I hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.

DENNIS P. CAFFERTY, Secretary of the EI Toro Water District and the Board of Directors thereof



AGENDA

EL TORO WATER DISTRICT REGULAR MEETING OF THE BOARD OF DIRECTORS

June 26, 2025 7:30 a.m.

BOARDROOM, DISTRICT OFFICE 24251 LOS ALISOS BLVD., LAKE FOREST, CA 92630

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the virtual component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may attend the meeting in person at the District's office or may observe and address the Meeting by joining at this link: <u>https://us02web.zoom.us/j/85273082238</u> (Meeting ID: 852 7308 2238).

Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above. Please be advised the Meeting is being recorded.

CALL MEETING TO ORDER - President Gaskins

PLEDGE OF ALLEGIANCE - Director Havens

ROLL CALL (Determination of a Quorum)

ORAL COMMUNICATIONS/PUBLIC COMMENTS

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda, until said item is discussed by the Board. Comments on other items will be heard at the time set aside for "COMMENTS REGARDING NON-AGENDA ITEMS." The public may identify themselves when called on and limit their comments to three minutes.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

1. Consider Board Member's Request for Remote Participation (AB 2449)

2. <u>Consent Calendar</u>

(All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item)

- a. Consider approving the minutes of the May 22, 2025 Board meeting
- b. Consider approving the minutes of the June 16, 2025 Special Board meeting

Recommended Action: The Board will consider approving the above Consent Calendar.

3. Director Reports for Meetings Attended (Oral Report)

GENERAL MANAGER ACTION ITEMS

4. <u>California Special Districts Association (CSDA) Board of Directors.</u> <u>Southern Network – Seat B Election</u> (Reference Material Included)

The Board will consider the candidates for the CSDA Board of Directors, Southern Network, Seat B, and the requirement to cast a ballot by the July 25, 2025 deadline.

Recommended Action: Staff recommends that the Board select a candidate and direct the General Manager to cast a ballot for said candidate for the CSDA Board of Directors, Southern Network, Seat B, and cast the ballot by the July 25, 2025 deadline.

5. <u>Resolution No. 25-6-2 El Toro Water District Administrative Code</u> <u>Amendment – Cross Connection Control Management Plan</u> (Reference Material Included)

Staff will review and comment on Section 12000, a new addition to the District Administration Code defining the District Cross Connection Control Management Plan.

Recommended Action: Staff recommends that the Board of Directors approve Resolution No. 25-6-2 which rescinds Ordinance 1988-1 and adopts the amended EI Toro Water District Administration Code.

RESOLUTION NO. 25-6-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT RESCINDING ORDINANCE 1988-1 AND ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE

6. <u>Resolution No. 25-6-3 El Toro Water District Administrative Code</u> <u>Amendment – Purchasing Policy</u> (Reference Material Included)

Staff will review and comment on proposed revisions to Section 6100 of the District Administrative Code – Purchasing Policy.

Recommended Action: The Board of Directors will consider adopting Resolution No. 25-6-3 which adopts the amended EI Toro Water District Administrative Code.

RESOLUTION NO. 25-6-3 RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE 7. <u>Resolution No. 25-6-4 El Toro Water District Administrative Code</u> <u>Amendment – Fats. Oils and Grease Control Regulations Applicable to</u> <u>Food Service Establishments</u> (Reference Material Included)

Staff will review and comment on Section 13000, a new addition to the District Administration Code defining Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments.

Recommended Action: The Board of Directors will consider adopting Resolution No. 25-6-4 which adopts the amended EI Toro Water District Administrative Code.

RESOLUTION NO. 25-6-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE INCORPORATING FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

8. <u>Resolution No. 25-6-5 Second Amendment to the El Toro Water District</u> <u>Retirement Savings Plan</u> (Reference Material Included)

Staff will comment on a proposed amendment that provides updates and modifications to the El Toro Water District Retirement Savings Plan.

Recommended Action: Staff recommend that the Board of Directors adopt Resolution No. 25-6-5 adopting the Second Amendment to the El Toro Water District Retirement Savings Plan.

RESOLUTION NO. 25-6-5

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE SECOND AMENDMENT TO EL TORO WATER DISTRICT RETIREMENT SAVINGS PLAN

9. <u>Resolution No. 25-6-6 Third Amendment to the El Toro Water District</u> <u>Deferred Compensation Plan</u> (Reference Material Included)

Staff will comment on a proposed amendment that provides updates and modifications to the EI Toro Water District Deferred Compensation Plan.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 25-6-6 adopting the Third Amendment to the El Toro Water District Deferred Compensation Plan.

RESOLUTION NO. 25-6-6

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE THIRD AMENDMENT TO EL TORO WATER DISTRICT DEFERRED COMPENSATION PLAN

GENERAL MANAGER INFORMATION ITEMS

10. <u>General Manager's Monthly Report</u> (Reference Material Included)

Staff will review and comment on the General Manager's Monthly Report.

11. Legislative Reports (Reference Material Included)

Staff and General Counsel will review and comment on the Legislative reports.

12. Public Education and Outreach Report (Reference Material Included)

Staff will review and comment on the Public Education and Outreach report.

13. <u>Water Use Efficiency Report</u> (Reference Material Included)

Staff will review and comment on the Water Use Efficiency Report.

14. <u>SOCWA Report</u> (Reference Material Included)

- a. SOCWA Board and Budget Workshop Joint Meeting June 5, 2025
- b. SOCWA Engineering Committee Meeting June 12, 2025
- c. SOCWA Finance Committee Meeting June 17, 2025
- 15. <u>South Orange County Watershed Management Area Executive Committee</u> (Reference Material Included)

Report on the June 5, 2025 SOCWMA Executive Committee meeting.

16. <u>Santiago Aqueduct Commission – Quarterly Meeting</u> (Reference Material Included)

Report on the June 19, 2025 Santiago Aqueduct Commission Quarterly Meeting.

- 17. <u>Municipal Water District of Orange County (MWDOC) Report</u> (Reference Material Included)
 - a. MWDOC Planning/Operations meeting June 2, 2025
 - b. MWDOC MET Directors Workshop June 4, 2025
 - c. MWDOC Admin/Finance Meeting-June 11, 2025
 - d. MWDOC Board Meeting June 18, 2025
- 18. <u>South Orange County Agencies Group Meeting</u> (Reference Material Included)

Report on the May 22, 2025 South Orange County Agencies Group meeting.

19. Local Agency Formation Commission Report (Reference Material Included)

Report on the June 11, 2025 LAFCO meeting.

20. <u>ISDOC Meetings Report</u> (Reference Material Included)

Report on the June 3, 2025 ISDOC Executive Committee meeting.

21. <u>WACO Meetings Report</u> (Reference Material Included) Report on the June 6, 2025 WACO meeting.

COMMITTEE AND GENERAL INFORMATION

22. Dates to Remember for June/July (Reference Material Included)

COMMENTS REGARDING NON-AGENDA ITEMS

ATTORNEY REPORT

REGULAR SESSION REPORT

ADJOURNMENT

The agenda material for this meeting is available to the public at the District's Administrative Office, which is located at 24251 Los Alisos Blvd., Lake Forest, Ca. 92630. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection at the same location.

Request for Disability-Related Modifications or Accommodations

If you require any disability-related accommodation, including auxiliary aids or services, in order to participate in this public meeting, please telephone the District's Recording Secretary, Marisol Melendez at (949) 837-7050, extension 225 at least forty-eight (48) hours prior to said meeting. If you prefer, your request may be submitted in writing to El Toro Water District, P.O. Box 4000, Laguna Hills, California 92654, Attention: Marisol Melendez.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT May 22, 2025

President Gaskins called the meeting of the Board of Directors of the EL TORO WATER DISTRICT to order at 7:30 a.m.

