Participant Agency will not be bound by this Section or the provisions in Addendums 2A through 2C. In general, Supplemental Funding Addendums submitted by the 15th of a month will become effective the first of the following month.

2.1.2 If Participant Agency elects to provide Supplemental Funding or enhanced incentives under this Agreement for any device or program, Participant Agency is responsible for tracking the use of and the remaining availability of those funds. MWDOC will assist, in every way possible, but the ultimate responsibility for tracking all Participant Agency funding is the responsibility of Participant Agency. Participant Agency will ultimately be responsible for any overuse of Participant Agency Supplemental Funding.

2.1.3 Any requests for changes or revisions to Participant Agency’s Supplemental Funding, including funding transfers between Programs, must be submitted by Participant Agency to MWDOC in the form of revised Addendum 2s listing the new funding amounts/limits.

2.1.4 The Participant Agency may elect to participate in the Supplemental Funding Program and be bound by the provisions of this Section 2.1, Sections 3, 5, 6, 7, and 8 of this Agreement, and Addendum 2A through 2C by having its authorized representative complete and sign Addendum 2A through 2C in the spaces provided.

2.2 MWDOC Administered Programs

2.2.2 Participant Agency may elect to take advantage of the MWDOC Administered Programs by having its authorized representative complete and sign Addendums 3A through 3C in the spaces provided. If Participant Agency completes and signs Addendums 3A through 3C, Participant Agency agrees to be bound by the provisions of this Section 2.2, Sections 3, 5, 6, 7, and 8 of this Agreement, and Addendums 3A through

3C. If the Participant Agency does not complete, sign, and return Addendums 3A through 3C, notwithstanding any other provision of this Agreement, the Participant Agency will not be bound by this Section or the provisions in Addendums 3A through 3C.

2.3 Participant Agency Administered Programs

2.3.1 From time to time, funding may be made available for Participant Agency to operate a customized member agency administered local water conservation incentive program or programs (“Participant Agency Administered” “PA” or “MAA Program”) in its service area and access the Metropolitan Base Incentives for such, subject to MWDOC approval of the program and the terms and conditions of this Agreement and Addendum 4. The Participant Agency Administered Program(s) and requirements in connection with it are described in more detail in Addendum 4.

2.3.2 Upon receipt of approval of a Participant Agency Administered Program by MWDOC, Participant Agency is bound by the provisions of Sections 3, 5, 6, 7, and 8 of this Agreement and Addendum 4.

2.4 Exhaustion of Funding

2.4.1 In the event Participant Agency provided funding for any Program or device is exhausted, and Participant Agency does not elect to add additional funding or transfer available funding from another Program or device, MWDOC will discontinue offering the additional rebate funding for that Program or device in Participant Agency’s service area. Notwithstanding any other provision in this Agreement, MWDOC may terminate this Agreement as it relates to Section 2 at any time without prior notice in the event that MWDOC determines that funding for any device or program on Addendums 2 through 4 or MWDOC Grant Funding is exhausted, reduced, eliminated, or unavailable from any funding source, for any reason.

Section 3: Participant Agency Responsibility and Ownership

- 3.1 Participant Agency, at its sole discretion, may independently contract with its own agents under separate agreements for program administration and management for any Participant Agency Administered Program provided that doing so does not compromise program performance, create or present a conflict of interest, or violate the terms of this Agreement.
- 3.2 Participant Agency and/or its agent shall provide all necessary services and materials for such Participant Agency Administered Programs including, but not limited to the following: program administration, promotion, marketing materials, data collection, and analysis, installation verification, and reporting.
- 3.3 All materials and supplies necessary to implement a Participant Agency Administered Program shall be the exclusive property of Participant Agency. MWDOC shall have no

ownership, right, title, security interest, or other interest in any Participant Agency Administered Program materials or supplies, nor any rights duties, or responsibilities, therefor.

