

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA
Board of Directors Meeting
Agenda
August 19, 2019 at 1:30 p.m.

1. Call to Order, Flag Salute, Invocation and Roll Call

2. Adoption and Adjustment of Agenda

3. Public Comment: Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. To comment on specific agenda items, please complete a speaker's request form and hand it to the board secretary. Speakers are requested to keep their comments to no more than five minutes. Under the Brown Act, no action or discussion shall take place on any item not appearing on the agenda, except that the Board or staff may briefly respond to statements made or questions posed for the purpose of directing statements or questions to staff for follow up.

4. Consent Calendar: If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

- A. Approval of the Minutes of the Regular Board Meeting, August 5, 2019* (p. 3)
- B. Approval of the Minutes of the Engineering Workshop, August 12, 2019* (p. 8)

5. Reports:

- A. General Manager's Report* (p. 10)
- B. General Counsel Report* None
- C. Directors Reports
- D. Committee Reports

6. New Business:

- A. Consideration and Possible Action on Proposed Amendment to 2008 Cooperative Agreement with Regional Water Quality Control Board to Protect Water Quality and Encourage Conjunctive Use* (p. 28)
- B. Consideration and Possible Action on ACWA Region 9 Board Election* (p. 44)
- C. Consideration and Possible Action to Nominate Agency Board Members and/or Staff to ACWA Committees* (p. 45)
- D. Potential Action by the Board President Regarding:
 - (a) Changes and updates to Board committee assignments; and
 - (b) Creation of new Board committees and assignments to such committees.

7. Topics for Future Agendas

8. Announcements:

- A. Finance and Budget Workshop, August 26, 2019 at 1:30 p.m.
- B. San Gorgonio Pass Regional Water Alliance, August 28, 2019 at 5:00 p.m. – Banning City Hall
- C. Office Closed Monday, September 2, 2019 in Observance of Labor Day
- D. Regular Board Meeting, Tuesday, September 3, 2019 at 1:30 p.m.

9. Closed Session (2 Items)

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) and initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 - One potential case

- B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Ron Duncan, President of the Board of Directors
Unrepresented employee: General Manager

10. Adjournment

Information included in Agenda Packet

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. (2) Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. When practical, these public records will also be made available on the Agency's Internet Web site, accessible at: www.sgpwa.com (3) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
August 5, 2019

Directors Present: Ron Duncan, President
Lenny Stephenson, Vice President
Stephen Lehtonen, Treasurer
Blair Ball, Director
David Fenn, Director
David Castaldo, Director
Michael Thompson, Director

Staff Present: Jeff Davis, General Manager
General Counsel Jeff Ferre
Thomas Todd, Finance Manager
Cheryle Stiff, Executive Assistant

1. **Call to Order, Flag Salute, Invocation, and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President Duncan at 1:30 p.m., August 5, 2019 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. President Duncan led the Pledge of Allegiance to the flag. Director Fenn gave the invocation. A quorum was present.
2. **Adoption and Adjustment of Agenda:** *President Duncan asked if there were any adjustments to the agenda.* There being none the agenda was adopted as published.
3. **Public Comment:** *President Duncan asked if there were any members of the public that wished to make a public comment on items that are within the jurisdiction of the Agency that are not on today's agenda.* There were no members of the public that wished to comment at this time.
4. **Consent Calendar:**
 - A. Approval of the Minutes of the Regular Board Meeting, July 19, 2019
 - B. Approval of the Minutes of the Finance and Budget Workshop, July 19, 2019
 - C. Approval of the Finance and Budget Workshop Report, July 19, 2019

President Duncan asked for a motion on the Consent Calendar. Director Stephenson made a motion, seconded by Director Lehtonen, to adopt the consent calendar. Motion passed 7-0.

5. **Reports:**
 - A. **General Manager's Report:**
 - (1) **Operations Report:** General Manager Davis provided a written report on the Agency's Operations and General Updates. He also provided a verbal report on deliveries of SWP water, stating that the Agency has delivered a total of 1647 acre-feet to the Noble Creek Connection, for the month of July. He also spoke on the Delta Conveyance project. He noted that the agenda packet included information on the project.

B. General Counsel Report: None.

C. Directors Reports:

1) **Director Thompson** reported that he attended the BCVWD Board Engineering workshop on July 25th. The Agency's ad valorem tax rate was discussed. 2) **Director Stephenson** reported that he attended the Yucaipa SGMA meeting on July 24th. They approved its public outreach plan, which is available at www.yucaipasgma.org. 4) **Director Ball** reported that he also attended the BCVWD Board Engineering workshop on July 25th.

D. Committee Reports: 1) **Director Castaldo** reported that the Board Handbook Committee met on 7/17 and 7/24. Discussions took place on the Agency's Social Media Policy, Email Policy, and rules for requesting items for the Board agenda. It was also discussed, and it is recommended, that the Agency adopts the Rosenberg Rules of Order. The committee will incorporate all four of these items in the proposed handbook. Once the committee has a finished draft of the handbook it will call for a Board workshop for discussion and possible revisions. 2) **Director Ball** reported on the Capacity Fee stating that the City of Banning and City of Beaumont has provided the requested demographic information, however we are still waiting on others to provide its data. The next Capacity Fee meeting will take place on August 12th at 12:30 p.m. 3) **Director Lehtonen** reported that the Water Conservation and Education Committee will be meeting this Thursday, August 8th at 1:30 p.m. 4) **Director Thompson** stated that the Water Education and Conservation Committee will be providing a report at the next Board meeting.

6. New Business:

A. Consideration of Adoption of Resolution No. 2019-07, Setting the Tax Rate for FY 2019-2020. A staff report and related materials were included in the agenda package. President Duncan called upon members of the public that wished to speak during this item. Jon Usher (Calimesa resident) spoke on his property tax bill and the amount that he has been paying on the Debt Service charge for the State Water Project. Joyce McIntire (Calimesa resident and representing Yucaipa Valley Water District) stated that she was in agreement with Director Fenn's statement that was made during the Finance and Budget workshop to lower the tax. General Manager Davis presented background information on the ad valorem tax. He noted that the debt service tax is based on a number of factors including the annual property assessment by the Riverside and San Bernardino County Assessor. He stated that this item was discussed extensively at the Finance and Budget workshop that was held on July 19th and that no board member or staff member requested that the tax rate be increased. The Board directed staff to show what the impact would be depending on what action that the Board takes. General Manager Davis reviewed the different tax rate scenarios with the Board. He also explained that the revenue projection is possibly on the conservative side; however, the expense projection is not conservative, as there are three sets of costs that are going to be incorporated into the statement of charges from DWR that have not been accounted for, the increase of bond payments due to compression, should the contract extension not be approved; the cost for paying the Oroville Spillway repair; and the cost of dealing with subsidence issues in the San Joaquin Valley. Staff is recommending that the tax rate stay the same for at least one more year, as next year we will have more information to base the tax rate on. Director

Thompson made a motion, seconded by Director Fenn, to reduce the rate from 0.1825 to 0.1750. After discussion, President Duncan requested a roll call vote. Ayes: Directors Thompson, Fenn and Ball. Noes: Directors Stephenson, Lehtonen, Castaldo and President Duncan. The motion failed. 3-4. Director Castaldo made a motion to reduce the tax rate to 0.1800, motion seconded by President Duncan. General Counsel stated that the agenda provided four different options, of which 0.1800 was not one of them; he advised against making a motion on this proposed rate. Director Castaldo made a motion to set the tax rate at 0.1775, seconded by Director Thompson. President Duncan requested a roll call vote. Ayes: Directors Thompson, Fenn, Castaldo. Noes: Directors Stephenson, Lehtonen, Ball and President Duncan. The motion failed 3-4. Director Stephenson made a motion to leave the tax rate at 0.1825, seconded by Director Lehtonen. President Duncan requested a roll call vote. Ayes: Directors Stephenson and Lehtonen. Noes: Directors Thompson, Fenn, Ball, Castaldo and President Duncan. The motion failed 2-5. General Counsel Ferre stated that since the Board is not able to make a decision and the fact that this is not a 218 issue and the proposed 0.1800 is not going over the current rate that the Board could consider the 0.1800 tax rate. Director Castaldo made a motion, seconded by Director Duncan to set the tax rate at 0.1800. After board comments President Duncan requested a roll call vote. Ayes: Directors Stephenson and Castaldo. Noes: Directors Thompson, Fenn, Lehtonen, Ball, and President Duncan. The motion failed 2-5. Director Ball made a motion to set the tax rate at 0.1775, seconded by President Duncan. After Board comment President Duncan requested a roll call vote. Ayes: Directors Thompson, Fenn, Ball, Castaldo and President Duncan. Noes: Directors Stephenson and Lehtonen. The motion passed 5-2.

B. Consideration and Adoption of Debt Service Budget for 2019-2020. A staff report and related material were included in the agenda package. General Manager Davis stated that the Debt Service Budget was reviewed at the last Finance and Budget workshop. Projected expenses for the debt service budget come in at approximately \$27 million. With the tax rate of \$0.1775 the projected surplus this year will be \$642,000. General Manager Davis recommended that the Board adopt the debt service budget with a tax rate of \$0.1775. Director Thompson made a motion, seconded by Director Stephenson, to adopt the debt service budget with a tax rate of \$0.1775. Motion Passed 6-0-1 with Director Lehtonen abstaining.

C. Consideration and Possible Action to Enter into an Exchange Agreement with the City of Ventura and Casitas Municipal Water District. A staff report and an Agreement for the Exchange of 2019 State Water Project Table A Water (2000 Acre-Feet) were included in the agenda package. General Manager Davis stated that this proposed action is to determine if the Board wishes to enter into an exchange agreement with the City of Ventura and the Casitas Municipal Water District to obtain 2000 acre-feet of water this year in exchange for 1000 acre-feet returned over the next ten years. The exchange would enable the Agency to meet all retailer requests for this year, with about 500 acre-feet left over for the Agency's use. General Manager Davis reviewed the key points of the exchange agreement. He stated that the Agency's General Counsel has reviewed the contract and is in agreement with the exception of some non-substantive changes in paragraph 8. The Agency would pay a net cost of \$660 per acre foot. General Manager Davis informed the Board that

DWR contacted him and has concerns about the Agency paying \$660 per acre-foot. They are requesting that the Agency only pay 20% of the fixed costs, instead of requested 40%. The negotiator stated that he would speak to DWR and to his clients (City of Ventura & Casitas Municipal Water District) to discuss the acceptable purchasing terms. General Manager Davis recommended to the Board to approve the exchange agreement for a maximum payment of the \$660,000. However, it is conceivable that the cost will be less. Director Stephenson made a motion, seconded by Director Lehtonen, to authorize the General Manager to sign both agreements and to take all steps necessary to implement the exchange, including CEQA compliance with a maximum amount not to exceed \$660,000, based on information from DWR. After discussion, President Duncan requested a roll call vote. Ayes: Directors Thompson, Fenn, Stephenson, Lehtonen, Castaldo, and President Duncan. Noes: Director Ball. Motion passed 6-1, with Director Ball voting no.