Director Monin led the Pledge of Allegiance to the flag.

Committee Members MARK MONIN, MIKE GASKINS, KAY HAVENS,

KATHRYN FRESHLEY, and WYATT McCLEAN participated.

Also participating were DENNIS P. CAFFERTY, General Manager, GILBERT J.

GRANITO, General Counsel, VISHAV SHARMA, CFO, HANNAH FORD, Director of

Engineering, JUDY CIMORELL, Director of Human Resources, SCOTT HOPKINS,

Operations Superintendent, MIKE MIAZGA, IT Manager (Zoom), SHERRI SEITZ, Public

Affairs Manager, VU CHU, Water Use Efficiency Analyst, VICKI TANIOUS, Senior

Accountant (Zoom), and MARISOL MELENDEZ, Recording Secretary.

Determination of a Quorum

Five Board members were present for the meeting, therefore a quorum was determined.

Oral Communications/Public Comments

There were no comments.

Items Received Too Late to be Agendized

President Gaskins asked if there were any items received too late to be agendized. Mr. Cafferty replied no.

1

Consent Calendar

President Gaskins asked for a Motion.

<u>Motion</u>: Director Monin made a Motion, seconded by Director McClean to approve the Consent Calendar.

Roll Call Vote:

Director McClean	aye
Director Havens	aye
Director Monin	aye
Vice President Freshley	aye
President Gaskins	aye

Directors Reports for Meetings Attended

Director McClean stated that he attended the CAG meeting, a CSDA Webinar on Board Member and District Liability Issues, a CSDA Webinar on Legislative, Legal & Local Response to PFAS, the District's Engineering and Finance meeting, and the District's regular Board meeting.

Vice President Freshley stated that she attended both ETWD's regular Board meetings, the SOCWA Board meeting, the RRC meeting, the Agenda Review meeting, the WACO meeting, the Laguna Woods City Council meeting, the MWDOC P&O and Admin/Finance Joint meeting, the MWDOC/MET Directors Workshop, the MWDOC Board meeting, the ACWA Conference, and the SOCAG meeting.

Director Havens stated that she attended the WACO Meeting, the MWDOC P&O and Admin/Finance Joint meeting, the MWDOC Met Directors Workshop, the CAG meeting, the ACWA Conference, the Engineering and Finance meeting, the District's regular Board meeting, the South OC Watershed Management Area Executive Committee Agenda Review meeting, and the MWDOC Board meeting.

Director Monin stated that he attended the District's Board meeting, the Engineering and Finance meeting, the CAG meeting, the MWDOC Met Directors Workshop, the ISDOC Executive Committee meeting, the MWDOC P&O and Admin/Finance Joint meeting, the WACO meeting, and the WACO Planning meeting. President Gaskins stated that he attended the SOCWA Board meeting, the MWDOC P&O and Admin/Finance Joint meeting, the MWDOC Met Directors Workshop, the SOCWA Engineering meeting, the CAG meeting, the Agenda Review meeting, the ACWA JPIA meeting, the ACWA Conference, the District's Engineering and Finance meeting, the MWDOC Board meeting, today's Board meeting, and will be attending the SOCAG meeting today.

General Manager Action Items

Mr. Cafferty announced that AWCA is seeking candidates for its upcoming President and Vice President terms, along with Region 10 Board elections. Interested District Board members may submit their candidacy. Each member agency must also designate a voting representative, which defaults to the General Manager unless otherwise stated.

No District Board members expressed interest in running for the open positions. The Board designated Mr. Cafferty as the District's voting representative.

President Gaskins asked for a Motion.

<u>Motion</u>: Director Monin made a Motion, seconded by Vice President Freshley to designate the District's General Manager as a voting representative and direct staff to complete and submit the 2025 ACWA Elections Authorized Voting Representative Form by the June 20 deadline.

Roll Call Vote:

Director McClean	aye
Director Havens	aye
Director Monin	aye
Vice President Freshley	aye
President Gaskins	aye

Resolution No. 25-5-2 El Toro Water District Administrative Code Amendment -

Purchasing Policy

Mr. Cafferty explained that staff is recommending a few updates to the District's purchasing policy. Proposed revisions include syncing up contract signing authority with existing purchasing authority and also adding purchasing authority to the Director of Human Resources to match that of other management staff. The revision also includes raising the threshold for performance and bid bonds from \$50,000 to \$75,000 for consistency with the General Manager's authority, and clarifying the contract execution amount with the spending authority.

Vice President Freshley recommended clarifying the purchasing authority granted to the Director of Human Resources to define which responsibilities fall under the HR department.

Mr. Cafferty stated that staff will revise the purchasing policy language and present the updated version to the Board next month.

No Motion was carried.

General Manager Information Items

AB 2561 Workforce Trends

Mr. Cafferty explained that AB 2561 mandates all agencies to conduct at least one public hearing to identify recruitment challenges, retention trends, and vacancies. He noted this requirement will be integrated into the annual budget process in the future during the Board Budget Workshop.

OPEN PUBLIC HEARING

Public Hearing Regarding AB 2561

At approximately 7:52 a.m. President Gaskins opened the Public Hearing.

PUBLIC COMMENT

There were no comments.

CLOSE PUBLIC HEARING

At approximately 7:53 a.m. President Gaskins closed the Public Hearing and regular session resumed.

Regular Session

<u>Memorandum of Understanding for the Use of the Countywide Public Mass Notification</u> <u>System (Alert OC)</u>

Ms. Seitz provided an overview of the Countywide Mass Notification System. She noted that the District has participated in the program since 2013. The General Manager recently executed a non-financial Memorandum of Understanding (MOU) with the County of Orange to continue participation through December 30, 2029.

General Manager's Monthly Report

Mr. Cafferty reported that staff held a kickoff meeting with Mr. Ed Means to initiate the strategic plan process. Mr. Means will conduct individual meetings with each Director as well as sessions with staff.

Mr. Cafferty provided an update on Laguna Woods Village's request to explore a storage opportunity at the WRP. Staff has identified existing material storage bins available for immediate use upon an agreement, eliminating the need for constructing a permanent facility. The City has also expressed interest in warehouse space, and staff is assessing options within the existing vehicle storage building at the WRP. The proposed arrangement would generate revenue while addressing the City's storage challenges. Staff will continue discussions with the City to work through the details.

Mr. Cafferty discussed the emerging issue of microplastics, noting it is an evolving topic with ongoing research into potential human health impacts. He recently attended an AWWA webinar on the subject and stated that, to date, no studies have definitively established causation. He also attended a webinar on PFAS and noted that staff will continue to monitor both issues closely.

Mr. Cafferty reported attending the Terra Verde Energy Efficiency RFP kickoff meeting. Terra Verde is preparing an RFP focused on the battery projects at P-1 Pump Station and the Ocean Outfall Pump Station at the WRP, as well as evaluating a potential solar project at the WRP.

Mr. Cafferty provided an update on retirement plan changes under the Secure 2.0 Act, specifically regarding catch-up contribution requirements for employees within a certain age group.

Legislative Reports

There were no comments.

Public Education and Outreach Report

Ms. Seitz reported that a draft version of the new District website will be presented at the next Board meeting. She also noted significant customer service outreach efforts related to upcoming credit card processing changes. Additionally, Ms. Seitz highlighted recent community events, including the Children's Water Education Festival and the City of Mission Viejo Earth Day Event.

Water Use Efficiency Report

Mr. Chu reported that total water usage increased by approximately 21% compared to the same month last year, and is up about 12.5% on a fiscal year to date basis. He also noted that the District remains approximately 24.6% below the Urban Water Use objective, as reflected in their compliance summary.

