

**REGULAR MEETING OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
12621 E. 166<sup>th</sup> Street, Cerritos, California 90703**

**2:00 P.M., WEDNESDAY, JUNE 4, 2003**

**AGENDA**

Each item on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "For Information" or "For Discussion" may also be the subject of an "action" taken by the Board or a Committee at the same meeting.

**I. DETERMINATION OF A QUORUM**

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. PUBLIC COMMENT**

**V. ADDITIONAL ITEMS TO AGENDA**

Determine the need to add items to the agenda. In order for the Board to add an item to the agenda it must make a determination that: (i). The item came to the attention of the Board after the posting of the agenda; (ii). That there is a need for immediate action to be taken by the Board. If these two tests are met, the Board may add the item in question to the agenda for consideration consistent with the provisions of the Brown Act.

**VI. CONSENT CALENDAR**

Consent Calendar items are considered routine by the Board of Directors and will be adopted by one motion. There will be no separate discussion of these items unless a Board Member so requests, in which event the item will be removed from the Consent Calendar and considered separately immediately following action on the remaining items.

**A. CONSIDERATION OF RESOLUTION NO. 03-677 -  
A RESOLUTION OF THE WATER REPLENISHMENT DISTRICT OF  
SOUTHERN CALIFORNIA REGARDING AN APPLICATION FOR  
FUNDING PURSUANT TO THE SAFE DRINKING WATER, CLEAN  
WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION  
ACT**

Staff Recommendation: That the Board adopt Resolution No. 03-677.

Committee Recommendation: Not brought before Committee.

**B. EXTENSION OF AGREEMENT BETWEEN WRD, EPA, AND LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS REGARDING WHITTIER NARROWS OPERABLE UNIT GROUNDWATER CLEANUP PROJECT – EPA DISCHARGE INTO ZONE 1 DITCH**

Staff Recommendation: That the Board enter into an Agreement similar in form and content to the attached agreement with the Los Angeles County Department of Public Works and the United States Environmental Protection Agency related to the Whittier Narrows Operable Unit groundwater cleanup project – Zone 1 Ditch Discharge, subject to approval as to form by District Counsel.

Committee Recommendation: Not brought before Committee.

**C. EXTENSION OF AGREEMENT BETWEEN WRD, EPA, AND MAIN SAN GABRIEL BASIN WATER MASTER REGARDING WHITTIER NARROWS OPERABLE UNIT GROUNDWATER CLEANUP PROJECT**

Staff Recommendation: That the Board enter into a Water Production Agreement similar in form and content to the attached agreement with the Main San Gabriel Basin Watermaster and the United States Environmental Protection Agency related to the Whittier Narrows Operable Unit groundwater cleanup project, subject to approval as to form by District Counsel.

Committee Recommendation: Not brought before Committee.

**D. SOUTH BAY LATINO CHAMBER OF COMMERCE**

Staff Recommendation: None.

Committee Recommendation: That the Board approve District membership.

**VII. POLICY ON CARRYOVER OF UNAVAILABLE WATER**

Staff Recommendation: For discussion.

Committee Recommendation: The Water Resources Committee recommended this item be presented to the Board for discussion.

**VIII. BANKING AND STORAGE CONCEPTS**

Staff Recommendation: For discussion.

Committee Recommendation: For discussion.

**IX. FISCAL YEAR 03/04 IN-LIEU PROGRAM**

Staff Recommendation: Suspend In-Lieu Program for FY 03/04.

Committee Recommendation: Suspend In-Lieu Program for FY 03/04.

**X. DISCUSSION OF 2003 / 2004 BUDGET**

Staff Recommendation: For discussion.

Committee Recommendation: For discussion.

**XI. LEGISLATIVE REPORT - SB 21 (MACHADO)**

Staff Recommendation: That the Board support SB 21 (Machado).

Committee Recommendation: That the Board support SB 21 (Machado).

## **XII. GENERAL MANAGER'S REPORT**

## **XIII. DISTRICT COUNSEL REPORT**

## **XIV. DIRECTORS' REPORTS / COMMITTEE REPORTS**

## **XV. WRD BOARD MEETING DATES**

- A. June 18, 2003 – 2:00 P.M. – Board of Directors Meeting
- B. July 2, 2003 – 2:00 P.M. – Board of Directors Meeting
- C. July 16, 2003 – 2:00 P.M. – Board of Directors Meeting
- D. August 6, 2003 – 2:00 P.M. – Board of Directors Meeting

## **XVI. CLOSED SESSION**

- A. Existing litigation per Government Code §54956.9 (a)
  - 1. WRD vs Midland Park Water Trust; L.A.S.C. Case No. 01-CO-1417
  - 2. Central and West Basin Water Replenishment District vs Charles Adams; L.A.S.C. Case No. 786,656
  - 3. Buford Sonny Walker vs Water Replenishment District of Southern California, et al.; Case No. BC276152
  - 4. WRD vs Kernview Oil Corporation, Pacific Energy Resources, Sunset Pipeline and Terminalling, Inc., Titan Energy, Inc., Trio Petroleum, Inc., Danex Aggregate Materials, Inc., and DOES 1-30. Case No. BC286475
  - 5. Ronald P. Flores vs. Water Replenishment District of Southern California, et al.; California Court of Appeal, Case No. B165755
- B. Anticipated litigation per Government Code §54956.9(b)  
One Case  
Anticipated litigation per Government Code §54956.9 (c)  
One Case
- C. Labor Negotiations per Government Code §54957.6  
Negotiator: Arnaldo Beltran  
Bargaining Group: American Federation of State County & Municipal Employees (AFSCME)  
Discussion: Terms and conditions for Memorandum of Understanding for bargaining group
- D. Consideration of appointment, employment, evaluation of performance or dismissal of public employee per Government Code §54957  
Position Title: General Manager

## **XVII. ADJOURNMENT**

Agenda posted by Marcia A. Forkos, Deputy Secretary, May 30, 2003. In compliance with ADA requirements, this document can be made available in alternative formats upon request.

**AGENDA ITEM NO. VI.A**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: CONSIDERATION OF RESOLUTION NO. 03-677–  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER  
REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
REGARDING AN APPLICATION FOR GROUNDWATER STORAGE  
CONSTRUCTION GRANTS PURSUANT TO THE SAFE DRINKING  
WATER, CLEAN WATER, WATERSHED PROTECTION AND FLOOD  
PROTECTION ACT**

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In March 2000, the voters of California approved the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000 (Proposition 13). The referendum earmarked nearly two billion dollars in funds for various water-related projects. Some of the programs that will receive funds were specified in the Act while others will be issued on a competitive basis to qualifying agencies, which may include WRD, pumpers within the basins, and other agencies.

In December 2001, the WRD Board adopted resolution 01-630 which authorized WRD to submit Proposition 13 applications under the Groundwater Storage Construction Grant Program. Resolution 03-677 simply reauthorizes WRD to submit applications for the 2003 funding cycle.

**FISCAL IMPACT:** None at this time. Loans or grants could reduce WRD expenditures on certain projects or programs.

**STAFF RECOMMENDATION:** Adopt Resolution 03-677.

**COMMITTEE RECOMMENDATION:** Not brought before Committee.

**RESOLUTION NO. 03-677**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
REGARDING AN APPLICATION FOR FUNDING PURSUANT TO THE SAFE  
DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND  
FLOOD PROTECTION ACT**

WHEREAS, the Water Replenishment District of Southern California ("WRD") is a special district created under the laws of the State of California charged with the responsibility of replenishing the West Coast Ground Water Basin and the Central Ground Water Basin and maintaining the groundwater quality in said basins; and

WHEREAS, the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (California Water Code Section 79000 *et seq.*) authorizes the California Department of Water Resources to issue funding for groundwater storage projects; and

WHEREAS, WRD seeks to obtain such funding for a potentially eligible project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Water Replenishment District of Southern California hereby:

Approves the submittal of an application, pursuant and subject to all of the terms and provisions of The Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act, and amendments thereto, by the Water Replenishment District of Southern California to the California Department of Water Resources to obtain funding for groundwater storage project construction for the 2003 funding cycled. Bruce Mowry, who is the General Manager of the Water Replenishment District of Southern California is hereby authorized and directed to prepare the necessary data, make investigations, sign and file such application with the California Department of Water Resources.

