

Metropolitan Water District of Southern California

Federal Legislation Matrix 1/9/2012

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
<p>H.R.470 Heck (R-NV)</p> <p>Companion Measure: S.519 (Reid, D-NV)</p>	<p>12/20/2011; Enacted by the President, Public Law No: 112-72.</p>	<p>Hoover Power Allocation Act of 2011 - This legislation further allocates and expands the availability of hydroelectric power generated at Hoover Dam.</p>	<p>SUPPORT, pursuant to board action, April 2011.</p>	<p>The Hoover Power Allocation Act of 2011 would extend Metropolitan's contract for Hoover Power supplies, scheduled to sunset in 2017, for an additional 50 years. Originally approved for a 50-year term and extended in 1987 for a 30-year term when the power facility was expanded, the Hoover Power Allocation Act of 2011 provides 5% of the energy and capacity from Hoover to be made available to new parties, including tribal interests, starting in 2017.</p>
<p>H.R. 486 Garamendi (D-CA)</p> <p>Companion Measure: S.29 (Feinstein, D-CA)</p>	<p>2/7/2011; Referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands.</p>	<p>Sacramento-San Joaquin Delta National Heritage Area Establishment Act - This legislation establishes the Sacramento-San Joaquin Delta National Heritage Area.</p>	<p>SUPPORT, pursuant to board action, March 2011.</p>	<p>This bill establishes the "Sacramento-San Joaquin Delta Heritage Area" and designates the Delta Protection Commission (DPC) as the management entity for the Heritage Area. The bill authorizes \$20 million for the DPC to develop a management plan for the Heritage Area that must be consistent with the Delta Plan adopted by the Delta Stewardship Council.</p>

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<p>H.R. 567 Nunes (R-CA)</p> <p>Companion Measure: S.347 (Burr, R-NC)</p>	<p>2/9/2011; Referred to the House Committee on Ways and Means.</p>	<p>Public Employee Pension Transparency Act - This legislation amends the Internal Revenue Code to deny tax benefits relating to bonds issued by a state or political subdivision during any period in which such state or political subdivision is noncompliant with specified reporting requirements for state or local government employee pension benefit plans.</p>	<p>WATCH, pursuant to board action, April 2011.</p>	<p>This bill would establish new reporting requirements for sponsors of state and local pension plans and require reports to be filed with the U.S. Treasury Department. Additionally, the bill would prohibit federal bailout of any state or local pension plan. Failure to comply with reporting requirements would result in the denial of federal tax credits for bonds issued by the state or local governments participating in the pension plan. Consequently, Metropolitan and any other CalPERS client agency could not issue federally tax exempt bonds based on CalPERS' noncompliance.</p>
<p>H.R.795 Smith, Adrian (R-NE)</p>	<p>9/23/2011; Reported (Amended) out by the House Committee on Natural Resources. Awaiting full Floor Action.</p>	<p>Small-Scale Hydropower Enhancement Act of 2011 - This legislation is designed to exempt non-federally owned hydroelectric facilities from federal licensing requirements if the facilities have a capacity of 1.5 MW or less.</p>	<p>SUPPORT, pursuant to board adopted 2011 Legislative Strategy, December 2010.</p>	<p>Metropolitan currently operates one hydropower facility (Greg Ave) with a capacity of 1.5 MW or less. It has also identified two potential hydropower facilities whose individual generating capacity would not exceed 1.5 MW. If HR 795 were enacted, the FERC licensing exemption would reduce the administrative burden and permitting costs for these facilities. As technology improves, Metropolitan might also consider pursuing low-head hydro generation projects in the district's aqueducts or pipeline. These projects would also likely benefit from the proposed FERC exemption.</p>

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<p>H.R.1340 Young (R-FL)</p>	<p>4/4/2011: Referred to the House Energy and Commerce Subcommittee on Environment and the Economy.</p>	<p>End Unnecessary Costs Caused by Report Mailing Act 2011 - This legislation would amend the Safe Drinking Water Act to remove the mandatory requirement to “mail” Consumer Confidence Reports (CCR) to retail customers on an annual basis, and instead authorize public water systems to provide a written notice to customers that the CCR is available on the system’s website and by mail, upon request. This proposed change to the SDWA would keep in place mailing requirements for public water systems that have violated drinking water standards for regulated contaminants. An additional provision would add health concerns language to the CCR in the event of a violation.</p>	<p>SUPPORT, pursuant to board action, October 2011.</p>	<p>While Metropolitan would not benefit directly from the savings associated with reduced mailing, since as a wholesale agency Metropolitan only prints a limited number of Consumer Confidence Reports and already posts its water quality data online, the bill would improve Metropolitan’s access to water quality data from electronic postings by other agencies. In addition, several of Metropolitan’s member agencies could benefit from significant savings from reduced mailing expenses to their retail customers. And, electronic posting helps reduce waste.</p>
<p>H.R.1604 Denham (R-CA)</p>	<p>7/11/2011; Referred to the Committee on Natural Resources, and the Committee on the Judiciary.</p>	<p>Projects in the Central Valley Project - This legislation would facilitate certain activities, alleviate the extra regulatory burdens, and reduce costs related to carrying out projects of the Central Valley Project (CVP).</p>	<p>WATCH, pursuant to board adopted Delta Action Plan</p>	<p>The regulatory relief provisions of this bill apply solely to CVP projects. The State Water Project which supplies Metropolitan will still be subject to federal environmental permitting and regulatory requirements.</p>

