



MONTHLY REGULATORY ROUNDUP



September 2023

UPCOMING ACWA EVENTS

BI-MONTHLY WATER USE EFFICIENCY MEETING

Join ACWA's Water Use Efficiency (WUE) Subcommittee on September 13 from 10:00 am – 12:00 pm to discuss the State's implementation of Making Conservation a California Way of Life. Click [here](#) to attend.

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 CLE WORKSHOPS

ACWA is holding a series of [virtual workshops](#) that offer continuing legal education for water professionals and update water leaders on current water industry trends.

- September 13 at 11:00 am: Why Water Agencies Must/Should Invest in Diversity, Equity, and Inclusion
- September 20 at 11:00 am: Public Bidding Best Practices
- September 27 at 11:00 am: Eminent Domain for Water Infrastructure Projects – When Does the “Process” Really Start?

ACWA REGION EVENTS

- ACWA Region 3 / Water Use Efficiency Webinar / September 7 at 10:00 am / Register [here](#).
- ACWA Region 5 / Fremont Program and Tour / September 22 at 9:00 am / [Sold out](#).

POLICY UPDATES

WATER MANAGEMENT

Bay-Delta Plan: Biological Goals for Lower San Joaquin River Flow Objectives

- On August 8, the State Water Resources Control Board (State Water Board) released a [Notice of Availability and Board Consideration of Draft Final Initial Biological Goals for Lower San Joaquin River Flow Objectives](#). The biological goals are quantitative metrics that the State Water Board will use to assess if the actions it is taking under the Bay-Delta Plan are making sufficient progress towards achieving and maintaining the natural production of native fish and aquatic species populations.
 - Meeting to Consider Adoption: September 6

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Central Valley Project Water Temperature Modeling Platform Project

- The Delta Science Program is holding a series of [public meetings](#) as part of a peer review of the U.S. Bureau of Reclamation's [Central Valley Project Water Temperature Modeling Platform](#) (WTMP). The focus of the WTMP project is to enhance modeling capabilities for predicting summer and fall water temperatures at temperature management facilities, such as the Shasta Dam Temperature Control Device and Folsom Dam Temperature Shutters.
 - Public Meetings: September 12-13 at 9:00 am; September 14 at 1:00 pm

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Clean Water State Revolving Fund: Intended Use Plan

Staff Contact

Nick Blair

- 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 (SFY) 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 plan for administering the CWSRF and DWSRF and the projects eligible for financing for SFY 2023-24. The State Water Board adopted the DWSRF on July 18, and delayed potential adoption of the CWSRF until the upcoming Board Meeting, to further consider public comments. - Meeting to Consider Adoption: September 6 at 9:30 am	nickb@acwa.com 
Direct Potable Reuse - On August 25, the State Water Board released a Revised Notice of Proposed Rulemaking on the 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 10:30 am - Written comments due September 8 by 12:00 pm	Staff Contact Stephen Pang stephenp@acwa.com 
Electronic Annual Report On August 30, the State Water Board held an electronic Annual Report (eAR) Input Forum to review the 2022 Reporting Year (RY), gather feedback on proposed changes to the eAR for the 2023 RY, and future reporting years.	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 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. - Los Angeles Workshop: September 12 - San Diego Workshop: September 13 - Inland Deserts Workshop: September 19	Staff Contact Soren Nelson sorenn@acwa.com 
Instream Flow Water Purchase Program - DWR and the California Natural Resources Agency (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
Making Conservation a California Way of Life On August 18, the State Water Board initiated the formal rulemaking process for "Making Conservation a California Way of Life" and released the Proposed Text of the Regulation and supporting material that are intended to implement AB 1668 and SB 606 (2018). Under the Proposed Text of the Regulation, urban retail water suppliers would be required to meet an agency specific urban water use objective starting in 2025, implement Commercial, Industrial and Institutional Performance	Staff Contact Chelsea Haines chelseah@acwa.com 

Measures, and comply with annual reporting requirements. The State Water Board is expected to adopt a final regulation in Summer 2024.

- Public Workshop: October 4
- Written comments due October 17

Water Plan Update 2023

- **Plenary:** DWR will host a 2-day plenary session as part of [California Water Plan Update 2023](#) (Update 2023). Keynote speakers, panel presentations, interactive sessions, and breakouts will provide participants an opportunity to learn about and provide feedback on the public review draft of Update 2023, scheduled for release in mid-September.
 - [Plenary Session](#): October 3 and 4 from 8:00 am – 5:00 pm
- **Workshops:** DWR is holding [workshops](#) to discuss resource management strategies (RMS) for Update 2023. Update 2023 will promote climate resilience with a statewide vision, clear goals, a watershed planning framework and toolkit, and progress-tracking dashboard.
 - [Desalination RMS](#): September 13 from 9:00 – 11:30 am
 - [Conjunctive Use and Recharge Area RMS](#): September 21 from 9:00 am – 12:00 pm

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AGRICULTURE

Streamlining Regulatory Processes for Agriculture

- On August 17, the California Department of Food and Agriculture, in collaboration with CalEPA and the State Water Board, announced a [Regulatory Alignment Study](#) to streamline administrative processes and data collection by evaluating food safety and water quality regulatory reporting requirements. Listening sessions are being conducted (in-person and virtual) with the agriculture community and stakeholders to identify streamlining opportunities. Email RegulatoryAlignmentStudy@crowe.com to schedule a listening session.
 - [Listening sessions](#): Ongoing