Passed, adopted and approved at the regular meeting of the Board of Directors of the Water Replenishment District of Southern California on \_\_\_\_\_, June 2003.

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_

Secretary

**AGENDA ITEM NO. VI.B**

**DATE: JUNE 4, 2003**

**TO: BOARD OF DIRECTORS**

**FROM: BRUCE MOWRY, GENERAL MANAGER**

**SUBJECT: EXTENSION OF AGREEMENT BETWEEN WRD, EPA, AND LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS REGARDING WHITTIER NARROWS OPERABLE UNIT GROUNDWATER CLEANUP PROJECT – EPA DISCHARGE INTO ZONE 1 DITCH**

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On June 18, 2002, the Board entered an Agreement with Los Angeles County Department of Public Works (DPW) and the United States Environmental Protection Agency (EPA) for the spreading of water in the Central Basin - Rio Hondo Spreading Grounds that originates from EPA's cleanup project in Whittier Narrows. Removal of this contamination is crucial to prevent it from flowing southward into the Central Basin.

The Agreement expires on June 18<sup>th</sup>, 2003, but the EPA has requested a continuance of the Agreement to allow time for additional pumping, treatment, testing, and discharge of the water before it is served as a potable source to the City of Whittier or any other purveyor in San Gabriel Valley.

The extended Agreement is attached to this memorandum. It is identical to the one signed by the Board last year, and will be effective for one year after executed, although the EPA has stated that it will not need to discharge water into the Zone 1 ditch after September 30, 2003.

**FISCAL IMPACT:** None.

**STAFF RECOMMENDATION:** That the Board enter into an Agreement similar in form and content to the attached agreement with the Los Angeles County Department of Public Works and the United States Environmental Protection Agency related to the Whittier Narrows Operable Unit groundwater cleanup project – Zone 1 Ditch Discharge, subject to approval as to form by District Counsel.

**COMMITTEE RECOMMENDATION:** Not brought before Committee.

## **AGREEMENT**

This Agreement made, entered into, and executed as of the \_\_\_\_ day of June 2003 by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, hereinafter designated as "DISTRICT," the WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA, hereinafter designated as "WRD," and the government of the UNITED STATES OF AMERICA, hereinafter "U.S." acting through its ENVIRONMENTAL PROTECTION AGENCY, hereinafter designated "AGENCY."

## **WITNESSETH**

WHEREAS, the DISTRICT performs flood control and water conservation primarily of stormwaters and other runoff within the County of Los Angeles pursuant to the Los Angeles County Flood Control Act, California Water Code, Uncodified Acts, Act 4463 (the "Flood Control Act");

WHEREAS, the Flood Control Act authorizes the District to conserve waters by spreading, storing, retaining, or causing them to percolate into the soil, therefore, allowing recharge of the subsurface water storage within the groundwater basins in the County of Los Angeles;

WHEREAS, the DISTRICT owns and operates facilities ("Spreading Grounds") designed to allow rainfall and other runoff from the local watersheds to percolate into the soil and into the groundwater basins ("Storm-flow Spreading");

WHEREAS, after conducting Storm-flow Spreading, from time to time, the DISTRICT experiences unused capacity at the Spreading Grounds (the "Unused Capacity");

WHEREAS, Section 17 of the Flood Control Act authorizes the DISTRICT to cooperate with the government of the U.S. to conserve waters when such waters are provided at no cost to the District; and

WHEREAS the U.S., acting through its AGENCY, pursuant to the authority granted by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601 et. seq. ("CERCLA"), plans to extract and treat contaminated groundwater (the "Agency Reclaimed Water") at the Whittier Narrows Operable Unit ("WNOU") of the San Gabriel Valley Superfund site at the AGENCY's groundwater treatment plant (the "Agency Treatment Facility") constructed behind the Whittier Narrows Dam; and

WHEREAS, the AGENCY intends to treat the Agency Reclaimed Water to a state where the water shall become acceptable to be purveyed by a third-party utility (the "Purveyor") to the public as potable drinking water (the "Agency Treated Water") under a permit by the State of California Department of Health Services; and

WHEREAS, the AGENCY anticipates that the Purveyor will be able to accept the Agency Treated Water within approximately twelve (12) months from the above date of this Agreement; and

WHEREAS, as an interim measure until the AGENCY is authorized to deliver Agency Treated Water to a Purveyor, the AGENCY and the WRD desire to conserve the Agency Treated Water into the Central Groundwater Basin by discharging it through the DISTRICT's canal, commonly known as the Zone 1 Ditch (the "Zone 1 Ditch"), located within the area of the Whittier Narrows Reservoir and transporting it to the DISTRICT's Spreading Grounds commonly known as the Rio Hondo Coastal Basin Spreading Grounds (the " Spreading Grounds"); and

WHEREAS, the WRD serves as the basin water manager for and is responsible for managing water levels in the Central Groundwater Basin; and

WHEREAS, WRD utilizes various sources of water for recharge in certain spreading grounds in the Central Basin. WRD is responsible for funding the cost of purchased recharge water and complying with permits regulating the use of low-cost reclaimed water for spreading. WRD seeks to optimize the use of these various sources of water to minimize cost while complying with all relevant water quality regulations; and

WHEREAS, the AGENCY and WRD desire that the DISTRICT make available the DISTRICT's Unused Capacity at the Spreading Grounds to allow spreading of the Agency Treated Water; and

WHEREAS, the DISTRICT agrees to cooperate with AGENCY and WRD to allow the spreading of Agency Treated Water; and

WHEREAS, the parties desire that any Agency Treated Water that is spread into the Central Basin Spreading Grounds meet certain quality standards as set forth in this Agreement; and

WHEREAS, the AGENCY shall perform periodic testing and monitoring of the Agency Treated Water to assure that standards set forth herein are met for water discharged into the Zone 1 Ditch; and

WHEREAS, the WRD shall assist in monitoring the results of the Agency Testing and report to the DISTRICT if water delivered to the Zone 1 Ditch fails to meet the desired water quality standards;

NOW, THEREFORE, in consideration of mutual promises, agreements, and covenants of the parties herein contained, said parties hereto agree as follows:

- (1) **Spreading of Agency Treated Water**. Upon receipt of a Written Request (as defined below), the DISTRICT shall permit the spreading of Agency Treated Water from the AGENCY pipeline through the Zone 1 Ditch and into the DISTRICT's Spreading Grounds solely to the extent that the DISTRICT may determine, in the DISTRICT's discretion as set forth in Sections 1(a) through 1(e), below, that the DISTRICT has Unused Capacity in the Spreading Grounds and their appurtenant structures.
  - a. Subject to the provisions of Section 1(e) below, the DISTRICT shall have the discretion to determine the facilities, spreading areas, flow rates, and the duration of delivery and spreading of Agency Treated Water, based upon conditions existing at the times when the spreading is requested by the Written Request, including, without limitation, based upon the Unused Capacity available in the Spreading Grounds and/or contingent upon any emergency and/or contingent upon any condition beyond the DISTRICT's control. The AGENCY acknowledges that any Agency Treated Water delivered to the DISTRICT that is not spread pursuant to this Agreement will bypass the DISTRICT's facilities and may be discharged into the Pacific Ocean without any liability or consequence to the DISTRICT or to WRD.
  - b. Subject to the provisions of Section 1(e) below, the DISTRICT shall have the power to change any item outlined in the Written Request when, in the DISTRICT's sole and absolute discretion, the transport and spreading contemplated in whole or in part in the Written Request cannot or should not be performed due to operational and/or maintenance problems or difficulties (including, but not limited to, weather and other conditions, trespassing, insect infestations, scarification, weed abatement, and/or construction in or at the Spreading Grounds). The DISTRICT shall make a good faith effort to provide the AGENCY and WRD with at least 24 hours' telephonic notice of such changes.
  - c. Notwithstanding any provision in this Agreement, the DISTRICT shall have full and absolute discretion to give priority to performing and/or accomplishing its mandate of flood control and water conservation, including, without limitation, to Storm-flow Spreading before performing any act pursuant to this Agreement, including allowing the spreading of Agency Treated Water as set forth herein. The DISTRICT shall not in any manner be held liable or responsible under this Agreement, including the cost or value of any water, including Agency Treated Water, discharged into the Zone 1 Ditch, in connection with the DISTRICT's spreading of any water of any kind or the DISTRICT's failure to perform the spreading of any water of any kind, including, without limitation, of Agency

