

MONTHLY REGULATORY ROUNDUP



August 2023

UPCOMING ACWA EVENTS

ACWA COMMITTEE APPOINTMENT PROCESS

ACWA is now accepting [Committee Appointment Applications](#) for the 2024 – '25 Term. All correspondence and forms regarding committee appointments must be submitted no later than September 30 to be eligible for consideration. Committee appointments will be made by the incoming ACWA President in December. Please contact Region and Member Specialist, Ana Javaid, at anaj@acwa.com or (916) 669-2442, with any questions.

ACWA QUARTERLY REGULATORY COMMITTEE MEETINGS

ACWA's next [Quarterly Regulatory Committee Meetings](#) will be held virtually on August 30 from 9:00 am – 5:00 pm. [Register](#) once to attend any or all of the meetings. The schedule includes:

9:00 AM – 9:30 AM	ACWA Advocacy Updates
9:30 AM – 10:45 AM	Water Management Committee
11:00 AM – 12:15 PM	Groundwater Committee
12:45 PM – 2:00 PM	Agriculture Committee
2:15 PM – 3:30 PM	Water Quality Committee
3:45 PM – 5:00 PM	Energy Committee

ACWA REGION EVENTS

ACWA Region 1 / Lake County Tour / August 11 at 9:00 am / Register [here](#).

POLICY UPDATES

WATER MANAGEMENT

Bay-Delta Plan Update: Staff Report & Substitute Environmental Document

- In August, the State Water Resources Control Board (State Water Board) is expected to release a draft staff report, including a substitute environmental document (SED), which will provide the environmental analysis in support of amendments to the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The draft staff report will evaluate flow-related objectives, including consideration of the Voluntary Agreements (VAs) and tribal beneficial uses.

Staff Contact

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Bay-Delta Plan Update: Voluntary Agreements

- The California Natural Resources Agency (CNRA) is expected to release draft Governance, Science, Flow Measures/Flexibility, and Non-Flow Measures Plans for the VAs in August. This material will be included in the State Water Board's draft staff report on the Bay-Delta Plan.

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Direct Potable Reuse

- On July 20, the State Water Board released a [Notice of Proposed Rulemaking Regarding Direct Potable Reuse Regulations](#) (DPR Regulations). The DPR Regulations would govern the planned use of municipal wastewater to produce water that is placed into the water distribution systems of a public water system (PWS) or into a water supply immediately upstream of a PWS' treatment plant.
 - Public Hearing: September 7 at 9:30 am

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Written comments due September 8 by 12:00 pm	
Fees: 2023 – '24 Drinking Water, Water Quality and Water Rights - The State Water Board is holding a series of stakeholder meetings to discuss drinking water, water quality and water rights fees. - Water Quality: August 3 from 9:00 – 11:00 am - Water Rights: August 3 from 1:00 – 3:00 pm - Drinking Water & ELAP: August 4 from 9:00 – 11:00 am	Staff Contact Chelsea Haines chelseah@acwa.com 
Fifth Climate Change Assessment – Regional Workshops - The Governor's Office of Planning and Research is holding in-person workshops across the state as part of California's Fifth Climate Change Assessment (Fifth Assessment). Attendees are invited to provide input, and identify local priorities for the Fifth Assessment. - Sierra Nevada Workshop: August 9 and August 10 - Inland Deserts Workshop: August 15 - Central Coast Workshop: August 24 - North Coast Workshop: August 29	Staff Contact Soren Nelson sorenn@acwa.com 
Instream Flow Water Purchase Program - DWR and CNRA are accepting proposals for the Instream Flow Water Purchase Program. Funding is available for projects that measurably enhance existing flow conditions to provide fisheries and ecosystem benefits, with a focus on the acquisition of instream flows in the Sacramento-San Joaquin watershed during January through June, with priority for flows provided in dry and critically dry water year types. Eligible applicants include public local entities. - Applications due October 1 by 5:00 pm	Staff Contact Stephen Pang stephenp@acwa.com
Recycled Water Resource Management Strategies - On July 25, DWR held a workshop to discuss the draft Municipal Recycled Water Resource Management Strategy (RMS). The Municipal Recycled Water RMS is a supporting document for the 2023 Update to the California Water Plan and describes the current status of recycled water in California, challenges to increasing its use, and resources needed to meet demands and diversify water supplies on both regional and local levels. - Written comments due August 11	Staff Contact Stephen Pang stephenp@acwa.com
Seawater Desalination Siting and Streamlining Report On July 12, the State Water Board, on behalf of the California Seawater Desalination Interagency Group, released the Draft Seawater Desalination Siting and Streamlining Report to Expedite Permitting (Desalination Report). The Draft Desalination Report identifies criteria for siting seawater desalination facilities to streamline and facilitate approval under existing regulatory requirements, potential changes to regulatory requirements, and actions that project proponents and permitting agencies could implement to better facilitate approval of seawater desalination projects.	Staff Contact Stephen Pang stephenp@acwa.com 
Urban Water Management Plans – Status Report On July 25, DWR published its Status of 2020 Urban Water Management Plans (UWMP) Report to the Legislature (UWMP Report). Key findings of the UWMP Report include that statewide per capita urban water use was down 32% by 2020 from baseline period (suppliers identified a continuous 10-year and 15-year baseline period between 1995 and 2010).	Staff Contact Chelsea Haines chelseah@acwa.com