D. Consideration and Possible Action to Transfer 2019 Nickel Water to Los Angeles Department of Water and Power. A staff report, Memorandum of Understanding, and a letter from DWR were included in the agenda package. General Manager Davis stated that the Board has directed staff to market the Nickel water. The proposed action is to determine if the Board wishes to transfer (sell) 100 acre-feet to the Los Angeles Department of Water and Power. If approved, the transaction would decrease the net amount of money that the Agency expends this year on Nickel water by approximately \$112,622, reducing the amount that would be taken out of reserves by this amount. General Manager Davis reviewed the key points of the exchange agreement. Director Stephenson made a motion, seconded by Director Fenn, to authorize the General Manager to finalize the MOU with LADWP, to sign both the MOU and the agreement, assuming no substantive revisions, and to take all steps necessary to implement the 100 acre-foot transfer with the DWP, including CEQA compliance. Director Ball noted a misprint in the agreement on item 2 where it refers to section 3(b), which should state 4(b). General Counsel Ferre noted the non-substantive change, stating that it will be corrected. After discussion, President Duncan requested a vote. Motion passed 7-0.

E. Consideration and Possible Action to Contract with Provost & Pritchard to Perform an Infrastructure Planning Study. A staff report and Provost & Pritchard's proposal were included in the agenda package. Staff has been working with the Capacity Fee Ad hoc Committee on this issue for quite some time. The Committee recognizes that, in order to adopt a capacity fee, the Agency must decide on the fee on a per-unit basis. This involves calculating the total amount of dollars the Agency requires for the water and facilities, as well as the number of units that will be constructed. The fee is the total dollars required divided by the number of units to be constructed. The purpose of the infrastructure study is to help provide the numerator, or total dollars required, portion of the fee calculation. Provost & Pritchard is familiar with groundwater banks and will be able to determine what is best for the Agency. General Manager Davis reviewed the proposal with the Board. After discussion, Director Fenn made a motion, seconded by Director Stephenson, to authorize the General Manager to contract with Provost & Pritchard to perform an infrastructure study at an amount not to exceed \$50,000. Motion passed 7-0.

F. Consideration and Possible Action on Policy Related to Appointment of Committee on the Evaluation and Performance of the General Manager. An email submitted by Director Ball was included in the agenda package. Director Ball stated that after hearing concerns by some members of the Board he drafted this policy concerning the appointment of the General Manager Ad-hoc Committee members. After discussion, Director Ball made a motion, seconded by Director Thompson, to implement a General Manager Ad-hoc Committee appointment policy as follows: Notwithstanding the President of the Board's privilege to select directors to serve on various Agency committees, it shall be the policy of the San Geronio Pass Water Agency that the Committee on the Evaluation and Performance of the General Manager may include the immediate past President, but the immediate past President may not serve as the Committee chair. The Committee shall not include the sitting President. Any exception to this policy can be made at a regular Board meeting by a two-thirds vote on a case by case basis. President Duncan requested a roll call vote. Ayes: Directors Thompson, Fenn, Stephenson, and Ball. Noes: Directors Lehtonen, Castaldo and President Duncan. Motion passed 4-3.

7. Topics for Future Agendas: 1. Director Thompson requested that the General Manager Ad-Hoc Committee be restructured at the next Board meeting. Update on all Pro-Craft Construction expenses for the Fiesta Recharge Facility and Noble Creek turn-out enlargement, what was spent to date, and any other related expenses.

8. Announcements:

- A. Water Conservation and Education Committee Meeting, August 8, 2019 at 1:30 p.m.
- B. Engineering Workshop, August 12, 2019 at 1:30 p.m.
- C. Regular Board Meeting, August 19, 2019 at 1:30 p.m.

9. Closed Session (1 Item)

Time: 3:50 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) and initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 - One potential case

The meeting reconvened to open session at: Time: 4:51 pm

General Counsel Ferre stated that there was no action taken during closed session that is reportable under the Brown Act.

10. Adjournment

Time: 4:51 pm

Draft - Subject to Board Approval

Jeffrey W. Davis, Secretary of the Board

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SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA 92223
Minutes of the
Board of Directors Engineering Workshop
August 12, 2019

Directors Present: Ron Duncan, President
Leonard Stephenson, Vice President
Blair Ball, Director
David Castaldo, Director
David Fenn, Director
Steve Lehtonen, Director

Directors Absent: Mike Thompson, Director

Staff Present: Jeff Davis, General Manager
Jeff Ferre, General Counsel
Cheryle Stiff, Executive Assistant

1. Call to Order, Flag Salute and Roll Call: The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by President Duncan at 1:30 p.m., August 12, 2019 in the Agency Board room at 1210 Beaumont Avenue, Beaumont, California. President Duncan led the Pledge of Allegiance to the flag. A quorum was present. President Duncan turned the meeting over to Vice President Stephenson.

2. Public Comment: There were no members of the public who wished to speak at this time.

3. Discussion and Update on Water Rate. General Manager Davis noted that when the Board set a new water rate on May 1, it gave direction to discuss the rate later in the year. He told that Board that, since he had recently asked retail managers to complete their water order forms for 2020, he wanted the Board to have the opportunity to discuss the rate at this time. He also said that he would definitely come back to the Board with cost and rate information later in the year, as per the Board's request. A general discussion on the water rate and a potential capacity fee ensued.

4. Discussion of Participation Level in Delta Conveyance Project. General Manager Davis reviewed for the Board the history of the Agency's participation in the Cal WaterFix, and described the ongoing process for the proposed Delta Conveyance project. The biggest difference, according to General Manager Davis, is that participation for the proposed project is expected to be optional for State Water Contractors. He explained that it is expected that Contractors would be able to participate either not at all, or at their full Table A amount, or at more than their Table A amount. While the Agency has 0.41% of Table A water, he explained that the Board had previously authorized ownership in Cal WaterFix of approximately 1.4%, which is where he has started in discussions with the Contractors. He emphasized that no decisions have been made as yet, since the project is not defined yet. He said that the negotiations with DWR are ongoing and he expects to update the Board on the progress frequently over the next few months.

5. Update on Sites Reservoir. General Manager Davis explained that there are a number of scheduled meetings and workshops regarding Sites Reservoir over the next month, including a workshop this week, and that he will have a lot to report in the next few meetings. He noted that he expects that a decision on Phase 2 of the project, expected to last from 2020 to 2021, will be required from participants sometime in September.

6. Announcements:

- A. Regular Board Meeting, August 19, 2019 at 1:30 p.m.
- B. Finance and Budget Workshop, August 26, 2019 at 1:30 pm
- C. San Gorgonio Pass Water Alliance, August 28, 2019, at 5:00 p.m. at Banning City Hall

7. Adjournment: Vice President Stephenson adjourned the meeting at 2:18 p.m.

Draft - subject to Board approval

Jeff Davis, Secretary to the Board

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General Manager's Report

August 19, 2019

1. Operations Report—We have increased our deliveries to the Noble connection this week from 20 cfs to 25 cfs due to changed upstream conditions. It is expected that we will reduce them back down to 20 cfs at the end of the week. We have prepared a new delivery schedule for the rest of the year that we will implement in the worst case scenario that deliveries cannot increase through the East Branch until October or November.
2. Other Agency Updates
 - a. SB-1—Some press reports and other information on this bill are included in this agenda package. The bill will be up for consideration in the near future. The water industry and other interests that oppose the Endangered Species Act provisions in the bill have made our voices heard. The outcome of the bill is still in question.
 - b. Sites Reservoir—Staff attended an all-day workshop in Maxwell on Thursday. The workshop discussed the Phase 2 (2020-2021) work plan and budget, operational and affordability issues, and a proposed storage policy. The proposed storage policy will be presented to the Reservoir Committee and the Authority in August or September for consideration. It would change the basis of our investment from a yield basis (in our case, 14,000 acre-feet at this time) to a volume basis (for example, we would own a certain volume of storage instead of yield). This is considered a better method for investors because it allows them to manage their storage in any way they desire. Staff will discuss this in more detail at the Board meeting. A Sites Reservoir Committee meeting will be held this week at which staff will obtain additional information. Also this week, State Water Contractors who are Sites investors will meet with Karla Nemeth, DWR Director, to discuss payment methodologies. Decisions on Phase 2 participation will be needed soon, perhaps as early as September.
 - c. SGMA—Our kickoff meeting with Provost & Pritchard for our GSP will be held next week. This will formally begin the process of developing a GSP for the San Gorgonio Pass Subbasin. This process is expected to take 18-24 months. Most of the cost of this work will be covered by a grant. All work on our new monitoring wells has been completed and we are in the process of gathering the first data from them. This will benefit Provost & Pritchard in their work.
 - d. There is a scheduled joint board meeting with the Agency, San Bernardino Valley MWD, and Yucaipa Valley Water District on Wednesday, September 25 at 1:30 pm at San Bernardino. This is a result of direction given to staff by the Board a few months ago. The joint meeting will include an update on discussions among the three parties to meet water demands in Calimesa, as well as an action item on an agreement among the three parties on how to account for the SWP sold and used in Calimesa. Staff reviewed draft talking points for this agreement with the Board a few months ago.

From: ACWA <acwabox@acwa.com>
Sent: Wednesday, August 14, 2019 11:57 AM
To: Jeff Davis
Subject: Outreach Alert: Members Urged to Contact Legislators to Oppose SB 1

Follow Up Flag: Follow up
Flag Status: Flagged



[Click here to view it in your browser.](#)



Aug. 14, 2019

Members Urged to Contact Legislators to Oppose SB1

Bill in Assembly Appropriations, Hearing Date Pending

ACWA urges members to contact their elected representatives and express opposition to SB 1 (Atkins), which would give state agencies expansive new authority to adopt federal environmental standards and potentially derail ongoing Voluntary Agreement negotiations.

ACWA is participating in a large coalition of agencies and associations that is opposed, unless amended, to SB 1. The author's stated intent is to insulate California from attempts by the Trump administration to scale back existing federal protections related to air, water, and endangered species. However, the bill in its current form goes far beyond the stated intent and would have significant consequences for the state's water systems. For example, SB 1 would:

- Threaten water supply reliability for millions of Californians.
- Allow state agencies to adopt not only federal statutes and regulations, but individual permit conditions and decade-old biological opinions governing water project operations in the Sacramento-San Joaquin Delta. Adopting out-of-date biological opinions would cause uncertainty in future operations and environmental responsibilities of the State Water Project (SWP) and prevent the SWP from participating in the Voluntary

Agreements. As a result, SB 1 would harm attempts to restore the environmental integrity of the Bay-Delta and cause chaos for many water delivery systems throughout the state.

- Remove certain due process rights for all parties by waiving Administrative Procedure Act safeguards when state agencies adopt federal baseline standards.
- Apply the California Endangered Species Act (CESA) to the Central Valley Project (CVP). Whether the CVP is obligated to comply with CESA is an unsettled area of law. This is just one provision in SB 1 that would likely result in years of litigation and could cause a disparity in pumping requirements between the SWP and CVP

For additional information on the potential impacts of SB1, please review the comment letters from two coalitions in which ACWA is involved. One of the letters is from a coalition of water-related interests. The other letter is from a group led by CalChamber.

