

State

AMENDED IN SENATE JUNE 26, 2022

AMENDED IN ASSEMBLY FEBRUARY 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 178

Introduced by ~~Committee on Budget (Assembly Members Ting (Chair), Arambula, Bennett, Bloom, Carrillo, Chiu, Cooper, Frazier, Friedman, Cristina Garcia, Jones-Sawyer, Lee, McCarty, Medina, Mullin, Nazarian, O'Donnell, Ramos, Reyes, Luz Rivas, Blanca Rubio, Stone, and Wood) Assembly Member Ting~~

January 8, 2021

~~An act relating to the Budget Act of 2021. An act to amend the Budget Act of 2022 by amending Items 0250-001-0001, 0250-001-3066, 0250-101-0001, 0250-101-0932, 0250-102-0159, 0250-102-0932, 0250-111-0001, 0250-113-0001, 0250-114-0001, 0250-115-0001, 0500-001-0001, 0509-001-0001, 0509-101-0001, 0509-101-3398, 0509-102-0001, 0511-001-0001, 0515-103-0001, 0515-105-0001, 0521-131-0001, 0530-001-0001, 0540-101-0001, 0540-102-0001, 0540-490, 0559-001-0001, 0650-001-0001, 0650-101-0001, 0690-001-0001, 0690-012-0001, 0690-101-0001, 0690-101-0890, 0690-490, 0820-001-0001, 0820-490, 0840-001-0001, 0840-001-9740, 0890-001-0001, 0954-101-0001, 0977-101-0001, 0985-220-0001, 1111-011-0001, 1115-001-3288, 1115-004-0001, 1115-102-0001, 1701-001-0001, 2240-104-0001, 2240-105-0001, 2240-106-0001, 2240-110-0001, 2240-111-0001, 2240-121-0001, 2240-122-0001, 2240-124-0001, 2240-125-0001, 2240-126-0001, 2660-302-0890, 2740-001-0044, 2740-490, 3125-001-0001, 3125-001-0568, 3340-001-0001, 3340-001-6088, 3355-001-0462, 3360-101-0001, 3480-001-0001, 3480-102-0001, 3540-001-0001, 3540-301-0001, 3540-301-0660, 3540-492, 3600-001-0001, 3720-001-0001,~~

Sections 11.96, 12.00, 12.32, 19.54, 19.55, 20.00, 35.50, 39.00, and 99.50 of, adding Section 19.56 to, and repealing Sections 6.15 and 35.70 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

LEGISLATIVE COUNSEL’S DIGEST

AB 178, as amended, ~~Committee on Budget Ting. Budget Act of 2021. Budget Act of 2022.~~

The Budget Act of 2022 made appropriations for the support of state government for the 2022–23 fiscal year.

This bill would amend the Budget Act of 2022 by amending, adding, and repealing items of appropriation and making other changes.

This bill would declare that it is to take effect immediately as a Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2021.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

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36 *SEC. 233. Section 19.56 is added to the Budget Act of 2022,*
37 *to read:*
38 *SEC. 19.56. The amounts appropriated pursuant to this section*
39 *reflect legislative priorities. Contingent upon future legislation,*
40 *including amendments to this section to specify further details*

1 *regarding the administration of the amounts specified in this*
2 *section, the following amounts are hereby appropriated from the*
3 *General Fund:*

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(d) WATER, DROUGHT, AND OTHER INFRASTRUCTURE

(1) To be allocated by the Department of Water Resources as follows:

(A) \$1,000,000 to the Marin Municipal Water District for the San Geronimo Emergency Generator.

(B) \$8,600,000 to the Fairfield-Suisun Sewer District for the Kellogg Resiliency Project.

(C) \$1,800,000 to the City of Yucaipa for the Upper Wildwood Creek Basin Project.

(2) To be allocated by the State Water Resources Control Board as follows:

(A) \$2,500,000 to the City of Ridgecrest for wastewater treatment plant construction activities related to the new facility.

(3) \$2,100,000 to the City of Montebello for the Downtown Sewer Infrastructure Improvement Project.

(4) \$9,000,000 to the County of Napa for water infrastructure and wildfire related needs in the cities of St. Helena and Napa and to support the American Canyon Boys and Girls Club.

(5) \$4,500,000 to the City of Menlo Park for the citywide electrification project.

(6) \$3,000,000 to the City of San Juan Bautista for the Wastewater Project.

- 1 (7) \$5,000,000 to the Patterson Irrigation District for
- 2 construction of the East-West Conveyance system between the San
- 3 Joaquin River and the Delta Mendota Canal.
- 4 (8) \$5,000,000 to the City of Madera for the Avenue 13 (Pecan
- 5 Ave.) Sewer Trunk Main Rehab Phase 1.
- 6 (9) \$7,000,000 to the City of San Fernando for a Nitrate Water
- 7 Treatment system in Well 2A.
- 8 (10) \$200,000 to Brawley Tower Removal for the removal of
- 9 the Brawley Tower located at 964 H Street, Brawley.
- 10 (11) \$17,000,000 to the City of Culver for smart city technology
- 11 to purchase and install smart nodes on city streetlight arms.
- 12 (12) \$4,800,000 to the Monterey Peninsula Water Management
- 13 District for the Pure Water Monterey Deep Injection Well No. 6
- 14 project.
- 15 (13) \$6,163,000 to the Monterey County Water Resources
- 16 Agency for Nacimiento Dam Maintenance projects.
- 17 (14) \$2,000,000 to the Big Sur Land Trust for a Green
- 18 infrastructure project to reduce flood risks and restore habitat.
- 19 (15) \$1,000,000 to the County of San Luis Obispo for the Deep
- 20 Water Port Feasibility Study for Offshore Wind Procurement.
- 21 (16) \$1,000,000 to the City of Monterey for the Lake El Estero
- 22 Stormwater Diversion to Sanitary Sewer.
- 23 (17) \$900,000 to the City of Lynwood for the Urban Bike Trails
- 24 and Water Quality Improvements project.
- 25 (18) \$1,500,000 to the City of Santa Rosa for water use
- 26 efficiency appliances.
- 27 (19) \$3,000,000 to the City of Pasadena for the Rose Bowl Gas
- 28 and Water Infrastructure Improvements.
- 29 (20) \$2,000,000 to the Padre Dam Municipal Water District
- 30 for the East County Advanced Water Purification Program.
- 31 (21) \$7,000,000 to the City of Los Angeles Bureau of Sanitation
- 32 for the Hollenbeck Park Lake Rehabilitation and Stormwater
- 33 Management.
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July 1, 2022

Senator John Laird
State Capitol, Room 4040
Sacramento, CA 95814

Dear Senator,

On behalf of the Monterey Peninsula Water Management District (MPWMD), thank you for your efforts to fund the Pure Water Monterey Deep Injection Well No. 6 project in the State budget approved yesterday.