Water Measurement and Reporting Regulation Pursuant to SB 88

- The State Water Board will hold a [listening session](#) to receive public input on the water measurement and reporting regulation adopted pursuant to Senate Bill (SB) 88. SB 88, which requires diverters above a certain size to measure and report diversion volumes to the State Water Board. State Water Board staff are evaluating ways to increase compliance with the requirements as well as the quality of diversion data submitted.
 - [Listening Session](#): August 3 at 12:00 pm

Staff Contact

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GROUNDWATER**Groundwater Sustainability Plans Approved**

- On July 27, DWR [announced](#) the approval of groundwater sustainability plans (GSPs) for 10 groundwater basins: East Bay Plain, East Contra Costa, Ukiah Valley, Sierra Valley, North San Benito, North American, South American, Butte, Vina, and Wyandotte Creek. Additional determinations are expected to be made throughout 2023.

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**Probationary Hearings for Basins**

- On June 21, State Water Board staff presented a [proposed timeline for probationary hearings](#) under the [Sustainable Groundwater Management Act](#) (SGMA) for basins DWR found to be inadequate. State Water Board staff also proposed steps that inadequate basins will need to take to exit probation. The first probationary hearing is scheduled for December of this year and will consider the Tulare Lake Basin. State Water Board staff expect to release a draft report of the basin's deficiencies in August.

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**AGRICULTURE****Agriculture Water Use Efficiency Resource Management Strategy**

- On July 11, DWR held a [workshop](#) to discuss the draft Agriculture Water Use Efficiency RMS. The Agriculture Water Use Efficiency RMS describes the use and application of scientific processes and management practices to control agriculture water delivery and use to achieve a beneficial outcome.

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Regional Conservation Partnership Program

- The Natural Resources Conservation Service (NRCS) is accepting [proposals](#) for Regional Conservation Partnership Program (RCPP) projects where NRCS and partners can co-invest in solutions to on-farm, watershed, and regional natural resource source concerns. Through the RCPP, the NRCS may provide up to \$500 million in financial and technical assistance to projects.
 - Applications due August 18 at 2:00 pm

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**SAFE DRINKING WATER****Drinking Water Cost Assessment**

- On July 14, the State Water Board released a [Draft White Paper on Proposed Drinking Water Cost Assumptions on Physical Consolidations](#) (White Paper). The Draft White Paper is proposing an [updated methodology](#) for estimating potential modeled physical consolidation costs for Failing PWS, At-risk PWS, state small water systems, and domestic wells.
 - Written comments due August 14

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**Fund Expenditure Plan****Staff Contact**

Soren Nelson

- On July 31, the State Water Board released a Notice of Opportunity for Public Comments, Board Workshop, and Board Consideration of Draft Fiscal Year 2023-24 Fund Expenditure Plan for the Safe and Affordable Drinking Water (SADW) Fund. The SADW Fund provides up to \$130 million annually to develop and implement sustainable solutions for domestic wells and water systems in violation of drinking water standards. - Board Workshop: August 16 at 9:30 am - Written comments due August 30 at 12:00 pm - Adoption consideration: October 3 at 9:30 am	sorenn@acwa.com 
Low Income Household Water Assistance Program The U.S. Department of Health and Human Services has permitted the extension of the Low Income Household Water Assistance Program (LIHWAP) until March 31, 2024. Congress established LIHWAP in December 2020 to help reduce the burden of water and wastewater costs for low-income households. The Department of Community Services and Development will work with local service providers to extend the program through December 31 and then evaluate further the extension of the program.	Staff Contact Cindy Tuck cindy@acwa.com
SAFER Advisory Group - The Safe and Affordable Funding for Equity and Resilience (SAFER) Advisory Group will hold a meeting to discuss the draft Fund Expenditure Plan, SAFER website updates, SAFER program updates, Advisory Group Member Announcements, and Public Comments. Advisory Group Meeting: August 11 at 10:00 am	Staff Contact Soren Nelson sorenn@acwa.com 
WATER QUALITY	
Hexavalent Chromium - On June 16, the State Water Board released a Notice of Proposed Rulemaking Regarding the Hexavalent Chromium Maximum Contaminant Level (MCL), which is proposing a MCL of 10 micrograms per liter (ppb) and an associated initial Detection Limit Reporting of 0.1 ppb. The proposed MCL is intended to satisfy the statutory mandates, as well as a 2017 court order which removed the previous MCL and required the State Water Board to re-complete the process of proposing an MCL for Hexavalent Chromium prior to adoption. - Public Hearing: August 2 at 1:00 pm - Written comments due August 4 by 12:00 pm	Staff Contact Nick Blair nickb@acwa.com 
Municipal Stormwater Cost Policy - On July 24, the State Water Board released a Notice of Opportunity for Public Comment and Board Workshop on a Draft Water Quality Control Policy for Standardized Cost Reporting in Municipal Stormwater Permits. The Draft Municipal Stormwater Cost Policy identifies statewide cost reporting requirements for Phase I and Phase II MS4 permittees and would require the use of standardized cost categories to track MS4 permit implementation costs as well as the reporting of annual expenditures for implementing MS4 permits. - Board Workshop: September 6 at 9:30 am - Written comments due by September 18 at 12:00 pm	Staff Contact Stephen Pang stephenp@acwa.com
Stormwater Pollution to Water Ways	Staff Contact Stephen Pang

