



MONTHLY REGULATORY ROUNDUP



July 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 questions concerning committee appointment processes.

ACWA PRESIDENT AND VICE PRESIDENTS CANDIDATES' TOWN HALL

ACWA members are invited to attend ACWA's first ever [Candidates' Town Hall](#), which is scheduled for July 19 at 2:00 pm. [Official candidates](#) running for the positions of ACWA President and Vice President for the 2024 – '25 term will share their candidate statements and participate in a moderated Q&A session with ACWA members.

ACWA BI-MONTHLY WUE MEETING

Join ACWA's [Water Use Efficiency \(WUE\) Subcommittee](#) on July 12 from 10:00 am – 12:00 pm to discuss the State's implementation of Making Water Conservation a California Way of Life.

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 8 / West Basin's Water Recycling Facility / July 13 at 8:30 am / Register [here](#).
- ACWA Region 1 / Lake County Tour / August 10-11 at 9:00 am / Register [here](#).

POLICY UPDATES

WATER MANAGEMENT

Annual Water Supply and Demand Assessment, Annual Water Shortage Assessment

- On July 1, urban water supplies were required to complete their second round of the [Annual Water Supply and Demand Assessment](#) and submit their Annual Water Shortage Assessment Reports to the Department of Water Resources (DWR) through the [WUE data Public Portal](#). Every water supplier that provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to perform an Annual Assessment and submit an Annual Report.

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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),

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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), with the exception of the Tuolumne VA, and tribal beneficial uses.	
Bay-Delta Plan Update: Voluntary Agreements The California Natural Resources Agency (CNRA) expects to release draft Governance, Science, Flow Measures/Flexibility, and Non-Flow Measures Plans for the VAs in July. This material will be included in the State Water Board’s draft staff report on the Bay-Delta Plan.	Staff Contact Stephen Pang stephenp@acwa.com 
Bay-Delta Water Supply Reliability Estimation On June 14, the Delta Independent Science Board released a Review of Water Supply Reliability Estimation (Review) focused on the science and methodology available and employed to estimate water supply reliability. The Review included eight recommendations for improving water supply reliability analyses and identified two major challenges, including addressing climate change and environmental concerns and improving technical and management aspects of water management portfolios.	Staff Contact Stephen Pang stephenp@acwa.com 
Clean Water and Drinking Water State Revolving Funds: Intended Use Plan - On May 22, the State Water Board issued a Notice of Opportunity to Comment, Board Workshop, and Consideration of Adoption of the State Fiscal Year 2023-24 Federal Fiscal Year 2023 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) and Drinking Water State Revolving Fund (DWSRF) IUP with Supplemental IUPs and Guidelines for Complementary Funding from the Budget Acts of 2021, 2022, and 2023 and Propositions 1 and 68. The draft CWSRF and DWSRF IUPs outline the State Water Board’s plan for administering the CWSRF and DWSRF and the types of projects eligible for financing for SFY 2023-24. Board Meeting: July 18 at 9:30 am	Staff Contact Nick Blair nickb@acwa.com 
Drought and Conservation Reporting - The State Water Board will hold an informational public workshop to discuss and receive feedback on Drought and Conservation Reporting and the Safe and Affordable Funding for Equity and Resilience (SAFER) Clearinghouse. Community water systems are required to submit Drought and Conservation Reports to the State Water Board through the SAFER Clearinghouse reporting platform. Public Workshop: July 13 from 1:00 – 2:50 pm	Staff Contact Chelsea Haines chelseah@acwa.com 
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 on the draft framework for the Regional Synthesis Reports, and to identify local priorities for the Fifth Assessment to address and partners interested in being part of regional author teams.	Staff Contact Soren Nelson sorenn@acwa.com 