We thank you for your leadership and look forward to opportunities to work together going forward.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is written in a cursive style.

David Stoldt
General Manager
Monterey Peninsula Water Management District

cc: Paul Sciuto, Monterey One Water



July 25, 2022

The Honorable Bill Dodd
 California State Senate
 1021 O St., Suite 6620
 Sacramento, CA 95814

RE: SB 222 (Dodd) – Water Rate Assistance Program
Position: OPPOSE UNLESS AMENDED

Dear Senator Dodd:

The undersigned organizations (the Coalition) believe that there can be a workable and efficient State water and wastewater low-income rate assistance program in California. In 2021, the Association of California Water Agencies (ACWA) worked extensively with you, your staff, the bill sponsors, four policy committees, and both the Senate and Assembly Appropriations Committees to address the Coalition’s concerns with SB 222. We greatly appreciated the amendments that you made in 2021 that allowed the Coalition in August of 2021 to move from an “Oppose-Unless-Amended” position to a

“Watch” position. Unfortunately, the June 23, 2022 amendments to SB 222 raise significant concerns, and the Coalition now has an “Oppose-Unless-Amended” position on SB 222. **Attached is a mockup of amendments that, if incorporated, would allow the Coalition to remove its opposition.** Following is an overview of the concerns.

1) System Role / Proposition 218 - SB 222 would require each Community Water System and Sewer System to create and implement its own water rate assistance program – as opposed to playing an administrative (pass through) role in implementing a State Water Rate Assistance Program. The bill’s approach would now run afoul of Proposition 218.

The new version of SB 222 would require each eligible system to offer water rate assistance. [See Page 11, Line 36.] Water systems are prohibited under the State Constitution (Proposition 218) from providing low-income rate assistance using rate revenues from other customers. SB 222 needs to propose a **State assistance program**: a) funded with funding from the proposed State Water Rate Assistance Fund (Fund); and b) in which eligible systems play an administrative (pass through) role by receiving funding from the Fund and applying it to the accounts of low income households that the State has enrolled in the program and administrative costs.

2) Efficiency / Implementing Agency / Key Program Components – Building administrative efficiency into this State program will allow for more assistance to go to low-income households. The State should handle enrollment and utilize a third-party fund administrator.

The introduced (January 14, 2021) version of SB 222 proposed the State Water Resources Control Board (State Water Board) as the implementing agency. The Coalition and other organizations urged that the California Department of Community Services and Development (CSD) be the implementing agency. You made that change in the April 5, 2021 version. The June 23, 2022 version proposes to go back to the initial proposal to have the State Water Board implement the program.

Efficiency in the State’s administration of the State’s water rate assistance program will allow for more assistance to go to low-income households. ACWA and others suggested that CSD implement the program because this is what CSD does – CSD implements low-income assistance programs. CSD already contracts with a third-party fund disbursement entity and works with local service providers around the State to enroll low-income households. State management of enrollment is important because most public water agencies do not have income information for their customers since they cannot use rate revenue to subsidize low-income rates under Proposition 218.

The Coalition urges you and the Newsom Administration to take a hard look at the issue of does it make sense to reinvent the wheel at the State Water Board and end up spending more money for administration than is needed. The Coalition’s strong preference is for this program to be placed at CSD. If the program is placed at the State

Water Board, **it is critical that State handle customer enrollment – as CSD does, and that the State contracts with a third party fund administrator – as CSD does.**

3) System Administrative Costs - The proposed funding for system administrative costs is not adequate. [Page 4, Line 13 and Page 5, Line 18]

The new version of the bill would add a new proposed requirement that the State Water Board “provide funds to eligible systems for administration of the program, not to exceed the greater of **3 percent** of the total subsidy or two thousand dollars.” While this is a positive addition in the sense that it would be required, the 3 percent number would not cover reasonable administrative expenses. The Coalition suggests increasing this number to 5 percent.

4) Frequency of Funding Distribution – The bill does not address the timing of distribution of the funding.

The attached mockup suggests that systems, after the State adopts emergency regulations and enrolls participants, need to receive the funding from the Fund annually in advance, and then the systems should be required to apply funding within two months to each enrolled customer’s bill installment thereafter for the annual period.

5) Additional Action Authority – This proposed authority is overly broad. [Page 4, Line 30]

The bill would now authorize the State Water Board to “take additional action as may be appropriate for adequate administration and operation of the fund and provision of direct water bill assistance.” This overly broad proposal should be deleted.

6) Audit of Systems Receiving Program Funding – This proposal should be clarified. [Page 7, Line 1]

Under the new version of the bill, the State Water Board would be required to include in guidelines a provision regarding the audit of eligible systems receiving funds under the chapter. The scope of this audit should instead be limited to the system’s local administrative role in the State’s water rate assistance program (i.e., not just anything to do with the system).

7) Affordability Evaluation - This proposal is overly broad. [Page 7, Line 25]

The affordability evaluation language should be narrowed to propose evaluation of remaining **water** affordability issues and relevant (as opposed to available) information.

8) Administrative Procedure Act (APA) – The rules of the road for this program should be developed through emergency regulations. [Page 10, Lines 4 and 10]

The prior version of the bill proposed the development of guidelines but also would have authorized the adoption of emergency regulations. The new version would exempt this program from the APA altogether and delete the proposed emergency regulation authority. It would rely solely on the adoption of guidelines by the State Water Board. This is a major program with little public process proposed for its development. The

Coalition suggests that the implementing agency be required to develop and approve emergency regulations.

9) Affordability Pilot Projects – This bill should not propose to use water rate assistance funding for pilot projects. [Page 10, Line 28]

The affordability pilot projects proposal should be deleted. This bill should be focused on water rate assistance. Assistance for water use efficiency projects can be funded with climate/drought resilience state budget funding separate from this program.

10) Discontinuation of Service – Part of this proposal is workable. [Page 12, Line 1]

The enactment of SB 998 (Dodd) in 2018 set requirements on the discontinuation of service by public water systems that supply water to **more than 200 connections**. For example:

(a)(1)(A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than **seven business days** before discontinuation of residential service for nonpayment, an urban and community water system shall **contact** the customer named (...) on the account by telephone or written notice. (...) [Ca. Health and Safety Code Section 116909, emphasis added.]

Under existing law, that contact must include an offer to discuss options, including an alternative payment schedule. SB 222 now proposes for **all sizes of systems** that a **30-day** notice of the ability to enroll in a payment plan would be required before disconnection could occur. Expanding the SB 998 requirements to cover systems of 200 or fewer connections is not an issue. However, the timing on the notice provision should remain at seven business days consistent with SB 998.