- 3.4 Participant Agency is responsible for assuring that any Participant Agency Administered Program complies with all federal, state, and local requirements.
- 3.5 Participant Agency agrees to cooperate with MWDOC's data management activities related to assessing device saturation and program success.
- 3.6 As part of any Participant Agency Administered Program, Participant Agency shall use, maintain, and submit to MWDOC within the designated timeframe an electronic database, to be approved by MWDOC prior to use, for any conservation items installed, distributed, or rebated by Participant Agency or its agents to avoid duplicate distributions and to determine the saturation rate of items by the appropriate geographic delineation.
- 3.7 Participant Agency is solely responsible for the performance of its staff or representatives in complying with the terms of this Agreement and for the proper allocation and appropriate use of funds provided by Metropolitan and/or MWDOC for the purpose of achieving water conservation savings under this Agreement.

Section 4: MWDOC's Obligations

- 4.1 MWDOC will be response to Participant Agency for ensuring that timely reports on the Programs' results are prepared by MWDOC's staff.
- 4.2 MWDOC will develop a database of information regarding participation in the Programs and provide monthly electronic and/or written reports of activity to Participant Agency.
- 4.3 MWDOC will invoice Participant Agency for any Participant Agency funding obligations on a monthly basis for rebates issued in the previous month.
- 4.4 MWDOC does not guarantee any minimum number of rebates will be available for Participant Agency's service area.

Section 5 Marketing.

- 5.1 Participant Agency agrees to assist in the marketing of programs it participates in under this Agreement. With regard to Participant Agency Administered Programs, Participant Agency will be solely responsible for marketing its Participant Agency Administered Program to customers in its service area.

Section 6: Installation Verification

- 6.1 Participant Agency shall be responsible for conducting installation verifications of items installed, distributed, and/or rebated by Participant Agency under Participant Agency

Administered Programs, and/or for paying all costs associated with this verification. Installation verification measures for program devices must be designed to ensure that materials, installation verifications of eligible program devices, and services meet requirements established by Metropolitan, which requirements will be provided to Participant Agency by MWDOC.

- 6.2 Participant Agency may be responsible for conducting installation verifications of items installed, distributed, and/or rebated by Participant Agency or MWDOC under MWDOC Administered Programs, and/or for paying all costs associated with this verification. Installation verification measures for program devices must be designed to ensure that materials, installation verifications of eligible program devices, and services meet requirements established by Metropolitan, which requirements will be provided to Participant Agency by MWDOC.
- 6.3 MWDOC reserves the right to conduct installation verification of items within Participant Agency's service area.
- 6.4 Participant Agency acknowledges that any device receiving funding from Metropolitan may be subject to an installation verification to be performed by Metropolitan, or its agent(s), at Metropolitan's discretion.
- 6.5 Participant Agency shall promptly refund to MWDOC any amounts paid under any Participant Agency Administered Program or MWDOC Administered Program for installed or distributed devices in the event MWDOC or Metropolitan establishes via installation verification that the program devices were not installed.

Section 7: Reporting and Invoicing

- 7.1 For any and all Supplemental Funding provided by Participant Agency and/or Participant Agency provided funding or inspection costs under the MWDOC Administered Programs pursuant to Section 2 of this Agreement, and as more particularly described in Addendums 2 and 3, MWDOC will invoice Participant Agency on a monthly basis for the cost of such funding, and Participant Agency must pay the full amount of such invoice within thirty (30) days of receipt of any such invoice.
- 7.2 For any and all Participant Agency Administered Program(s), Participant Agency will invoice MWDOC on a monthly basis, by the 10th of each month, for any approved funding and costs associated with the Participant Agency Administered Program(s) as indicated in and subject to the provisions of Addendum 4. MWDOC is under no responsibility to reimburse Participant Agency for any costs incurred by Participant Agency that are not approved by MWDOC consistent with the terms and conditions of this Agreement and Addendum 4. The invoice package shall include a fully completed, to the satisfaction of MWDOC, Excel customer/applicant spreadsheet showing program activity, and an invoice, signed by the General Manager or designee of Participant Agency, certifying the information provided as accurate. Participant Agency shall use the Excel customer/applicant spreadsheet and Invoice forms approved by MWDOC.

- 7.3 Participant Agency shall maintain all Participant Agency Administered Program information, including Participant Agency applications, water bills, and purchase receipts, for a period of seven years from the end date of this Agreement.
- 7.4 Payment of Participant Agency invoices shall be in the form of either a credit on MWDOC's water bill to Participant Agency or a check made payable to Participant Agency. Method of payment shall be at MWDOC's discretion.