○ Public Workshop – Sacramento Valley: July 11 ○ Public Workshop – San Joaquin Valley: July 19 ○ Public Workshop – San Francisco Bay Area: July 25 ○ More workshops to follow in August and September	
Instream Flow Water Purchase Program • DWR and CNRA are accepting proposals for projects that measurably enhance existing flow conditions to provide fisheries and ecosystem benefits. The Instream Flow Water Purchase Program focuses upon 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 individuals, non-profit groups, and public local entities that meet the minimum qualifications discussed in the grant guidelines.	Staff Contact Stephen Pang stephenp@acwa.com
Making Water Conservation a California Way of Life • On March 15, the State Water Board released a Draft Staff Framework for Making Water Conservation a Way of Life Regulation (Proposed Regulatory Framework). The Proposed Regulatory Framework summarizes aspects of State Water Board staff's proposed water use efficiency standards, objective, and Commercial, Industrial, Institutional (CII) Performance Measures. On March 13, the State Water Board also released the Standardized Regulatory Impact Assessment of the Proposed Regulatory Framework. ○ Board Workshop: August 16	Staff Contact Chelsea Haines chelseah@acwa.com 
Sacramento River Temperature Management Plan • On June 16, the State Water Board conditionally approved the 2023 Sacramento River Temperature Management Plan (TMP). On June 21, the State Water Board also adopted a draft Order Denying Petitions for Reconsideration by the Board for the 2022 Sacramento River TMP.	Staff Contact Stephen Pang stephenp@acwa.com 
Six-Year Drought White Paper • As part of Water Resilience Portfolio Action 26.3, the California Water Commission (CWC) is holding a series of workshops to develop proposed strategies to protect communities and fish and wildlife in a six-year drought. The CWC is also conducting an online survey to gather opinions on the proposed drought strategies. ○ Workshop 1: July 19 from 12:00 – 3:00 pm ○ Workshop 2: July 25 from 2:00 – 5:00 pm ○ Workshop 3: July 27 from 9:30 am – 12:30 pm	Staff Contact Soren Nelson sorenn@acwa.com 
UPWARD Advisory Group Application • The State Water Board is accepting UPWARD Advisory Group Applications. The UPWARD Advisory Group will facilitate engagement with experts and interested parties that are willing to help the State Water Board achieve the goals of the UPWARD Project, which seek to advance the State's ability to collect, manage, and provide water rights data to the public, as called for by the California Water Resilience Portfolio and California Water Supply Strategy. ○ Applications due July 14	Staff Contact Chelsea Haines chelseah@acwa.com
Water Loss Control • On June 27, the State Water Board posted the final Data Quality and Pressure Management Questionnaires, in accordance with its recently adopted Water Loss Regulation. All urban retail water suppliers are required to submit pressure	Staff Contact Chelsea Haines chelseah@acwa.com

management and data quality [questionnaires](#). Suppliers with multiple systems must complete questionnaires for each system.

- Questionnaires due December 31

Water Plan Update

- DWR is holding two [workshops](#) to discuss resource management strategies (RMS) for [California Water Plan Update 2023](#) (Update 2023). Update 2023 will promote climate resilience with a statewide vision, clear goals, a watershed planning framework and toolkit, and progress-tracking dashboard.
 - [Agriculture Water Use Efficiency RMS](#): July 11 from 10:00 am – 12:00 pm
 - [Recycled Water RMS](#): July 25 from 10:00 am – 12:00 pm

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GROUNDWATER

Sustainable Groundwater Management Act

- On June 21, State Water Board staff presented a [proposed timeline for probationary hearings](#) under the [Sustainable Groundwater Management Act](#) (SGMA) for basins found to be inadequate by DWR. 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

Streamlining Regulatory Processes for Agriculture

- On May 2, the California Department of Food and Agriculture (CDFA) [announced a new study to explore opportunities to streamline regulatory processes for agriculture](#). The study will evaluate agriculture's food safety and water quality regulatory reporting requirements as part of an effort to streamline administrative processes and optimize information collected by the state. The results of the study are expected to be completed by 2025. CDFA will hold listening sessions in Summer 2023 and workshops in 2024 to gather input from agricultural groups.
 - Listening sessions (dates TBD)
 - Workshops (dates TBD)

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SAFE DRINKING WATER

SAFER: Administrator Policy Handbook

- On June 14, the State Water Board held a [public webinar](#) to provide an opportunity for stakeholders to comment on revisions to the [Administrator Policy Handbook](#). The Administrator Policy Handbook provides standards, terms, and procedures applicable to the selection and duties of appointed administrators for designated water systems, as required by Health and Safety Code section 116686.