SOCWA Reports

Mr. Cafferty reported that recent finance committee meetings have primarily focused on finalizing the budget, which is scheduled for approval at the next Board meeting. Vice President Freshley announced that the employee association agreement was approved. Ms. Ford noted that staff is currently working on the HMGP applications for the ETM projects.

<u>MWDOC</u>

There were no comments.

<u>LAFCO</u>

Vice President Freshley reported that the MOU was agreed upon in response to OC LAFCO's decision to withdraw from CALAFCO.

ISDOC

Director Monin noted that the Secretary position remains unfilled.

<u>WACO</u>

Director Monin reported a presentation on the Pure Water San Diego project was provided.

COMMITTEE AND GENERAL INFORMATION

Dates to Remember for May/June

Director Havens noted that the South OC Watershed Management Area Executive Committee is scheduled for June 5.

Comments Regarding Non-Agenda Items

Mr. Cafferty reported that Raftelis conducts an efficiency analysis for Mesa Water District measuring spending per capita. El Toro Water District ranked as the most efficient agency among those reviewed. He highlighted that, despite having low property tax revenue, the District remains competitive in its rate structure.

Attorney Report

Mr. Granito reported that Oral Argument before the California Court of Appeals in Patz v. City of San Diego had taken place on May 6, 2025. The Trial Court on this matter had invalidated the City's Tiered Water Rates.

Mr. Granito reported that Oral Argument indicates that a united decision by the Court of Appeals is not likely. The point of contention during Oral Argument was what Legal Test/standard applies when a Court rules on whether the tiered rate methodology before the Court is calculated & apportioned in conformance with Proposition 218. Is the Test "Reasonable" e.g. reasonable supporting data and reasonable apportionment or is the Test one of strict-precise supporting data of peaking costs & apportionment to each individual parcel. The Court's Ruling is due in early August.

<u>Adjournment</u>

There being no further business to come before the Board, the meeting was adjourned at approximately 9:10 a.m.

Respectfully submitted,

MARISOL MELENDEZ Recording Secretary

APPROVED:

MIKE GASKINS, President of the EI Toro Water District and the Board of Directors thereof

DENNIS P. CAFFERTY, Secretary of the EI Toro Water District and the Board of Directors thereof

MINUTES OF THE SPECIAL MEETING AND PUBLIC HEARING OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT June 16, 2025

President Gaskins called the Special Meeting of the Board of Directors of the EL TORO WATER DISTRICT to order at 7:30 a.m.

Vice President Freshley led the Pledge of Allegiance to the flag.

Directors MIKE GASKINS, KATHRYN FRESHLEY, MARK MONIN (Zoom), KAY

HAVENS, WYATT MCCLEAN, and participated.

Also present were DENNIS P. CAFFERTY, General Manager, GILBERT J.

GRANITO, General Counsel, MICHAEL COLANTUONO, Special Counsel (Zoom),

HANNAH FORD, Director of Engineering, VISHAV SHARMA, CFO (Zoom), JUDY

CIMORELL, Director of Human Resources, SHERRI SEITZ, Public Affairs Manager, VU

CHU, Water Use Efficiency Analyst (Zoom), CAROL MOORE, City of Laguna Woods

(Zoom), DARRELL CHENG, Member of the Public (Zoom), and MARISOL MELENDEZ,

Recording Secretary.

Determination of a Quorum

Director Monin participated in the meeting via teleconferencing as noted in today's agenda and the remaining Board Members were present. Therefore, a Quorum, was determined.

Oral Communications/Public Comments

There were no comments.

Items Received Too Late to be Agendized

President Gaskins asked if there were any items received too late to be agendized. Mr. Cafferty replied no.

Increases to Certain Water, Sewer and Recycled Water Service Rates and Charges

Mr. Cafferty stated that the District is proposing increases to certain water, sewer, and recycled water service rates and charges some of which were identified in the Proposition 218 Notice published this year and some were carried over from the Proposition 218 Notice published in 2023. The notice of today's Public Hearing and the proposed increases to the water, sewer, and recycled water rates and charges were provided by direct mail to all of the District's customers within the service area through the Proposition 218 Notice. The Proposition 218 Notice was also available on the District's website, notice of availability of the Proposition 218 Notice was provided on bill inserts, and in the District's newsletter. The customer notices were prepared in strict compliance with the Proposition 218 requirements, including the 45-day notice and describe the property or parcel owner procedure for registering a formal protest for proposed rate increase actions. The notice stated that any written protest that specified grounds for alleged non-compliance with the California Constitution or other applicable law for the increased rates and protests must be submitted prior to the end of the Public Hearing and failure to protest in writing bars any right to challenge that rate or to challenge them in court at a later date. The District also scheduled and conducted two community information meetings to engage the public regarding the proposed rate increases.

Mr. Granito stated that the purpose of today's Public Hearing is being held pursuant to the procedural requirements of Proposition 218 and to determine if there are sufficient written protests to preclude the adoption of the proposed increases to certain

water, sewer, and recycled water service rates and charges in accordance with the District's adopted guidelines. He further reported that if there are no written protests or insufficient written protests by the end of today's Public Hearing, then the District may approve the proposed increases by the adoption of Resolution No. 25-6-1.

Mr. Cafferty stated that Raftelis Financial Consultants prepared a Rate Study for the Districts potable and recycled water commodity rate modifications which can be found on the District's website. The potable and recycled water commodity rate modifications and potable water, recycled water and private fire fixed meter O&M rate modifications for the 2025/26 fiscal year are described in the Proposition 218 Notice as well as in the revised sections of the District's Administrative Code that are included in today's Board package. The notice of the increase of the sewer O&M charges and the water, recycled water, and sewer capital charges as identified in the 2023 Proposition 218 Notice was provided on the District's website and through notices on the billing statements a minimum of 30 days in advance of the effective date. The rate study and the Proposition 218 Notice were subject to detailed legal review by Legal and Special Counsel.

President Gaskins stated that this was the time and place set for public hearing on proposed increases to certain water, sewer, and recycled water service rates and charges.

Open Public Hearing

Public Hearing Regarding Adoption of Proposed Increases to Certain Water, Sewer and Recycled Water Service Rates and Charges

At approximately 7:41 a.m. President Gaskins opened the Public Hearing. <u>Public Comments</u>

Mr. Cheng expressed concern that fixed charges make it difficult for customers to control their water bill by reducing their usage. He further requested the District consider funding more of the O&M costs from the water commodity charge. Mr. Cafferty reported that Mr. Cheng had made similar comments at both Community Information Meetings. Mr. Cafferty noted that he understands and appreciates Mr. Chengs comment and had expressed to Mr. Cheng the challenges associated with funding fixed costs from variable revenues.

Vice President Freshley acknowledged Mr. Cheng's concerns and noted that many utilities face challenges maintaining aging infrastructure while ensuring reliable service. She explained that utilities cannot rely solely on usage-based charges and must recover costs at a minimum level of depreciation to continue investing in operations and providing consistent service.

Ms. Moore commented on the costs and challenges that local agencies face.

President Gaskins asked Mr. Cafferty if the written protests have been tabulated. Mr. Cafferty replied yes, the District received five valid written protest letters, none of which specified any grounds for alleging non-compliance with the California Constitution or other applicable law for the increased rates or charges.

Close Public Hearing

At approximately 7:53 a.m. President Gaskins closed the Public Hearing and regular session resumed.

Regular Session

Resolution No. 25-6-1 Adopting Amendments to the District's Rules and Regulations

President Gaskins stated that the individual schedules that define all of the proposed increases are included with the Resolution in the Board package. President Gaskins asked for a Motion.

June 16, 2025 Board Mtg

<u>Motion</u>: Vice President Freshley made a Motion, seconded by Director McClean to adopt Resolution No. 25-6-1 which 1) provides for an increase to certain water, sewer and recycled water service rates and charges, effective July 1, 2025, and 2) makes findings and a determination that the action taken in this Resolution is exempt from the requirements of the California Environmental Water Quality Act.