Section 8: Confidentiality

- 8.1 MWDOC agrees to maintain the confidentiality of Participant Agency's customer names, addresses, and other information gathered in connection with this Agreement. MWDOC will not cause or permit the disclosure of such information except as necessary to carry out any of the MWDOC Administered or Participant Agency Administered Programs, or as required by law. To the extent that MWDOC contracts with third party contractors to carry out all or any portion of any of the Programs, MWDOC will require such contractors to maintain the confidentiality of such customer information.
- 8.2 Notwithstanding anything to the contrary in this Agreement, Participant Agency acknowledges and agrees that MWDOC may request and use historical water consumption data for purposes of satisfying any grant water use and water quality evaluation requirements of any of the Programs. Participant Agency also acknowledges and agrees that MWDOC may also request to use Program applicant information, such as name, mailing address, site photos, and email address to market other water use efficiency programs to past applicants. A similar provision will be required of every individual applicant.

Section 9. Indemnification.

- 9.1 The parties agree that each Party shall be responsible for its own actions, and the actions of its officers, employees, and agents, in performing services under this Agreement. Except as provided in this Agreement and its Addendums, each Party agrees to indemnify and hold the other Party and its officers and agents harmless and agrees to defend the other Party against any claim or asserted liability arising out of its actions, either willful or negligent, or the actions of its officers, employees, and agents, in performing services pursuant to this Agreement. Such indemnity will include any losses relating to any claim made, whether or not a court action is filed, and will include attorney fees and administrative and overhead costs related to or arising out of such claim or asserted liability.
- 9.2 Participant Agency shall include the following language in its agreement with any consultant or contractor retained by Participant Agency to work on any of the Program" "(Consultant) agrees at is sole cost and expense to protect, indemnify, defend, and hold harmless Metropolitan, MWDOC, and their associated Boards of Directors, officers, representatives, agents and employees from and against any and all claims and liability

of any kind (including, but not limited to, any claims or liability for injury or death to any person, damage to property, natural resources or to the environment, or water quality problems) that arise out of or related to Participant Agency's approval, construction, operation, repair, or ownership of any Program. Such indemnity shall include all damages and losses related to any claim made, whether or not a court action is filed, and shall include attorneys' fees, administrative and overhead costs, engineering and consulting fees, and all other costs related to our arising out of such claim or asserted liability."

Section 10. Certification re Lobbying (43 CFR 18)

- 10.1 The undersigned hereby certifies on behalf of Participant Agency that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Participant Agency, to any person for influencing or attempting to influence an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with a Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions. To the extent federal funds are involved, the Participant Agency shall require that the language of this certification be included in the awards documents for any sub-awards by the Participant Agency at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that sub-recipients, if any, shall certify accordingly.

Section 11. Other Terms

- 11.1 Any alteration or variation of the terms of this Agreement will not be valid unless made in writing and signed by both Parties.
- 11.2 This Agreement will inure to the benefit of and be binding upon the Parties and their respective successors.
- 11.3 The partial or total invalidity of one or more parts of this Agreement will not affect the intent or validity of this Agreement.
- 11.4 This agreement shall be deemed a contract made under the laws of the State of California, and for all purposes will be interpreted in accordance with such laws. The Parties hereby agree and consent to the exclusive jurisdiction of the courts of the State of California, and that the venue of any action brought hereunder will be in Orange County, California.

///
///

11.5 This Agreement constitutes the entire agreement between the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY

IRVINE RANCH WATER DISTRICT

By:



Robert J. Hunter
General Manager

Date:

7-14-15

By:



Paul Cook
General Manager

Date:

7-9-15

Approved as to Form:

Bowie, Arneson, Wiles & Giannone



Joan C. Arneson
Legal Counsel

Date:

6/25/15

FIRST AMENDMENT TO WATER CONSERVATION PARTICIPATION AGREEMENT

This First Amendment to Water Conservation Participation Agreement ("First Amendment") is effective on July 1, 2016 ("Effective Date"), by and between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("Participant Agency") MWDOC and Participant Agency may be collectively referred to as "Parties" and individually as "Party."