Treated Water or as contemplated hereunder; and

- d. The DISTRICT reserves the right to cease spreading Agency Treated Water at any time, without prior notice, in connection with any emergency that may exist, as the DISTRICT may determine in the DISTRICT's sole and absolute discretion.
  - e. Without limiting any other provisions in this Agreement, the DISTRICT shall consult and reasonably cooperate with WRD with respect to any tentative decision by the DISTRICT to not spread Agency Treated Water due to the factors enumerated Sections 1(a) through 1(b), above. Notwithstanding the foregoing, upon consulting with WRD, the final decision to not spread Agency Treated Water shall be at the sole discretion of the District. The DISTRICT shall spread Agency Treated Water only upon obtaining WRD's approval, which approval shall not be unreasonably withheld and shall be based on WRD's efforts to optimize the use of various sources of replenishment water to minimize cost while complying with all relevant water quality regulations.
- (2) **DISTRICT's Determination of Unused Capacity in the Spreading Grounds.** The DISTRICT shall have sole and absolute discretion to determine any Unused Capacity in the Spreading Grounds after taking into consideration the DISTRICT's operational requirements and mandate to perform flood control and water conservation without regard to this Agreement and subject to the DISTRICT's determination of the need for priority to perform Storm-flow Spreading prior to any spreading or acceptance of Agency Treated Water into the Zone 1 Ditch.
- (3) **Records of Spreading of Agency Treated Water.** Following a reasonable period after receipt of any written request from the AGENCY, the DISTRICT shall make available to the AGENCY and WRD the DISTRICT's existing records of the quantities of Agency Treated Water spread in the DISTRICT's facilities and of any estimate of the quantities of Agency Treated Water delivered to the DISTRICT but not spread into the DISTRICT's Spreading Grounds (i.e., that may have bypassed the DISTRICT's facilities or may have bypassed the Spreading Grounds, which may have been discharged via the flood control channels of the DISTRICT to the Pacific Ocean).
- (4) **No Obligation for DISTRICT to Add Facilities.** Nothing in this Agreement shall obligate the DISTRICT to build, acquire or in any manner operate any assets, channels, or facilities of any nature whatsoever that the DISTRICT not otherwise would own or operate without regard to this Agreement.
- (5) **No Obligation for DISTRICT to Incur Expenses.** Except for the notice and reporting obligations expressly stated herein, nothing in this Agreement shall obligate the DISTRICT to incur any expense, of any nature whatsoever, including, without limitation, capital expenditures or routine or nonroutine operation or maintenance

expenses, that the DISTRICT not otherwise would incur without regard to this Agreement.

- (6) **No Implicit Grant of Rights by DISTRICT**. Nothing in this Agreement shall grant to the U.S., the AGENCY, the WRD or to any other party any rights or powers not expressly granted by this Agreement, including, without limitation, any rights to construct upon, occupy or use any of DISTRICT's rights of way or any other real or personal property or to transfer any Unused Capacity to any other party.
- (7) **Written Requests to DISTRICT**. As a precondition to spreading Agency Treated Water, the AGENCY must deliver to the DISTRICT and WRD a written request (the "Written Requests") to spread Agency Treated Water. Each Written Request must specify the desired flow rate and the total acrefeet of Agency Treated Water to be delivered to the DISTRICT and the time frame during which the AGENCY desires the Agency Treated Water be spread at the Spreading Grounds. The AGENCY must deliver each Written Request to the DISTRICT at minimum five (5) business days prior to the date of the desired discharge of Agency Treated Water into the Zone 1 Ditch. To be effective, the first Written Request must include written evidence, satisfactory to the District, that the AGENCY has received approval from the Main San Gabriel Basin Watermaster allowing the AGENCY to transfer Agency Treated Water from the Main San Gabriel Basin to the Central Groundwater Basin, specifically through spreading at the Spreading Grounds.
- (8) **Documenting Flow of Agency Treated Water**. The AGENCY shall record daily readings of the flow rate in cubic feet per second and the total acrefeet of any and all Agency Treated Water discharged from the AGENCY pipeline outlet into the Zone 1 Ditch. The AGENCY shall deliver to the DISTRICT and WRD on a weekly basis, at the AGENCY's sole cost and expense, copies of those records within seven (7) calendar days of the end of any given week.
- (9) **Insurance**. The AGENCY shall ensure that any and all of the AGENCY's agents or contractors that may be retained to operate and/or maintain the Agency Treatment Facility or to treat, manage, or discharge Agency Treated Water that may be discharged into the Zone 1 Ditch, and their subcontractors:
  - a. Provide evidence of the following insurance coverage and limits:
    1. Commercial General Liability, \$1,000,000 per occurrence and in the aggregate;
    2. Commercial Automobile Liability, \$1,000,000 per claim and in the aggregate; and
    3. Name the DISTRICT, the County of Los Angeles and WRD as additional insured on such contractors' and subcontractors' insurance policies referenced above relating to their activities at the Agency Treatment

Facility.

- b. The AGENCY shall also require its contractors and subcontractors to cause, their insurance agents to provide directly to the DISTRICT and WRD evidence of the insurance coverage described above.
- (10) **Standard Quality of Agency Treated Water.** The Treated Water discharged into the Zone 1 Ditch shall meet all Federal and State maximum contaminant levels (MCLs) and the State action levels for 1,4-dioxane, perchlorate, and N-nitrosodimethylamine (NDMA).
- (11) **Testing and Monitoring of Agency Treated Water.** Prior to the first discharge under this Agreement, the AGENCY shall test the Agency Treated Water and the AGENCY shall provide the results of the Agency Water testing to WRD. Thereafter, the Agency shall test the Agency Treated Water on a monthly basis and the AGENCY shall provide the results of the Agency Water testing to WRD. Testing shall be performed at a laboratory duly certified to perform the required testing by the United States Environmental Protection Agency.

The AGENCY shall deliver to WRD the results of the Agency Water Testing within five (5) calendar days of having received the results of the Agency Water Testing. In turn, WRD shall immediately notify the DISTRICT, in writing, if the Agency Water Testing in any way shows that the Agency Treated Water subject of said testing fails to meet the requirements of Section 10 of this Agreement.

Notwithstanding the foregoing, the AGENCY shall be responsible, and hereby relieves the DISTRICT and WRD of any obligation or liability relating thereto, for any and all permits or permission, in any manner whatsoever, that may be required from any and all governmental authorities or third parties to accomplish the delivery of the Agency Treated Water into the Zone 1 Ditch.

WRD shall indemnify, defend, protect, and hold harmless the DISTRICT and the County of Los Angeles and their successors and assigns from and against all claims or damages, or expenses (including reasonable attorneys' fees pursuant to 42 U.S.C. Section 9607(e), Section 107(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), as amended, and under California Health and Safety Code §§ 25,000 et. seq.) incurred in connection with the flow of Agency Treated Water into the Zone 1 Ditch, the Spreading Grounds, or any of the DISTRICT'S facilities.

- (12) **Term.** This Agreement shall become effective only upon its approval and execution as authorized by the AGENCY, WRD and the Los Angeles County Board of Supervisors ("Board"). Once so approved, it shall continue in effect for a period of twelve (12) months from the date of its approval by the Board.

Notwithstanding the foregoing, this Agreement may be terminated upon a material breach of this Agreement by any party providing prior thirty (30) calendar days' notice

to all other parties. This remedy shall be in addition to and not in place of any other remedy available to the parties in this Agreement, in law, and/or in equity. Notwithstanding the foregoing, any provisions in this Agreement regarding indemnity or holding a party harmless, including this Section 12, shall survive termination of this Agreement.