11) Enforcement – The brand new proposed enforcement provisions at Page 12 do not fit with a low-income assistance program and should be deleted and replaced.

The June 23 version adds proposed enforcement provisions to SB 222 for the first time – even though the bill went through four policy committees in 2021.

A) Attorney General - The first proposal is that the Attorney General be authorized to take an action. The Coalition suggests that enforcement by the implementing state agency should be sufficient for a financial assistance program.

B) At-Risk Systems – The bill proposes to have a system that did not establish or maintain a compliant water rate assistance program be deemed an at-risk system for purposes of the mandatory consolidation authority in existing law. As noted above in the discussion about Proposition 218 and the need for a State program, the system should be helping to administer the State’s program – not creating a local water rate assistance program. Further, consolidation of a sustainable system that is providing safe drinking water is not an appropriate remedy for noncompliance with a State water rate assistance program.

- C) Qualified Finance** – The bill proposes to have the State agency qualify awards of financial assistance on the establishment of a low-income assistance program. This language is unclear and ties again to the problematic proposed creation of assistance programs at the local level – instead of on a program at the State level with a local pass through of money from the Fund.

ACWA will suggest an amendment on this new issue.

For these reasons, the Coalition has an Oppose-Unless-Amended position on SB 222. We appreciate your consideration of these concerns. If you would like to discuss the suggestions, please contact ACWA Deputy Executive Director for Government Relations at CindyT@acwa.com.

Sincerely,

Cindy Tuck
Deputy Executive Director for
Government Relations
Association of California Water Agencies

Hannah Davidson
Water Resources Specialist
Hidden Valley Lake Community Services
District

David Coxey
General Manager
Bella Vista Water District

Paul Cook
General Manager
Irvine Ranch Water District

Anthony Goff
General Manager
Calleguas Municipal Water District

Joe McDermott, P.E.
Director of Engineering and External
Affairs
Las Virgenes Municipal Water District

Krista Bernasconi
Mayor
City of Roseville

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Jessaca Lugo
City Manager
City of Shasta Lake

Allison Febbo
General Manager
Mojave Water Agency

John Bosler
General Manager/CEO
Cucamonga Valley Water District

Justin Scott-Coe
General Manager
Monte Vista Water District

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

David J. Stoldt
General Manager
Monterey Peninsula Water
Management District

Tammy Rudock
General Manager
Mid-Peninsula Water District

Robert J. Hunter
General Manager
Municipal Water District of Orange
County

Kyle Swanson
CEO/General Manager
Padre Dam Municipal Water District

Dennis D. LaMoreaux
General Manager
Palmdale Water District

Ara Azhderian
General Manager
Panoche Water District

Anthony Firenzi
Director of Strategic Affairs
Placer County Water Agency

Steve A. Perez, CSDM
General Manager
Rosamond Community Services District

Paul Helliker
General Manager
San Juan Water District

Daniel R. Feron
General Manager
Santa Margarita Water District

Piret Harmon
General Manager
Scotts Valley Water District

Charles Wilson
President & CEO
Southern California Water Coalition

Sean Barclay
General Manager
Tahoe City Public Utility District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Edwin R. Pattison
General Manager
Tuolumne Utilities District

Gary Arant
General Manager
Valley Center Municipal Water District

Brett Hodgkiss
General Manager
Vista Irrigation District

Erik Hitchman
General Manager
Walnut Valley Water District

Anjanette Shadley
Assistant General Manager
Western Canal Water District

Attachment

cc: Mr. Les Spahn, Legislative Director, Office of Senator Bill Dodd



OFFICE OF THE GOVERNOR

SEP 28 2022

To the Members of the California State Senate:

I am returning Senate Bill 222 without my signature.

This bill establishes a Water Rate Assistance Program and Water Rate Assistance Fund to provide water affordability assistance for drinking and wastewater services to low-income ratepayers. The State Water Resources Control Board would be required to administer the program, and community water systems and wastewater systems would be subsequently required to provide rate assistance to residential ratepayers. This is a permanent program that would not be implemented or initiated until funding is provided. At this time, there is no sustainable, ongoing funding identified.

Lowering costs and making sure that Californians have access to safe and affordable drinking water is a top priority of this administration. The last two budgets have provided billions in rebates, debt relief, assistance grants, and free support services. For water costs alone, the 2021-22 Budget provided \$1 billion to the State Water Board for the California Water and Wastewater Arrearage Payment Program, which cleared unpaid water and wastewater debts resulting from the pandemic. This year, our 2022-23 budget added an additional \$200 million to the Low-Income Household Water Assistance Program at the Department of Community Services and Development. These are programs that were both approved and funded by the Legislature.


I commend the author and stakeholders for their work during this Legislative session to craft a vision for such a program. However, this bill does not have any

funding identified, and because it is an ongoing program that would require all community water systems and wastewater systems to participate, signing this policy would result in significant General Fund pressures in the billions of dollars to continuously provide such assistance.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

For these reasons, I cannot sign this bill.

Sincerely,

A handwritten signature in black ink, appearing to be "Gavin Newsom", written over a horizontal line. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Gavin Newsom

Dave Stoldt

From: Dave Stoldt
Sent: Tuesday, November 22, 2022 4:57 PM
To: Charlotte Holifield
Cc: Mike McCullough
Subject: RE: Potential Water Recycling, Groundwater Protection, or Seawater Intrusion Legislative Ideas
Attachments: Bay Area Council Recycled Water Legislative Proposal Oct 2022.docx

Hi Charlotte,

Here are two areas of interest:

Indoor Residential Usage Standards

Last year's Hertzberg bill (SB 1157) focused on indoor residential water use, attempting to reduce gallons per capita per day (gpcd). The Monterey Peninsula is unique in that we are far beyond the rest of the state on outdoor irrigation conservation, so any sort of conservation water use objective obligation will certainly disproportionately come from indoor usage. We have three advanced recycling projects, the Pure Water Monterey indirect potable project (2020), the Castroville Seawater Intrusion Project (1998), and the Pebble Beach Reclamation Project (1994) and each **has more demand than supply at this point**. Further reductions in supply could put additional strain on existing water purchase agreements, both ag and urban. We understand conservation and encourage every community to be a good steward of precious water resources, however we do not want agencies/entities that have made Recycled Water investments in their communities to be disproportionately penalized through legislation like Hertzberg.