RECITALS

- A. MWDOC and Participating Agency entered into a Water Conservation Participation Agreement regarding the Participating Agency's participation in certain water conservation programs ("Agreement").
- B. The Parties now desire to amend the Agreement to make certain changes to provisions regarding verification of the installation of items and devices installed as part of certain water conservation incentive programs.

TERMS

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Agreement as follows:

1. Amendment. Section J is added to the Recitals to read as follows:

"J. The purpose of this Agreement is also to acknowledge that Participating Agency is participating in MWDOC's Choice Water Use Efficiency Program ("WUE Program") and in doing so is agreeing to pay for its proportionate share of MWDOC's administrative and direct program costs of the WUE Program."
2. Amendment. Section 1.7 is added to the Agreement to read as follows:

"1.7 Participating Agency understands that by entering into this Agreement it is participating in MWDOC's Choice Water Use Efficiency Program ("WUE Program") and agrees to pay MWDOC for its proportionate share of MWDOC's costs for administering the WUE Program based on Participating Agency's level of participation in the WUE Program. MWDOC will annually invoice Participating Agency."

3. Amendment. Section 6 is amended in its entirety to read as follows:

“Section 6: Installation Verification/Inspection

- 6.1 Participant Agency shall be responsible for conducting installation verifications/inspections of items and devices installed, distributed, and/or rebated by Participant Agency under Participant Agency Administered Programs to ensure compliance with program requirements, and/or for paying all costs associated with this verification/inspection. Installation verification/inspection measures must be designed to ensure that materials, installation verifications/inspections of eligible program items and devices, and services meet requirements established by Metropolitan and MWDOC, which requirements will be provided to Participant Agency by MWDOC as Attachment A.
- 6.2 Participant Agency shall be responsible for conducting installation verifications/inspections of items or devices installed, distributed, and/or rebated by Participant Agency or MWDOC under MWDOC Administered Programs to ensure compliance with program requirements, and/or for paying all costs associated with this verification/inspection. Installation verification/inspection measures for program items and devices must be designed to ensure that materials, installation verifications/inspections of eligible program items and devices, and services meet requirements established by Metropolitan and MWDOC, which requirements will be provided to Participant Agency by MWDOC as Attachment A.
- 6.3 Participant Agency may elect to (1) conduct its own installation verifications/inspections by either utilizing its in-house staff or contracting with a third party vendor of its choice; or (2) utilize MWDOC’s installation verification/inspection contractor to conduct the installation verification/inspections. If Participant Agency elects to utilize MWDOC’s verification/inspection vendor, Participant Agency may elect to contract directly with MWDOC’s verification/inspection vendor. If Participant Agency elects not to enter into such contract, MWDOC, in MWDOC’s sole discretion, may require that Participant Agency contract directly with MWDOC’s verification/inspection vendor.
- 6.3.1 Notwithstanding any other provision in this Agreement, Participant Agency understands and agrees that if Participant Agency utilizes MWDOC’s verification/inspection vendor, Participant Agency must still comply with all of the requirements of this Agreement, including the refund requirements in Section 6.6, and MWDOC is in no way liable or responsible for the acts or omissions of such vendor and makes no

representations or warranties regarding the quality of such vendor's work. Participant's sole recourse as to any action, claims or damages arising out of the acts or omissions of MWDOC's verification/inspection vendor is with the vendor and not with MWDOC.

- 6.4 MWDOC reserves the right to conduct installation verification/inspection of items and devices within Participant Agency's service area.
- 6.5 Participant Agency acknowledges that any item or device receiving funding from Metropolitan may be subject to an installation verification/inspection to be performed by Metropolitan, or its agent(s), at Metropolitan's discretion.
- 6.6 Participant Agency shall promptly refund to MWDOC any amounts paid under any Participant Agency Administered Program or MWDOC Administered Program for installed or distributed items or devices, including any grant funds, in the event MWDOC or Metropolitan establishes via installation verification/inspection and/or audit that the program items or devices were not installed in compliance with the requirements established by Metropolitan and MWDOC pursuant to this Agreement. If such a refund is not provided to MWDOC within thirty (30) days of request, the requested amount may be debited by MWDOC on Participating Agency's next water service invoice.
- 6.7 "Items" and "devices" includes, but is not limited to, plumbing fixtures, irrigation devices, turf (removal and replacement), and any other items, devices or materials that are installed in connection with a program covered by this Agreement.