- (13) **Notices.** Unless otherwise provided in this Agreement, any Written Request, notice, demand, or other document from one party to the other under this Agreement shall be delivered in writing via First Class U.S. mail or overnight courier (U.S. Mail Express Mail overnight delivery, Federal Express, or an equivalent overnight delivery service), or via telefacsimile (with written confirmation as proof of delivery), or delivered in person as follows:

If to DISTRICT:

County of Los Angeles Department of Public Works  
Water Resources Division  
Attention Engineer in Charge of Spreading Operations  
900 South Fremont Avenue  
Alhambra, CA 91803  
Telephone: (626) 458-6307  
Fax: (626) 979-5309

If to U.S. or AGENCY:

U.S. Environmental Protection Agency  
Attention Patricia Bowlin  
75 Hawthorne Street (SFD-7-3)  
San Francisco, CA 94105  
Telephone: (415) 972-3177  
Fax: (415) 947-3526

If to WRD:

Water Replenishment District of Southern California  
Attention Bruce Mowry, General Manager  
12621 East 166th Street  
Cerritos, CA 90203

Any notice, demand or document so given, delivered or made shall be deemed to have been given or delivered or made on the day on which the same is deposited in the U.S. mail, or, as the case may be, delivered to the overnight courier, addressed as stated above, with postage thereon fully prepaid. Any party may change the above delivery address or numbers upon written notice to the other party delivered in writing in the manner set forth above.

- (14) **Governing Law.** This Agreement shall be governed by, interpreted under, and

construed and enforced in accordance with the laws of the State of California.

- (15) **Amendment.** No variation, modification, change or amendment of this Agreement shall be binding upon any party unless such variation, modification, change or amendment is in writing and duly authorized and executed by the Los Angeles County Board of Supervisors, WRD, and the AGENCY. This Agreement shall not be amended or modified by oral agreements or understandings among the parties or by any acts or conduct of the parties.
- (16) **Entire Agreement.** This Agreement constitutes the entire agreement among the parties with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous agreements and understandings.
- (17) **No Third-Party Beneficiary/ Successors and Assigns.** This Agreement is made and entered into for the sole protection and benefit of the parties named in this Agreement and their permitted successors and assigns. No third party shall have any right of action based upon any provisions of this Agreement.
- (18) **Waiver.** No waiver of any breach or default by either party shall constitute a waiver of any other breach or default, nor shall any such waiver constitute a continuing waiver.
- (19) **Severability.** If any provision of this Agreement shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this Agreement shall not be affected, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this Agreement.
- (20) **Counterparts.** This Agreement may be executed simultaneously or in any number of counterparts, each of which together shall constitute one and the same instrument.
- (21) **Interpretation.** All parties have been represented by counsel in the preparation and negotiation of this Agreement. Accordingly, this Agreement shall be construed according to its fair language and any ambiguities shall not be resolved against or in favor of any party.
- (22) **Assignment.** Neither party shall assign this Agreement or any of such party's interest, rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld except that either party may assign the Agreement, or any part thereof, to any successor governmental agency performing the functions of the assigning party as its successor.
- (23) **Waiver of Certain Rights.** AGENCY and the U.S. waive their enforcement authority under CERCLA and all other relevant statutes and agrees not to take any action, including, without limitation, issuing any mandates; orders or initiating any litigation



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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective and duly authorized officers on the day and year above first written.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
Deputy Director  
Department of Public Works

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

UNITED STATES OF AMERICA

By Its AGENCY

By \_\_\_\_\_

Its \_\_\_\_\_

APPROVED AS TO FORM:

By \_\_\_\_\_  
Counsel for AGENCY

GH:jac

P:\WRD\Ops\Users\GH\EPA spreading agrmt (5-28).wpd

WATER REPLENISHMENT DISTRICT  
OF SOUTHERN CALIFORNIA

By \_\_\_\_\_  
President, Board of Directors

By \_\_\_\_\_  
Secretary, Board of Directors

APPROVED AS TO FORM:

By \_\_\_\_\_  
Counsel for WRD

**AGENDA ITEM NO. VI.C**

**DATE: JUNE 4, 2003**

**TO: BOARD OF DIRECTORS**

**FROM: BRUCE MOWRY, GENERAL MANAGER**

**SUBJECT: EXTENSION OF AGREEMENT BETWEEN WRD, EPA, AND MAIN SAN GABRIEL BASIN WATER MASTER REGARDING WHITTIER NARROWS OPERABLE UNIT GROUNDWATER CLEANUP PROJECT**

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On June 7, 2002, the Board entered an Agreement with the Main San Gabriel Basin Watermaster (MSGBWM) and the United States Environmental Protection Agency (EPA) to account for the groundwater that is extracted and treated at EPA's Whittier Narrows Operable Unit (WNOU) clean-up project and discharged into the Zone 1 Ditch for conservation in the Central Basin. Removal of this contamination is crucial to prevent it from flowing southward into the Central Basin.

The Agreement expired on May 31, 2003, but the EPA has requested a continuance of the Agreement until September 30, 2003 to allow time for additional pumping, treatment, testing, and discharge of the water before it is served as a potable source to the City of Whittier or any other purveyor in San Gabriel Valley.

The extended Water Production Agreement is attached to this memorandum.

**FISCAL IMPACT:** None, as any water purchases under this Agreement are expected to be offset by reduced imported water purchases for spreading.

**STAFF RECOMMENDATION:**

That the Board enter into a Water Production Agreement similar in form and content to the attached agreement with the Main San Gabriel Basin Watermaster and the United States Environmental Protection Agency related to the Whittier Narrows Operable Unit groundwater cleanup project, subject to approval as to form by District Counsel.

**COMMITTEE RECOMMENDATION:** Not brought before Committee.

## **AMENDMENT TO WATER PRODUCTION AGREEMENT**

This Amendment to Water Production Agreement (“Amendment”) is made as of the first day of June 2003 by and between the Main San Gabriel Basin Watermaster (“Watermaster”), the United States Environmental Protection Agency (“USEPA”), and the Water Replenishment District of Southern California (“WRD”).

### **WITNESSETH:**

A. THAT WHEREAS, the Parties to this Amendment entered into an agreement titled Water Production Agreement (“Agreement”), effective as of the first day of June 2002, relating to water produced and treated by the Whittier Narrows Operable Unit (“WNOU”) Clean-Up Project (“WNOU Project”). That Agreement shall expire by its terms on May 31, 2003.

B. WHEREAS, USEPA requires additional time to produce and treat water from both the shallow zone wells and the intermediate zone wells which form a part of the WNOU Project in order to obtain California Department of Health Services (“DHS”) permit(s) to deliver such treated water to local water purveyors for municipal uses.

C. WHEREAS, USEPA intends to discharge such treated water extracted from the shallow zone wells in Legg Lake and the Whittier Narrows Nature Center Lake, but only as needed and only until such time as the DHS issues a water supply permit and, in no event, in an amount exceeding 300 acre-feet.

D. WHEREAS, USEPA intends to discharge such treated water from the intermediate zone wells into the Zone-1-Ditch to be conserved in Central Basin but only

as needed and only until a DHS permit can be obtained and, in no event, after September 30, 2003.

E. WHEREAS, the Parties to this Agreement desire to extend the term of the Agreement for one year in accordance with the following terms and conditions.

**NOW THEREFORE**, in consideration of the promises and covenants hereinafter contained, it is mutually agreed as follows:

1. Section 6 of the Agreement is amended by extending the term of the Agreement an additional year to and including May 31, 2004, subject to the following terms and conditions:

a. USEPA may discharge water extracted from the intermediate zone wells and treated as part of the WNOU Project into the Zone-1-Ditch for conservation in the Central Basin only as needed and only until such time as the DHS issues a water supply permit for delivery of such treated water to local purveyors for municipal uses. In no event shall such discharge take place after September 30, 2003.

b. USEPA may discharge water extracted from the shallow zone wells and treated as part of the WNOU Project into Legg Lake and Whittier Narrows Nature Center Lakes but only as needed and only until such time as DHS issues a water supply permit for delivery of such treated water to local water purveyors for municipal uses. In no event shall the amount of water discharged exceed, in total, 300 acre-feet.

Watermaster agrees that said production need not be pursuant to an agreement between USEPA and Los Angeles County Parks and Recreation Department ("County")

wherein such water would be reported as production against the County's Basin water rights.

2. All provisions of the Agreement not inconsistent with the terms and conditions of this Amendment shall remain in full force and effect.