Roll Call Vote:

Director McClean	aye
Director Havens	aye
Director Monin	aye
Vice President Freshley	aye
President Gaskins	aye

Comments Regarding Non-Agenda Items

There were no comments.

<u>Adjournment</u>

There being no further business to come before the Board, the meeting was

adjourned at approximately 7:56 a.m.

Respectfully submitted,

MARISOL MELENDEZ Recording Secretary

APPROVED:

MIKE GASKINS, President of the El Toro Water District and the Board of Directors thereof

DENNIS P. CAFFERTY, Secretary of the El Toro Water District and the Board of Directors thereof



STAFF REPORT

То:	Board of Directors	Meeting Date: June 26, 2025
From:	Dennis Cafferty, General Manager	
Subject:	California Special Districts Association (CSDA) 2026-2028 Board of Directors Call for Nominations – Southern Network Region, Seat B	

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, professional development, and other resources for members. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration.

The leadership of CSDA is elected from its six geographical networks. Each of the six networks has three seats on the board with staggered three year terms. Candidates must be either a board member or management level employee with an independent special district that is a CSDA Regular Member in good standing and located within the Southern Network (see attached CSDA Network Map). Each Regular Member (district) in good standing shall be entitled to vote for one (1) person to represent its Network in Seat B.

The following candidates are running for Seat B for the 2026 - 2028 term.

Don Bartz (Incumbent) – General Manager – Phelan Pinon Hills Community Services District Jason Dafforn – General Manager – Valley Sanitary District John Skerbelis – Director – Rubidoux Community Services District

Candidate Information Sheets and Candidate Statements for each candidate are attached for reference.

RECOMMENDATION

Recommended Action at the June 26, 2025 Board Meeting:

Staff recommend the Board select a candidate and direct the General Manager to cast a ballot for said candidate for the California Special Districts Association Board of Directors, Southern Network, Seat B, and cast the ballot by the July 25, 2025 deadline.





2026-2028 TERM - CSDA BOARD CANDIDATE INFORMATION SHEET

The following information MUST accompany your nomination form and Resolution/minute order:

Name: Don Bartz

District/Company: Phelan Pinon Hills CSD

Title: General Manager

Elected/Appointed/Staff: Staff

Length of Service with District: <u>17 years</u>

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

I am currently on the Executive Committee as Treasurer for CSDA, attend the Annual

Conference, Governance Academy and the General Managers Summit.

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

I have been involved with ACWA, AWWA for the past 30 years._____

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

Local government involvement includes Local City Planning Commissioner, Techical Advisory Committee for local water agency and Sub-Area Committee for local water basins.

4. List civic organization involvement:

I work with youth archery programs for Mojave Archers, provide assistance for a local

Homeless Shelter and participate in Local Government within my community

**Candidate Statement – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. Any statements received in the CSDA office after the nomination deadlines will not be included with the ballot.

Candidate Statement Don Bartz CSDA Board

I kindly seek your support for my candidacy for the CSDA Board Member in the Southern section. I have been the General Manager of the Phelan Pinon Hills Community Services District since its inception 17 years ago. Currently, I am in my second term on the CSDA Board, where I also hold the position of Board Treasurer and have also been Board Secretary. My commitment to CSDA is strong, as I regularly participate in its events and have contributed to various committees in recent years. I am prepared to invest the necessary time to fulfill the responsibilities of Board Member. I believe my experience equips me well for this role, enabling me to assist in establishing and reviewing budgets and expenses while collaborating with others to ensure CSDA's financial stability. CSDA is an outstanding organization, and I am eager to contribute to its ongoing success. Thank you for considering my application for the Board Member position. Please feel free to contact me if you have any questions.

Don Bartz



2026-2028 TERM - CSDA BOARD CANDIDATE INFORMATION SHEET

The following information MUST accompany your nomination form and Resolution/minute order:

Name: Jason Dafforn
District/Company: Valley Sanitary District
Title: General Manager
Elected/Appointed/Staff: Staff
Length of Service with District: 2 YEARS
1. Do you have current involvement with CSDA (such as committees, events

 Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

Attend CSDA Conference and Leadership Academy

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

ACWA, CASA, NACWA

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

N/A

4. List civic organization involvement: Desert Recreation Foundation Board of Directors

**Candidate Statement – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. Any statements received in the CSDA office after the nomination deadlines will not be included with the ballot.

JASON DAFFORN for CSDA Board of Directors – Southern Network

My name is Jason Dafforn, and I am honored to be a candidate for the CSDA Board of Directors, representing the Southern Network, which includes Los Angeles, Orange, San Diego, San Bernardino, Riverside, and Imperial counties.

As a Licensed Civil Engineer with more than 30 years of experience in the water and wastewater industry, I bring a deep understanding of the vital services special districts provide. I have spent 18 years as a utility manager for California local governments, including over eight years with a special district, and I currently serve as General Manager at Valley Sanitary District in Indio, California.

Throughout my career, I have remained committed to improving water and wastewater systems, building safe and reliable infrastructure, and leading teams to find innovative, effective solutions to complex challenges. I am passionate about the essential roles our diverse special districts play, including water, wastewater, irrigation, parks and recreation, cemeteries, fire protection, libraries, harbors, healthcare, and community services.

In my spare time, I also serve on the Board of Directors of the Desert Recreation Foundation, a nonprofit organization that collaborates with the Desert Recreation District, California's largest park and recreation district. There, I work behind the scenes to ensure all residents in the Coachella Valley have access to quality recreational resources, facilities, parks, and programs that serve today's needs and those of generations to come.

If elected, I will bring a strategic and forward-thinking perspective to the Board. I will advocate for our collective interests and help CSDA remain a strong resource for its members. Together, we can strengthen California's special districts and continue to enhance the quality of life for the communities we serve.

Thank you for your support and your vote!

Jason Dafforn, PE General Manager, Valley Sanitary District, Indio, California



2026-2028 TERM - CSDA BOARD CANDIDATE INFORMATION SHEET

The following information MUST accompany your nomination form and Resolution/minute order:

	JOHN SKERBELIS	3
Namo:		

District/Company: RUBIDOUX COMMUNITY SERVICES DISTRICT

Title: DIRECTOR

Elected/Appointed/Staff: <u>ELECTED</u>

Length of Service with District: 12 YEARS

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

NONE.

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

CALIFORNIA ASSOCIATION OF REALTORS.

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

RIVERSIDE COUNTY SOLID WASTE ADVISORY COMMITTEE - MAP OUT AND INSPECT FOR APPROVED STREET SWEEPING ROUTES FOR NEW DEVELOPMENTS. 4. List civic organization involvement:

RIVERSIDE COUNTY COMMUNITY CLEAN UPS FOR ALL COUNTY-WIDE DISTRICTS/STAKEHOLDER IN COUNTY-WIDE ILLEGAL DUMPING PROGRAM.

**Candidate Statement – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. Any statements received in the CSDA office after the nomination deadlines will not be included with the ballot.



CANDIDATE STATEMENT

JOHN SKERBELIS

Elect John Skerbelis to the CSDA Board of Directors – Southern Network

Rubidoux Community Services District (Rubidoux) holds a unique place in history as California's first community services district, established in 1952. Today, Rubidoux serves 40,000 residents with essential services, including water, sewer, fire protection, trash collection, weed abatement, and street lighting. These services helped enable regional growth, ultimately leading to the incorporation of Jurupa Valley in 2011. As a CSDA Member, Rubidoux values CSDA's advocacy, education, and resources that support special districts statewide.