4. Authority to enter into First Amendment. Each Party represents to the other that the person executing this First Amendment has the requisite power and authority to execute the First Amendment and to bind each respective Party.

5. Continuing Effect of Agreement. Except as amended by this First Amendment, all other provisions of the Agreement remain in full force and effect. From and after the date of this First Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this First Amendment.

6. Execution in Counterparts. This First Amendment may be executed in duplicate counterparts, each of which shall be deemed an original.

MWDOC and Participating Agency have each caused this First Amendment to be executed by its duly authorized representative as of the date set forth below the authorized signature.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment.

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY

By: _____
Robert Hunter
General Manager


Date: _____

Approved as to Form:

Joseph Byrne
General Counsel

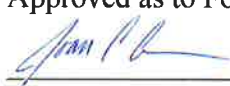
Date: _____

PARTICIPANT AGENCY

By: 
Name Paul Cook
Title General Manager

Date: 18 OCTOBER 2016

Approved as to Form:



Joan C. Arneson
General Counsel

Date: September 8, 2016

EXHIBIT "B"

Rebate Program Funding Allocation FY 2019-20

Program	Maximum Funding	Devices	IRWD Rebate Funding Level per Device
SoCal Water\$mart Residential Program	\$ 60,000.00	Residential Smart Timer	Up to \$75
		Rotating Nozzle	\$2 per nozzle

Program	Maximum Funding	Devices	IRWD Rebate Funding Level per Device
SoCal Water\$mart Commercial Program	\$ 40,000.00	Connectionless Food Steamer	\$485 per compartment
		Commercial Ice Making Machine (Tier III)	\$250
		Cooling Tower Conductivity Controller	\$700
		Cooling Tower pH Controller	\$400
		Rotating Nozzle	\$2 per nozzle
Water Savings Incentive Program	\$ 50,000.00	Performance Based	\$3 per 1,000 gallons/one year
Turf Removal Program	\$ 225,000.00	Turf Removal	Not to exceed \$2/SF
Spray to Drip Program	\$ 75,000.00	Spray to Drip Conversion	Not to exceed \$0.20/SF
Total Funding for all Rebate Programs	\$ 450,000.00		

June 5, 2019

Prepared by: M. Tettemer

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

CONSULTANT SELECTION FOR RECYCLED WATER USE SITE INSPECTION, TESTING, TRAINING, AND MAPPING

SUMMARY:

State regulatory agencies require IRWD to periodically conduct recycled water use site inspections, cross connection tests and Site Supervisor training. Since 2012, IRWD has used consulting services to augment staff's ability to conduct the work. To continue with this practice, staff solicited proposals from four firms to conduct inspections, testing work, training and some mapping over the next two years. Two firms responded with proposals. Staff has interviewed and negotiated with both firms and recommends that the Board authorize the General Manager to execute Professional Service Agreements with Real Water Consultants and Aegis Engineering Management, each in an amount not to exceed \$447,500, to provide on-call recycled water use site inspection, testing, training, and mapping services for a two-year period.

BACKGROUND:

IRWD is required by the Santa Ana Regional Water Quality Control Board to conduct periodic site inspections at all recycled water use sites. Inspections and tests are performed to ensure compliance with regulatory requirements and best management practices. IRWD is also required to conduct periodic cross connection tests at many recycled water use sites based on an arrangement with the State Water Resources Control Board's Division of Drinking Water. The recycled water use site supervisors are also required be trained on their roles and responsibilities.

IRWD has been utilizing consultants to augment staff's work on inspection, testing, and training functions since 2012. Staff anticipates utilizing consultants until development slows down, at which point this work will transition to staff only. Anticipating the need to continue using consulting services over the next two years, staff issued a Request for Proposal (RFP) to four firms to conduct field inspections, cross-connection testing, training and some mapping work on an on-call basis. The following is an overview of the scope of work included in the RFP as well as an overview of the consultant selection process.