3. Upon execution, this Amendment shall be effective as of June 1, 2003.

USEPA

MAIN SAN GABRIEL BASIN  
WATERMASTER

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

Counsel for WRD

Date: \_\_\_\_\_

**AGENDA ITEM NO. VI.D**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: SOUTH BAY LATINO CHAMBER OF COMMERCE**

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The mission of the South Bay Latino Chamber of Commerce is "To promote, advocate, inspire, and inform the populace of the rich Latino culture and business in the South Bay." The Chamber serves the Latino business community in the South Bay Area from Culver City on the north to Orange County on the south, from the ocean in the west to Whittier on the east. The organization also works with local, state, and federal agencies to foster, maintain, and increase a healthy economic climate.

Director Albert Robles requested that the Board consider membership in the South Bay Latino Chamber of Commerce. The yearly membership is \$1,500.00. The Inter-Agency Committee reviewed this item on May 22, 2003 and unanimously voted to recommend that the Board approve membership to the South Bay Latino Chamber of Commerce.

**FISCAL IMPACT:** \$1,500.00

**STAFF  
RECOMMENDATION:** None.

**COMMITTEE  
RECOMMENDATION:** That the Board approve District membership.

**AGENDA ITEM NO. VII**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: POLICY ON CARRYOVER OF UNAVAILABLE WATER**

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For the upcoming Fiscal Year, District staff proposed implementation of the use of long-term average spreading water purchases to be used in the basis for the WRD replenishment assessment. Previously, estimated spreading water purchases have fluctuated to account of anticipated changes to pumping, etc.

As part of this new approach, District staff also recommended the establishment of a water purchase, or rate stabilization fund. In the years that the average amount of spreading water cannot be purchased, funds collected through the replenishment assessment for this water will be carried over in this fund to subsequent years for the purchase of make-up spreading water.

Staff also recommended that this fund be protected so that it can be preserved for the purchase of make-up water only.

This concept of using the average spreading water purchases in the development of the replenishment assessment along with the implementation of a water purchase, or rate stabilization fund, was supported by the WRD Technical Advisory Committee.

**FISCAL IMPACT:** None.

**STAFF RECOMMENDATION:** For discussion.

**COMMITTEE RECOMMENDATION:** The Water Resources Committee recommended this item be presented to the Board for discussion.

**AGENDA ITEM NO.VIII**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: BANKING AND STORAGE CONCEPTS**

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Groundwater banking and storage programs can be designed to provide cost savings to the District and pumpers and to improve the health of the basins by utilizing available storage capacity. These programs provides the framework for negotiating "Put and Take" agreements with third parties, such as MWD. In the Central and West Coast Basins this type of banking program could "Put" water in areas of the basin with low water levels and "Take" water from areas of the basin with high water levels.

Groundwater basins allow for the storage of water in the ground for use at a later time. This underground storage provides a reliable supply of high quality, low cost water. Many groundwater basins currently under-utilize their storage capabilities. With the increasing cost to store water above ground, there is added motivation to better utilize the storage capabilities of groundwater basins. The development of a "Put and Take" program, one in which a third party "Puts" water into the basin during times of surplus and "Takes" water out of the basin during times of drought, can provide basin stakeholders with an economic benefit and increases the health of the basin.

WRD Staff discussed the economics of such "Put and Take" programs with the Water Resources Committee at its May 27<sup>th</sup> meeting. The Committee directed Staff to discuss banking and storage concepts with the entire Board at its next meeting.

**FISCAL IMPACT:** None at this time.

**STAFF RECOMMENDATION:** For discussion.

**COMMITTEE RECOMMENDATION:** For discussion.

## AGENDA ITEM NO. IX

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: FISCAL YEAR 03/04 IN-LIEU PROGRAM**

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WRD Staff has been working with basin stakeholders in order to determine the level of interest in In-Lieu participation for FY 03/04. The current draft budget contains In-Lieu estimates of 8,000 acre-feet in the Lower Central Basin at a rate of \$140 per acre-foot and 6,100 acre-feet in the West Coast Basin at a rate of \$210 per acre-foot; therefore, total draft budget for the In-Lieu Program for FY 03/04 is approximately \$2.4 million.

Because of changes to MWD's In-Lieu Program, WRD held workshops on May 6th 2003 and May 20th 2003 to discuss the In-Lieu Program with basin stakeholders and gauge the level of interest for participation in FY 03/04. At these meetings staff presented revised In-Lieu Rates based on WRD's FY 03/04 Replenishment Assessment of \$115 per acre-foot and changes in the estimated cost to pump groundwater and imported water costs, all of which are factors in determining WRD's In-Lieu rates. Based on these revised values and using the same methodology as previous years, a rate of \$130 per acre-foot was proposed for the Lower Central Basin and \$180 per acre-foot for the West Coast Basin.

The assumed quantities of water were also discussed at these meetings. Long Beach, the only participant in the Lower Central Basin, indicated that they would be able to In-Lieu 8,000 acre-feet. The quantity of water budgeted for In-Lieu in the West Coast Basin of 6,100 acre-feet was also discussed. California Water Services Company, one of the larger In-Lieu participants in the West Coast Basin indicated that they would likely not participate in the In-Lieu program in FY 03/04, therefore, the estimate was on the high side.

WRD Staff presented a range of options for the FY 03/04 In-Lieu program based on discussions held at the two workshops to the Water Resources Committee at its May 27<sup>th</sup> meeting.

The Committee recommended that the In-Lieu Program be suspended for FY 03/04 due to reduced interest in participation to provide the District an opportunity to evaluate how the basin reacts to a one-year suspension of the program.

**FISCAL IMPACT:** Shifting of \$2,401,000 from draft FY 03/04 In-Lieu budget to purchases for additional replenishment water.

**STAFF  
RECOMMENDATION:** Suspend In-Lieu Program for FY 03/04.

**COMMITTEE  
RECOMMENDATION:** Suspend In-Lieu Program for FY 03/04.

**AGENDA ITEM NO. X**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE MOWRY, GENERAL MANAGER**  
**SUBJECT: DISCUSSION OF 2003 / 2004 BUDGET**

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The Board will discuss the Fiscal Year 2003 / 2004 budget.

**FISCAL IMPACT:** None.

**STAFF  
RECOMMENDATION:** For discussion.

**COMMITTEE  
RECOMMENDATION:** For discussion.

**AGENDA ITEM NO. XI**

**DATE: JUNE 4, 2003**  
**TO: BOARD OF DIRECTORS**  
**FROM: BRUCE A. MOWRY, GENERAL MANAGER**  
**SUBJECT: LEGISLATIVE REPORT – SB 21 (MACHADO)**

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Staff will provide the Board with an update of legislative activities. A presentation on SB 21 introduced by Senate Agriculture & Water Chairman Machado will also be provided. SB 21, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 is the enabling legislation for the \$3.44 billion Proposition 50 bond funds. Staff is seeking Board action on the bill.

**FISCAL IMPACT:** \$3.44 billion bond funds.

**STAFF RECOMMENDATION:** That the Board support SB 21 (Machado).

**COMMITTEE RECOMMENDATION:** That the Board support SB 21 (Machado).

**WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
STATE LEGISLATIVE UPDATE  
May 2003 (*new information is italicized*)**