Amendment concepts we wanted to see that are still applicable:

1. If 25% or more of a water supplier's water supply comes from recycled sources, the agency's service area shall not have to meet a 42 gpcd standard.
2. If 30% or more of a water supplier's water supply supports the year-long production of recycled water, the agency's service area shall not have to meet a 42 gpcd standard.
3. The SWRCB and DWR may consider other regional and statewide studies that quantify the impacts on water, wastewater, and recycled water systems (i.e. studies and data collected by water districts and local governments).
4. Variance options should include, but are not limited to, stranded assets, *impacts on disadvantaged communities with high-density housing populations*, impacts to environmental flows, or adverse impacts to wastewater and *recycled water systems*. (italics represent new language for consideration of variances based on adverse impacts)

Project Streamlining

The Bay Area Council has a proposed bill that would create a fast track permitting process for drought resilient water projects, defined as water recycling and brackish groundwater desalination projects. Our District supports the water recycling aspects, but are less concerned about brackish water desalination. Projects would remain subject to the same rigorous standards and scrutiny, but under this legislation applicants could expect to receive a permitting decision much more quickly and without slowing down other projects in the permitting pipeline. I have attached their language, but have not edited out any desalination language, which – again – we do not yet support.

I hope this is helpful.

Dave

David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court – Bldg G
Monterey, CA 93940

831.658.5651

From: Charlotte Holifield <charlotteh@csla.net>
Sent: Tuesday, November 22, 2022 12:10 PM
To: Dave Stoldt <dstoldt@mpwmd.net>
Subject: Potential Water Recycling, Groundwater Protection, or Seawater Intrusion Legislative Ideas

Hi Dave,

I hope you have been well and are getting ready for some time off.

I'm writing to pick your brain a bit...CSDA has received potential interest from a legislative office as to whether we were aware of any special districts with legislative ideas related to water recycling or sea-level rise. Primarily, if there is a need for relatively technical change(s) in law that could make a significant difference in this space to speed up or support expansion of programs related to water recycling, groundwater protection, and/or seawater intrusion.

If you have any ideas that we can share with the office, I would be glad to include it / them; just need a basic overview and the best contact person at your organization that the office can follow up with. We will be compiling the information we receive and providing it to the legislative office on Monday, November 28.

At this point in time, this is an exploratory effort, but it could lead to something more. We're trying to responsive to the request for info right now as a first step.

Appreciate your help! Happy early Thanksgiving!

Thank you,
Charlotte

Charlotte Holifield, MPP
Coastal Network Public Affairs Field Coordinator (Ventura, Santa Barbara, SLO, Monterey, Santa Cruz & San Benito Counties)
Water Policy Analyst

Join us for the [2023 CSDA Special District Leadership Academy](#)
February 26 – March 1, 2023 in La Quinta

California Special Districts Association
1112 I Street, Suite 200
Sacramento, CA 95814
877.924.2732, 916.442.7889 fax
www.csla.net

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California Special Districts Association
Special District Risk Management Authority
CSDA Finance Corporation

Supplemental Consultation & Expedited Judicial Review for Drought-Proof Drinking Water Supply Projects

Summary

This bill would facilitate the construction of recycled water and desalination projects for potable reuse by allowing local and regional water agencies to reimburse state permitting agencies for the expedited review of said projects; and to require CEQA challenges to said projects be resolved within 270 days of the filing of relevant environmental documents.

Problem

California residents and businesses rely on rain-and-snow based systems, including groundwater aquifers, local watersheds, the Sacramento River watershed, the San Joaquin River watershed, and the Colorado River watershed, to provide 92 percent of their freshwater supply. Just 8 percent of California's water supply comes from drought-proof or drought-resilient supplies such as recycled water or desalinated water. Climate change is putting these supplies at risk. Lawrence Berkeley National Laboratories estimates the Sierra Snowpack, source of about a third of the state's water supply, will be functionally zero most years beginning in the 2040s. Governor Newsom's Water Supply Strategy released August 2022 estimates climate change will reduce average annual water supplies by 10 percent. Other similarly arid regions around the world, including Israel, Australia, and Singapore, utilize drought-resilient water supplies for at least a third of their annual water consumption.

California must strengthen its resilience to extreme drought by increasing the production of drought resilient supplies like recycled water and desalinated water. The Governor's Water Supply Strategy calls for increasing desalinated water production by 84,000 acre-feet per year, and recycled water by 1.8 million acre-feet per year, by 2040. However, California's current environmental permitting process treats drought-resilient water supply projects no differently than a new freeway or strip mall, needlessly adding time and costs to projects vital for achieving the state's drought resilience goals.

Solution

This bill would create a fast track permitting process for drought resilient water projects, defined as water recycling and brackish groundwater desalination projects. Projects would remain subject to the same rigorous standards and scrutiny, but under this legislation applicants could expect to receive a permitting decision much more quickly and without slowing down other projects in the permitting pipeline.

Contact: Adrian Covert, Senior Vice President, Public Policy, Bay Area Council at acovert@bayareacouncil.org, or at 415-519-9141

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Division 13.6 (commencing with Section 21200) is added to the Public Resources Code, to read:

DIVISION 13.6. Supplemental Consultation to Expedite Permitting for Recycled Water and Desalination Projects for Potable Reuse

21200.

For purposes of this division, the following definitions apply:

(a) "Recycled water for potable reuse" includes direct potable reuse, raw water augmentation, treated drinking water augmentation, indirect potable reuse for groundwater recharge, and reservoir water augmentation, all as defined in Section 13561 of Chapter 7.3, of Division 7 of the Water Code.

(b) "Desalinated water for potable reuse" means treated water produced through the removal of salts from a source water to produce a water suitable to augment drinking water supplies directly or indirectly.

(c) "Qualifying potable reuse project" means a project that will provide recycled water for potable reuse or desalinated water for potable reuse. Qualifying potable reuse project includes the planning, engineering, design, environmental assessment, construction, and related work necessary for the construction of the water treatment facility and its appurtenant conveyances, roads, nature-based water treatment solutions, and other supporting infrastructure necessary to treat and deliver water for potable reuse.

(d) "Permit" means a permit, agreement, certification, approval, authorization, permission, notice to proceed, or directive, or the issuance of the same, from any state agency, that is necessary for a project to proceed.

(e) "State agency" means any state department, agency, board, or commission with the power to issue a permit that would authorize a recycled water or brackish groundwater desalination project.

21202.

(a) A state agency may do any of the following:

(1) Enter into an agreement with the qualifying potable reuse project applicant to recover costs for actions authorized by this section that are above the usual level of service provided by the state agency to expedite the review of environmental documents prepared pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code or permit processing and approval for a qualifying potable reuse project with the goal of completing permit review and approval in an expeditious manner.

(2) Hire or compensate staff or contract for services needed to achieve the goal described in paragraph (1).

(3) Work collaboratively with local, state, and federal agencies on an integrated regulatory approach similar to efforts implemented by the state permitting agencies for projects funded by the San Francisco Bay Area Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.