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SAFE DRINKING WATER

Arrearage Payment Program

- On August 25, the State Water Board released a [Notice of Opportunity for Public Comments, Public Workshop and Board Consideration of the Draft California Water and Wastewater Extended Arrearage Payment Program \(Arrearage Payment Program\) Guidelines](#). On July 10, Governor Newsom signed a budget trailer bill that expanded the Arrearage Payment Program by extending the relief period. The expanded Arrearage Payment Program would provide payments to water and wastewater customer arrearages for the period of March 4, 2020 through December 31, 2022.
 - Information Webinar: September 21 at 3:30 pm
 - Meeting to Consider Adoption: October 3 at 9:30 am
 - Application Period: Estimated to begin November 2023

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SAFER Program: 2023 – '24 Fund Expenditure Plan

- On August 25, the State Water Board released a [Revised Notice of Opportunity for Public Comments, Board Workshop, and Board Consideration of Draft Fiscal Year 2023 – '24 Fund Expenditure Plan \(FEP\) for the Safe and Affordable Drinking Water \(SADW\) Fund](#). The notice extends the comment deadline for Appendix L of the FEP,

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which contains the [Draft Direct Operation and Maintenance Funding Program \(Program\) Guidelines](#). The goal of the Program will be to assist in cases where there is a direct correlation to supporting the affordability of water as part of the Human Right to Water while also improving sustainability.

- Written comments due September 12 by 12:00 pm
- Meeting to Consider Adoption: October 3 at 9:30 am

WATER QUALITY

Clean Water Act: Waters of the United States Rule

- On August 29, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers issued their [amendment to the “waters of the United States” rule](#) following the *Sackett v EPA* decision this spring. The revisions remove Justice Kennedy’s “significant nexus” test from consideration when identifying tributaries and other waters as federally protected. It also revises the adjacency test when identifying federally jurisdictional wetlands, clarifies that interstate wetlands do not fall within the interstate waters category, and clarifies the types of features that can be considered under the “additional waters” category.
 - [Information Webinar](#): September 12 at 12:00 pm

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Colorado River Basin Salinity Control

- On August 16, the State Water Board released a [Notice of Document Availability and Opportunity for Public Comment on the Colorado River Basin Salinity Control Forum’s 2023 Triennial Review of the Water Quality Standards for Salinity in the Colorado River Basin](#). The 2023 triennial review found that the existing numeric criteria and Plan of Implementation were appropriate and recommended no changes.
 - Written comments due September 15 by 12:00 pm

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Municipal Stormwater Cost Policy

- On August 25, the State Water Board released a [Revised Notice of Opportunity for Public Comment and Board Workshop on a Draft Water Quality Control Policy for Standardized Cost Reporting in Municipal Stormwater Permits](#) (Draft Policy). The proposed [Draft Policy](#) and associated [Staff Report](#) identify statewide cost reporting requirements for Phase I and Phase II MS4 permittees. If adopted, the policy would require the use of standardized cost categories to track MS4 permit implementation costs and the reporting of annual expenditures for implementing MS4 permits.
 - Board Workshop: September 7 at 9:30 am
 - Written comments due October 3 by 12:00 pm

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Water Quality Enforcement Policy

- On August 9, the State Water Board released a [Revised Notice of Opportunity for Public Comment, Public Hearing, and Consideration of Adoption of Proposed Amendments to the Water Quality Enforcement Policy](#). The [Proposed Amendments](#) aim to ensure a more transparent and consistent application of the statutory factors outlined in California Water Code that the State Water Board and Regional Water Quality Control Boards must consider when assessing a civil liability.
 - Meeting to Consider Adoption: date TBD

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ENERGY

Advanced Clean Fleets Regulation

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- On August 22, CARB held a workshop to discuss the formation of a Truck Regulatory Advisory Committee (TRAC) to inform implementation of the Advanced Clean Fleets (ACF) Regulation. The ACF Regulation will require California fleet owners and operators to start purchasing zero-emission vehicles (ZEV) in 2024, with the goal to move California's medium- and heavy-duty trucks to zero emission, where feasible, by 2045. CARB plans to convene TRAC quarterly for the next 5 years to inform ACF implementation. - Office of Administrative Law approval of the ACF Regulation: date TBD - Next TRAC Workshop: Fall 2023	nickb@acwa.com 
Electric Vehicle Charging Infrastructure Assessment - On August 25, the California Energy Commission (CEC) released a Notice of Assembly Bill (AB) 2127 Assessment Workshop on Staff Draft Report. The Electric Vehicle Charging Infrastructure Assessment examines charging needs to support California's plug-in electric vehicles (PEVs) in 2030 and 2035. Under AB 2127, the CEC is required to biennially assess the PEV infrastructure needed to meet the state's goals of putting at least 5 million ZEVs on California roads by 2030 and reducing greenhouse gas emissions to 40% below 1990 levels by 2030. - Public Workshop: September 7 at 9:00 am	Staff Contact Nick Blair nickb@acwa.com 
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 October 6 by 5:00 pm ET	Staff Contact Nick Blair nickb@acwa.com
Growth of Hydrogen - On August 24, the CEC released a Notice of IEPR Commissioner Workshop on the Potential Growth of Hydrogen. As required by Senate Bill 1075 (2022), renewable hydrogen is being discussed as a potential solution to help decarbonize the electric generation and transportation sectors as California seeks to achieve its carbon neutrality goals. - Public Workshop: September 8 at 10:00 am - Written comments due September 22 by 5:00 pm	Staff Contact Nick Blair nickb@acwa.com

ACWA COMMENT LETTERS

[Drinking Water Cost Assessment Model Assumptions on Physical Consolidation](#), State Water Resources Control Board, August 14

[Hexavalent Chromium MCL](#), State Water Resources Control Board, August 18

[Water Use Objective Exploration Tool](#), State Water Resources Control Board, August 25

[Distributed Electricity Backup Assets Program](#), California Energy Commission, August 29

[Safe and Affordable Drinking Water Fund 2023-24 Fund Expenditure Plan](#), State Water Resources Control Board, August 29

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