<b>Bill No./ Author</b>	<b>Title/Content</b>	<b>Status</b>	<b>Position</b>
AB 58 Bates	<b>State Water Pollution Cleanup and Abatement Account.</b> Appropriates 75% of funds collected by a regional board to that board to carry out the Porter-Cologne Water Quality Control Act and 25% of those funds to the state board to carry out the act. <b>Comments:</b> The Porter-Cologne Act currently deposits funds collected to the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. Monies in the account are then continuously appropriated to the state board for specified cleanup programs. Requires 2/3 votes.	<b>Int.</b> 12/05/02 <b>Location:</b> Assembly Environmental Safety & Toxic Materials (01/13/02) <b>Status:</b> Amended by author (03/25/03); Hearing postponed to 04/29/03	<b>Staff Rec:</b> Watch <b>ACWA:</b> Support if Amended
AB 66 Leslie	<b>Riparian Habitat: Adopt-A-Riverway Program.</b> Authorizes the Department of Food and Agriculture to operate a government-volunteer partnership Adopt-A-Riverway Program. Program includes management of noxious and invasive weeds where present; planting of native seedling trees, shrubs, native grasses, and wildflowers; and improving enhancing riparian, aquatic, or fish habitats. Establishes an Adopt-A-Riverway Fund. Establishes guidelines for donor recognition signs.	<b>Int.</b> 12/09/02 <b>Location:</b> <i>Assembly Appropriations</i> <b>Status:</b> Amended by author (02/05/03, 03/26/03, 04/22/03); Passed out of Water, Parks & Wildlife (04/08/03); <i>Passed out of Assembly Environmental Safety &amp; Toxic Materials as amended (04/29/03)</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Favor
AB 83 Corbett	<b>Bottled water.</b> Transfers regulations and licensure of bottled water from the Sherman Food, Drug and Cosmetic Law to the California Safe Drinking Water Law. Requires bottled water licensees to comply with provisions similar to those imposed on public water systems regarding emergency notification plans, consumer confidence reports, and annual inspections. Also requires the labeling on bottled water sold at retail or wholesale in a plastic beverage container to include specified information. Creates the Safe Bottled and Vended Water Account. <b>Comments:</b> Supported by NRDC, East Bay MUD, and Clean Water Action. Would require bottled water companies, like Coca Cola and Pepsi who market their own branded water, to comply with more stringent requirements listed in Consumer Confidence Reports.	<b>Int.</b> 01/06/103 <b>Location:</b> Assembly Appropriations suspense <b>Status:</b> Amended by author (03/13/03, 04/28/03); Passed out of Assembly Environmental Safety & Toxic Materials as amended (04/08/03)	<b>Staff Rec:</b> Support <b>ACWA:</b> Favor  <b>WRD Board:</b> Support (04/02/03)
AB 93 Canciamilla	<b>Safe, Clean, and Reliable Water Supply Water Bond Act of 2004.</b> Authorizes the issuance of bonds in the amount of \$7.886 billion to finance water quality, security, and supply infrastructure improvement programs. <b>Comments:</b> This will be the 2004 or 2006 water bond.	<b>Int.</b> 01/08/03 <b>Location:</b> Assembly Environmental Safety & Toxic Materials <b>Status:</b> Amended by author (04/07/03, 0512/03); passed Water, Parks & Wildlife (04/08/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Support if Amended
AB 107	<b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.</b>	<b>Int.</b> 01/10/03	<b>Staff Rec:</b> Watch

Corbett	Appropriates funds from Prop 50 for certain water security projects, including the Bay Area Regional Desalination Project, the construction of a water supply reliability project of the East Bay MUD and water agencies in certain counties for source water quality improvement projects.	<b>Location:</b> Assembly Appropriations <b>Status:</b> Amended by author (03/17/03); <i>Passed out of Assembly Water, Parks &amp; Wildlife (04/22/03)</i>	<b>ACWA:</b> Oppose unless amended
AB 148 Dymally	<b>Water replenishment districts.</b> Authorizes a water replenishment district to construct necessary works to achieve groundwater replenishment.	<b>Int.</b> 01/21/03 <b>Location:</b> Assembly Rules (04/24/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 314 Kehoe	<b>Desalination.</b> Declares that it is the policy of the state that desalination projects developed for public water entities be considered for assistance and funding on an equal basis with other water efficiency, supply, and reliability projects, and that desalination projects be consistent with all applicable environmental protection policies in the state. <i>Includes desalination of seawater, brackish water, and reclaimed water.</i>	<b>Int.</b> 02/07/03 <b>Location:</b> Assembly Floor <b>Status:</b> <i>Passed out of Assembly Water, Parks &amp; Wildlife (04/22/03)</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 386 Aghazarian	<b>Drinking water: local primacy agencies.</b> Requires DHS to meet and confer with representative of the California Conference of Directors of Environmental Health or the local primacy agencies, or both, to identify and provide adequate funds to local primacy agencies, prior to passing on any new mandates or expanding existing mandates.	<b>Int.</b> 02/14/03 <b>Location:</b> Assembly Environmental Safety & Toxic Materials (02/27/03) <b>Status:</b> <i>Hearing postponed</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 536 Calderon	<b>Water replenishment districts.</b> Requires a water replenishment district to conduct a written cost-benefit analysis to determine the feasibility of a project before building, leasing, purchasing, or contracting for a capital improvement project. <b>Comments:</b> Spot bill	<b>Int.</b> 02/12/03 <b>Location:</b> Assembly Water, Parks & Wildlife (03/10/03) <b>Status:</b> <i>Hearing cancelled at author's request (04/29/03)</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 562 Spitzer	<b>2002 Recycled Water Task Force.</b> Declares the Legislature's intent to implement the recommendations of the 2002 Recycled Water Task Force.	<b>Int.</b> 02/18/03 <b>Location:</b>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 740 Pavley	<b>Clean Air, Clean Water, and Coast Protection Act of 2004.</b> Authorizes the issuance of \$2.9 billion in state bonds for air and water quality and coastal protection program.	<b>Int.</b> 02/19/03 <b>Location:</b> Assembly Appropriations <b>Status:</b> Passed out of Assembly Natural Resources (04/09/03); Amended by author (04/10/03); <i>Passed out of Assembly Environmental Safety &amp; Toxic Materials (04/22/03)</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 817 Pacheco	<b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Water management.</b> Appropriates \$15 million from Prop. 50 to the State Water Resources Control Board to finance the creation, coordination, and implementation of a statewide educational and outreach program related to water quality. <b>Comments:</b> The State Board has already determined that \$40 million should be available	<b>Int.</b> 02/20/03 <b>Location:</b> Assembly Environmental Safety & Toxic Materials <b>Status:</b> <i>Amended by</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Oppose

	for the small community systems program under the Clean Water Act; an additional \$40 million would be available for nonpoint discharge water quality programs. This money has been included in the Governor's 2003-04 Budget. The remaining \$20 million would be available for a future fiscal year. ACWA opposes the bill because it is inconsistent with the State Board priorities, is outside of the Machado SB 21 stakeholder process, and would utilize Prop. 50 bond proceeds for an educational program that might not provide benefits for the entire 20-year period for retiring the debt incurred by the issuance of the bonds.	<i>author (04/21/03); Hearing cancelled at author's request (04/29/03)</i>	
AB 826 Jackson	<b>The Perchlorate Contamination Prevention Act.</b> Requires the Department of Toxic Substances Control to establish an integrated perchlorate survey program. Mandates the Department to prepare an inventory of perchlorate facilities or suspected perchlorate release sites and report to the Legislature. Requires existing groundwater monitoring wells to be used for early warning or sentinel wells to warn of impending threat to drinking water resources. Instructs the Department to develop protocols and procedures for conducting groundwater monitoring or perchlorate sentinel wells.	<b>Int.</b> 02/20/03 <b>Location:</b> Assembly Appropriations <b>Status:</b> Amended by author (04/10/03, 05/07/03); <i>Passed out of Assembly Environmental Safety &amp; Toxic Materials (04/29/03)</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
AB 859 Nakano	<del><b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: water quality.</b> Appropriates \$30 million from Prop. 50 to the State Coastal Conservancy to finance the establishment and operation of a regionally based collaborative network of ocean observing system to monitor the California coast for water management.</del> <b>Oceans.</b> Requires the California Ocean Trust to develop an implementation plan that guides the development, funding, and operation of a network of regional, science-based ocean observing system for use throughout the state. Requires the Trust to report to the Governor and the State Legislature on the plan by July 1, 2004.	<b>Int.</b> 02/20/03 <b>Location:</b> Assembly Appropriations <b>Status:</b> <i>Passed out of Assembly Natural Resources (04/28/03); Amended (05/01/03)</i>	<b>Staff Rec:</b> Watch