(b) (1) This section does not limit or expand the authority or discretion of a state agency with regard to processing a permit application, the issuance of a permit, or any conditions that may be required in conjunction with the issuance of a permit.

(2) This section does not affect a qualifying potable reuse project applicant's ability to phase the permitting or construction of the project.

(d) The Federal Energy Regulatory Commission, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the United States Environmental Protection Agency may, and are encouraged to, participate in any integrated regulatory approach authorized by this section.

Expedited Judicial Review

SEC. 2.

Chapter 6.8 (commencing with Section 21189.60) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 6.8. Recycled Water and Brackish Desalination Projects for Potable Reuse

21189.60.

For purposes of this chapter, the following definitions apply:

(a) "Recycled water for potable reuse" includes direct potable reuse, raw water augmentation, treated drinking water augmentation, indirect potable reuse for groundwater recharge, and reservoir water augmentation, all as defined in Section 13561 of Chapter 7.3, of Division 7 of the Water Code.

(b) "Brackish desalinated water for potable reuse" means treated water produced through the removal of salts from a source water to produce a water suitable to augment drinking water supplies directly or indirectly.

(c) "Qualifying potable reuse project" means a project that will provide recycled water for potable reuse or desalinated water for potable reuse. Qualifying potable reuse project includes the planning, engineering, design, environmental assessment, construction, and related work necessary for the construction of the water treatment facility and its appurtenant conveyances, roads, nature-based water treatment solutions, and other supporting infrastructure necessary to treat and deliver water for potable reuse.

(d) "Permit" means a permit, agreement, certification, approval, authorization, permission, notice to

proceed, or directive, or the issuance of the same, from any state agency, that is necessary for a project to proceed.

(e) "State agency" means any state department, agency, board, or commission with the power to issue a permit that would authorize a recycled water or brackish groundwater desalination project.

21189.61.

In implementing a qualifying potable reuse project, the project shall comply with one of the following requirements:

(a) The project shall not result in any net additional emission of greenhouse gases as determined by the State Air Resources Board, pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(b) The project will use nature-based solutions for the treatment of brine created as a byproduct from the treatment of water to potable quality. *(NOTE: This is a placeholder for the preferred RO concentrate treatment solution recommended by the SF Regional Water Board.)*

21189.62.

(a) Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by the Judicial Council, shall apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification of any environmental impact report for the project or granting of any project approvals to require the actions or proceeding, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 business days of the filing of the certified record of proceedings with the court. On or before October 1, 2023, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this subdivision.

21189.63.

(a) The lead agency shall prepare and certify the record of proceedings in accordance with this section and in accordance with Rule 3.1365 of the California Rules of Court.

(b) No later than three business days following the date of the release of the draft environmental impact report, the lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to or relied on by the lead agency in the preparation of the draft environmental impact report. A document prepared by the lead agency after the date of the release of the draft environmental impact report that is a part of the record of proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is prepared or received by the lead agency.

(c) The lead agency shall encourage written comments on the project, to be submitted in a readily accessible electronic format, and shall make any such comment available to the public in a readily accessible electronic format within five days of its receipt.

(d) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(e) The lead agency shall indicate in the record of proceedings comments received that were not considered by the lead agency pursuant to subdivision (d) of Section 21189.65 and need not include the content of the comments as a part of the record of proceedings.

(f) Within five days after the filing of the notice required by subdivision (a) of Section 21152, the lead agency shall certify the record of proceedings for the approval or determination and shall provide an electronic copy of the record of proceedings to a party that has submitted a written request for a copy. The lead agency may charge and collect a reasonable fee from a party requesting a copy of the record of proceedings for the electronic copy, which shall not exceed the reasonable cost of reproducing that copy.

(g) Within 10 days after being served with a complaint or a petition for a writ of mandate, the lead agency shall lodge a copy of the certified record of proceedings with the superior court.

(h) Any dispute over the content of the record of proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record of proceedings shall file a motion to augment the record of proceedings at the time it files its initial brief.

(i) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

21189.64.

(a) The draft and final environmental impact report shall include a notice in not less than 12-point type stating the following:

THIS ENVIRONMENTAL IMPACT REPORT (EIR) IS SUBJECT TO CHAPTER 6.8 (COMMENCING WITH SECTION 21189.60) OF DIVISION 13 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21189.62 TO 21189.65, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.8 (COMMENCING WITH SECTION 21189.60) OF DIVISION 13 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE APPENDIX TO THIS EIR.

(b) The draft environmental impact report and final environmental impact report shall contain, as an appendix, the full text of this chapter.

21189.65.

(a) Within 10 days after the release of the draft environmental impact report, the lead agency shall conduct an informational workshop to inform the public of the key analyses and conclusions of that report.

(b) Within 10 days before the close of the public comment period, the lead agency shall hold a public hearing to receive testimony on the draft environmental impact report. A transcript of the hearing shall be included as an appendix to the final environmental impact report.

(c) (1) Within five days following the close of the public comment period, a commenter on the draft environmental impact report may submit to the lead agency a written request for nonbinding mediation. The lead agency shall participate in nonbinding mediation with all commenters who submitted timely comments on the draft environmental impact report and who requested the mediation. Mediation conducted pursuant to this paragraph shall end no later than 35 days after the close of the public comment period.

(2) A request for mediation shall identify all areas of dispute raised in the comment submitted by the commenter that are to be mediated.

(3) The lead agency shall select one or more mediators who shall be retired judges or recognized experts with at least five years of experience in land use and environmental law or science, or mediation.

(4) A mediation session shall be conducted on each area of dispute with the parties requesting mediation on that area of dispute.

(5) The lead agency shall adopt, as a condition of approval, any measures agreed upon by the lead agency and any commenter who requested mediation. A commenter who agrees to a measure pursuant to this paragraph shall not raise the issue addressed by that measure as a basis for an action or proceeding challenging the lead agency's decision to certify the environmental impact report or to grant one or more initial project approvals.

(d) The lead agency need not consider written comments submitted after the close of the public comment period, unless those comments address any of the following:

(1) New issues raised in the response to comments by the lead agency.

(2) New information released by the public agency subsequent to the release of the draft environmental impact report, such as new information set forth or embodied in a staff report, proposed permit, proposed resolution, ordinance, or similar documents.

(3) Changes made to the project after the close of the public comment period.

(4) Proposed conditions for approval, mitigation measures, or proposed findings required by Section 21081 or a proposed reporting or monitoring program required by paragraph (1) of subdivision (a) of Section 21081.6, where the lead agency releases those documents subsequent to the release of the draft environmental impact report.

(5) New information that was not reasonably known and could not have been reasonably known during the public comment period.

21189.66.