Consultant Scope of Work:

Recycled Water Use Site Inspection and Testing:

The scope of work requires the consultants to assist IRWD with the inspection and testing of approximately 6,100 recycled water use sites that vary in size and complexity. Some sites are smaller irrigation sites such as medians and parkways that only use recycled water, while others are larger, more complex irrigation sites such as golf courses and homeowners associations that also have potable water at their sites. IRWD also serves recycled water to approximately 660 single-family lots, more than 110 dual-plumbed commercial buildings (for cooling towers and flushing toilets), and several industrial customers. Currently, staff performs the inspections and

tests at these sites. The type of recycled water use site determines the regulatory requirements for the visual inspections and periodic cross-connection tests to be performed by the consultants. The inspections that the consultants will perform are to confirm that systems are properly identified, recycled water uses are allowed, and that there is a Site Supervisor at the site. The cross connection tests are to confirm that the recycled water systems are not connected to a potable water system. Of the nearly 6,100 IRWD recycled water use sites, approximately 880 sites are homeowners associations that are currently required to have inspections and cross-connection tests conducted annually.

Site Supervisor Training:

Each recycled water site is required to have a Site Supervisor. Each supervisor is responsible for the operations and maintenance of the on-site system, in order to ensure the safe and proper use of recycled water and to keep up-to-date plans of the system. The scope of work requires that the consultants educate the supervisors about what recycled water is and how it can be used. The training also educates supervisors about their roles and responsibilities.

Recycled Water Use Site Mapping:

In anticipation of the state's need to establish outdoor water budgets for IRWD and all other retail water providers throughout the state, staff has been working on a "Meter to Parcel" data collection project to map the irrigated areas associated with each dedicated irrigation meter. To help facilitate the data collection effort, the scope of work requires the consultants to gather field information associated with each recycled water site that is inspected and tested and to prepare a field map similar to that depicted in Exhibit "A".

Consultant Selection Process:

Staff distributed the RFP seeking the qualifications, experience, and costs to conduct inspections, tests, Site Supervisor training and field mapping work at 13 recycled water use sites in IRWD's service area. The RFP was sent to the following four firms:

- Aegis Engineering Management;
- Arroyo Irrigation Consulting;
- John Robinson Consulting; and
- Real Water Consultants.

Staff received emails from Arroyo Irrigation Consulting and John Robinson Consulting stating that they would not be submitting proposals for the work. Staff evaluated the proposals received from Aegis and Real Water and interviewed each firm. Attached as Exhibit "B" is the Consultant Selection Matrix prepared as a result of these efforts.

Over the past two years, IRWD has retained Aegis and Real Water to augment staff's efforts in performing recycled water use site inspections and tests. Staff has been satisfied with the performance of both Aegis and Real Water and recommends retaining the services of both

qualified firms to conduct site inspection, testing, training and mapping over the next two years. Equal costs were negotiated with both firms that are presented in the scope of work and Cost Proposal, which is attached as Exhibit “C”. Staff recommends that the Board authorize the General Manager to execute Professional Services Agreements with each firm for a not-to-exceed amount of \$447,500 over the next two years.

FISCAL IMPACTS:

Sufficient funds exist in the approved District operating budgets for FY 2019-20 and FY 2020-21 to support the efforts of both Aegis and Real Water to conduct recycled water use site inspection, testing, training and mapping work.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board authorize the General Manager to execute Professional Service Agreements with Aegis Engineering Management and Real Water Consultants, each in an amount not to exceed \$447,500, to provide on-call recycled water use site inspection, testing, Site Supervisor training, and site mapping for a two-year period.