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H.R.1837 Nunes (R-CA)	6/13/2011; House Natural Resources Subcommittee on Water and Power hearing held.	San Joaquin Valley Water Reliability Act - This bill would make substantial changes to the Central Valley Project Improvement Act (CVPIA) and the San Joaquin River Settlement Act (Settlement Act) and limits CVP (and maybe SWP) responsibilities under FESA.	WATCH, pursuant to board adopted Delta Action Plan	This bill provides the Central Valley Project with relief from various federal regulations under the ESA and decreases federal funding from the San Joaquin River Settlement Restoration Fund for fish and wildlife and environmental protection. Could potentially shift the regulatory burden to State Water Project contractors for mitigation of environmental impacts from water supply operations, given state regulatory requirements under California law. To the extent the bill results in reduced federal actions/funding it calls into question the federal commitment to the BDCP, increasing Metropolitan's mitigation/cost burden and potentially threatening the BDCP process.
H.R.1907 Calvert (R-CA)	5/13/2011; Referred to the House Natural Resources Committee.	Infrastructure Facilitation and Habitat Conservation Act of 2011 – This legislation would create a source of federal funding to acquire land for conservation plans adopted by local government agencies for purposes of implementing infrastructure development.	SUPPORT, pursuant to board action, October 2011.	Often mitigation for project impacts requires advanced investment in habitat acquisition. This program would provide Metropolitan and its member agencies with access to federal loans to assist with those up-front costs.

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H.R.1967 Holt (D-NJ)	6/20/2011; Referred to the House Committees on Energy and Commerce, Government Reform and Armed Services.	The Water Advanced Technologies for Efficient Resource Use Act of 2011 - This legislation would establish the WaterSense program within EPA to promote water efficient products, buildings, landscapes, and services, direct EPA on WaterSense implementation, direct federal agencies to purchase water efficient products and fund residential water efficiency incentive programs.	SUPPORT , pursuant to board-adopted 2011 Legislative Strategy, December 2010; and support of S. 1005 (Boxer, D-CA), May 2009.	Metropolitan's Integrated Resources Plan calls for increased conservation and water use efficiency. By authorizing the WaterSense program, HR 1967 would advance conservation programs and provide increased review and labeling of water conservation products and services for commercial, institutional and residential use. In addition, the residential water efficiency incentive programs could provide a funding source for Metropolitan's conservation rebate programs.
H.R.2599 Hayworth (R-NY)	8/22/2011; Referred to the House Financial Services Subcommittees on Capital Markets and Government Sponsored Enterprises, Insurance Housing and Community Opportunity.	PACE Assessment Protection Act of 2011 - This legislation relates to the Property Assessed Clean Energy (PACE) Assessment Protection Act; prevents Fannie Mae, Freddie Mac, and other Federal residential and commercial mortgage lending regulators from adopting policies that contravene established State and local property assessed clean energy laws; specifies the PACE Programs that are eligible for protection.	SUPPORT , pursuant to board-adopted 2011 Legislative Strategy, December 2010; board-adopted Energy Management Plan, July 2010; and consistent with board-sponsored legislation AB 474, 2009.	This bill addresses water and energy efficiency PACE liens and seeks to protect these types of liens. Thus, the bill would help protect California's water and energy efficiency voluntary lien programs, including the one sponsored by Metropolitan, AB 474 in 2009.