Except as otherwise provided expressly in this chapter, nothing in this chapter affects the duty of any party to comply with this division.

21189.67.

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Federal



February 22, 2022

The Honorable Jimmy Panetta
U.S. House of Representatives
406 Cannon House Office Building
Washington, DC 20515

RE: Request Monterey Peninsula Environmental Infrastructure Authority

Dear Congressman Panetta:

As Congress begins to develop its 2022 Water Resources Development Act, the Monterey Peninsula Water Management District would like to express its strong support for the U.S. Army Corps of Engineers (Corps) Environmental Infrastructure (EI) program. The EI program has the potential to significantly benefit our region, and we respectfully request your support for legislative language that would allow our region to maximize potential benefits from this important program.

As you know, Congress provided an additional \$200 million for EI in the *Infrastructure Investment and Jobs Act*. The pending House and Senate Fiscal Year 2022 appropriations bills also include additional funding for EI. The authority we request increases our chances of competing successfully for any funds Congress makes available for EI projects annually. As a result, we request your support for the attached legislative language in WRDA 2022 that would specifically authorize the Corps to provide EI assistance to our region, creating a unique opportunity to compete for much-needed water resource-related assistance through a well-established and successful Corps program.

The Monterey Peninsula is entering an active transition from traditional surface water supplies to advanced water purification, increased treatment and storage, as well as environmental and flood-plain restoration. Supply chain issues and the increasing cost of construction materials make it critically important that our region take advantage of funds being approved by Congress for Corps EI projects.

We thank you for your continued leadership on behalf of our region as you work on WRDA 2022. We stand ready to work with you and your staff on this important matter.

Thank you for your consideration of our request.

Sincerely,


David Stoldt, General Manager

Attachment

SEC. __. MONTEREY PENINSULA, CA.

(a) Establishment of Program.--The Secretary may establish a program for providing environmental assistance to non-Federal interests on the Monterey Peninsula, California.

(b) Form of Assistance.--Assistance under this section may be in the form of planning, engineering, design, resource monitoring, and construction assistance for water-related environmental infrastructure and resource protection and development projects on the Monterey Peninsula, California, including projects for wastewater treatment and related facilities, water supply and related facilities, surface water resource protection and development, and ecosystem restoration, including improvements to fish habitat and migration.

(c) Public Ownership Requirement.--The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Local Cooperation Agreements.--

(1) In general.--Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) Requirements.--Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) Plan.--Development by the Secretary, in consultation with appropriate Federal and State officials, of a facility or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.--Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.--

(A) In general.--Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) Credit for design work.--The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) Credit for interest.--In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) Lands, easements, and rights-of-way credit.--The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) Operation and maintenance.--The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) Applicability of Other Federal and State Laws.--Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) Nonprofit Entities.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) Corps of Engineers Expenses.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) Authorization of Appropriations.--There is authorized to be appropriated to carry out this section \$20,000,000.

The Environment and Public Works Committee led climate and equity investments in the Inflation Reduction Act

MAJORITY NEWS

EPW Leaders Celebrate Passage of the Water Resources Development Act of 2022

December 15, 2022

WASHINGTON, D.C. — Today, U.S. Senators Tom Carper (D-Del.), Chairman of the Senate Committee on Environment and Public Works, Ranking Member Shelley Moore Capito (R-W.Va.), Transportation and Infrastructure Subcommittee Chairman Ben Cardin (D-Md.), and Subcommittee Ranking Member Kevin Cramer (R-N.D.) secured passage of the *Water Resources Development Act of 2022* (WRDA 2022) as part of this year's National Defense Authorization Act by a vote of 83-11 in the Senate.

WRDA is biennial legislation that authorizes flood control, navigation, and ecosystem restoration projects for the U.S. Army Corps of Engineers.

"Today, we are again demonstrating what is possible when we work together to deliver meaningful, bipartisan solutions to the challenges facing our nation's water resources," **said Senator Carper.** "The *Water Resources Development Act of 2022* will better position the Army Corps of Engineers for the future, help more communities protect themselves from the mounting impacts of climate change, restore critical ecosystems, and keep our economy moving forward. I am grateful to Senators Capito, Cardin, and Cramer for being outstanding partners in developing this year's Water Resources Development Act and helping get this bill across the finish line. I look forward to President Biden signing this historic water infrastructure legislation into law."

"I'm thrilled the Senate passed our bipartisan Water Resources Development Act of 2022, which tackles water resources challenges across the country," **Ranking Member Capito said.** "WRDA 2022 supports the U.S. Army Corps of Engineers in its mission to address local and regional concerns, while continuing to advance national priorities. For West Virginia, projects in communities across our state will receive the resources and support needed to make progress on critical issues, such as addressing flood risk. This legislation is another example of commonsense, bipartisan collaboration on the EPW Committee to improve America's infrastructure, and I'm looking forward to the president signing it into law."

“This year’s Water Resources Development Act adds another win for Maryland and the country to a remarkably productive Congress,” **Senator Cardin said**. “Our bipartisan bill supports supply chains, takes climate change seriously, and expands Army Corps assistance for disadvantaged communities. It also provides new opportunities for maintenance dredging for small harbors such as those in Maryland on the Chesapeake Bay and its tributaries. WRDA 2022 will deliver real benefits in Maryland and across the country, and I look forward to its enactment and implementation.”

“The 2022 Water Resources Development Act delivers big wins for not only North Dakota, but the entire United States. It embraces states’ water rights, improves recreational access, supports flood mitigation initiatives, and establishes policies to better develop and utilize Corps projects. This bill came together through regular order and within the two-year timeframe, and proves when we work in a cooperative manner, we can make meaningful progress. Thank you to Chairman Carper, Ranking Member Capito, and Chairman Cardin for their leadership and commitment to getting this done,” **Senator Cramer said**.

Click **here** for an in-depth bill summary.

Click **here** for a section-by-section.

Click **here** to view full bill text.

###

Permalink: <https://www.epw.senate.gov/public/index.cfm/2022/12/epw-leaders-celebrate-passage-of-the-water-resources-development-act-of-2022>

Hearings | Newsroom

410 Dirksen Senate Office Building
Washington, D.C. 20510
202-224-8832

DIVISION H—WATER RESOURCES
TITLE LXXXI—WATER RESOURCES DEVELOPMENT ACT OF 2022
SEC. 8001. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Water Resources Development Act of 2022”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 8001. Short title; table of contents.

Sec. 8002. Secretary defined.

Subtitle A—General Provisions

Sec. 8101. Federal breakwaters and jetties.

Sec. 8102. Emergency response to natural disasters.

Sec. 8103. Shoreline and riverbank protection and restoration mission.

Sec. 8104. Floodplain management services.