LIST OF EXHIBITS:

Exhibit “A” – Sample Meter and Irrigated Area Field Map
Exhibit “B” – Consultant Selection Matrix
Exhibit “C” – Scope of Work and Cost Proposal

Exhibit “A”

Sample Meter and Irrigated Area Field Map



EXHIBIT "B"

EXHIBIT "B"

CONSULTANT SELECTION MATRIX / RECYCLED WATER INSPECTION AND TESTING PROGRAM 2019

	Weights	Aegis Engineering Management					Real Water Inc.				
		Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4		Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	
QUALIFICATIONS	35%										
*AWWA Cross Connection Control Specialist											
*ABPA Cross Connection Control Specialist	60%	1	1	1	1		2	2	2	2	
*USC Cross Conn. Control (40 hrs course)											
*Distribution, Irrigation & Plan check basics.	40%	1	1	2	1		2	2	1	2	
# of Field Personnel											
Weighted Score (Qualifications)		1.0	1.0	1.4	1.0		2.0	2.0	1.6	2.0	
EXPERIENCE	35%										
Doing Inspections	30%	1	1	2	1		2	2	1	2	
Doing Testing	30%	1	1	1	1		2	2	2	2	
Administration	10%	1	1	2	1		2	2	1	2	
Customer Contact / Interface	30%	1	1	1	1		2	2	2	2	
Weighted Score (Experience)		1.0	1.0	1.4	1.0		2.0	2.0	1.6	2.0	
PROJECT UNDERSTANDING	30%	1	1	1	1		1	1	1	2	
*Both companies have been doing work for us for over 2 years. Both have full project understanding.											
Weighted Score (Project Understanding)											
COMBINED WEIGHTED SCORE	100%	1.00	1.00	1.28	1.00	1.07	1.70	1.70	1.42	2.00	1.71

Rated on a scale from 1 (highest) to 5 (lowest)

Final Ranking	
Aegis Engineering Management	1
Real Water, Inc.	2

Exhibit "C"

ATTACHMENT "B"

COST PROPOSAL

The Consultant shall provide an hourly and per meter cost proposal to complete the tasks identified on Attachment "A" and as directed by the IRWD representative.

For Site Type 11, the Consultants should consider the ability to conduct testing at many "test only" sites at adjacent homes without homeowner contact prior to or during the one way test.

Miscellaneous: Please indicate the hourly rate the Consultant would charge IRWD to perform related tasks on and "as-needed" basis. **Hourly Rate: \$79.00**

Below are descriptions of each different type of recycled water meters that IRWD currently serves. Also indicated are the approximate number of active meters for each specific type.

Type A: Mapping of irrigated area for Water Efficiency Meter to Parcel Project. Scheduled meters.

- **Cost Proposal**:

1. Mapping cost per meter \$: 40

Type B: Mapping of irrigated area for Water Efficiency Meter to Parcel Project. Non-scheduled meters.

- **Cost Proposal**:

1. Mapping cost per meter \$: 80

Type 1: *Single-supply, agricultural sites with no potable water systems within the irrigated area.*

- *Sample: Agriculture field located at the corner of Alton Parkway and Muirlands (south side of Alton). Irvine, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 30 irrigation meters.*
- **Cost Proposal**:

1. Inspection only cost per meter \$: 138.25 Assumed hours: 1.75
2. Testing only cost per meter \$: 138.25 Assumed hours: 1.75
3. Inspection & Testing cost per meter \$: 158.00 Assumed hours: 2.00

Type 2: *Single-supply, medians, freeway landscaping, slope areas etc.*

- *Sample: Median strip located at the corner of Newport Coast Drive and San Joaquin Hills Corridor. Newport Coast, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 2600 irrigation meters.*
- **Cost Proposal**:

1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75

2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.0

Type 3: *Dual-supply, agricultural sites also served by potable water meters.*

- *Sample: Agriculture field located east side of Portola Parkway, corner of Jeffrey Road. Irvine, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 9 irrigation meters.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 158.00 Assumed hours: 2.0
 2. Testing only cost per meter \$: 158.00 Assumed hours: 2.0
 3. Inspection & Testing cost per meter \$: 177.75 Assumed hours: 2.25

Type 4: *Dual-supply, recycled and potable water meters typically serving park landscape and recreational facilities, guard shack landscape and interior, club houses, etc.*

- *Sample: Mason Regional Park on University Drive and Campus Drive. & Guard houses located on both entrances to the Shady Canyon Community. Irvine, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 400 irrigation meters.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
 2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
 3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00