Requested Actions

ACWA urges member agencies to take the following actions immediately:

1. **Contact Your Senator(s) and Assembly Member(s) by phone** to oppose the language in SB1. Legislators' contact information can be found on the California Legislature's website. A set of talking points is also available.
2. **ACWA especially urges member agencies with Assembly Members serving on the Appropriations Committee to contact their offices** to oppose SB 1 and to express your agency's concerns with the bill. Contact information is provided below:

Contact	Phone Number
Assembly Member Lorena Gonzalez (Chair)	(916) 319-2080
Assembly Member Frank Bigelow (Vice Chair)	(916) 319-2005
Assembly Member Richard Bloom	(916) 319-2050
Assembly Member Rob Bonta	(916) 319-2018
Assembly Member r William P. Brough	(916) 319-2073
Assembly Member Ian C. Calderon	(916) 319-2057
Assembly Member Wendy Carrillo	(916) 319-2051
Assembly Member Ed Chau	(916) 319-2049
Assembly Member Tyler Diep	(916) 319-2072
Assembly Member Susan Talamantes Eggman	(916) 319-2013

Assembly Member Vince Fong	(916) 319-2034
Assembly Member Jesse Gabriel	(916) 319-2045
Assembly Member Eduardo Garcia	(916) 319-2056
Assembly Member Brian Maienschein	(916) 319-2077
Assembly Member Jay Obernolte	(916) 319-2033
Assembly Member Cottie Petrie-Norris	(916) 319-2074
Assembly Member Bill Quirk	(916) 319-2020
Assembly Member Robert Rivas	(916) 319-2030

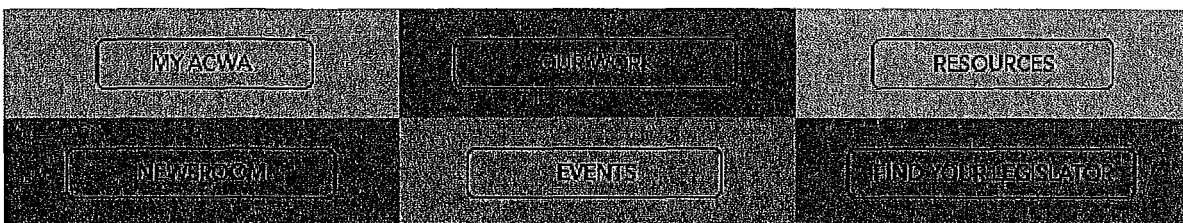
Background

SB 1 is intended to protect against attempts by the Trump administration to loosen or repeal federal environmental and labor standards in existence at the end of the Obama administration. The bill would apply to the Clean Air Act, Clean Water Act, Safe Drinking Water Act and the Endangered Species Act.

The bill was amended on July 1 to prevent the creation of new private rights of action, which the coalition requested. Remaining concerns relate to the Endangered Species Act and the potential impact on Voluntary Agreements, as well as the process state agencies would use to promulgate federal statutes and regulations. The author has stated that the intent of SB 1 is not to impact the Voluntary Agreements; however, as currently written, the bill would imperil the Newsom administration's voluntary approach to updating the Bay Delta Water Quality Control Plan. The coalition has presented the author with reasonable amendments that preserve the goals in the bill, while avoiding all identified negative impacts.

Questions

For additional information or questions about SB 1, please contact ACWA Legislative Advocate Kristopher Anderson at (916) 441-4545.





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Legislature Must Remove Roadblocks to Voluntary Agreements on Water

By [Mike Wade](#)Executive Director, California Farm Water Coalition
Wednesday, August 14th, 2019

San Diego's historic community swimming pool, "The Plunge," in Mission Beach, recently reopened following years of disrepair, safety concerns, and maintenance issues. A \$5.2 million public-private partnership made the renovation project possible and residents are once again splashing in the water.

But what if, at the last minute, the City of San Diego said the pool would remain empty...no water...despite the private investment that enabled the project?

The California Legislature returned to work on August 12 to consider the fate of Senate Bill 1 (SB1) by San Diego Senator and President Pro Tempore Toni Atkins. The bill, unless amended, may end up imposing conditions on California water users as nonsensical as a restored historic pool with no water to fill it.

After a decade of scientific study and new collaboration between water users, California stands close to completing historic, Voluntary Agreements (VAs) on water management. These agreements are supported by Governor Gavin Newsom as part of his goal to build a climate resilient water system. SB 1 includes language that acknowledges the Voluntary Agreements but imposes other restrictions that will make them completely useless, like an empty swimming pool.

Without changes to SB 1, the voluntary approach will be thrown out the window and California will be forced back into our failed regulatory status quo, forced to comply with regulations that are based on decades old science.

Under the VAs, water users have agreed to commit up to \$738 million for environmental water supplies, additional science, and structural ecosystem habitat. SB 1 removes the incentives that makes these investments possible. In other words, all sides agreed to give something up in exchange for environmental improvements and more efficient water deliveries. SB 1 wants to keep the concessions, but without giving water users the flexibility to implement the projects that will make it work. It's like agreeing to keep the pool open, but without water, and still insisting on private investments to pay for it.

It is impossible to overstate the value and importance of the VAs. Previously warring factions have come together and agreed on a path forward that protects the environment while also ensuring water reliability and security for California water users.

If SB 1 is allowed to derail the VAs, this is just some of what we lose:

- A comprehensive approach to water management that considers the needs of the ecosystem as a whole and integrates the latest science.

This integrated approach complements the Governor's Executive Order calling for a Water Resilience Portfolio that embraces innovation and encourages regional approaches while integrating investments, policies and programs across state government.

- A successful, collaborative process that allows the system to respond in real-time and improve as science continues to advance.

Rather than relying on an outdated regulatory process to pick winners and losers, government agencies, farmers, conservationists, communities, urban users, and others committed to establish a 15-year partnership to improving the ecosystem and water supplies together. Avoiding the stop-and-start process that comes with endless lawsuits, all sides agreed on an implementation plan that allows for periodic progress checks and an ability to adjust as we move forward. This system of adaptive management allows us to always utilize the latest science rather than wait for the regulatory system to catch up.

- Environmental improvements including measures to help struggling fish populations.

Science has taught us that fish need more than just water. Food supply, habitat, predator control and other factors are critical and are addressed by the VAs. That is not the case with our current regulatory structure.

- A funded program ready to move forward today, producing immediate results.

Governor Newsom and the Legislature set aside \$70 million in the 2019-20 fiscal year state budget for habitat restoration projects and other actions to help kick-start the Voluntary Agreements and add to the annual financial support from farm and other water users.

California is a world leader in environmental policy, from clean air to safe drinking water, curbs on greenhouse gas emissions, increased recycling, landfill reductions, and clean energy. It would be a shame to step backwards when it comes to smart water policy. California's future is in collaboration and multiple-benefit projects like the Voluntary Agreements. Let's hope our elected officials agree.

Comment on this article

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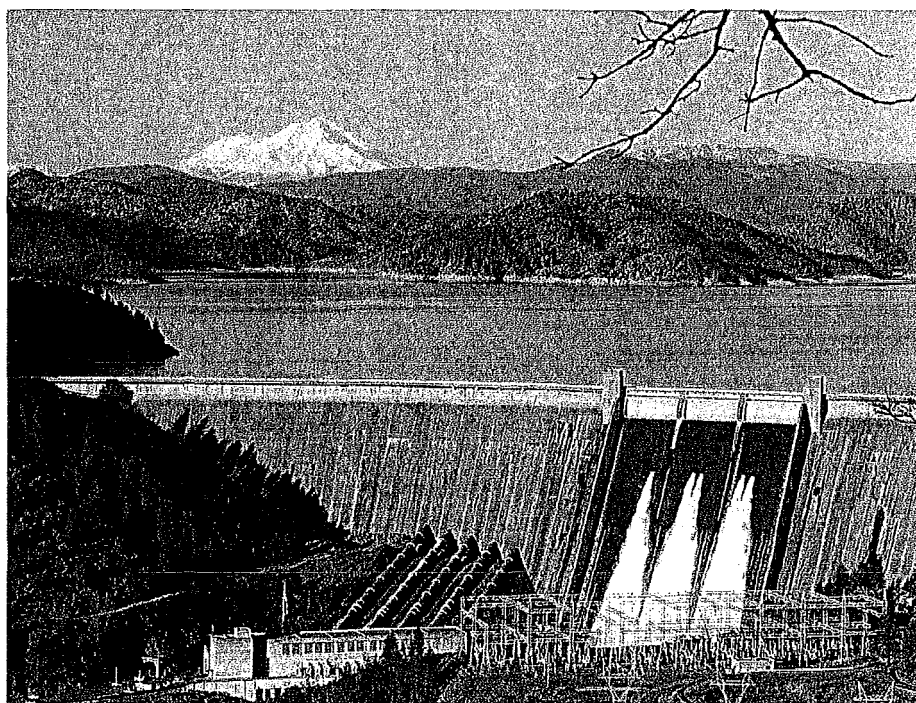
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California Democrats Play Water War Games To Get Even With President Trump



Shasta Dam (USBR)

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California Democrats Play Water War Games To Get Even With President Trump

CG Water Series: Where is California's water

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By Katy Grimes, August 13, 2019 8:15 am

Click play for audio version of this story

Playing water war games with the people's water is getting old in California. The winter of 2019 brought 200 percent of average rains and snow pack. Yet the state is still holding back on water to farmers, and residents will be rationed starting next year.

Under President Donald Trump's administration, radical EPA regulations have been thoroughly reviewed, relaxed, and some overturned. However, the Legislature and Gov. Gavin Newsom are taking their own shot over Trump's bow with Senate Bill 1, the California Environmental, Public Health, and Workers Defense Act of 2019. "This bill establishes specified minimum federal environmental, public health, and labor standards as state baselines in the event the Congress or President repeals or weakens corresponding federal standards, and prohibits the corresponding California standards from falling below those baselines. In the event that new federal standards fall below the baseline, this bill allows private citizens to enforce state standards," bill analysis says.

What the bill would really do is send billions of gallons of water out to the Pacific Ocean ostensibly to save more fish.

Federal and State Water

California Globe spoke last week with Paul Souza, Pacific Southwest Regional Fish and Wildlife Director, about updating the 2008 Biological Opinions on the Bureau of Reclamation's Long Term Operations of the Central Valley Project and State Water Project. The Fish and Wildlife Service and the National Marine Fisheries Service, known as NOAA, are currently undertaking a second independent scientific peer review of the analyses in their draft Biological Opinions. Both agencies previously carried out an independent scientific peer review of an earlier draft of their analyses this spring. Both agencies expect to complete the Biological Opinions by August 30th.

But first, some background:

The Bureau of Reclamation and California Department of Water Resources currently operate under a biological opinion Fish and

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the Central Valley Project and State Water Project. This is what is being updated.

- On August 2, 2016, the U.S. Bureau of Reclamation, the lead federal agency, and the California Department of Water Resources, the applicant, jointly requested the reinitiation of Endangered Species Act consultation on the coordinated long-term operation of the Central Valley Project and State Water Project.

- In October 2018, President Trump signed a memorandum on "*Promoting the Reliable Supply and Delivery of Water in the West*" which included guidance and direction on the process. (DOI news release) In the President's memorandum, he says "Decades of uncoordinated, piecemeal regulatory actions have diminished the ability of our Federal infrastructure, however, to deliver water and power in an efficient, cost-effective way;" also warning that unless addressed right now, "fragmented policies and fragmented regulation of water infrastructure will continue to produce inefficiencies, unnecessary burdens, and conflict among the Federal Government, States, tribes, and local public agencies that deliver water to their citizenry."

- On January 31, 2019, Reclamation transmitted their Biological Assessment to the Service.

- On July 11, 2019, the Bureau of Reclamation released a draft environmental impact statement analyzing potential effects associated with long-term water operations for the Central Valley Project and State Water Project. (Reclamation news release)

Enough government-speak. The conversation with Paul Souza largely stayed in the Fish and Wildlife camp, discussing water deliveries for fish populations, and concerns for salmon runs and Delta Smelt. Souza said the second peer review of the biological assessment update was currently taking place and would be out within the month. "We are taking the time to get it right," Souza said. While Souza's focus is on important water for fish populations, California has a serious government-created water shortage for agriculture and humans in the Central Valley.

