

## The Metropolitan Water District of Southern California July 8, 2024– State Regulatory Matrix

Agency	Regulation	Summary	Potential Impacts	Regulatory Status
Cal/OSHA	<a href="#"><u>Proposed Indoor Heat Illness Prevention Standard</u></a>	On June 20, 2024, Cal/OSHA adopted its Indoor Heat Illness Prevention Standard. The rule applies when indoor workplaces temperatures meet or exceed 82 °F while employees are present. Key actions include providing water access, promoting hydration and breaks in cool areas, monitoring for signs of heat illness, and comprehensive training for acclimatization, monitoring, and response.	The rule requires industry to develop written indoor heat illness prevention procedures, assess areas impacted by excessive heat, and determine appropriate control measures (e.g., provide cooling, breaks, and training). Staff are combining both the existing Outdoor Heat Illness Standard with the new requirements of the Indoor Heat Illness standard into one MWD Heat Illness Prevention Program.	Adopted on June 20, 2024.  If approved by the Office of Administrative Law, the rule is anticipated to go into effect in early August 2024.
Cal/OSHA	<a href="#"><u>Proposed Updates on Lead Standards for General Industry and Construction</u></a>	On March 3, 2023, Cal/OSHA published new lead standards for general industrial and construction work areas. The proposal lowers the eight-hour time-weighted average Permissible Exposure Level for lead from 50 to 10 ug/m <sup>3</sup> and lowers the Action Level from 30 to 2 ug/m <sup>3</sup> . The standard also increases the need for blood lead level (BLL) testing when an employee’s BLL is at or above 10 ug/dL, among other requirements.	The rule requires industry to conduct new lead exposure assessments and update written procedures, training, and potentially implement additional engineering controls (e.g., HEPA-equipped vacuum, containment, and ventilation). Staff provided input to through PRR over the feasibility of the proposed standards—namely the engineering controls.	Adopted on February 15, 2024 with an effective date of January 1, 2025.
CARB	<a href="#"><u>Zero-Emission Forklift Rulemaking</u></a>	On May 21, 2024, CARB released a 15-day rule modification package. The rule prohibits fleet operators from purchasing new propane or gasoline-fueled Class IV (any lift capacity) and Class V forklifts (lifting capacity up to 12,000 lbs.) starting in 2026. Fleets would need to phase-out 2018 model year (MY) and older forklifts starting in 2028. Fleet operators would be allowed to purchase used 2025 MY or older forklifts so long as the MY has not been phased out.	The rule requires industry, including Metropolitan and member agencies, to develop a forklift replacement strategy. Staff are working on a forklift replacement strategy for Metropolitan’s 17 propane- and one gas-powered forklifts. Metropolitan staff submitted comments addressing concerns with provisions in the latest rulemaking package.	Final rule adoption tentative for late June 2024.

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DTSC	<a href="#"><u>Generator Improvements Rule</u></a>	On March 24, 2023, DTSC released its revised Generator Improvements Rule (GIR) for public comment. The new rule aligns the state with federal requirements.	By aligning with federal standards, the new GIR may clarify and simplify hazardous waste/material handling procedures. Staff will need to update standard operating procedures to correctly cross-reference the renumbered rule sections. Staff commented through CCEEB to help streamline rule compliance (e.g., how best to submit Contingency Plans and associated quick reference guides?).	Phase I adopted. Staff are awaiting Phase II of GIR rulemaking.
SWRCB	<a href="#"><u>California Ocean Plan Amendments for Seawater Desalination</u></a>	The SWRCB will update the Ocean Plan to include new seawater desalination siting criteria and assorted changes to the regulations. Preliminary meetings are expected to start in 2024.	Changes to the Ocean Plan could impact existing and planned member agency seawater desalination projects, as well as any future Metropolitan partnerships on desalination.	Rulemaking expected to start in 2024.
SWRCB	<a href="#"><u>Conservation as a California Way of Life</u></a>	On June 17, 2024, SWRCB released its fourth draft of the rulemaking text in response to AB 1668 and SB 606 -- Making Water Conservation a California Way of Life. The regulation establishes standards for components of the urban water use objective for urban water retailers. These components include residential indoor and outdoor water use, commercial-industrial-institutional (CII) landscapes with dedicated irrigation meters, as well as for retail water loss, variances for unique water uses (e.g., seasonal populations, etc.), and a bonus incentive for potable reuse.	The regulatory framework affects retail water suppliers. Since 2021, Metropolitan has submitted seven comment letters addressing technical components of the regulation and compliance matters. Staff are working with ACWA and the Regional Water Authority to express our comments.	If adopted, the rule becomes effective January 1, 2025 with the compliance deadline extended to 2027.