Experienced Leadership, Proven Results

Director John Skerbelis, a committed public servant and business owner, is seeking election to the CSDA Board of Directors – Southern Network. His extensive experience in local government, environmental health, and infrastructure funding makes him a strong advocate for special districts.

A Record of Service

✓ Rubidoux CSD Board of Directors – Elected in 2007; Board President four times.

✓ Riverside County Solid Waste Management Advisory Council – Served seven years shaping waste policies.

✓ Environmental & Public Health Leadership – Eight years with Riverside County Environmental Health.

✓ Illegal Dumping Prevention Champion – Recognized by Riverside County Board of Supervisors for efforts supporting AB 1822 and AB 1924.

✓ Advocate for Federal Funding – Worked with Congressmen Calvert & Takano to secure FEMA funds for Rubidoux.

✓ Local Business Owner – Brings strong fiscal oversight and economic development experience.

Priorities on the CSDA Board

- Stronger Advocacy for Special Districts Protecting funding & resources.
- Fiscal Responsibility Promoting sound financial management.
- Emergency Preparedness & Resilience Enhancing response & funding support.
- Collaboration & Innovation Modernizing operations & integrating technology.

Your Vote Matters – Support John Skerbelis

With proven leadership and a results-driven approach, John Skerbelis is the right choice for CSDA Board of Directors – Seat B, Southern Network. Vote for a dedicated advocate for special districts and the communities they serve!

Thank you for your support!



STAFF REPORT

То:	Board of Directors	Meeting Date: June 26, 2025
From:	Hannah Ford, Director of Engineering	
Subject:	Resolution No. 25-6-2 El Toro Water District Administrative Code Amendment – Cross Connection Control Management Plan	

BACKGROUND

On July 1, 2024, the State Water Resources Control Board (SWRCB) implemented the Cross Connection Control Policy Handbook (CCCPH), replacing the previous regulations under Title 17 of the California Code of Regulations. The CCCPH establishes updated standards for cross connection control and backflow prevention to enhance public health protection.

In response to this new regulation, the District must rescind Ordinance 1988-1, which was based on Title 17, and develop a new Cross Connection Control Management Plan (CCCMP) for incorporation into the Administrative Code.

DEVELOPMENT OF THE CCCMP

The District collaborated with 28 other public water agencies in Orange County to develop a standardized CCCMP template. This regional initiative was led by the Irvine Ranch Water District (IRWD) and consultant John Robinson, aiming to ensure consistency and compliance across the region. The District's share of the consulting fee was approximately \$5,400.

To tailor the template to the District's specific needs, staff obtained a quote of \$30,000 from a consultant. However, to reduce costs, District staff customized the template and developed the final CCCMP in-house – incurring no additional consulting fee.

IMPACT TO THE DISTRICT

The District has maintained a robust cross connection control program for decades. The CCCPH includes some new requirements that will impact the District's staff workload and customers, as follows:

Resolution No. 25-6-2 El Toro Water District Administrative Code Amendment – Cross Connection Control Management Plan Page 2

- **Commercial Service Assessments**: The CCCPH mandates hazard surveys for all commercial service connections lacking existing backflow prevention to determine the need for backflow prevention assemblies (BPAs). The District will mail surveys to commercial customers to fulfill this requirement.
- Residential Desktop Assessments: The CCCPH requires hazard surveys for all residential service connections. The District will perform desktop assessments using aerial mapping software to identify potential cross connections and determine if backflow protection is necessary.
- Shared Meter Backflow Requirements: The CCCPH mandates the installation of BPAs on all commercial shared meter connections to prevent potential contamination between users. Previously, the District required a BPA on a shared meter only if one of the users was considered a high hazard. Now, BPAs are required on all commercial shared meter connections, regardless of use type.
- Backflow Tester Certification: Under the CCCPH, all backflow prevention assembly testers must be certified by organizations recognized by the SWRCB and accredited by the American National Standards Institute (ANSI) in accordance with ISO/IEC 17024 standards. Previously, the Orange County Health Care Agency (OCHCA) managed its own backflow tester certification program. However, their program has sunset, given it is no longer in compliance with the CCCPH. The District can no longer rely on the County's certified tester list, which provided a convenient summary for customers to obtain local backflow testers. The District and its partner agencies are advocating for CA-NV AWWA, which administers the compliant backflow certification tester program, to develop a similar list.

While these new requirements will increase the workload of existing staff, the District is committed to minimizing costs. Timelines proposed in the CCCMP for survey completions are designed to maintain current staffing levels and minimize budget impacts.

NEXT STEPS

The CCCPH requires the District to adopt a CCCMP by July 1, 2025. Upon Board approval, the District will submit the CCCMP to the Division of Drinking Water (DDW) for review and approval.

Resolution No. 25-6-2 El Toro Water District Administrative Code Amendment – Cross Connection Control Management Plan Page 3

RECOMMENDATION

Recommended Action:

Staff recommend that the Board of Directors approve Resolution No. 25-6-2, which rescinds Ordinance 1988-1 and adopts the amended El Toro Water District Administrative Code.

RESOLUTION NO. 25-6-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT RESCINDING ORDINANCE 1988-1 AND ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE

RESOLUTION NO. 25-6-2

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT RESCINDING ORDINANCE 1988-1 AND ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE

WHEREAS, the Board of Directors of the El Toro Water District adopted an Administrative Code defining the policies of the El Toro Water District in November 2023; and

WHEREAS, the State Water Resources Control Board (SWRCB) adopted the Cross Connection Control Policy Handbook (CCCPH) on December 19, 2023, with an effective date of July 1, 2024, thereby superseding the previous regulations under Title 17 of the California Code of Regulations; and

WHEREAS, the CCCPH establishes updated standards for cross connection control and backflow prevention, requiring public water systems to develop and implement a Cross Connection Control Management Plan (CCCMP) by July 1, 2025, to ensure the protection of public health through the prevention of backflow incidents; and

WHEREAS, in response to the CCCPH, the District collaborated with 28 other public water agencies in Orange County to develop a standardized CCCMP template, which has been customized by District staff to meet the specific needs of the District; and

WHEREAS, it is in the best interest of the District to amend its Administrative Code to incorporate a new Section 12000 – Cross Connection Control Management Plan, aligning with the requirements set forth in the CCCPH; and

WHEREAS, the adoption of the new CCCMP necessitates the rescission of Ordinance 1988-1 to ensure consistency with current state regulations and the updated Administrative Code; and

WHEREAS, the Board of Directors of the El Toro Water District has reviewed Section 12000 of the Administrative Code which is incorporated herein by this reference.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. **RESOLVED**, that Ordinance 1988-1 be rescinded in its entirety, recognizing that it is superseded by the requirements of the CCCPH and the newly developed CCCMP; and

2. **RESOLVED FURTHER,** the amended El Toro Water District Administrative Code be adopted, effective June 26, 2025, which includes the newly incorporated Section 12000 – Cross Connection Control Management Plan, ensuring compliance with the CCCPH and the protection of public health through robust cross connection control measures.