More back story: The Obama administration weaponized NOAA, which according to some federal government insiders, is a bunch of environmental zealots within the Department of Commerce, trying to screw up water plans

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Shasta Dam

In a recent meeting with Rep. Tom McClintock (R-CA), we discussed water storage in California. McClintock explained that the most expensive way to produce water for human and agriculture is desalination at the cost of \$2,300 per acre-foot. Water recycling costs \$1,500. Importing water costs \$925. Groundwater storage costs \$737. "The cheapest source of water is good, old-fashioned surface storage – dams and reservoirs – at \$600 per acre-foot," McClintock said. "Surface water storage gives us nearly four times as much water for the dollar as desalination."

Thus, what makes the most sense for additional water storage in California is to raise the Shasta Dam.

"Everyone agrees we need to produce more water infrastructure. The question is, for the same price, would it be better to get one gallon or four gallons?" McClintock said in opening remarks during the April House Natural Resources Committee Water, Oceans and Wildlife Subcommittee hearing on "The State of Western Water Infrastructure and Innovation." McClintock is the ranking member.

"Instead of storing California's abundant rain-fall before it reaches the ocean, they prefer to spend four times the cost of storage to reclaim the water AFTER it has been needlessly lost to the sea," McClintock said.

"The last generation understood this, and it built the dams and aqueducts that we still rely upon today. They did so through the beneficiary pays principle: the state and federal governments advanced money for construction that was then repaid by the users of the water and power produced by the projects."

"In the 1970s, we abandoned these projects – sometimes in mid-construction."

When McClintock and I spoke, he said the Shasta Dam was designed to be built to 800 feet but currently stands at only 600 feet. "The extra 200 feet would produce nine million acre-feet of additional storage – nearly doubling the water we could store on the Sacramento system. But a project to raise the dam just 18 feet – that would store an additional 630,000 acre-feet – has been stalled for decades by endless environmental reviews."

"So I now pose the question again: abundance or shortage?" McClintock

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Shasta would yield as much as 630,000 acre-feet each year; Carlsbad 56,000 acre-feet. And consider this: when water is drawn out of Shasta, it generates enough electricity to supply about 710,000 homes. When water is drawn out of Carlsbad, it consumes $\frac{1}{4}$ megawatt for every acre-foot of water. In other words, Carlsbad consumes enough electricity to power 250 homes in order to produce enough water for one home."

"Droughts are nature's fault; water shortages are our fault," McClintock said. "That's the choice we made 40 years ago when we discouraged construction of new dams. And we now have to ask ourselves whether we really want to live in an era of unnecessary self-imposed water and power scarcity or restore abundance as the object of our water and power policy."

In 2017, President Trump signed an Executive Order directing the Environmental Protection Agency and the U.S. Army Corps of Engineers to review the Obama administration's "Waters of the United States" rules, which defined **all** bodies of water that fall under U.S. federal jurisdiction. Trump's plan is "paving the way for the elimination" of the rule.

In 2018, the U.S. Environmental Protection Agency and the Department of the Army, proposed a clear, understandable, and implementable definition of "waters of the United States" that clarifies federal authority under the Clean Water Act. Unlike the Obama administration's 2015 proposal, the new proposed rule contains a straightforward definition that would result in significant cost savings, protect the nation's navigable waters, help sustain economic growth, and reduce barriers to business development.

As for President Trump's memorandum on Western Water, House Republicans say "with this executive action, there is a strict timetable for rewriting the biological opinions that lie at the root of the water crisis. This executive action also prioritizes building critical projects to expand water storage in our state so that we can store more water during wet years for use in dry years."

Next: Letting water drain out to the Pacific Ocean: How the Democrats in Congress and California continue to screw it up and what can be done for California, and implications of Senate Bill 1.

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Katy Grimes


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State Government

Could California Efforts To Maintain Obama-era Environmental Rules, Enact Rent Caps Succeed This Year? State Senate Leader Is Optimistic.

 [Ben Adler](#)

Thursday, August 15, 2019 | Sacramento, CA | [Permalink](#)



LISTEN

4:09



State Senate President Pro Tem Toni Atkins, D-San Diego, calls on lawmakers to approve the state budget bill, in Sacramento, Calif., Thursday, June 13, 2019.

Rich Pedroncelli / AP Photo

The Trump administration's new Endangered Species Act regulations (<http://www.capradio.org/news/npr/story/?storyid=750479370>) released this week could breathe new life into a twice-defeated effort to grandfather Obama-era environmental rules into California law.

Democratic Senate leader Toni Atkins says her bill, SB 1 (http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1), is necessary to leave existing protections in place.

"We are not changing the rules midstream," Atkins said. "We are saying, let's continue the federal baseline that we have been working on — in some cases, for decades."

Many business, agriculture and water groups have raised concerns. They argue the bill could "handcuff" state agencies by forcing them to rely on "decades-old science" and "outdated on the ground conditions."

Atkins spoke in an interview Wednesday with Capital Public Radio, in which she also said she didn't think the business-labor battle over whether "gig economy" contract workers should be classified as employees will be resolved this year. Here are some of the other highlights:

On her bill to codify Obama-era environmental regulations into California law:

I think we've seen an exacerbation of rolling back protections and regulations designed to support the goals that we have as Californians around our environment — water, clean air. We've seen example after example of that happening. And this week is one more example of why we need the bill.

On how she'd respond to criticism from business and industry groups that argue her bill would create uncertainty and an unequal playing field in California:

I think the administration has created an uncertain playing field. I totally understand and agree: We all need certainty in terms of how to plan for what we're doing today, what we intend to do going forward. This is a real reversal of where we've been headed. These are not new regulations. We are not changing the rules midstream. We are saying, let's continue the federal baseline that we have been working on — in some cases, for decades.

On efforts to resolve whether gig economy workers at companies like Lyft, Uber and Postmates should be classified as employees ([click here for her full answer](#)):

[In] the final few weeks of session, anything is possible. That's when it gets serious, real, and we come down to the wire. And there's nothing like the last minute to try to really push those tensions to where they need to be to accomplish something meaningful.

I think [last year's California] Supreme Court [ruling that gig economy contract workers should in most cases be classified as employees] has put us in the position to try to figure out how we provide some clarity on the law and the ruling, so that people know where they stand. And I think getting into each of these types of professions and businesses has allowed us to see the complexity.

As we look at a gig economy, which provides some benefits to people who want to work in a different way, want to take advantage of innovation and a change in how we work, we want to continue to make sure that those workers have the flexibility — but also have the ability to make a decent living. And that is about benefits, workers' compensation and workers' rights.

Where do you balance all of that, and how do you look at all of the industries? I have no doubt that we will discuss this into next year. I think at some point [before lawmakers adjourn next month], we move forward and we take action on [\[a pending bill to codify the Supreme Court ruling into state law \(http://www.capradio.org/articles/2019/04/01/california-business-groups-willing-to-back-dynamex-bill-in-exchange-for-carve-outs/\)\]](http://www.capradio.org/articles/2019/04/01/california-business-groups-willing-to-back-dynamex-bill-in-exchange-for-carve-outs/). And there's no doubt in my mind that we probably have more work to do going into next year, as we continue to have conversations throughout the state for various professions.

I don't think many of us understood how many professions would then come forward and say, 'What about us?' And I think we have to strike a balance.

On the chances of a compromise on rent caps and tenant protections being reached before lawmakers adjourn next month:

It's one of our most critical issues. I am hopeful, I would like to see us come to some agreement that really provides some protection to tenants in this market. I'm sorry it's taken us so long to recognize this crisis. I saw this coming. But others were not as much willing to be engaged in the discussion. But now we need to be. And I do hope we can come up with some compromise or resolution that will benefit tenants in California.

This interview has been edited for brevity and clarity. Click the "play" button to listen to the interview.

RELATED STORIES



California Senate Leader: 'Gig Economy' Deal Likely Won't Be Included In 'Dynamex' Bill Expected To Pass This Year

Wednesday, August 14, 2019

Sen. Toni Atkins says she expects the Legislature's efforts to "strike a balance" between companies and labor unions on whether gig economy workers should be classified as employees will continue beyond when lawmakers adjourn next month.

THE SACRAMENTO BEE

BY ELIZABETH SHWE

AUGUST 16, 2019

California is considering a far-reaching law that would lock current environmental protections into place and would only be in effect until the end of Donald Trump's presidency.

The premise of the Senate Bill 1 is simple: to maintain environmental and worker safety standards that the state has had in place for decades, even if the federal government rolls them back.

Standards that were effective before Jan. 19, 2017 (the day before President Trump took office) would be enforceable under state law until January 20, 2025, or when Trump would leave office if he wins a second term.

Trump has made eliminating environmental regulations a priority. It's why Senate President Pro Tem Toni Atkins, D-San Diego, says it's necessary for California to have an "insurance policy against the exploitation of our natural resources and our people."

"SB 1 would insulate California from systematic undermining of the regulatory process at the federal level and the weakening of our clean air, clean water, safe drinking water, endangered species, and worker protection acts that were all adopted on a bipartisan basis in the 1970's," Atkins said in a statement.

California currently holds the burden of initiating lawsuits against the federal government on environmental policies it doesn't support. Advocates say the measure would shift the burden of making legal challenges to the federal government.

HOW IS THIS LEGAL?

Although California has its own environmental laws, it relies on the federal government for some protections.

Right now, California can address weakening of any standard through litigation and negotiation. The bill would be "one more tool in California's toolbox" to protect state resources in the event of federal changes, according to Annie Notthoff, the western advocacy director of the Natural Resources Defense Council.

How is this legal? States have jurisdiction to pass their own environmental laws. In fact, the Endangered Species Act clearly asserts that state laws are allowed to be more restrictive than the regulations in the act.

If federal changes occur, the bill would let California more quickly adopt any air, water, endangered species and certain workers' safety standards – as they existed before the Trump administration took office – into state law.

Senate Bill 1 is not the first of its kind. In 2003, California passed a similar law, SB 288, aimed at protecting the state against any rollbacks on federal air regulations implemented by the Bush administration. That law is narrower in its scope than the one under consideration now and has never been used.

In May, Oregon Gov. Kate Brown signed a similar law that allows her state to adopt federal environmental standards of the Clean Air and Clean Water Acts that were effective as of Jan. 19, 2017 if the federal government rolls them back.

The most contentious part of the California bill would subject the Central Valley Project, a federal project, to the state's Endangered Species Act.

The California Chamber of Commerce, an opponent of the bill, says that provision goes too far.

“It is completely unconstitutional to force a federal agency to adhere to a state standard,” said chamber policy advocate Adam Regele, citing the Supremacy Clause of the U.S. Constitution.

Notthoff from NRDC thinks otherwise.

She pointed to the 1992 federal Central Valley Project Improvement Act, which she said requires the U.S. Bureau of Reclamation to comply with state law for operations on the Central Valley Project.

Put simply, whether or not California's Endangered Species Act can legally apply to a federal project is an open question of law, and would most likely result in a lawsuit.

The bill has a severability clause that would mean that the rest of the measure would still apply even if one part of it is challenged.

WHAT ARE OPPONENTS WORRIED ABOUT?

Many of the opponents support the main intent of the bill, but farm and water agencies say portions of it could interfere with their efforts to make water supply more reliable.

The most contentious part has to do with locking into place an old regulatory approach on water under the state Environmental Species Act.