<p>AB 1107 Liu</p>	<p><b>Groundwater: uniform data standards.</b> Requires an interagency task force, already created by the State Water Resources Control Board, to develop uniform groundwater data standards including standards for uniform data collection, data management, and data transfer. Requires the state board, the Department of Water Resources, the State Department of Health Services, the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Department of Food and Agriculture to adopt any standards that are developed pursuant to the bill. <b>Comments:</b> Existing law requires the State Water Resources Control Board to integrate existing monitoring programs and design new program elements, as necessary, for the purpose of establishing a comprehensive monitoring program capable of assessing each groundwater basin in the state through direct and other statistically reliable sampling approaches, and to create an interagency task force composed of representatives of listed state agencies to identify actions necessary to establish the monitoring program and to identify measures that would increase coordination among state and federal agencies that collect groundwater contamination information.</p>	<p><b>Int.</b> 02/21/03 <b>Location:</b> Assembly Appropriations suspense <b>Status:</b> Passed out of Assembly Water, Parks, &amp; Wildlife (04/22/03); Passed out of Assembly Environmental Safety &amp; Toxic Materials (04/22/03); On Assembly Appropriations consent calendar (04/30/03)</p>	<p><b>Staff Rec:</b> Support <b>ACWA Rec.</b> Watch  <b>WRD Board:</b> Support (04/16/03)</p>
<p>AB 1159 Liu</p>	<p><b>Groundwater data.</b> Enacts the Groundwater Data Standards Act of 2003. Requires the state board, in consultation with a technical advisory group and other responsible agencies, to determine what constitutes core groundwater data, define structures and standards for core groundwater data, identify groundwater data collection standards, evaluate existing structures and standards for groundwater data, and user and custodian requirements, and propose standards for the storage and transfer of core groundwater data for comment by the public and the scientific community. The bill would require the state board, in consultation with the technical work group, to prepare and submit to the Governor and the Legislature a report that includes recommendations for groundwater database standards and for the collection and transfer of groundwater data. <b>Comments:</b> Existing law requires the State Water Resources Control Board, on or before March 1, 2003, to submit a report to the Governor and the Legislature that includes a detailed description of a comprehensive groundwater quality monitoring program capable of assessing each groundwater basin in the state through statistically reliable sampling approaches.</p>	<p><b>Int.</b> 02/21/03 <b>Location:</b> Assembly Water, Parks &amp; Wildlife (03/17/03) <b>Status:</b> Hearing on cancelled at author's request</p>	<p><b>Staff Rec:</b> Support <b>ACWA Rec.</b> Watch  <b>WRD Board:</b> Support (04/16/03)</p>
<p>AB 1517 Plescica</p>	<p><b>Stormwater.</b> States the intent of the Legislature to enact legislation that would foster science-based, environmentally beneficial, results-oriented and cost-effective water quality programs that draw on the strengths of municipalities that administer stormwater permits and the state and regional water quality control boards. <b>Comments:</b> Sponsored by San Diego County. Bill is dead by San Diego's lobbyist.</p>	<p><b>Int.</b> 02/21/03 <b>Location:</b> Assembly Environmental Safety &amp; Toxic <b>Status:</b> Amended by author (04/07/03)</p>	<p><b>Staff Rec:</b> Watch</p>
<p>SB 21 Machado</p>	<p><b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.</b> Enabling legislation for implementing Prop. 50 <b>Comments:</b> The author states that the purpose of the bill is to clarify specific provisions and terms in order to achieve the appropriate administration and implementation of Prop 50. The bill provides considerable detail regarding the administration of the bond.</p>	<p><b>Int.</b> 12/05/02 <b>Location:</b> Senate Appropriations <b>Status:</b> Passed out of Senate Ag &amp; Water (04/08/03); Amended 03/25/03, 04/09/03, 04/24/03; Passed out of</p>	<p><b>Staff Rec:</b> Support <b>ACWA:</b> Favor if Amended</p>

		<i>Senate Environmental Quality (05/12/03); Hearing on 05/19/03</i>	
SB 50 Sher	<b>Bottled water: regulatory program.</b> Expresses the intent of the Legislature to enact legislation to apply regulations to bottled water and vended water products similar to those imposed on tap water. Regulations include the preparation of annual consumer confidence reports, annual inspections, assessment of fees to fund a bottled water regulatory agency administered by DHS. <b>Comments:</b> Supported by NRDC, East Bay MUD, and Clean Water Action. Would require bottled water companies, like Coca Cola and Pepsi who market their own branded water, to comply with more stringent requirements listed in Consumer Confidence Reports.	<b>Int.</b> 01/09/03 <b>Location:</b> Senate Rules (01/27/03)	<b>Staff Rec:</b> Support <b>ACWA:</b> Watch  <b>WRD Board:</b> Support (04/02/03)
SB 117 Machado	<b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Quantification Settlement Agreement.</b> Declares the Legislature's intent that Coachella Valley Water District, the Imperial Irrigation District, and the Metropolitan Water District approve the Quantification Settlement Agreement and that the Agreement be consistent with the state's commitment to the restoration of the Salton Sea. Establishes the Colorado River Quantification Settlement Agreement Account and transfers \$200 million of Prop 50 monies into the account for the purposes of facilitating the QSA transfers.	<b>Int.</b> 02/03/03 <b>Location:</b> Senate Appropriations <b>Status:</b> Amended by author (04/22/03, 05/08/03); Passed out of Senate Agriculture & Water; Hearing on 05/19	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 196 Kuehl	<b>California regional water quality control boards.</b> Requires that the next member of the regional water quality control boards upon vacancy be a city Councilmember or mayor. Also specifies that the county government representative of the regional boards upon vacancy be a county supervisor.	<b>Int.</b> 02/13/03 <b>Location:</b> Senate Rules (02/13/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 214 Morrow	<b>Waste discharge requirements: municipal separate storm sewer systems.</b> Requires the State Water Resources Control Board and the regional water quality control boards to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems to conform to the "maximum extent practicable" standard as set forth by the Clean Water Act.	<b>Int.</b> 02/13/03 <b>Location:</b> Senate Rules (02/13/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 311 Sher	<b>Environmental health: drinking water.</b> Allows any person to request an external scientific peer review prior to the publication of a risk assessment if the Office of Environmental Health Hazard Assessment has not submitted such assessment to an external scientific peer review. <b>Comments:</b> This legislation was prompted by a recent Superior Court decision which required OEHHA to send its draft PHG for perchlorate out for an additional peer review after one had already been completed.	<b>Int.</b> 02/19/03 <b>Location:</b> Assembly <b>Status:</b> Passed Senate Environmental Quality (05/07/03); Passed Senate Floor (05/12/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 318 Alpert	<b>Urban water suppliers: desalinated water.</b> Requires a plan to describe the opportunities for development of desalinated water, including but not limited to ocean water, brackish water, and groundwater, as a long-term supply. <b>Comments:</b> Under current law, every urban water supplier must prepare and adopt an urban water management plan and update that plan at least once every 5 years. This bill would add desalination as a required element of the plan. Opponents argue that desalination should not be added until the Desalination Task Force submits its recommendations due by July 1, 2004.	<b>Int.</b> 02/19/03 <b>Location:</b> Assembly <b>Status:</b> Amended by author (04/08/03); Passed out of Senate Agriculture & Water (04/23/03); Passed Senate Floor (05/08/03)	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 411	<b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002:</b>	<b>Int.</b> 02/20/03	<b>Staff Rec:</b> Watch