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SWRCB	<a href="#"><u>Direct Potable Reuse Regulations</u></a>	On December 19, 2023, the SWRCB adopted its proposed Direct Potable Reuse regulations. The regulations provide the regulatory framework by which highly treated recycled water can be introduced either immediately upstream of a water treatment plant or directly into a public water system.	Metropolitan collaborated with the Los Angeles County Sanitation Districts on both written and oral comments on the proposed regulations, advocating for flexibility to accommodate diverse project partnerships and governance structures, ensuring that DPR initiatives can effectively serve a broad range of agencies and communities while complying with regulatory requirements.	Adopted December 19, 2023. Subject to further review by the Office of Administrative Law. Effective date to be determined.
SWRCB	<a href="#"><u>Drought and Conservation Reporting Order</u></a>	On January 1, 2024, DDW issued a new annual reporting Order titled the <i>Clearinghouse Annual Inventory Report (CAIR)</i> that consolidates section 6 of the <i>Electronic Annual Report (eAR)</i> and the <i>2023 Drought and Conservation Reporting Order</i> into a centralized location. The Order requires Metropolitan and its member agencies to provide volumetric flow and groundwater and/or lake elevation data for each source water on a quarterly basis using monthly data.	On December 22, 2023, Metropolitan submitted comments requesting the removal of three Metropolitan small water systems from the drought reporting requirements under the CAIR 2024 Order and offered technical fixes to help streamline data reporting.	Order is final, but DDW is open to revisions.
SWRCB	<a href="#"><u>Manganese Notification and Response Levels</u></a>	On February 16, 2023, DDW proposed new notification and response levels (NL and RL) for manganese at 20 parts per billion (ppb) and 200 ppb, respectively.	The proposed NL and RL are significantly lower than the current NL and RL (0.5 parts per million (ppm) and 5.0 ppm, respectively). Thus, water agencies may need to report more instances of NL and RL exceedances in their Consumer Confidence Reports and/or make operational changes.	Awaiting further action by DDW.

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SWRCB	<a href="#"><u>Maximum Contaminant Level (MCL) for Hexavalent Chromium</u></a>	On April 17, 2024, DDW adopted a 10 mg/L maximum contaminant level (MCL) for hexavalent chromium. The rule was adopted as proposed (with minor language changes) – 10 mg/L MCL; detection limit for purposes of reporting (DLR) of 0.1 µg/L; 2-4 yr compliance timelines depending on system size; need for a compliance plan, among other provisions.	On August 15, 2023, Metropolitan provided comments in support of the 10 µg/L MCL, compliance timelines, and the use of stannous chloride as a best available technology. Metropolitan also expressed concerns over the cost of compliance and asked for additional funding to help offset treatment costs.	If approved by the Office of Administrative Law, the rule will be effective on October 1, 2024.
SWRCB	<a href="#"><u>MCL for Perchlorate</u></a>	In 2017, DDW announced it would review the MCL established in 2007 for perchlorate at 6 µg/L. On October 6, 2020, DDW lowered the DLR from 4 µg/L to 2 µg/L starting in January 2021, and decreasing to 1 µg/L in January 2024. These actions were in response to OEHHA lowering the Public Health Goal (PHG) for perchlorate from 6 µg/L to 1 µg/L in February 2015.	DDW’s perchlorate MCL review and changes to the DLR could result in the MCL being lowered in the near future, as a MCL must be set as close to the PHG as is technologically and economically feasible. On August 6, 2020, Metropolitan submitted comments expressing concerns that a DLR of 1 µg/L was premature and that DDW should hold off implementing the lower DLR until such time that adequate laboratory capacity is determined and perchlorate occurrence data at the 2 µg/L DLR are collected and evaluated.	The DLR of 1 µg/L went into effect January 1, 2024. Awaiting further action by DDW on revising the MCL.
SWRCB	<a href="#"><u>MCLs for Perfluoro-octanoic acid (PFOA) and perfluoro-octane sulfonic acid (PFOS)</u></a>	On April 5, 2024, OEHHA adopted PHGs of 0.007 ppt for PFOA and 1 ppt for PFOS. A PHG is the level of a drinking water contaminant that does not pose a significant risk to health with lifetime exposure. DDW will use the PHGs to develop drinking water standards for PFOA and PFOS that are as close to the PHGs as possible but still technically and economically achievable for drinking water systems.	Once announced, staff will evaluate impacts and potential comments.	Awaiting official release of regulation.