Type 5: *Dual-supply, multi-family homeowners association landscape where structures are served by master meters for domestic water and protected with RPPA backflow devices.*

- *Sample: Toscana Apartments. Multifamily units located at the corner of Jamboree Road and Michelson Drive. Irvine, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 250 irrigation meters.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
 2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
 3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.0

Type 6: *Dual-supply, homeowners' association landscape where structures served by potable waters do not have RPPA backflow protection.*

- *Sample: Woodbridge Pine Apartments located at the corner of Alton and Barranca Parkway. Irvine, CA.*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 800 irrigation meters.*

- **Cost Proposal:**

1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00

Type 7: *Dual-supply, golf courses where structures and facilities are served by potable water meters.*

- **Sample:** *Pelican Hills Golf Course. Located at the corner of Pacific Coast Highway and Newport Coast Drive. Newport Coast, CA.*
- **Method of testing:** *One-way shut down test.*
- **Quantities:** *Approximately 11 irrigation meters.*
- **Cost Proposal:**

1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
2. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
3. Inspection only cost per meter \$: 237.00 Assumed hours: 3.00

Type 8: *Dual-supply, cemeteries where structures and facilities are served by potable water meters.*

- **Sample:** *Ascension Cemetery. Located on the corner of Trabuco Canyon Road and Paseo Tranquilo. Lake Forest, CA.*
- **Method of testing:** *One-way shut down test.*
- **Quantities:** *Approximately 2 irrigation meters.*
- **Cost Proposal:**

1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00

Type 9: *Dual-supply, industrial uses (e.g., cement batch mixing, cooling towers) where non-dual plumbed structures and facilities are served by potable water meters.*

- **Sample:** *Roberston's Ready Concrete Mix. Construction Circle. Irvine, CA.*
- **Method of testing:** *One-way shut down test or two way shut-down of Pressure differential gage test.*
- **Quantities:** *Approximately 9 irrigation meters.*
- **Cost Proposal:**

1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
3. Inspection & Testing cost per meter \$: 237.0 Assumed hours: 3.00

Type 10: *Dual-supply, landscape around commercial buildings and parking lot areas.*

- *Sample: Irvine Ranch Water District Headquarters parking lot irrigation system. Located at the corner of Sand Canyon Avenue & Waterworks Way. Irvine, CA*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 700 irrigation meters.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
 2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
 3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00

Type 11: *Dual-plumbed, front and back yard landscape at single family homes (e.g., "Full Lot Irrigation"), under the control of the homeowner.*

- *Sample: Dual Plumbed Custom Homes located in Shady Canyon, Crystal Cove, Pelican Crest, and Pelican Hills Communities*
- *Method of testing: One-way shut down test.*
- *Quantities: Approximately 635 irrigation meters.*
- *Cost Proposal: TEST ONLY(NO CONTACT W/HOME OWNER) -\$50.00*
 1. Inspection only cost per meter \$: 138.25 Assumed hours: 1.75
 - Testing only cost per meter \$: 138.25 Assumed hours: 1.75
 3. Inspection & Testing cost per meter \$: 158.00 Assumed hours: 2.00

Type 12: *Dual-plumbed, non-residential ("commercial") structures where toilets, trap primers, urinals, or cooling towers are served.*

- *Sample: Irvine Ranch Water District Headquarters Building located at the corner of Sand Canyon Avenue and Waterworks Way. Irvine, CA.*
- *Method of testing: Two-way shut down test or Pressure differential gage test.*
- *Quantities: Approximately 71 irrigation meters.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
 2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
 3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00

Type 13: *Dual-plumbed, industrial structures (e.g., carpet dye applications, plating, manufacturing, etc.)*

- *Sample: Royalty Carpets. Irvine, CA (Not active).*
- *Method of testing: Two-way shut down test or Pressure differential gage test.*
- *Quantities: 1 recycled water meter.*
- *Cost Proposal:*
 1. Inspection only cost per meter \$: 217.25 Assumed hours: 2.75
 2. Testing only cost per meter \$: 217.25 Assumed hours: 2.75
 3. Inspection & Testing cost per meter \$: 237.00 Assumed hours: 3.00