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H.R.2664 Napolitano (D-CA)	12/13/2011: Legislation was enacted by enrollment into H.R. 3671, the Consolidated Appropriations Act of 2012., Public Law 112-74.	Reauthorization of Water Desalination Act of 2011 - This bill would authorize the Department of Interior to operate demonstration facilities and implement a \$35-million research program over the next five years. Objectives of the research include increasing national water supplies by improving groundwater desalination technology and reducing costs.	SUPPORT , pursuant to board action, October 2011.	This bill would provide up to \$7 million annually for desalination research projects, including demonstration projects. Metropolitan's Integrated Resources Plan identifies groundwater reclamation, recycling and desalination projects as elements of a diverse water portfolio. Each of these resources could benefit from research on desalination technology.
H.R. 2765 Miller, Gary (R-CA)	8/2/2011; Referred to House Subcommittee on Water Resources and Environment.	Sunshine on Conflicts Act of 2011 - Amends the Federal Water Pollution Control Act to clarify the requirement that permit applications for the discharge of pollutants be approved by disinterested board members; requires the Administrator to issue a rule to prohibit any member of a board or body that approves permit applications from voting upon or seeking to influence the approval of any permit in which that member has a direct or indirect financial interest.	SUPPORT , consistent with board action to support SB 900 (Steinberg), June 2011.	This bill would amend the CWA to remove the income threshold test, and require EPA to promulgate guidelines that prohibits any member of a board or body that approves permit applications from voting upon or seeking to influence, any permit which the member of the board or body has a direct or indirect financial interest, as defined by applicable State law. This change would allow for a broader pool of qualified candidates to be eligible to serve on state and regional water quality control boards and subject decisions of those board members to conflict of interest laws.

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H.R.2890 Clarke (D-M)	9/20/2011; Referred to House Subcommittee on Environment and the Economy.	Homeland Security and Public Water Systems – This bill would remove the current exemption water and wastewater agencies have from the U.S. Department of Homeland Security’s (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) that govern certain chemical facilities around the nation. The legislation would also transfer the regulatory authority of CFATS for water and wastewater agencies to the U.S. Environmental Protection Agency.	OPPOSE , pursuant to board action, October 2011.	Would potentially subject Metropolitan’s water treatment facilities to shut-down provisions of CFATS for security violations, despite the essential public health and safety service provided by Metropolitan.
S.29 Feinstein (D-CA) Companion Measure: H.R. 486 (Garamendi, D-CA)	1/25/2011; Referred to the Senate Committee on Energy and Natural Resources.	Sacramento-San Joaquin Delta National Heritage Area Establishment Act - This legislation establishes the Sacramento-San Joaquin Delta National Heritage Area.	SUPPORT , pursuant to board action, March 2011.	This bill would establish the "Sacramento-San Joaquin Delta Heritage Area” and designates the Delta Protection Commission (DPC) as the management entity for the Heritage Area. The bill would authorize \$20 million for the DPC to develop a management plan for the Heritage Area that must be consistent with the Delta Plan adopted by the Delta Stewardship Council.

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S.78 Boxer (D-CA)	1/25/2011; Referred to the Senate Committee on Environment and Public Works.	Protecting Pregnant Women and Children from Perchlorate Act of 2011 - This legislation would direct the U.S. Environmental Protection Agency (USEPA) to establish a health advisory within 90 days and a national drinking water regulation for perchlorate within one year.	SUPPORT , if amended to exclude any reference to a specific date for establishing a national drinking water regulation for perchlorate, pursuant to board action, March 2011.	This bill would set specific deadlines for the USEPA to develop national drinking water standards for perchlorate, outside of the regulatory framework outlined in the 1996 amendments to the Safe Drinking Water Act. Staff recommends amending the bill to allow USEPA to follow its existing regulatory framework to ensure proper evaluation of the health risks, exposures, treatment technologies and economic impacts without setting any date specific deadline when developing a national primary drinking water regulation.
S.79 Boxer (D-CA)	1/25/2011; Referred to the Senate Committee on Environment and Public Works.	Protecting Pregnant Women and Children from Hexavalent Chromium Act of 2011 - This legislation would direct the United States Environmental Protection Agency (USEPA) to publish a Health Advisory no later than 90 days after enactment and finalize a national drinking water standard for hexavalent chromium (also known as chromium 6) within one year.	SUPPORT , if amended to exclude any reference to a specific date for establishing a national drinking water regulation for chromium 6, pursuant to board action, March 2011.	This bill would set specific deadlines for the USEPA to develop national drinking water standards for chromium 6, outside of the regulatory framework outlined in the 1996 amendments to the Safe Drinking Water Act. Staff recommends amending the bill to allow USEPA to follow its existing regulatory framework to ensure proper evaluation of the health risks, exposures, treatment technologies and economic impacts without setting any date specific deadline when developing a national primary drinking water regulation.