Sec. 8105. Public recreational amenities in ecosystem restoration projects.

Sec. 8106. Scope of feasibility studies.

Sec. 8107. Water supply conservation.

Sec. 8108. Managed aquifer recharge study and working group.

Sec. 8109. Updates to certain water control manuals.

Sec. 8110. National coastal mapping study.

Sec. 8111. Tribal partnership program.

Sec. 8112. Tribal Liaison.

Sec. 8113. Tribal assistance.

Sec. 8114. Cost sharing provisions for the territories and Indian Tribes.

Sec. 8115. Tribal and Economically Disadvantaged Communities Advisory Committee.

Sec. 8116. Workforce planning.

Sec. 8117. Corps of Engineers support for underserved communities; outreach.

Sec. 8118. Pilot programs for certain communities.

Sec. 8119. Technical assistance.

Sec. 8120. Technical assistance for levee inspections.

Sec. 8121. Assessment of Corps of Engineers levees.

Sec. 8122. National low-head dam inventory.

Sec. 8123. Expediting hydropower at Corps of Engineers facilities.

Sec. 8124. Reserve component training at water resources development projects.

Sec. 8125. Payment of pay and allowances of certain officers from appropriation for improvements.

Sec. 8126. Maintenance dredging permits.

Sec. 8127. Environmental dredging.

Sec. 8128. Assessment of regional confined aquatic disposal facilities.

Sec. 8129. Studies for periodic nourishment.

Sec. 8130. Beneficial use of dredged material; management plans.

Sec. 8131. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.

Sec. 8132. Additional projects for underserved community harbors.

Sec. 8133. Inland waterways regional dredge pilot program.

Sec. 8134. NEPA reporting.

Sec. 8135. Funding to process permits.
Sec. 8136. Lease durations.
Sec. 8137. Reforestation.
Sec. 8138. Emergency streambank and shoreline protection.
Sec. 8139. Lease deviations.
Sec. 8140. Policy and technical standards.
Sec. 8141. Corps records relating to harmful algal blooms in Lake Okeechobee, Florida.
Sec. 8142. Forecasting models for the Great Lakes.
Sec. 8143. Monitoring and assessment program for saline lakes in the Great Basin.
Sec. 8144. Chattahoochee River program.
Sec. 8145. Lower Mississippi River Basin demonstration program.
Sec. 8146. Washington Aqueduct.
Sec. 8147. Water infrastructure public-private partnership pilot program.
Sec. 8148. Advance payment in lieu of reimbursement for certain Federal costs.
Sec. 8149. Use of other Federal funds.
Sec. 8150. Non-Federal Interest Advisory Committee.
Sec. 8151. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
Sec. 8152. Rehabilitation of pump stations.
Sec. 8153. Report to Congress on Corps of Engineers reservoirs.
Sec. 8154. Temporary relocation assistance pilot program.
Sec. 8155. Continuation of construction.
Sec. 8156. Federal interest determination.
Sec. 8157. Inland waterway projects.
Sec. 8158. Corps of Engineers Western Water Cooperative Committee.
Sec. 8159. Support of Army civil works missions.
Sec. 8160. Civil works research and development.
Sec. 8161. Sense of Congress on operations and maintenance of recreation sites.
Sec. 8162. Sense of Congress relating to post-disaster repairs.

Subtitle B—Studies and Reports

Sec. 8201. Authorization of proposed feasibility studies.
Sec. 8202. Expedited completion.
Sec. 8203. Expedited modifications of existing feasibility studies.
Sec. 8204. Corps of Engineers reservoir sedimentation assessment.
Sec. 8205. Report and recommendations on dredge capacity.
Sec. 8206. Assessment of impacts from changing operation and maintenance responsibilities.
Sec. 8207. Maintenance dredging data.
Sec. 8208. Western infrastructure study.
Sec. 8209. Recreation and economic development at Corps facilities in Appalachia.
Sec. 8210. Ouachita River watershed, Arkansas and Louisiana.
Sec. 8211. Report on Santa Barbara streams, Lower Mission Creek, California.
Sec. 8212. Disposition study on Salinas Dam and Reservoir, California.
Sec. 8213. Excess lands report for Whittier Narrows Dam, California.
Sec. 8214. Comprehensive central and southern Florida study.
Sec. 8215. Northern estuaries ecosystem restoration, Florida.
Sec. 8216. Study on shellfish habitat and seagrass, Florida Central Gulf Coast.

Sec. 8217. Report on South Florida ecosystem restoration plan implementation.
Sec. 8218. Great Lakes recreational boating.
Sec. 8219. Hydraulic evaluation of Upper Mississippi River and Illinois River.
Sec. 8220. Disposition study on hydropower in the Willamette Valley, Oregon.
Sec. 8221. Houston Ship Channel Expansion Channel Improvement Project, Texas.
Sec. 8222. Sabine–Neches waterway navigation improvement project, Texas.
Sec. 8223. Norfolk Harbor and Channels, Virginia.
Sec. 8224. Coastal Virginia, Virginia.
Sec. 8225. West Virginia hydropower.
Sec. 8226. Electronic preparation and submission of applications.
Sec. 8227. Investments for recreation areas.
Sec. 8228. Automated fee machines.
Sec. 8229. Review of recreational hazards.
Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity.
Sec. 8231. Report on socially and economically disadvantaged small business concerns.
Sec. 8232. Report on solar energy opportunities.
Sec. 8233. Report to Congress on economic valuation of preservation of open space, recreational areas, and habitat associated with project lands.
Sec. 8234. Report on corrosion prevention activities.
Sec. 8235. Report to Congress on easements related to water resources development projects.
Sec. 8236. GAO studies.
Sec. 8237. Assessment of forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers.

Subtitle C—Deauthorizations and Modifications

Sec. 8301. Deauthorization of inactive projects.
Sec. 8302. Watershed and river basin assessments.
Sec. 8303. Forecast-informed reservoir operations.
Sec. 8304. Lakes program.
Sec. 8305. Invasive species.
Sec. 8306. Maintenance of navigation channels.
Sec. 8307. Project reauthorizations.
Sec. 8308. Special rule for certain beach nourishment projects.
Sec. 8309. Columbia River Basin.
Sec. 8310. Evaluation of hydrologic changes in Souris River Basin.
Sec. 8311. Acequias irrigation systems.
Sec. 8312. Port of Nome, Alaska.
Sec. 8313. St. George, Alaska.
Sec. 8314. Unalaska (Dutch Harbor) Channels, Alaska.
Sec. 8315. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
Sec. 8316. St. Francis Lake Control Structure.
Sec. 8317. South Platte River and Tributaries, Adams and Denver Counties, Colorado.
Sec. 8318. Fruitvale Avenue Railroad Bridge, Alameda, California.
Sec. 8319. Los Angeles County, California.
Sec. 8320. Deauthorization of designated portions of the Los Angeles County Drainage Area, California.
Sec. 8321. Murrieta Creek, California.
Sec. 8322. Sacramento River Basin, California.