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SAFER: Drinking Water Cost Assessment Model

- The State Water Board will hold a [public webinar](#) to provide an opportunity for stakeholders to learn and provide feedback on the overview of proposed Drinking Water Costs Assessments Model updates, including proposed updates for estimating interim and/or emergency measures and long-term solutions for failing public water systems, at-risk public water systems, at-risk state small water systems, and domestic wells. This workshop will focus on methods and cost assumptions associated with the physical consolidations analysis component of the Cost Model.
 - [Public Workshop](#): July 14 from 9:00 – 11:00 am

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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). The State Water Board has proposed a MCL of 10 mg/L or 0.010 milligrams per liter (mg/L), and an associated initial Detection Limit Reporting of 0.1 mg/L. The proposed MCL is intended to satisfy the statutory mandates set forth in HSC sections 116365 and 116365.5, as well as the 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

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Microplastics

- On May 22, the State Water Board held a workshop to inform public water systems of its plans for monitoring microplastics per Senate Bill 1422, and to provide instructions for public water systems on how to submit a monitoring proposal plan.
 - Microplastics Monitoring Letters [due](#) July 7

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Sackett v. EPA

- On May 25, the Supreme Court issued its decision in [Sackett v. Environmental Protection Agency](#) (EPA), which addressed the jurisdictional reach of the federal Clean Water Act (CWA). The Supreme Court held that the CWA extends only to wetlands that have a continuous surface connection with “waters of the United States” (WOTUS). The EPA and Army Corps of Engineers have [announced](#) their intent to amend the Biden administration’s January 2023 WOTUS rule and issue a new, final rule by September 1, 2023. This new rule will update the January 2023 WOTUS rule to be consistent with the *Sackett v. EPA* holding.

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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 California Water Code that the Water Boards must consider when assessing a civil liability.
 - [Board Consideration](#): August 15 at 9:30 am

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ENERGY

Advanced Clean Fleets Regulation

- On April 28, the California Air Resources Board adopted the [Proposed Regulation Order](#) of the Advanced Clean Fleets (ACF) Regulation. The ACF Regulation will 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.
 - Office of Administrative Law approval: date TBD

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Energy Efficiency and Conservation Block Grant Program

- On April 25, the Department of Energy (DOE) published [Guidance for Eligibility of Activities Under the Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#). The EECBG Program will make \$550 million available to local governments to implement strategies that reduce energy use and fossil fuel emissions, and improve energy efficiency.

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○ Applications due July 31 at 5:00 pm ET	
Electric Utility Safety • The California Public Utilities Commission and Office of Energy Infrastructure Safety will hold briefings for Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric, to present updates on their electric safety performance and related safety efforts. Formal decisions regarding utility performance will not be made at the scheduled briefings, though there will be an opportunity for public comment at each briefing. ○ Briefing #1 (PG&E): July 6 from 1:00 – 5:00 pm ○ Briefing #2 (SCE and SDG&E): July 20 at 1:00 – 5:00 pm	Staff Contact Nick Blair nickb@acwa.com 
Hydroelectric Incentives Program Updates • On March 22, the DOE published guidance for Hydroelectric Efficiency Improvement Incentives (HEIT), and on May 8 published guidance for Maintaining and Enhancing Hydroelectricity Incentives (MEHI). These programs were created as part of the Bipartisan Infrastructure Law to maintain and enhance hydroelectric facilities to ensure generators and will make \$553.6 million over the next 5 years available to continue to provide clean, affordable electricity, while integrating renewable energy sources like wind and solar, improving dam safety, and reducing environmental impacts. ○ Applications for MEHI due October 6 at 5:00 pm ET	Staff Contact Nick Blair nickb@acwa.com
To receive a monthly email of the Regulatory Roundup, please contact Sonja Eschenburg. The Regulatory Roundup is also available on ACWA's website.	