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SWRCB	<a href="#"><u>Statewide General Permit for Drinking Water System Discharges</u></a>	Provides a categorical exception to water purveyors for short-term or seasonal planned and emergency (unplanned) discharges resulting from essential operations and maintenance activities undertaken to comply with the federal and state drinking water regulations.	Metropolitan uses this permit for its dewatering operations. Staff would like to expand coverage to include “on-spec” highly treated tertiary water (i.e., post advanced water treatment water prior to either spreading/injection or another drinking water facility. Early talks indicate SWRCB is amenable to this change.	Permit renewal in about 2 years.
SWRCB	<a href="#"><u>Water Quality Control Plan</u></a>	In September 2023, SWRCB release a draft Staff Report/Substitute Environmental Document for Phase 2 of the Water Quality Control Plan (WQCP) for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The WQCP establishes the water quality objectives and proposed flow regime of the estuary, and water rights decisions for the Bay-Delta.	On January 19, 2024. Metropolitan provided comments individually and through the State Water Contractors on Phase 2 of the WQCP. The Draft Staff Report’s Proposed Action flow objective is predicted to result in an annual average reduction of 446,000 acre-feet for southern California municipal supplies. SWRCB has encouraged all stakeholders to work together to reach one or more Voluntary Agreements for consideration by the SWRCB that could implement the proposed amendments to the WQCP through a variety of tools, including non-flow habitat restoration for sensitive salmon and smelt species, while seeking to protect water supply reliability. Metropolitan is participating in the Phase 2 proceedings and Voluntary Agreement negotiations.	The SWRCB staff will release for public review and comment a draft Program of Implementation in summer 2024. The SWRCB staff will consider public comments, finalize the Staff Report, and adopt plan updates in mid-2025.

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<b>Fish and Game Commission</b>	<b>Petition to list the White Sturgeon as threatened under the California Endangered Species Act (CESA)</b>	On November 29, 2023, San Francisco Baykeeper, The Bay Institute, Restore the Delta and the California Sportfishing Protection Alliance filed a petition with the California Fish & Game Commission to list the White Sturgeon as a threatened under CESA. Among other threats, they allege that inadequate river flows and entrainment cause by operation of the CVP and SWP are major drivers of alleged population declines. They list Sites Reservoir, the Delta Conveyance Project and the Agreements to Support Healthy Rivers and Landscapes as threats.	When a Petition is accepted for further evaluation, the species is identified as a candidate and will be protected from “take.” This means that during the candidacy period, the SWP will need incidental take authority and will be required to mitigate accordingly.  Listing could lead to additional operational constraints on the existing SWP operations and on operations of Sites Reservoir and the Delta Conveyance Project.	The SWC and SLDMWA sent a comment letter to the Commission in June 2024. The Commission accepted the Petition on June 19, 2024.
<b>CDFW</b>	<b>Proposed rule governing suspension and revocation of Fish &amp; Game Code section 1602 Lake or Streambed Alteration Agreements</b>	On May 3, 2024, CDFW proposed a regulation specifying the procedures for CDFW to suspend or revoke Lake or Stream Alteration Agreements (LSAAs). Fish and Game Code section 1612 authorizes CDFW to suspend or revoke an LSAA if it determines the permittee is not in compliance with its terms or has failed to provide required status reports. The proposed process provides notice and an opportunity to cure any alleged violations before CDFW would suspend or revoke an LSAA.	While Metropolitan has never faced a notice of suspension or revocation, it is considering commenting on the proposed regulation because the notice provisions may put agencies with LSAAs in a bind if the notice is erroneous or if the notice does not provide sufficient time to cure alleged violations (or explain why no violation has occurred) before suspension or revocation would be required under the regulation.	Written comments were due June 18, 2024.

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