On August 2, the California Department of Transportation will present an information item to the State Water Board on how to keep pollutants off of highways, out of storm sewers and out of California water ways.	stephenp@acwa.com
Water Quality Enforcement Policy - On February 10, the State Water Board released Proposed Amendments to the Water Quality Enforcement Policy that aim to ensure a more transparent and consistent application of the statutory factors outlined in the California Water Code that the Water Boards must consider when assessing a civil liability. Board Consideration: August 15 at 9:30 am	Staff Contact Nick Blair nickb@acwa.com
ENERGY	
Senate Bill 100 Report - The California Energy Commission (CEC) will hold a workshop to discuss findings and recommendations from the 2021 Joint Agency SB 100 Report. SB 100 requires that renewable energy and zero-carbon resources supply 100 percent of electric retail sales to end-use customers by 2045 and that 60 percent of the State's electricity is renewable by 2030. - Workshop: August 22 at 9:00 am	Staff Contact Nick Blair nickb@acwa.com
Clean Transportation Incentives - The California Air Resources Board (CARB) will hold a workshop on the Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives as part of its Annual Funding Plan. Workshop: August 31 at 10:00 am	Staff Contact Nick Blair nickb@acwa.com
Advanced Clean Fleets Regulation - CARB will host a workshop to discuss the formation of a Truck Regulatory Advisory Committee for the Advanced Clean Fleets (ACF) Regulation. The ACF Regulation would require California fleet owners and operators to start purchasing zero emission vehicles in 2024, with the goal to move California's medium- and heavy-duty trucks to zero emission, where feasible, by 2045. - Workshop: August 22 at 10:00 am - Office of Administrative Law approval: date TBD	Staff Contact Nick Blair nickb@acwa.com 
Demand Side Grid Support On July 26, the CEC adopted its Demand Side Grid Support (DSGS) Program Guidelines, Second Edition. DSGS is a demand response program that offers incentives to participants that provide load reduction and backup regeneration to support the state's electrical grid during extreme events, reducing the risk of blackouts. Water agencies are eligible to participate in this program.	Staff Contact Nick Blair nickb@acwa.com 
Summer 2023 Grid Reliability - The CEC will host a Business Meeting to provide a status update for 2023 summer grid reliability, including an overview of reliability conditions and actions taken to prepare for the summer. DWR will also provide an update on the status of its Electricity Supply Strategic Reliability Reserve Program. Business Meeting: August 9 at 10:00 am	Staff Contact Nick Blair nickb@acwa.com 
EV Charging	Staff Contact Nick Blair nickb@acwa.com

- The California Energy Commission will open the second application window for the [Golden State Priority Project](#) (GSPP) in a few months, which will provide up to \$38 million rebates for purchasing and installing eligible direct current fast chargers.
 - [Webinar](#): August 10 at 10:00 am



Hydroelectric Incentives Program Updates

- The Department of Energy published guidance for [Hydroelectric Efficiency Improvement Incentives](#) (HEIT) and [Maintaining and Enhancing Hydroelectricity Incentives](#) (MEHI). The [Bipartisan Infrastructure Law](#) created these programs and made \$553.6 million available over the next 5 years to maintain and enhance hydroelectric facilities to provide clean, affordable electricity, improve dam safety, and reduce environmental impacts.
 - Applications for MEHI [due](#) by October 6 at 5:00 pm ET

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ACWA COMMENT LETTERS

[CalDesal Coalition Letter on Draft Seawater Desalination Siting Report](#), State Water Board, July 27

To receive a monthly email of the Regulatory Roundup, please contact [Sonja Eschenburg](#). The Regulatory Roundup is also available on ACWA's [website](#).