Sec. 8323. San Diego River and Mission Bay, San Diego County, California.
Sec. 8324. Additional assistance for Eastern Santa Clara Basin, California.
Sec. 8325. San Francisco Bay, California.
Sec. 8326. South San Francisco Bay Shoreline, California.
Sec. 8327. Delaware shore protection and restoration.
Sec. 8328. St. Johns River Basin, Central and Southern Florida.
Sec. 8329. Little Pass, Clearwater Bay, Florida.
Sec. 8330. Comprehensive Everglades Restoration Plan, Florida.
Sec. 8331. Palm Beach Harbor, Florida.
Sec. 8332. Port Everglades, Florida.
Sec. 8333. South Florida Ecosystem Restoration Task Force.
Sec. 8334. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
Sec. 8335. Little Wood River, Gooding, Idaho.
Sec. 8336. Chicago shoreline protection.
Sec. 8337. Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois.
Sec. 8338. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
Sec. 8339. City of El Dorado, Kansas.
Sec. 8340. Algiers Canal Levees, Louisiana.
Sec. 8341. Mississippi River Gulf Outlet, Louisiana.
Sec. 8342. Camp Ellis, Saco, Maine.
Sec. 8343. Lower Mississippi River comprehensive management study.
Sec. 8344. Upper Mississippi River protection.
Sec. 8345. Upper Mississippi River restoration program.
Sec. 8346. Water level management on the Upper Mississippi River and Illinois Waterway.
Sec. 8347. Mississippi Delta Headwaters, Mississippi.
Sec. 8348. Sense of Congress relating to Okatibbee Lake, Mississippi.
Sec. 8349. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
Sec. 8350. Lower Missouri River streambank erosion control evaluation and demonstration projects.
Sec. 8351. Missouri River interception-rearing complexes.
Sec. 8352. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
Sec. 8353. Northern Missouri.
Sec. 8354. Israel River, Lancaster, New Hampshire.
Sec. 8355. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
Sec. 8356. Ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey.
Sec. 8357. Arkansas River corridor, Oklahoma.
Sec. 8358. Copan Lake, Oklahoma.
Sec. 8359. Southwestern Oregon.
Sec. 8360. Yaquina River, Oregon.
Sec. 8361. Lower Blackstone River, Rhode Island.
Sec. 8362. Charleston Harbor, South Carolina.
Sec. 8363. Colleton County, South Carolina.
Sec. 8364. Ensley levee, Tennessee.
Sec. 8365. Wolf River Harbor, Tennessee.
Sec. 8366. Addicks and Barker Reservoirs, Texas.
Sec. 8367. North Padre Island, Corpus Christi Bay, Texas.
Sec. 8368. Nueces County, Texas.

Sec. 8369. Lake Champlain Canal, Vermont and New York.
Sec. 8370. Rehabilitation of Corps of Engineers constructed dams.
Sec. 8371. Puget Sound nearshore ecosystem restoration, Washington.
Sec. 8372. Lower Mud River, Milton, West Virginia.
Sec. 8373. Northern West Virginia.
Sec. 8374. Southern West Virginia.
Sec. 8375. Environmental infrastructure.
Sec. 8376. Additional assistance for critical projects.
Sec. 8377. Conveyances.
Sec. 8378. Land transfer and trust land for Choctaw Nation of Oklahoma.
Sec. 8379. John P. Murtha Locks and Dam.
Sec. 8380. Treatment of certain benefits and costs.
Sec. 8381. Debris removal.
Sec. 8382. General reauthorizations.
Sec. 8383. Transfer of excess credit.
Sec. 8384. Treatment of credit between projects.
Sec. 8385. Non-Federal payment flexibility.
Sec. 8386. Coastal community flood control and other purposes.
Sec. 8387. National levee safety program.
Sec. 8388. Surplus water contracts and water storage agreements.
Sec. 8389. Water supply storage repair, rehabilitation, and replacement costs.
Sec. 8390. Abandoned and inactive noncoal mine restoration.
Sec. 8391. Asian carp prevention and control pilot program.
Sec. 8392. Enhanced development program.
Sec. 8393. Recreational opportunities at certain projects.
Sec. 8394. Federal assistance.
Sec. 8395. Mississippi River mat sinking unit.
Sec. 8396. Sense of Congress on lease agreement.
Sec. 8397. Expedited completion of projects and studies.

Subtitle D—Water Resources Infrastructure

Sec. 8401. Project authorizations.
Sec. 8402. Special rules.
Sec. 8403. Facility investment.

SEC. 8375. ENVIRONMENTAL INFRASTRUCTURE.

(a) NEW PROJECTS.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1258) is amended by adding at the end the following:

“(292) MONTEREY PENINSULA, CALIFORNIA.—
\$20,000,000 for water and wastewater infrastructure, and water supply, on the Monterey Peninsula, California.



March 1, 2022

United States, Bureau of Reclamation
Attn: Ms. Amanda Erath, Program Analyst
Denver Federal Center
P.O. Box 25007
Denver, CO 80225-0007

Re: Pure Water Monterey – Making an Impact Now

Dear Ms. Erath:

The Monterey Peninsula Water Management District (MPWMD) strongly supports the grant application submitted by the Monterey One Water (M1W) for the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects. As a project partner with M1W, we have supported the Pure Water Monterey project financially and civically since the inception. Seeing Pure Water Monterey deliver purified water into the Seaside Basin and on to customers is already making an impact on local drinking water supplies that have been constrained by State regulators and the courts.

Our region is facing significant water supply challenges due to a state mandated cutback of one of the two main water supply sources for the Monterey Peninsula. The base Pure Water Monterey project has helped fill the gap in the actual demand versus needed supply. Expanding Pure Water Monterey will provide additional supplies of water for the area so that the state mandated order is lifted, and the area can thrive and prosper without the cloud of water supply uncertainty.

The project has many well-known multi-party, multi-regional benefits which can serve as a model for other communities across the West who need to implement an innovative recycling project. Benefits to the local area include storm water capture, storage, treatment for beneficial reuse, protecting surface and ocean water quality by diverting pollutants away from the Salinas River and the Monterey Bay National Marine Sanctuary, and diverting impaired agricultural tail water into the existing sanitary sewer collection system which then becomes a source water for recycling.

We are excited about expanding Pure Water Monterey and how it will enhance water supplies for many years to come.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt".

David Stoldt, General Manager

On behalf of the Monterey Peninsula Water Management District