Ducheny	<p><b>Quantified Settlement Agreement.</b> Appropriates Prop. 50 funds to the Wildlife Conservation Board for land and water resource protection and restoration projects relating to the Quantification Settlement Agreement. <i>Provides bond funds for environmental mitigation measures necessary to preserve the Salton Sea pending the implementation of the QSA.</i></p> <p><b>Comments:</b> The bill should be considered a placeholder should the QSA and all other actions gain all necessary approvals. The expenditure of Prop. 50 funds is one of the condition identified by the 4 parties as necessary to go forward on the proposed IID-San Diego water transfer. The proposed expenditure of Prop. 50 funds is not without controversy at this time.</p>	<p><b>Location:</b> Senate Appropriations  <b>Status:</b> Amended on 04/10/03, 05/07/03; Passed out of Senate Agriculture &amp; Water (04/23/03); Passed out of Senate Natural Resource &amp; Wildlife as amended (04/30/03); Hearing on 05/19/03</p>	<p><b>ACWA:</b> Watch</p>
SB 479 Machado	<p><b>Water Transfers.</b> Authorizes the Water Resources Control Board to approve a petition for a long-term transfer of water only if it determines that the proposed transfer would not cause substantial, negative third party impacts.</p>	<p><b>Int.</b> 02/20/03  <b>Location:</b> Senate Ag &amp; Water (03/06/03)  <b>Status:</b> Hearing postponed (04/22/03)</p>	<p><b>Staff Rec:</b> Watch</p>
SB 518 Escutia	<p><b>Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.</b> Requires agencies involved with administering Prop. 50 funding to consider adopting criteria that includes a preference for projects that benefit those areas with the highest population density and that face water supply shortages because their domestic water wells are located within 500 feet groundwater recharge areas, and projects that benefit severely economically disadvantaged areas or economically disadvantaged areas that will enhance environmental justice. Bill also exempts projects that benefit severely economically disadvantaged area from any matching fund requirements and prohibits administering agencies from imposing a matching fund requirement that exceeds 5% of the amount of grant awarded for a project that benefits an economically disadvantaged area.</p>	<p><b>Int.</b> 02/20/03  <b>Location:</b> Senate Ag &amp; Water Resources  <b>Status:</b> Hearing postponed (04/22/03); Amended by author (04/08/03)</p>	<p><b>Staff Rec:</b> Watch  <b>ACWA:</b> Watch</p>
SB 543 Machado	<p><b>Water rights: groundwater cleanup operations.</b> Requires the operator of a groundwater cleanup operation to hold any water produced by the operation in constructive trust for the benefit of any public water system that has suffered injury as a result of the contamination of that water, unless certain requirements are met. Prohibits the state board from granting a permit or license to appropriate water, or approving a transfer of water, that is produced and discharged by the operator to a body of surface or a subterranean stream unless the operator has agreed to provide replacement water to the public water system injured by the contamination.</p>	<p><b>Int.</b> 02/21/03  <b>Location:</b> Senate Appropriations  <b>Status:</b> Amended by author (03/28/03, 04/21/03); Passed out of Senate Agriculture &amp; Water (04/23/03); Hearing rescheduled to 05/19/03</p>	<p><b>Staff Rec:</b> Watch</p>
SB 750 Machado	<p><b>Safe Drinking Water, Water Quality, Flood Protection, and Water Reliability Act of 2004.</b> Enacts the Safe Drinking Water, Water Quality, Flood Protection, and Water supply Reliability Act of 2004. <i>Authorizes the issuance of \$5 billion in bonds to finance such programs.</i></p> <p><b>Comments:</b> This is the next water bond bill. <del>It is currently in intent language.</del></p>	<p><b>Int.</b> 02/21/03  <b>Location:</b> Senate Rules  <b>Status:</b> Amended by author (04/28/03, 05/12/03); Passed Senate Ag &amp; Water (05/08/03)</p>	<p><b>Staff Rec:</b> Watch  <b>ACWA:</b> Watch</p>
SB 906 Escutia	<p><b>Water districts.</b> Sets the WRD's reserve fund at \$15 million. Allows the GM or board authorized representative authority to sign contracts up to \$25,000; and approve and sign contracts up to \$10,000. Requires the West and Central Basin Municipal Water District to prepare a cost of service analysis that establish their rate and surcharge structure.</p>	<p><b>Int.</b> 02/21/03  <b>Location:</b> Senate Local Government  <b>Status:</b> Hearing in Local</p>	<p><b>Staff Rec:</b> Support  <b>ACWA:</b> Oppose unless Amended</p>

		Govt on May 7, 9:30 am; Amended by author (04/10/03); <i>Passed out of Senate Agriculture &amp; Water with author's amendments (04/23/03)</i>	<b>WRD Board:</b> Support (04/02/03)
SB 922 Soto	<b>Cleanup or abatement orders: contaminated drinking water supplies.</b> Requires a discharger found to have contaminated a drinking water supply or potential drinking water supply to <i>reimburse the California regional water quality control board or the State Water Resources Control Board for any costs incurred by the boards in making</i> <del>make</del> certain calculations with regards to costs and clean-up. <i>The bill would also require the discharger to provide, or pay for, uninterrupted replacement water service to each affected public water supplier.</i> Civil penalties would be imposed for failure to meet the requirements. <b>Comments:</b> Although well intended, ACWA believes this bill to be too broadly written. Certain calculations would be nearly impossible and not very meaningful. ACWA staff believes it is far more practical for the affected public water system to secure needed replacement water supply and seek to recover costs through a civil action, as authorized pursuant to the Health and Safety Code. Nonetheless, ACWA staff concedes that amending Porter Cologne to recover costs through a cleanup and abatement order may expedite cost recovery.	<b>Int.</b> 02/21/03 <b>Location:</b> Senate Appropriations <b>Status:</b> Amended by author (03/25/03); Hearing on 04/28/03; <i>Passed out of Senate Environmental Quality (04/28/03); Hearing on 05/19</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Watch
SB 923 Sher	<b>Water quality.</b> Removes current exemptions for discharge of specified substances including petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance. Also allows the state board or regional board to waive waste discharge requirements subject to conditions. The bill requires the conditions of the waivers to include payment of an annual fee and the performance of monitoring duties. <b>Comments:</b> This bill presents potential benefits and costs. Potential negative operational impacts due to the elimination of the exception under existing law regarding the deposit of certain materials. Potential negative fiscal impacts due to the imposition of civil penalties if the discharger is not notified of a waste discharge violation. Potential benefits to water quality due to elimination of the exception under existing law regarding the deposit of certain materials. Potential increased costs for waivers for specific types of discharges. ACWA staff does not believe it is necessary to reduce flexibility in existing that provides authority to state board and a regional board. In addition, ACWA believes that an amendment regarding quarterly monitoring is appropriate. The phrase "where appropriate" should be inserted so that certain discharges – hydrant flushing, for example – could maintain a waiver without a monitoring requirement.	<b>Int.</b> 02/21/03 <b>Location:</b> Senate Appropriations <b>Status:</b> <i>Passed out of Senate Environmental Quality (04/28/03); Amended 05/07/03; Hearing on 05/19</i>	<b>Staff Rec:</b> Watch <b>ACWA:</b> Oppose Unless Amended
SB 998 Bowen	<b>California Economic Stimulus and Public Infrastructure.</b> Enacts the California Economic Stimulus and Public Infrastructure Security and Investment Bond Act which would authorize the issuance of \$1.045 billion in state bonds. <b>Comments:</b> A total of \$80 million has been identified for water related infrastructure projects including \$20 million for the Contaminant Removal Program Subaccount. Loans and grants under the Contaminant Removal Program Subaccount may be used for pilot or demonstration projects for drinking water disinfection and removal of contaminants such as	<b>Int.</b> 02/21/03 <b>Location:</b> Senate Governmental Organization (03/13/03)	<b>Staff Rec:</b> Watch

	NDMA, perchlorate, arsenic, chromium, radionuclides, pharmaceuticals and endocrine disrupters. DHS administers the loans and grants under a competitive bidding process.		
SB 1000 Aanestad	<b>Beneficial use: extension of time.</b> Declares the nonuse of water as a result of conservation as good cause to extend the period specified in a permit for application of appropriated water to beneficial use. Requires the state board to extend the time for application of the water to beneficial use.	<b>Int.</b> 02/21/03 <b>Location:</b> Senate Agriculture & Water (03/13/03) <b>Status:</b> Amended by author (03/26/03); <i>Hearing cancelled at author's request (04/22/03)</i>	<b>Staff Rec:</b> Watch
SB 1004 Soto	<b>Pechlorate.</b> Requires each California regional water quality control board to publish and distribute to all public water system operators within the region a list of discharges of MTBE that occurred during the prior 3-month period and a list of locations where MTBE was detected in the groundwater within the region. <b>Comments:</b> <i>Requires companies who have possesses 500 or more pounds of perchlorate in the past 50 years to report it by 2005.</i>	<b>Int.</b> 02/21/03 <b>Location:</b> Senate Appropriations <b>Status:</b> Amended by author (04/07/03); <i>Passed out Senate Env. Quality of as amended (04/30/03); Hearing on 05/19</i>	<b>Staff Rec:</b> Watch
SBX1 4 Comm. on Budget and Fiscal Review	<b>Waste discharge fees.</b> Increases the waste discharge permit fees and the stormwater permit fees by removing the \$20,000 maximum. <b>Comments:</b> The additional amount raised from such increases in permit fees will be used to pay for the State Water Resources Control Board's core regulatory programs. Referenced programs are currently paid from of the General Fund.	<b>Int.</b> 01/27/03 <b>Location:</b> Assembly Budget (02/03/03) <b>Status:</b> Passed Sen. Budget and Fiscal Review (01/30/03); Ref. Assembly Comm. on Budget (02/03/03)	<b>Staff Rec:</b> Watch