Since 2008, California has operated under a regulatory approach that limits how much water farms and water agencies can use. The Obama administration decided to update to a project-oriented approach that is less regulatory and incorporates new science – such as restoring a sidechannel on the Sacramento River that would provide a shallow habitat for fish to rest instead of forcing them to stay in the main channel.

Final approval for this “voluntary agreement” approach is expected by 2021, according to Mike Wade, executive director of the California Farm Water Coalition.

Some environmental groups are skeptical that voluntary agreements will be honored because they may not have the same force of law that the previous regulatory approach had.

SB 1 would make the old regulatory approach California law. Because the bill doesn't have language that protects “voluntary agreements,” opponents said stakeholders will walk away from the table if this bill passes.

“This is a whole effort we've been working on for years. It would be wasted time and energy,” said Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California.

Many stakeholders believe that this new project-oriented approach is a better way to improve habitat and flow in the Delta than the old regulatory way.

“It's our hope that the Legislature will find its way through its thorny path that achieves the goal of the bill while not upending the other Herculean efforts to invest in California's environment,” Wade said.

IS THIS JUST A POLITICAL SHOW?

Advocates say they aren't just playing politics. They point to the fact that the Trump administration has significantly weakened the Endangered Species Act just this week.

Even if President Trump is not re-elected in 2020, it will take years to reinstitute some regulations, said Delfino from Defenders of Wildlife.

"I've worked on ESA issues for 25 years. This is the worst I've ever seen it," she said.

Even opponents have been vocal about their support for the main intent of the bill.

"This bill is an honest effort to protect California from potential changes in federal law in several areas," Wade said. "We are not opposed to the intent of the bill," said Regele of CalChamber.

HOW IS CALIFORNIA DOING IN THE COURTS?

California Attorney General Xavier Becerra has filed a total of 27 environmental lawsuits against the Trump administration and has won 18 of them, according to his office.

Just this week, Becerra filed a lawsuit as part of a coalition led by New York challenging the Trump Administration's replacement rule of the Clean Power Plan.

Becerra also threatened to sue the federal administration over its changes to the Endangered Species Act this week.

In May, Becerra led a coalition of 17 states and the District of Columbia in suing the U.S. Environmental Protection Agency for their efforts to weaken the nation's single vehicle emission standard. This led to an agreement between California and four major automakers on restricting greenhouse gas emissions.

WHAT IS NEXT?

SB 1 has passed the Senate and will be heard by the Assembly Appropriations Committee on August 21.

MEMORANDUM

TO: Board of Directors

FROM: General Manager

RE: Amendment to 2008 Cooperative Agreement with
Regional Water Quality Control Board

DATE: August 19, 2019

Summary:

The purpose of this proposed Board action is to determine if the Board wishes to approve the proposed amendment to a 2008 Cooperative Agreement with the Santa Ana Regional Water Quality Control Board. The amendment, as discussed in detail at the June Engineering workshop, would reduce the modeling requirements on water importers such as the Agency.

Background:

In 2008, the Santa Ana Regional Water Quality Control Board proposed that water importers such as the Agency apply to the Board for waste discharge permits such as sewage treatment agencies obtain, in order to account for the salt imported in State Water Project water. After a backlash from importers, an alternate route was proposed and adopted—a cooperative agreement that requires importers to model their imported water and its effects on local groundwater basins for 20 years into the future.

The modeling has been required every six years. The Agency has complied with the cooperative agreement, which it signed. Since the cooperative agreement was adopted, the Beaumont Management Zone has attained the status of a “maximum benefit” zone, which requires enhanced modeling and monitoring. The Agency works with other water agencies and cities in the region to implement the maximum benefit requirements. Much of the USGS work each year is tied to these requirements.

Detailed Report:

The proposed amendment, as detailed at the June Engineering Workshop, declares that a specific existing computer model is sufficient to meet the requirements of the cooperative agreement for all computer modeling, that max benefit entities are exempt from certain modeling and reporting requirements, and that the Basin Monitoring Program Task Force, of which the Agency is a member, may be contracted with to perform certain modeling functions required in the cooperative agreement, if needed. Staff will review the specifics of the amendment with the Board at the Board meeting. Both the proposed amendment and the original cooperative agreement are included in the agenda package.

Fiscal Impact:

Any fiscal impact of this amendment would be positive for the Agency, reducing future monitoring and modeling requirements. It is difficult to quantify the benefit but it would be significant in years when computer modeling would otherwise have been required.

Recommendation:

Staff recommends that the Board approve the amendment and authorize the General Manager to sign it. Other importers are also considering this amendment over the next month or so and all are expected to adopt it.

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First Amendment

Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive Uses of Imported Water in the Santa Ana River Basin

This First Amendment to the Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive Uses of Imported Water in the Santa Ana River Basin (**First Amendment**) is entered into and effective this ___ day of _____, 2019 by and among the California Regional Water Quality Control Board, Santa Ana Region (**Regional Board**) and the entities listed in paragraph 11(n) of the Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive Uses of Imported Water in the Santa Ana River Basin, dated January 18, 2008, (**Cooperative Agreement**). The Regional Board and each of the entities listed in paragraph 11(n) of the Cooperative Agreement are individually sometimes referred to here as a **Party** and are collectively referred to as the **Parties**.

Recitals

- A. On January 18, 2008, the Parties entered into the Cooperative Agreement and, since that time, the Parties have collectively implemented the terms of the Cooperative Agreement. Paragraph 3 of the Cooperative Agreement provides that the Cooperative Agreement will automatically renew for periods of ten years unless a Party provides notice of withdrawal at least one year before the termination of the then-current term of the Cooperative Agreement; no Party provided such notice prior to January 18, 2017. Accordingly, the current term of the Cooperative Agreement will end on January 18, 2028.
- B. Paragraph 4 of the Cooperative Agreement requires the re-computation of the current ambient water quality of the groundwater management zones within the Santa Ana River Watershed every three years; the modeling of groundwater quality, specifically Total Dissolved Solids (**TDS**) and Total Inorganic Nitrogen (**TIN**), in the groundwater management zones where the recharge of imported water takes place every six years; and summary reports every three years.
- C. For the management zones that are located upstream of Prado Dam, the water quality modeling and summary reports prepared over the initial ten-year term of the Cooperative Agreement indicate that the water quality of water imported from the State Water Project (**SWP**) is equal to or better than the currently-approved water quality objectives set forth in the Basin Plan for the Santa Ana Region for those management zones.
- D. For the Orange County Management Zone, the water quality modeling and summary reports prepared over the initial ten-year term of the Cooperative Agreement indicate that the water quality resulting from the blending of imported water from the SWP and

43 recycled water from the Groundwater Replenishment System is equal to or better than the
44 currently approved water quality objectives set forth in the Basin Plan for the Santa Ana
45 Region for that management zone.
46

- 47 E. The Basin Monitoring Program Task Force (**Task Force**) performs the necessary
48 calculations to estimate ambient TDS and TIN concentrations in each groundwater
49 management zone in the Santa Ana River watershed every three years based on field
50 data. The Task Force does not perform the modeling of future groundwater quality
51 conditions that is required by paragraph 4 of the Cooperative Agreement. The Task
52 Force’s work to estimate ambient TDS and nitrate TIN is conducted independently of the
53 provisions of paragraph 4 of the Cooperative Agreement.
54
- 55 F. The Task Force also is responsible for updating the Santa Ana River Wasteload
56 Allocation Model every ten years to estimate TDS and TIN concentrations in the Santa
57 Ana River and its tributaries upstream of Prado Dam and in Reach 2 of the Santa Ana
58 River in Orange County, which estimates also include a projection of surface water
59 quality in these areas for twenty years into the future.
60
- 61 G. There is some overlap between the modeling and analysis performed by the Task Force,
62 as described in Recitals E and F above, and the requirements for water quality monitoring
63 and modeling that were established in paragraph 4 of the Cooperative Agreement.
64
- 65 H. The Parties desire to consolidate modeling and analysis to the greatest extent possible,
66 consistent with engaging in the best scientific and engineering analysis possible and
67 consistent with fully protecting the groundwater basins of the Santa Ana River Watershed
68 in the manner described in the Santa Ana River Basin Plan.
69
- 70 I. In certain groundwater management zones, the Regional Board has approved “maximum
71 benefit” programs (**Maximum Benefit Programs**) to allow the discharge of recycled
72 water with quality worse than the antidegradation water quality objective, *provided* that
73 such discharges are part of a comprehensive water management program that will not
74 result in long-term harm to the groundwater basin or downstream beneficial uses. Such
75 Maximum Benefit Programs include a series of commitments by the agencies involved,
76 including but not limited to: the construction of a desalter for recycled water or
77 groundwater, upgrading a wastewater treatment plant, annual monitoring and reporting of
78 surface water and groundwater quality, and the periodic modeling projection of
79 groundwater quality.
80
- 81 J. Many of the Parties are also working together to combine existing, computer
82 groundwater models, including but not limited to the models that were identified in
83 paragraph 5(b) of the Cooperative Agreement, into a single model that will be capable of
84 modeling groundwater flows from the Yucaipa area in the upper portion of the Santa Ana

85 River watershed to Prado Dam. This model, termed the **Integrated Groundwater Flow**
86 **Model**, will be able to model both surface water and groundwater flows. The Integrated
87 Groundwater Flow Model may, in the future, be enhanced so that it is also capable of
88 modeling TDS and TIN and also could, in the future, be extended up the Temescal Wash.
89 The Integrated Groundwater Flow Model, as augmented by TDS and TIN modeling,
90 whether or not it is extended up Temescal Wash, is known as the Integrated Flow and
91 Quality Model (**IFQM**).

92
93 K. As indicated in Recital H above, the Parties wish to avoid any duplicative modeling and
94 also wish to avoid any duplication of the work required pursuant to the Maximum Benefit
95 Programs with work that is required under the Cooperative Agreement. The Parties
96 believe that the development and use of the IFQM would accomplish these modeling
97 goals, at a potentially lower cost, for all areas upstream of Prado Dam.

98
99 L. The Parties wish to work with the Task Force to accomplish the integration of all of the
100 water quality modeling efforts described above so as to: (i) use the best available science
101 in making decisions, (ii) reduce any duplicative efforts and inefficiencies, and (iii) be
102 able to make decisions, to the extent feasible, based on a consensus of all Parties.

103
104 M. The Parties wish to memorialize their mutual agreements in the form of this First
105 Amendment.

106 Agreements

107 1. *Relationship to Cooperative Agreement*

108
109 Save as expressly amended by this First Amendment, all provisions of the Cooperative
110 Agreement shall continue in full force and effect. In the event of any express inconsistency
111 between the terms of this First Amendment and the Cooperative Agreement, the provisions of
112 this First Amendment shall control.