ADOPTED, SIGNED AND APPROVED, this 26th day of June, 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> MIKE GASKINS, President EI Toro Water District and of the Board of Directors thereof

ATTEST:

DENNIS P. CAFFERTY, Secretary EI Toro Water District and of the Board of Directors thereof

EL TORO WATER DISTRICT



ADMINISTRATIVE CODE

Adopted

February 27June 26, 2025

DISTRICT

1000 Principal Office

1010 Seal

BOARD OF DIRECTORS

- 2000 General Authority
- 2010 Membership
- 2020 Terms of Office
- 2030 Elections
- 2040 Meetings
- 2050 Quorum: Votes Necessary
- 2060 Compensation
- 2070 Board Staff Relationship
- 2080 Guidelines for Board Conduct
- 2090 Committees of the Board

BOARD OFFICERS AND EMPLOYEES

- 3000 Officers Other Than Directors
- 3010 Elimination
- 3020 President (Term of Office)
- 3030 Succession to Presidency
- 3040 Vice President (Election Term of Office Succession to Presidency)
- 3050 Secretary
- 3060 Treasurer
- 3070 Duties and Powers of President
- 3080 Duties and Powers of Vice President
- 3090 Employees
- 3100 District Legal Counsel
- 3110 District Auditors

ETWD DIRECTORS

- 4000 Directors' Compensation
- 4010 Directors' Benefits
- 4020 Directors' Travel & Expense Reimbursement

ETHICS

5000 Ethics Training

FINANCIAL MATTERS

- 6000 District Claim Procedures
- 6010 Board Authorization of Fund Transfers With the District Capital Budget
- 6020 Budget Policy
- 6030 Designated Staff Credit Card Issuance / Usage Policy
- 6040 Cash Reserve Policy
- 6050 Debt Management Policy
- 6060 Capitalization Policy for Capital Assets
- 6070 Disposal of Surplus Property
- 6080 Investment Policy
- 6090 Electronic Funds Transfer Policy
- 6100 Purchasing Policy

SERVICE AND RATES

- 7000 Statement of Service Outside of District Boundaries
- 7010 Statement of Construction of Water and Sewer
- 7020 Rate Schedules Preliminary Statement
- 7030 General Metered Potable Water Service
- 7040 General Sewer Service
- 7050 Commercial, Industrial, Public Authority and Homeowner Association Recreational Facility Sewer Service
- 7060 Recycled Water Sales and Service
- 7070 Private Fire Protection Service
- 7080 Water Capital Facilities Fee
- 7090 Wastewater Capital Facilities Fee
- 7100 Water Meter and Meter Installation Charges
- 7110 Wholesale Water Service
- 7120 Metered Construction Service
- 7130 Development Procedures
- 7140 Establishment of Accounts
- 7150 Miscellaneous Charges
- 7160 Restablishment of Accounts for Bankruptcy Cases

PERSONNEL MATTERS

8000 Employee Handbook (Incorporated by Reference)

ORGANIZATION, FUNCTIONS & GENERAL PROVISIONS

- 9000 Fraud in the Workplace
- 9010 District Meeting Rooms Use Policy
- 9020 Identity Theft Prevention Program
- 9030 Legislative Advocacy Policy
- 9040 IT Acceptable Use Policy
- 9050 Public Records Act Response Policy

RULES & REGULATIONS FOR RECYCLED WATER

- 10000 Table of Contents
- 10100 Introduction & Purpose
- 10200 Definitions
- 10300 General Requirements
- 10400 Permitting Process
- 10500 Technical Requirements
- 10600 Construction Specifications
- 10700 Operational Requirements
- 10800 Violations and Enforcement
- 10900 Appendices

COMMUNICATION FACILITIES LICENSE PROGRAM

11000 Communication Facilities License Program

CROSS CONNECTION CONTROL PROGRAM

12000 Cross Connection Control Management Plan

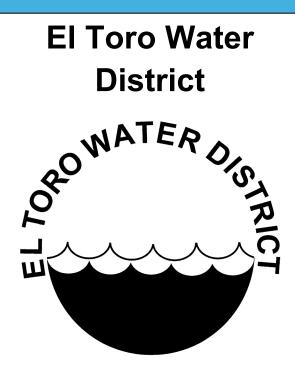


Cross Connection Control Management Plan

This Cross Connection Control Management Plan has been prepared in compliance with the California State Water Board CCCPH.

Certified Cross Connection Control Program Specialist No. 02645

Steve Wingen



24251 Los Alisos Blvd Lake Forest, CA 92630 (949) 837-7050

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PWS No. CA3010079

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- Appendix C Administrative Code
- Appendix D High Hazard Premises
- Appendix E Assessment Database
- Appendix F Self Report Letter (Commercial/Industrial Assessments)
- Appendix G Backflow Prevention Assembly Diagrams
- Appendix H District Records Retention Policy
- Appendix I Incident Response Form

1 Cross Connection Control Policy Overview

1.1 Objective

The primary objective of the Cross Connection Control Management Plan (CCCMP) is to bring the District into compliance with the Cross Connection Control Policy Handbook (CCCPH) developed by the State Water Resources Control Board (State Water Board) for the protection of public health through the establishment of standards intended to ensure a public water system's (PWS) drinking water distribution system will not be subject to the backflow of liquids, gases, or other substances, see **Appendix A**. In addition, by providing basic educational information on backflow prevention, the District intends to build a foundation of awareness within the District regarding the importance of backflow protection and cross connection control, further enhancing the District's long standing cross connection control program.

The District will implement the requirements of the State CCCPH by implementing Administrative Code Section 12000, which incorporates by reference the procedures detailed in this CCCMP.

1.2 Applicability

The State CCCPH and its standards apply to all California PWSs, as defined in California's Health and Safety Code (CHSC, section 116275 (h)). Compliance with the State CCCPH is mandatory for all California PWSs. The District's CCCMP has been developed in conformance to the State CCCPH and is applicable to all customers within the District's service area.

1.3 Policy Development Background and Legal Authorities

Through the adoption of the State CCCPH, the State Water Board exercised its authority, under California's Safe Drinking Water Act (SDWA), to establish enforceable standards applicable to California's PWSs. Failure to comply with the CCCMP which is in conformance with the State CCCPH may result in the issuance of compliance, enforcement, or other corrective actions against the District.

1.4 California Safe Drinking Water Act

On October 6, 2017, Assembly Bill 1671 (AB 1671) was approved and filed with the Secretary of State. AB 1671 amended California's SDWA through the establishment of CHSC sections 116407 and 116555.5. AB 1671 also amended section 116810 of the CHSC, as detailed in **Appendix B**.

On October 2, 2019, Assembly Bill 1180 (AB 1180) was approved and filed with the Secretary of State. AB 1180 amended Section 116407 of the CHSC and added section 13521.2 to the Water Code. AB 1180 requires that the CCCPH include provisions for the use of a swivel or changeover device (swivel-ell).

Pursuant to sections 116407 and 116555.5 of the CHSC, the State Water Board chose to adopt standards for backflow protection and cross connection control through the adoption of this State CCCPH, which became effective July 1, 2024.

- The State Water Board is required to adopt regulations for the control of cross connections that it determines to be necessary for ensuring PWSs "distribute a reliable and adequate supply of pure, wholesome, potable, and healthy water." (CHSC section 116375, subd. (c).)
- Any person who owns a PWS is required to ensure that the distribution system will not be subject to backflow under normal operating conditions. (CHSC section 116555, subd. (a)(2).)

Prior to AB 1671 and the adoption of the State CCCPH, California's regulations pertaining to cross connection control were set forth in regulations in CCR Title 17, which were adopted in 1987 with minor revisions in 2000. Although still protective to public health, the CCR Title 17 cross connection regulations required updating as both the drinking water and cross connection control industries had evolved. The State CCCPH updates those regulations, which are no longer operative following the adoption of the State CCCPH.

The State Water Board may update its standards for backflow protection and cross connection control through revisions of the State CCCPH. Prior to adopting substantive revisions to the State CCCPH, the State Water Board will consult with state and local agencies and persons identified as having expertise on the subject by the State Water Board, and the State Water Board will hold at least one public hearing to consider public comments.