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S.138 Feinstein (D-CA)	1/25/2011; Referred to the Senate Committee on Energy and Natural Resources.	California Desert Protection Act of 2011 - This legislation amends the California Desert Protection Act of 1994 to, among other things: (1) establish or designate national monuments, wilderness areas, a special management area, and off-highway vehicle recreation areas; (2) release specified wilderness study areas; (3) adjust national park and preserve boundaries; and (4) specify land withdrawals, exchanges, and acquisitions. It also amends the Wild and Scenic Rivers Act to designate specified segments of rivers and creeks as components of the National Wild and Scenic Rivers System.	SUPPORT , pursuant to board action, June 2011.	Senator Feinstein's office has been negotiating this bill for several years with potentially affected parties, including Metropolitan. The current language in the proposed bill attempts to protect Metropolitan's existing rights to future use, operation, and maintenance of its CRA facilities, including access across or through the conservation areas where necessary. Metropolitan should seek additional clarifying amendments to have these rights expressly recognized and/or have Metropolitan interests expressly excluded from protected areas.
S.347 Burr (R-NC) Companion Measure: H.R. 567 (Nunes, R-CA)	2/15/2011; Referred to the Senate Committee on Finance.	Public Employee Pension Transparency Act - This legislation amends the Internal Revenue Code to deny tax benefits relating to bonds issued by a state or political subdivision during any period in which such state or political subdivision is noncompliant with specified reporting requirements for state or local government employee pension benefit plans.	WATCH , pursuant to board action, April 2011.	This bill would establish new reporting requirements for sponsors of state and local pension plans and require reports to be filed with the U.S. Treasury Department. Additionally, the bill would prohibit federal bailout of any state or local pension plan. Failure to comply with reporting requirements would result in the denial of federal tax credits for bonds issued by the state or local governments participating in the pension plan. Consequently, Metropolitan and any other CalPERS client agency could not issue federally tax exempt bonds pursuant to CalPERS' noncompliance.

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<p>S.519 Reid (D-NV)</p> <p>Companion Measure: H.R. 470 (Heck, R-NV)</p>	<p>12/20/2011; Enacted by the President, Public Law No: 112-72.</p>	<p>Hoover Power Allocation Act of 2011 - This legislation further allocates and expands the availability of hydroelectric power generated at Hoover Dam.</p>	<p>SUPPORT, pursuant to board action, April 2011.</p>	<p>The Hoover Power Allocation Act of 2011 would extend Metropolitan's contract for Hoover Power supplies, scheduled to sunset in 2017, for an additional 50 years. Originally approved for a 50-year term and extended in 1987 for a 30-year term when the power facility was expanded, the Hoover Power Allocation Act of 2011 provides 5% of the energy and capacity from Hoover to be made available to new parties, including tribal interests, starting in 2017.</p>
<p>S.629 Murkowski (R-AK)</p>	<p>5/18/2011; Placed on Senate Legislative Calendar.</p>	<p>Hydropower Improvement Act of 2011 - This legislation provides for competitive grants for improvements for increased hydropower production; promotes hydropower development at non-powered dams and closed loop pumped storage projects; promotes hydropower and small hydroelectric power projects from existing manmade water conveyance that is not used for the generation of electricity; provides for public workshops; and provides for the study of pumped storage and hydropower development at Bureau of Reclamation projects</p>	<p>SUPPORT and AMEND, pursuant to board action, June 2011.</p>	<p>This bill would provide incentives for hydropower, including conduit hydropower and facilitate its development by addressing current impediments to production. Metropolitan should seek additional amendments to recognize all hydroelectric power as renewable energy and to eliminate the limit on conduit hydropower projects that can request an exemption from the standard FERC's licensing process.</p>

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S.711 Lautenberg (D-NJ)	3/31/2011; Referred to the Senate Committee on Environment and Public Works.	Secure Water Facilities Act - establishes an expansive new regulatory program under the U.S. Environmental Protection Agency (EPA), aimed at preventing intentional acts of terrorism at some water and wastewater facilities.	OPPOSE , pursuant to board action, October 2011.	This bill broadly expands the regulatory authority of EPA over water district facilities to require extensive counter-terrorism measures system-wide. Requires consideration and possible implementation of prescriptive chemical treatment, irrespective of Metropolitan's significant investments to secure and protect facilities.

Metropolitan is actively tracking numerous other federal bills, including, but not limited to, the following: H.R. 872 (Gibbs, R-OH), H.R. 901 (Lungren, R-CA), H.R. 908 (Murphy, T., R-PA), H.R. 916 (Dent, R-PA), H.R. 947 (Hinojosa, D-TX), H.R. 1042 (Baca, D-CA), H.R. 1287 (Bishop, R-UT), H.R. 1677 (Miller, C., R-MI), H.R. 1684 (Sutton, D-OH), H.R. 1996 (Lummis, R-WY), H.R. 2018 (Mica, R-FL), S.473 (Collins, R-ME), H.R. 2196 (Markey, Ed, D-MA), H.R. 2538 (Calvert, R-CA), H.R. 2842 (Tipton, R-CO), H.R. 2915 (McClintock, R-CA), S. 706 (Vitter, R-LA), S.709 (Lautenberg, D-NJ), , S.1061 (Barrasso, R-WY), S.1343 (Bingaman, D-NM)