113 2. *Exclusion of Colorado River Water Deliveries*

114
115
116 The Parties agree that no provision of this First Agreement shall apply to the monitoring,
117 reporting or modeling performed by any Party with regard to deliveries or use of water from the
118 Colorado River. All such deliveries or use shall be subject to the monitoring, reporting and
119 modeling requirements of the Cooperative Agreement. The Parties may, but need not, choose to
120 amend the timing or the frequency of reporting of such deliveries, in the future, to better conform
121 with monitoring and reporting schedules adopted under this First Amendment.
122
123
124

125 3. *Use of the IFQM*
126

127 The Parties agree that the IFQM shall be deemed to be an accepted model pursuant to
128 paragraph 5(b) of the Cooperative Agreement, *provided that* the IFQM is subjected to
129 ~~concurrent~~ [LMI] independent peer review and will be modified to address any issues identified by
130 that peer review, and *provided further that* it can be demonstrated with reasonable certainty that
131 the relative error of the modified IFQM's calibration for the groundwater management zone(s) in
132 question for a reasonable base period is $\pm 10\%$, or less, when compared with existing
133 groundwater data. The Parties that intend to use the IFQM agree that they will fund any and all
134 enhancements that may be needed to develop the IFQM and to use it for modeling purposes. The
135 Task Force shall have no obligation to contribute to such efforts.
136

137 4. *Use of Modeling and Reporting by a Maximum Benefit Programs*
138

139 Any Party that has entered into an agreement with the Regional Board to implement a
140 Maximum Benefit Program shall be exempt from the reporting requirements of paragraph 4 of
141 the Cooperative Agreement so long as they are, ~~because they will already be~~ subject to the
142 reporting requirements of their Maximum Benefit Program.
143

144 5. *Use of Modeling and Reporting by the Task Force*
145

146 The Parties operating in groundwater basins that do not have a Maximum Benefit
147 Program may contract with the Task Force (or a consultant retained by the Task Force) to satisfy
148 the monitoring, reporting and modeling requirements of paragraph 4 of the Cooperative
149 Agreement by means of the modeling and reporting efforts and schedule of the Task Force
150 described in Recitals E and F above and the use of the IFQM (upon approval by the Parties)
151 provided that: (i) the Party desiring to utilize the Task Force modeling is a member in good
152 standing of the Task Force, and (ii) the modeling prepared by the Task Force meets the
153 requirements of this First Amendment and the Cooperative Agreement.
154

155 6. *Monitoring and Modeling Schedule*
156

157 The monitoring and reporting requirement established by paragraph 4 of the Cooperative
158 Agreement is hereby modified to require the Parties to submit reports every five years, beginning
159 on July 18, 2021. The modeling projection requirement established by paragraph 4.c of the
160 Cooperative Agreement is hereby modified to require the twenty year projections to be
161 completed every ten years beginning on July 18, 2020.
162

163
164

165 **Signature blocks**

1 COOPERATIVE AGREEMENT
2 TO PROTECT WATER QUALITY AND ENCOURAGE THE CONJUNCTIVE USES OF IMPORTED
3 WATER IN THE SANTA ANA RIVER BASIN
4
5

6 This Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive
7 Uses of Imported Water in the Santa Ana River Basin ("Agreement") is entered into and
8 effective this 18 day of January, ~~2008~~²⁰⁰⁷ by and among the California Regional Water Quality
9 Control Board, Santa Ana Region (the "Regional Board") and the entities listed in paragraph
10 11(n) below. The Regional Board and each of the entities listed in paragraph 11(n) below are
11 individually referred to as a "Party" and are collectively referred to as the "Parties."

12
13 Recitals
14

15 A. Water imported to the Santa Ana River Region, as defined in Water Code section
16 13200(e) (the "Region"), from the State Water Project, the Colorado River and other sources,
17 and to groundwater basins within the Region from other groundwater basins within the Region,
18 is vital to meet present and future demands for water within the Region. Such water is directly
19 used; injected or percolated within groundwater basins; stored in a groundwater basin for later
20 use; may be combined with or used in addition to the native groundwater supplies in a basin;
21 may be exported/imported from one basin to another; and after consumptive use may form a
22 portion of the wastewater that is treated, recharged and reused within the Region. Such
23 conjunctive uses of surface water and groundwater within the Region have been contemplated by
24 the State of California at least since the issuance of the original California Water Plan in 1957
25 and the adoption by the State Water Quality Control Board of Resolution No. 64-1.
26

27 B. The Regional Board is charged by statute with adopting such water quality
28 objectives as may be required to protect the beneficial uses of water within the Region. In
29 particular, the long-term conjunctive use of groundwater in the Region requires that the quality
30 of water in groundwater basins in the Region be managed to meet the water quality objectives for
31 nitrogen and total dissolved solids (collectively, the "Salinity Objectives") adopted by the
32 Regional Board in the 1995 Water Quality Control Plan for the Santa Ana River Basin, as
33 amended in 2004 by R8 2004-0001 (the "Basin Plan").
34

35 C. The Salinity Objectives presently included in the Basin Plan are the result of a
36 multi-year, multi-million dollar cooperative effort among many of the Parties. The Salinity
37 Objectives are a product of the best scientific and technical information available.
38

39 D. The Legislature has declared that the facilitation of voluntary transfers of water
40 and water rights is the established policy of the State. The Legislature has further declared that
41 voluntary water transfers between water users can result in a more efficient use of water and can
42 allow more intensive use of developed water resources so as to conserve all available water
43 resources. The Legislature has directed the Regional Board to encourage voluntary transfers of
44 water and water rights.
45

46 E. The Parties disagree whether the Regional Board may regulate the conjunctive
47 uses of imported water in the Region by means of general waste discharge requirements. Some
48 of the Parties believe the Regional Board lacks authority to regulate the conjunctive uses of
49 water in the Region because, they contend, such water does not constitute "waste" as defined in
50 Water Code section 13050(d); the Regional Board and other Parties believe the Regional Board
51 has such authority.

52
53 F. To avoid costly and time-consuming litigation brought to resolve the scope of the
54 Regional Board's authority to regulate imported water and without prejudice to the Parties'
55 competing views on this question, the Parties wish to act cooperatively with the goal of
56 achieving compliance with the Salinity Objectives without the necessity of general waste
57 discharge requirements.

58
59 G. The Parties wish to memorialize the terms of their cooperative effort by means of
60 this Agreement.

61 62 Agreements

63 64 I. *Purpose of Agreement*

65
66 This Agreement is intended to allow the Parties to monitor and improve water quality
67 within the Santa Ana River Region in a manner that is consistent both with adopted water quality
68 objectives and with the needs of the inhabitants of the Region for a reliable supply of water.
69 This Agreement is limited in scope to compliance with and implementation of the Salinity
70 Objectives.

71 2. *Parties*

72 The Regional Board or any public agency or non-profit mutual water company that
73 imports water to the Region, exports/imports water between basins within the Region, recharges
74 such imported water within the Region, delivers such imported water for potable use within the
75 Region, or treats and/or recharges wastewater within the Region that includes imported water
76 may become a Party to this Agreement.

77 78 3. *Term of Agreement*

79 This Agreement will have an initial term of 10 years and shall automatically renew for
80 subsequent 10-year periods, *provided* that any Party may withdraw at any time by providing one
81 year's written notice of withdrawal to all other Parties.

82 4. *Preparation of Triennial Water Quality Report*

83 The Parties that intentionally recharge imported water within the Santa Ana Region (the
84 "Recharging Parties") agree voluntarily to collect, compile and analyze the N/TDS water
85 quality data necessary to determine whether the intentional recharge of imported water in the
86 Region may have a significant adverse impact on compliance with the Salinity Objectives within

87 the Region. To that end, the Recharging Parties will collect, compile and analyze such N/TDS
88 water quality data and prepare, within eighteen months from the effective date of this Agreement
89 and every three years thereafter, a report containing the following information:

90 a. A summary of the then-current ambient water quality in each groundwater
91 management zone and a comparison of that ambient water quality with the
92 Salinity Objectives. The Recharging Parties shall calculate ambient water quality
93 for each groundwater management zone in a manner that allows for a technically
94 valid comparison with the Salinity Objectives.

95 b. A summary of the amount and quality of imported water recharged in each
96 groundwater management zone during the previous three-year period.

97 c. The initial report and each report prepared at six-year intervals thereafter will
98 include a projection of ambient water quality in each groundwater management
99 zone for the subsequent 20 years.

100 (1) The projection of ambient water quality for each groundwater
101 management zone will be based upon professionally accepted modeling
102 techniques, will reasonably account for surface fluxes of salt input, will
103 reflect the effects of all existing and reasonably foreseeable recharge
104 projects for which there is a certified environmental document and will
105 compare baseline ambient water quality with the Salinity Objectives.

106 (2) The projections for different groundwater management zones may be
107 based on different modeling techniques.

108 (3) Each report that includes a 20-year projection of ambient water quality
109 will also present a comparison of then-current water quality in each
110 groundwater management zone with the ambient water quality projection
111 made six years earlier, together with an evaluation of the reason(s) for any
112 differences.

113 The Recharging Parties will agree among themselves regarding the manner in which they will
114 prepare the report and the manner in which they will share the cost of preparing the report. The
115 Recharging Parties will circulate a draft version of each report to all other Parties for review and
116 written comments for at least a 45-day period. The Recharging Parties shall consider written
117 comments received on the draft report in preparing the final report. Upon completion of the final
118 report, the Recharging Parties shall promptly lodge the final report with the Regional Board.

119 5. *CEQA Review of Proposed Projects*

120 Each Recharging Party agrees that, when it serves as a lead agency under the California
121 Environmental Quality Act ("CEQA") for a proposed project involving the recharge of imported
122 water within the Region, it will analyze that project as follows:
123

- 124 a. The environmental document will include the water quality data compiled in the
 125 most recent triennial report to the Regional Board (see paragraph 4 above) in the
 126 analysis of the potential impacts of the proposed project.
- 127 b. The environmental document will incorporate professionally acceptable modeling
 128 techniques. The Parties agree that the following models meet this standard:
- 129 (1) The Wildermuth models used to establish maximum benefit objectives.
- 130 (2) The Orange County Basin Groundwater Model.
- 131 (3) The USGS/Geoscience/Secor model of the Bunker Hill Groundwater
 132 Basin.
- 133 (4) The Chino Basin Watermaster/Inland Empire Utilities Agency model.
- 134 (5) The Beaumont-Cherry Valley model for the Beaumont management zone
- 135 (6) Eastern Municipal Water District's San Jacinto Groundwater Model.
- 136 (7) Elsinore Valley Municipal Water District's Elsinore Basin Groundwater
 137 Model.
- 138 (8) The USGS model of the Beaumont Basin (with MT3D package or
 139 equivalent added).
- 140 Updates/refinements of these models are presumed to be professionally
 141 acceptable.
- 142 c. A Recharging Party may base its environmental analysis on a model other than
 143 those described above if that model has been presented to the Regional Board at
 144 least 180 days prior to the release of the draft environmental document and there
 145 has been a determination by the Regional Board or its staff that the alternative
 146 model is acceptable.
- 147 (1) The Regional Board agrees that an alternative model is acceptable for
 148 purposes of this Agreement if the proponent of that model can
 149 demonstrate with reasonable certainty that the relative error of the model's
 150 calibration for the groundwater management zones in question for a
 151 reasonable base period is $\pm 10\%$ or less when compared with existing
 152 groundwater data.
- 153 (2) The provisions of the immediately preceding paragraph are not to be
 154 construed to preclude other means or methodologies for an alternative
 155 model's proponent to demonstrate to the Regional Board that an
 156 alternative model is acceptable for purposes of this Agreement.

- 157 (3) If an alternative model has not been deemed acceptable by the Regional
158 Board or its staff and a lead agency wishes to include results from that
159 model in the environmental document, the lead agency shall include
160 results from both the alternative model and one of the pre-approved
161 models in the environmental document.
- 162 d. The environmental document will include the following analyses:
- 163 (1) A summary of the condition of the groundwater management zones, as
164 reflected in the most recent triennial report to the Regional Board, that
165 might be affected by the project.
- 166 (2) A 20-year projection of water quality in the groundwater management
167 zone with the proposed project and a comparison of that water quality with
168 conditions expected without the project.
- 169 (3) A comparison of the 20-year water quality projection for conditions with
170 the proposed project with the Salinity Objectives for the groundwater
171 management zone.
- 172 (4) A description and evaluation of any measures proposed to mitigate the
173 potential effects of the proposed project.
- 174 e. The draft environmental document will be circulated to all Parties.
- 175 f. Each Recharging Party agrees to adopt the operative guidelines contained in this
176 paragraph 5 as part of its CEQA implementing procedures pursuant to section
177 15022 of the CEQA Guidelines.
- 178 g. The environmental document shall include, if required under CEQA, an effective
179 mitigation monitoring and reporting plan that enables the lead agency to
180 demonstrate compliance with applicable regulatory standards and any
181 performance standards adopted in the environmental document.