1.5 Acronyms and Abbreviations

As used in this CCCMP, acronyms and abbreviations reference the following:

Aaranum ar Akkraitian	Mooning				
Acronym or Abbreviation	Meaning				
AB	Assembly Bill				
AG	Air Gap separation				
BAT	Best Available Technology				
BPA	Backflow Prevention Assembly				
Bus. & Prof. Code	Business and Professional Code				
CA	California				
CBSC	California Building Standards Commission				
CCCMP	Cross Connection Control Management Plan				
СССРН	Cross Connection Control Policy Handbook				
CCR	California Code of Regulations				
C.F.R.	Code of Federal Regulations				
CHSC	California Health and Safety Code				
Civ. Code	Civil Code				
DC	Double Check valve backflow prevention assembly				
DCDA	Double Check Detector backflow prevention Assembly				
DCDA-II	Double Check Detector backflow prevention Assembly – type				
	II				
District	El Toro Water District				
Division	Division of Drinking Water				
EPA	Environmental Protection Agency				
Gov. Code	Government Code				
MCL	Maximum Contaminant Level				
Muni Code	Municipal Code				
Pen. Code	Penal Code				
PVB	Pressure Vacuum Breaker backsiphonage prevention				
	assembly				
PWS	Public Water System				
RP	Reduced Pressure principle backflow prevention assembly				
RPDA	Reduced Pressure principle Detector backflow prevention				
 	Assembly				
RPDA-II	Reduced Pressure principle Detector backflow prevention				
	Assembly – type II				
RW	Recycled Water				
SB	Senate Bill				
SDWA	Safe Drinking Water Act				
State Water Board	State Water Resources Control Board				
SVB	Spill-resistant Pressure Vacuum Breaker backsiphonage				
	prevention assembly				
U.S.	United States				

1.6 Definitions and General Requirements

The following definitions apply to the terms used in the CCCPH:

"**Air-gap separation**" or "**AG**" means a physical vertical separation of at least two (2) times the effective opening, as defined in section 207.0 of the California Plumbing Code, between the free-flowing discharge end of a potable water supply pipeline and the flood level of an open or non-pressurized receiving vessel, and in no case less than one (1) inch.

"**Approved water supply**" means a water source that has been approved by the State Water Board for domestic use in a public water system and designated as such in a domestic water supply permit issued pursuant to section 116525 of the CHSC.

"**Auxiliary water supply**" means a source of water, other than an approved water supply, which is either used or equipped, or can be equipped, to be used as a water supply and is located on the premises of, or available to, a water user.

"**Backflow**" means an undesired or unintended reversal of flow of water and/or other liquids, gases, or other substances into a public water system's distribution system or approved water supply.

"**Backflow prevention assembly**" or "BPA" means a mechanical assembly designed and constructed to prevent backflow, such that while in-line it can be maintained and its ability to prevent backflow, as designed, can be field tested, inspected, and evaluated.

"Backflow prevention assembly tester" means a person who is certified as a backflow prevention assembly tester.

"Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

"Contact hour" means not less than 50 minutes of a continuing education course.

"Continuing education course" means a presentation or training that transmits information related to cross connection control programs and backflow prevention and protection.

"**Cross connection**" means any actual or potential connection or structural arrangement between a public water system, including a piping system connected to the public water system and located on the premises of a water user or available to the water user, and any source or distribution system containing liquid, gas, or other substances not from an approved water supply.

"Cross connection control specialist" means a person who is certified as a cross connection control specialist.

"Distribution system" has the same meaning as defined in section 63750.50 of CCR,

Title 22, Division 4, Chapter 2.

"Double check detector backflow prevention assembly" or "DCDA" means a double check valve backflow prevention assembly that includes a bypass with a water meter and double check backflow prevention assembly, with the bypass's water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow. This type of assembly may only be used to isolate low hazard cross connections.

"Double check detector backflow prevention assembly – type II" or "DCDA-II" means a double check valve backflow prevention assembly that includes a bypass around the second check, with the bypass having a single check valve and a water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow. This type of assembly may only be used to isolate low hazard cross connections.

"Double check valve backflow prevention assembly" or "DC" means an assembly consisting of two independently-acting internally-loaded check valves, with tightly closing shut-off valves located at each end of the assembly (upstream and downstream of the two check valves) and fitted with test cocks that enable accurate field testing of the assembly. This type of assembly may only be used to isolate low hazard cross connections.

"Existing public water system" or "existing PWS" means a public water system initially permitted on or before July 1, 2024 as a public water system by the State Water Board.

"Hazard Assessment" means an evaluation of a user premises designed to evaluate the types and degrees of hazard at a user's premises.

"High hazard cross connection" means a cross connection that poses a threat to the potability or safety of the public water supply. Materials entering the public water supply through a high hazard cross connection are contaminants or health hazards. See **Appendix D** for some examples.

"Low hazard cross connection" means a cross connection that has been found to not pose a threat to the potability or safety of the public water supply but may adversely affect the aesthetic quality of the potable water supply. Materials entering the public water supply through a low hazard cross connection are pollutants or non-health hazards.

"**New public water system**" or "**new PWS**" means a public water system permitted after July 1, 2024 as a public water system by the State Water Board. A new public water system includes a public water system receiving a new permit because of a change in ownership.

"**Premises containment**" means protection of a public water system's distribution system from backflow from a user's premises through the installation of one or more air gaps or BPAs, installed as close as practical to the user's service connection, in a

manner that isolates the water user's water supply from the public water system's distribution system.

"Pressure vacuum breaker backsiphonage prevention assembly" or "PVB" means an assembly with an independently-acting internally-loaded check valve and an independently-acting loaded air inlet valve located on the discharge side of the check valve; with test cocks and tightly closing shutoff valves located at each end of the assembly that enable accurate field testing of the assembly. This type of assembly may only be used for protection from backsiphonage and is not to be used to protect from backpressure.

"**Public water system**" or "**PWS**" has the same meaning as defined in section 116275(h) of the CHSC.

"**Recycled Water**" is a wastewater which as a result of treatment is suitable for uses other than potable use.

"Reduced pressure principle backflow prevention assembly" or "RP" means an assembly with two independently acting internally-loaded check valves, with a hydraulically operating mechanically independent differential-pressure relief valve located between the check valves and below the upstream check valve. The assembly shall have shut-off valves located upstream and downstream of the two check-valves, and test cocks to enable accurate field testing of the assembly.

"Reduced pressure principle detector backflow prevention assembly" or "RPDA" means a reduced pressure principle backflow prevention assembly that includes a bypass with a water meter and reduced pressure principle backflow prevention assembly, with the bypass's water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow.

"Reduced pressure principle detector backflow prevention assembly – type II" or "**RPDA-II**" means a reduced pressure principle backflow prevention assembly that includes a bypass around the second check, with the bypass having a single check valve and a water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow.

"Spill-resistant pressure vacuum breaker backsiphonage prevention assembly" or **"SVB**" means an assembly with an independently-acting internally-loaded check valve and an independently-acting loaded air inlet valve located on the discharge side of the check valve; with shutoff valves at each end and a test cock and bleed/vent port, to enable accurate field testing of the assembly. This type of assembly may only be used for protection from backsiphonage and is not to be used to protect from backpressure.

"State Water Board," unless otherwise specified, means the State Water Resources Control Board or the local primacy agency having been delegated the authority to enforce the requirements of the CCCPH by the State Water Resources Control Board.

"Swivel-EII" means a reduced pressure principle backflow prevention assembly combined with a changeover piping configuration (swivel-ell connection) designed and

constructed pursuant to the CCCMP.

"**User premises**" means the property under the ownership or control of a water user and is served, or is readily capable of being served, with water via a service connection with a public water system.

"**User's service connection**" means either the point where a water user's piping is connected to a water system or the point in a water system where the approved water supply can be protected from backflow using an air gap or backflow prevention assembly.

"User Supervisor" means a person designated by a water user to oversee a water use site and responsible for the avoidance of cross connections.

"Water supplier" means a person who owns or operates a public water system.

"Water user" means a person or entity who is authorized by the PWS to receive water.