182 6. *Basin Planning Updates*

183 The Regional Board will review and, if appropriate, revise water quality objectives for
184 the purpose of facilitating the recharge of imported water in groundwater management zones
185 within the Region. The Parties agree to cooperate in such efforts and agree to work
186 cooperatively to develop a program that addresses the use and allocation of assimilative capacity
187 as part of overall Basin planning and management.

188 7. *Enforcement*

189 If the Recharging Parties fail timely to prepare the triennial report described in paragraph
190 4 above or if a Recharging Party fails to include the analyses described in paragraph 5 above in
191 an environmental document prepared in connection with a proposed project involving the
192 recharge of imported water, then any other Party may enforce the terms of this Agreement as

193 follows.

194 If the dispute relates to the triennial report on water quality, the Regional Board will hold
195 a hearing asking the Recharging Parties to provide an explanation for the delay or failure to
196 prepare the report. Such a hearing will precede an action for specific performance of the terms
197 of this Agreement by the Regional Board. In the event that the dispute relates to the failure of a
198 Party to provide the appropriate analysis in an environmental document, that dispute will be
199 addressed by the Party(ies) using the remedies available under CEQA.

200 The Parties recognize that nothing in this Agreement can or is intended to divest the
201 Regional Board of its authority under the Porter-Cologne Water Quality Control Act.
202 Furthermore, nothing in this Agreement shall be construed as a waiver by any Party of any
203 remedies it may have against a non-Party for interference with the implementation of this
204 Agreement.

205 8. *Books and Records*

206 Each Party shall have access to and the right to examine any of the other Parties'
207 pertinent books, documents, papers or other records (including, without limitation, records
208 contained on electronic media) relating to the performance of that Party's obligations pursuant to
209 this Agreement. The Parties shall each retain all such books, documents, papers or other records
210 for at least four years after the termination of this Agreement to facilitate such review. Access
211 to each Party's books and records shall be during normal business hours only. Nothing in this
212 paragraph shall be construed to operate as a waiver of any applicable privileges.

213 9. *No Admissions*

214 Nothing in this Agreement shall be construed as an admission by any Party regarding any
215 subject matter of this Agreement, including but not limited to the authority of the Regional Board
216 to regulate the importation of water to the Region. The Parties agree that Evidence Code
217 sections 1152 and 1154 render this Agreement inadmissible as evidence against any of the
218 Parties in any adjudicative proceeding, except a proceeding to enforce or interpret the terms or
219 conditions of this Agreement.

220 10. *Preservation of Rights*

221 The Parties agree that this Agreement is in settlement of a dispute and preserves all rights
222 of the Parties as they may exist as of the effective date of this Agreement.

223 11. *General Provisions*

224 a. *Authority.* Each signatory of this Agreement represents that s/he is authorized to
225 execute this Agreement on behalf of the Party for which s/he signs. Each Party
226 represents that it has legal authority to enter into this Agreement and to perform
227 all obligations under this Agreement.

228 b. *Amendments.* This Agreement may only be amended with the approval of all
229 Parties.

- 230 c. *Jurisdiction and Venue.* This Agreement shall be governed by and construed in
 231 accordance with the laws of the State of California, except for its conflicts of law
 232 rules. Any suit, action, or proceeding brought under the scope of this Agreement
 233 shall be brought and maintained to the extent allowed by law in the County of
 234 Riverside, California.
- 235 d. *Representations and Warranties.* Each representation and warranty contained
 236 herein or made pursuant hereto shall be deemed to be material and to have been
 237 relied upon and shall survive the execution, delivery and termination of this
 238 Agreement.
- 239 e. *Entire Agreement.* This Agreement constitutes the entire agreement of the Parties
 240 with respect to the subject matter of this Agreement and supersedes any prior oral
 241 or written agreement, understanding, or representation relating to the subject
 242 matter of this Agreement.
- 243 f. *Successors and Assigns.* This Agreement shall be binding on and inure to the
 244 benefit of the successors and assigns of the respective Parties to this Agreement.
 245 No Party may assign its interests in or obligations under this Agreement without
 246 the written consent of the other Parties, which consent shall not be unreasonably
 247 withheld or delayed.
- 248 g. *Advice of Counsel; Drafting by Negotiations.* This Agreement has been arrived at
 249 through negotiations and each Party has had a full and fair opportunity to revise
 250 the terms of this Agreement. As a result, the normal rule of construction that any
 251 ambiguities are to be resolved against the drafting Party shall not apply in the
 252 construction or interpretation of this Agreement. Each Party represents that it has
 253 sought and obtained any legal advice it deems necessary from its own separate
 254 counsel before entering into this Agreement.
- 255 h. *Waiver.* No waiver of any violation or breach of this Agreement shall be
 256 considered to be a waiver of any other violation or breach of this Agreement, and
 257 forbearance to enforce one or more of the remedies provided in this Agreement
 258 shall not be deemed to be a waiver of that remedy.
- 259 i. *Severability.* If, after the date of execution of this Agreement, any provision of
 260 this Agreement is held to be illegal, invalid, or unenforceable under present or
 261 future laws effective during the term of this Agreement, such provision shall be
 262 fully severable. However, in lieu thereof, there shall be added a provision as
 263 similar in terms to such illegal, invalid or unenforceable provision as may be
 264 possible and be legal, valid and enforceable.
- 265 j. *Compliance with Laws.* In performing their respective obligations under this
 266 Agreement, the Parties shall comply with and conform to all applicable laws,
 267 rules, regulations and ordinances.

- 268 k. *No Third-Party Beneficiaries.* This Agreement shall not create any right or
269 interest in any non-Party or in any member of the public as a third party
270 beneficiary.
- 271 l. *Necessary Actions.* Each Party agrees to execute and deliver additional
272 documents and instruments and to take any additional actions as may be
273 reasonably required to carry out the purposes of this Agreement.
- 274 m. *Counterparts.* This Agreement may be executed in one or more counterparts,
275 which may be executed and delivered via facsimile transmission, each of which
276 shall be deemed to be an original, but all of which together shall constitute but
277 one and the same instrument.
- 278 n. *Notices.* All notices, requests, demands or other communications required or
279 permitted under this Agreement shall be in writing unless provided otherwise in
280 this Agreement and shall be deemed to have been duly given and received on:
281 (i) the date of service if served personally or served by facsimile transmission on
282 the Party to whom notice is to be given at the address(es) provided below, (ii) on
283 the first day after mailing, if mailed by Federal Express, U.S. Express Mail, or
284 other similar overnight courier service, postage prepaid, and addressed as
285 provided below, or (iii) on the third day after mailing if mailed to the Party to
286 whom notice is to be given by first class mail, registered or certified, postage
287 prepaid, addressed as follows:

288 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

289 California Regional Water Quality Control Board
290 Santa Ana Region
291 3737 Main St., Suite 500
292 Riverside, CA 92501
293 (951) 782-4130 ph
294 (951) 781-6288 fax

295 CITY OF CORONA

296 City of Corona
297 400 S. Vicentia Avenue
298 Corona, CA 92882-2187
299 (951) 736-2239 ph
300 (951) 736-2231 fax

301 CITY OF RIVERSIDE

302 City of Riverside
303 5950 Acorn Street
304 Riverside, CA 92504-1036
305 (951) 351-6080 ph
306 (951) 351-6267 fax

307 EASTERN MUNICIPAL WATER DISTRICT

308 Eastern Municipal Water District
309 2270 Trumble Road
310 Perris, CA 92570
311 P.O. Box 8300
312 Perris, CA 92572-8300
313 (951) 928-3777 ph
314 (951) 928-6177 fax

315 ELSINORE VALLEY MUNICIPAL WATER DISTRICT

316 Elsinore Valley Municipal Water District
317 31315 Chaney Street
318 Lake Elsinore, CA 92530
319 P.O. Box 3000
320 Lake Elsinore, CA 92531-3000

321 ORANGE COUNTY WATER DISTRICT

322 Orange County Water District
323 10500 Ellis Avenue
324 Fountain Valley, CA 92708-6921
325 P.O. Box 8300
326 Fountain Valley, CA 92728-8300
327 (714) 378-3200 ph
328 (714) 378-3371 fax

329 SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

330 San Bernardino Valley Municipal Water District
331 1350 South "E" Street
332 San Bernardino, CA 92408-2725
333 P.O. Box 5906
334 San Bernardino, CA 92412-5906
335 (909) 387-9200 ph
336 (909) 387-9247 fax

337 SAN GORGONIO PASS WATER AGENCY


338 San Gorgonio Pass Water Agency
339 1210 Beaumont Avenue
340 Beaumont, CA 92223
341 (951) 845-2577 ph
342 (951) 845-0281 fax

343 WESTERN MUNICIPAL WATER DISTRICT

344 Western Municipal Water District
345 450 E. Alessandro Blvd.
346 Riverside, CA 92508-2449
347 P.O. Box 5286
348 Riverside, CA 92517-5286
349 (951) 789-5000 ph
350 (951) 780-3837 fax

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD


By: 
Title: Executive Officer

APPROVED AS TO FORM ONLY:

362 By: _____


363
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369
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CITY OF CORONA

By: 
Title: CITY MANAGER
Beth Groves

APPROVED AS TO FORM ONLY:

371
372
373
374

By: 
Best Best & Krieger, LLP
City of Corona Counsel

OFFICIAL

REGION 9 Board Ballot

2020-2021
TERM

CLEAR FORM



Please return completed ballot by September 30, 2019

E-mail: regionelections@acwa.com

Mail: ACWA
910 K Street, Suite 100
Sacramento, CA 95814

General Voting Instructions:

1 You may either vote for the slate recommended by the Region 9 Nominating Committee or vote for individual region board members (please note rules & regulations for specific qualifications). Mark the appropriate box to indicate your decision.

2 Complete your agency information. The authorized representative is determined by your agency in accordance with your agency's policies and procedures.

Region 9 Rules & Regulations:

The chair and vice chair shall be elected, one from each area, and the positions shall be rotated between the Western and Arid areas of Region 9. For the 2020-2021 term the chair shall be from the Arid area.

Nominating Committee's Recommended Slate

I concur with the Region 9 Nominating Committee's recommended slate below.

CHAIR:

- **Phil Rosentrater**, GM/Executive Director, Salton Sea Authority (Arid)

VICE CHAIR:

- **Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District (Western)

BOARD MEMBERS:

- **Brenda Dennstedt**, Board Member, Western Municipal Water District
- **Carol Lee Brady**, Director - Vice President, Rancho California Water District
- **G. Patrick O'Dowd**, Board Member, Coachella Valley Water District
- **Luis Cetina**, Vice President, Cucamonga Valley Water District
- **James Morales Jr.**, Governing Board Member, East Valley Water District

Individual Board Candidate Nominations

(See Rules & Regulations before selecting)

I do not concur with the Region 9 Nominating Committee's recommended slate. I will vote for individual candidates below as indicated.

CANDIDATES FOR CHAIR: (CHOOSE ONE)

- Luis Cetina**, Vice President, Cucamonga Valley Water District (Western)
- G. Patrick O'Dowd**, Board Member, Coachella Valley Water District (Arid)
- Phil Rosentrater**, GM/Executive Director, Salton Sea Authority (Arid)

CANDIDATES FOR VICE CHAIR: (CHOOSE ONE)

- Luis Cetina**, Vice President, Cucamonga Valley Water District (Western)
- Brenda Dennstedt**, Board Member, Western Municipal Water District (Western)
- Phil Rosentrater**, GM/Executive Director, Salton Sea Authority (Arid)
- Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District (Western)

CANDIDATES FOR BOARD MEMBERS: (MAX OF 5 CHOICES)

- Carol Lee Brady**, Director - Vice President, Rancho California Water District
- Luis Cetina**, Vice President, Cucamonga Valley Water District
- Brenda Dennstedt**, Board Member, Western Municipal Water District
- Joseph, Kuebler**, Treasurer, Eastern Municipal Water District
- James Morales Jr.**, Governing Board Member, East Valley Water District
- G. Patrick O'Dowd**, Board Member, Coachella Valley Water District
- Phil Rosentrater**, GM/Executive Director, Salton Sea Authority
- Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District

AGENCY NAME _____

AUTHORIZED REPRESENTATIVE _____

DATE _____

Cheryle Stiff

Subject: FW: ACWA Committee Appointment Considerations for the 2020-2021 Term

From: Brent Hasteley <BrentH@acwa.com>

Sent: Wednesday, July 31, 2019 2:23 PM

Subject: FW: ACWA Committee Appointment Considerations for the 2020-2021 Term



MEMORANDUM

July 24, 2019

TO: ACWA 2018-2019 TERM COMMITTEE MEMBERS

FROM: Brent Hasteley, ACWA PRESIDENT

SUBJECT: ACWA COMMITTEE APPOINTMENT CONSIDERATIONS FOR THE 2020-2021 TERM

PLEASE RESPOND BY SEPTEMBER 30, 2019

Thank you for your involvement with ACWA. As you know, Committees are an integral part of ACWA's activities and policy development. With the end of the current Committee term fast approaching, it is time again to request 2020-2021 Committee nominations from ACWA members. All Committees will be reconstituted following the election of new officers (ACWA's President / Vice-President) at the 2019 ACWA Fall Conference.

In submitting names for consideration, please do so with the understanding that Committees need active, involved individuals able to expend the time and provide their expertise, if appointed. Please keep in mind that the district is responsible for all costs associated with the participation of its representatives on Committees.

The following information is available at [ACWA's website](#) or by clicking on each link.

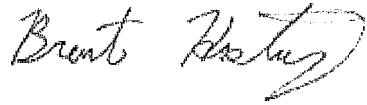
- [ACWA Policy Committee Composition](#)
- [ACWA Committee Consideration Form](#)
- [ACWA Committee Consideration Process Timeline](#)

If you would like to reference current Committee members serving on an ACWA Committee please click [here](#).

All correspondence and forms regarding Committee appointments must be submitted to the ACWA office no later than September 30, 2019 to be eligible for consideration. Committee appointments will be made by the incoming ACWA President in December. Please contact Interim Business Services Specialist, Petra Rice, at petrar@acwa.com or (916) 441-4545, if you have any questions concerning the Committee appointment process.

We appreciate your timely attention to this matter.

Thank you,

A handwritten signature in black ink that reads "Brent Hastey". The signature is written in a cursive, flowing style.

Brent Hastey, ACWA President

ACWA COMMITTEE COMPOSITION

COMMITTEE

LIAISON

Agriculture Committee – Standing/Unlimited

Meetings: 2-3 times a year

The Agriculture Committee makes recommendations to the Board of Directors, State Legislative Committee, Federal Affairs Committee or other committees, as appropriate, regarding agricultural issues affecting the interests of ACWA and its members. This newly-formed committee is currently being assembled.

Adam Borchard
Regulatory Advocate
adam@acwa.com

Business Development Committee – Standing/Unlimited

Meetings: 2 times a year

The Business Development Committee develops and recommends to the Board of Directors programs and activities to be provided or administered by the association that generate non-dues revenue and provide a service or benefit to association members.

Paula Currie
Director of Business Development & Events
paulac@acwa.com

Communications Committee – Standing/Limited (40 maximum)

Meetings: 4 times a year

The Communications Committee develops and recommends to the Board of Directors and ACWA staff regarding communications and public affairs programs. The committee promotes sound public information and education programs and practices among member agencies. It prepares and distributes materials for use by member agencies in their local outreach efforts. It also provides input and guidance to ACWA's Communications Department.

Heather Engel
Director of Communications
heathere@acwa.com

Energy Committee – Standing/Unlimited

Meetings: 2 times a year

The Energy Committee recommends policies and program to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee as appropriate.

Chelsea Haines
Regulatory Advocate II
chelseah@acwa.com

Federal Affairs Committee – Standing/Limited (5 Per Region)

Meetings: 2 times a year

The Federal Affairs Committee coordinates with other ACWA committees regarding input on federal issues before both Congress and the federal administrative branches.

David Reynolds
Director of Federal Affairs
direyns@sso.org

Finance Committee – Standing/Limited (2 Per Region – 1 Region Chair or Vice Chair; 1 with financial experience)

Meetings: 4-5 times a year

The Finance Committee makes recommendations to the Board of Directors regarding annual budgets, investment strategies, annual audits and auditor selection, dues formula and schedule, and other financial matters.

Fili Gonzales
Director of Finance & Business Services
filig@acwa.com

Groundwater Committee – Standing/Unlimited

Meetings: 4 times a year

The Groundwater Committee makes recommendations to the Board of Directors on groundwater policy issues. The committee also monitors state and federal regulations and legislation affecting the quality and management of groundwater, conducts studies and gathers data on groundwater issues, develops policies regarding groundwater management and coordinates with other committees on groundwater issues.

Dave Bolland
Director of State Regulatory Relations
daveb@acwa.com

Legal Affairs Committee – Standing/Limited (45 Maximum)

Meetings: 2-3 times a year

The Legal Affairs Committee acts on requests for assistance on legal matters of significance to ACWA member agencies. It also reviews proposed ACWA bylaw revisions and works with staff to produce publications to assist member agencies in complying with state and federal laws. The committee files amicus curiae filing on important cases, comments on proposed regulations and guidelines of state agencies such as the Fair Political Practices Commission and monitors and engages in water rights waters of interest to member agencies.

**The committee shall be composed of between 34 and 44 attorneys, each of whom shall be, or act as, counsel for a member of the Association.*

Kris Anderson
Legislative Advocate I
krisa@acwa.com

Local Government Committee – Standing/Limited (3 Per Region)

Meetings: 4 times a year

The Local Government Committee makes recommendations to the Board of Directors and the State Legislative Committee on local government matters affecting water agencies, including planning issues, local government organization, and finance. The committee also gathers and disseminates information on the value of special districts, and shares information promoting excellence in local government service delivery.

Adam Quiñonez
*Director of State
Legislative Relations*
adamq@acwa.com

Membership Committee – Standing/unlimited

Meetings: 2 times a year

The Membership Committee makes recommendations to the Board of Directors regarding membership policies, eligibility and applications for membership. The committee assists staff in developing membership recruitment and retention programs and reviews and makes recommendations to the Finance Committee regarding an equitable dues structure.

Tiffany Giammona
*Director of Member
Outreach &
Engagement*
tiffanyg@acwa.com

State Legislative Committee – Standing/Limited (4 Per Region)

Meetings: 10-12 times a year

The State Legislative Committee reviews relevant introduced and amended legislation, and develop positions and provide recommendations to the Board of Directors on ballot measures and other major statewide policy issues. The committee also works with staff amendments to bills and provides director for staff on legislative matters.

Adam Quiñonez
*Director of State
Legislative Relations*
adamq@acwa.com

Water Management Committee – Standing/Limited (4 Per Region)

Meetings: 4 times a year

The Water Management Committee makes recommendations to the Board of Directors on policy and programs related to water management. The committee reviews and recommendation positions on legislation and regulations as requested by other committees. The committee also assists in gathering and disseminating information regarding agricultural and urban water management, water conservation and water use efficiency, development and use of water resources, wastewater treatment and water recycling and reuse.

Dave Bolland
*Director of State
Regulatory Relations*
daveb@acwa.com

Water Quality Committee – Standing/Unlimited

Meetings: 4 times a year

The Water Quality Committee makes recommendations to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee on policy and program regarding water quality issues. The committee promotes cost-effective state and federal water quality regulations and provides a forum for members to work together to develop and present unified comments on water quality regulations. The committee also develops and recommends positions and testimony on water quality regulatory issues.

Adam Borchard
Regulatory Advocate
adamb@acwa.com



COMMITTEE CONSIDERATION FORM

PLEASE PRINT LEGIBLY

Agency Name (DO NOT use acronyms or abbreviations)	Phone
Agency Address	City, State & Zip

**BELOW PLEASE LIST ALL THOSE INTERESTED IN BEING ON ACWA COMMITTEES FOR YOUR AGENCY.
FOR ADDITIONAL RECOMMENDATIONS PLEASE FILL OUT ANOTHER FORM.**

**If an individual is not an agency employee or director, please indicate company affiliation.*

Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice

Signature (Agency/District General Manager or Board President signature required)	Title	Date
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QUESTIONS?
Contact Business Services Specialist Petra Rice
at petrar@acwa.com or (916) 441-4545

910 K Street, Suite 100
Sacramento, CA 95814
www.acwa.com

2019 ACWA Committee Appointment Process Timeline 2020-2021 Term

- July 17:** **COMMITTEE CONSIDERATION FORMS EMAILED**
- Email Agency General Managers and Board Presidents:
 - List of agency staff and directors who currently serve on an ACWA Committee
 - Committee Composition
 - Committee Consideration Form
 - 2020-2021 Committee Timeline
- July 24:** **EMAIL NOTIFICATION TO CURRENT COMMITTEE MEMBERS**
- Current committee members notified that committee process has began
 - All current committee members **MUST** submit a Committee Consideration Form to be considered for reappointment
- September 30:** **COMPLETED CONSIDERATION FORM DEADLINE**
- All committee consideration forms **due by September 30**
 - Any consideration forms submitted after September 30 will be added to the waiting list and considered after ACWA President makes the initial committee appointments for the term
- October 25:** **ACWA REGION CHAIR AND VICE CHAIR CONFERENCE CALL**
- ACWA staff will hold a conference call with newly elected Region Chair and Vice Chairs to review 2020-2021 Committee recommendation process
 - Consideration forms compiled and submitted to incoming Region Chair and Vice Chair
- November 15:** **CHAIR AND VICE CHAIRS RECOMMENDATION DEADLINE**
- No Region recommendations will be accepted after November 15
- December 5:** **RECOMMENDATIONS GIVEN TO ACWA PRESIDENT**
- Incoming ACWA President will receive Region Chair and Vice Chairs recommendations along with all consideration forms at ACWA Fall Conference
- December 16:** **ACWA PRESIDENT APPOINTS MEMBERS OF COMMITTEES**
- Incoming ACWA President submits all appointments to ACWA Staff
- December 31:** **ACWA WILL NOTIFY COMMITTEE MEMBERS OF APPOINTMENTS**
- Letters emailed to members who have been appointed to serve on a committee for the 2020-2021 term
 - Letters emailed notifying those who were not appointed to a committee