2 Hazard Assessments and Required Protection

In accordance with the State CCCPH, Section 3.1.3 (a)(3) – Hazard Assessments, Section 3.1.4 (b)(2), and Section 3.2.1 – The District must survey its service area and conduct hazard assessments per Article 2 of the State CCCPH that identifies actual or potential cross connection hazards, degree of hazard, and any backflow protection needed.

2.1 Hazard Assessments

- a. To evaluate the potential for backflow into the District's water distribution system the District must conduct an initial hazard assessment of the user premises within its service area. The hazard assessment must consider:
 - 1. The existence of cross connections;
 - 2. the type and use of materials handled and present, or likely to be, on the user premises;
 - 3. the degree of piping system complexity and accessibility;
 - 4. access to auxiliary water supplies, pumping systems, or pressure systems;
 - distribution system conditions that increase the likelihood of a backflow event (e.g., hydraulic gradient differences impacted by main breaks and high waterdemand situations, multiple service connections that may result in flow-through conditions, etc.);
 - 6. user premises accessibility;
 - 7. any previous backflow incidents on the user premises; or
 - 8. the requirements and information provided in the State CCCPH, and the District's CCCMP.
- b. Each hazard assessment must identify the degree of hazard to the District's distribution system as either a high hazard cross connection, a low hazard cross connection, or having no hazard. Examples of some high hazard cross connection activities may be found in **Appendix D**.
- c. The hazard assessment must determine whether an existing BPA, if any, provides adequate protection based on the degree of hazard.
- d. Hazard assessments completed prior to the adoption of the State CCCPH may be considered as an initial hazard assessment provided that such hazard assessments and associated backflow protection provide protection consistent with the State CCCPH and the District describes their review of these assessments in the District's CCCMP.
- e. Subsequent to the initial hazard assessment described in subsection (a), the District must perform a hazard assessment under the following criteria:
 - 1. if a user premises changes account holder, excluding single-family residences;
 - 2. if a user premises is connected to the District's water distribution system;
 - 3. if evidence exists of changes in the activities or materials on a user's premises;
 - 4. if backflow from a user's premises occurs;

- 5. periodically, as identified in the District's CCCMP required pursuant to State CCCPH section 3.1.4.; the District will determine the need for periodic assessments after Phase 3 has been completed;
- 6. if the State Water Board requests a hazard assessment of a user's premises; or
- 7. if the District concludes an existing hazard assessment may no longer accurately represent the degree of hazard.
- f. A cross connection control specialist must review or conduct each initial and follow-up hazard assessment pursuant to this section and make a written finding that, in the specialist's judgment based on cross connection control principles, the District's hazard assessment properly identified all hazards at the time of the assessment, the appropriate degree of hazards, and the corresponding backflow protection.

2.2 Hazard Assessment Process

In order to assess each connection in the District's water distribution system for potential cross connection the District will undertake assessments in the following phases. As part of the hazard assessment process the District has created a tracking system for the assessments made under the CCCMP. See **Appendix E**. Data will be gathered and logged into the assessment database in three phases. The assessment database will be included in the District's Records Retention Policy, see **Appendix H**.

- Phase 1 –All connections with existing backflow prevention assemblies at the meter connection
- Phase 2 All commercial/industrial connections without backflow prevention assemblies at the meter connection
- Phase 3 Residential connections without backflow prevention assemblies at the meter connection

2.2.1 Phase 1 - Connections with Backflow Protection

For sites with backflow protection, the District has entered each address into the assessment tracking system indicating what type of BPA has been installed. The District's Cross Connection Control Specialist has reviewed the data when entered into the assessment database to verify that an appropriate BPA has been installed on the meter connection. The Cross Connection Control Specialist's review date has been noted in the export of the assessment database saved on the District's server. The District has completed this phase of the assessments prior to the adoption of the District's CCCMP.

2.2.2 Phase 2 - Commercial/Industrial Connections without Backflow Protection

For those commercial/industrial connections without an approved BPA, the District will provide a self-reporting letter to provide information regarding onsite conditions which would necessitate the installation of an approved BPA at the meter connection. Refer to **Appendix F** for the Self Report Letter. The self-reporting letters could be distributed via direct mail or e-mail.

The self-reporting letters would be reviewed based on the available Cross Connection Control Specialist hours to review and process commercial/industrial self-reporting letters. It is assumed that the District's Cross Connection Control Specialist can process five self-reporting letters per <u>available</u> hour, and the total number of annual Cross Connection Control Specialist <u>available</u> hours is 85 hrs./yr (5% of total annual 1,692 hrs.) for a total of 425 self-reporting letters per year . Therefore, the District will distribute up to 425 self-reporting letters per year until all commercial/industrial connections without an approved BPA have been assessed.

- If the Cross Connection Control Specialist determines that based on the self-reporting letter that an approved BPA is not required, they will note that in the assessment database and the reason for not requiring an approved BPA.
- If the Cross Connection Control Specialist determines that based on the self-reporting letter that an approved BPA is required, they will note that in the assessment database and notify the commercial/industrial customer that an approved BPA must be installed at the meter connection and note that determination in the assessment database.

As of May 20, 2025, the District has 991 commercial/industrial connections without backflow protection. Therefore, the District has determined that the self-reporting letters will be mailed to customers within 3 years from adoption of the District's CCCMP.

2.2.3 Phase 3 – Residential Connections without Backflow Protection

For those residential connections without an AMI/AMR meter at the water connection the District will assess each site by means of office-based tools such as:

- Reviewing sites via Google Maps or other aerial photography software
- Reviewing tract maps to review blocks of residential customers in a common building area or zone.
- Using meter route maps or other billing information databases.

The office-based assessment will review sites for:

- Private water wells
- Other auxiliary water supplies
- Sewer lift stations
- Graywater systems

The office-based assessments would be conducted based on the available Cross Connection Control Specialist hours to review the office-based databases and/or files.

- If the Cross Connection Control Specialist determines that based on the office-based assessment that an approved BPA is not required, they will note that in the assessment database.
- If the Cross Connection Control Specialist determines that based on the office-based that an approved BPA is required, they will note that in the assessment database and notify the residential customer that an approved BPA must be installed at the meter connection and note that the customer has been contacted in the assessment

As of May 20, 2025, the District has 7,912 residential connections without backflow protection. It is assumed that the District's Cross Connection Control Specialist can process six desktop surveys per <u>available</u> hour, and the total number of annual Cross Connection Control Specialist<u>available</u> hours is 85 hrs./yr (5% of total annual 1,692 hrs.) for a total of 510 desktop surveys per year. The District assumes approximately 1,000 residential meter surveys will require additional field investigation, which will take approximately one hour each to complete. The District has determined that this phase of the assessments can be completed within 31 years from the adoption of the District's CCCMP.

3 Operating Rules or Ordinances

In accordance with the State CCCPH, Section 3.1.3 (a)(1), and Section 3.1.4(b)(1) and Section 3.1.4 (b)(3), the District must have operating rules, ordinances, by-laws, or a resolution to implement the cross connection program. The District must have legal authority to implement corrective actions in the event a water user fails to comply in a timely manner with the District's provisions regarding the installation, inspection, field testing, or maintenance of BPAs required pursuant to this Section. Such corrective actions must include the District's ability to perform at least one of the following:

- Deny or discontinue water service to a water user,
- Install, inspect, field test, and/or maintain a BPA at a water user's premises, or
- Otherwise address in a timely manner a failure to comply with the District's cross connection control program.

The District's Administrative Code, Section 12000 incorporates this CCCMP by reference. A copy is attached as **Appendix C**.

4 Backflow Prevention

In accordance with the State CCCPH, Section 3.1.3 (a)(4) and Section 3.2.2 – the District must ensure that actual and potential cross connections are eliminated when possible or controlled by the installation of approved BPAs or AG's consistent with the requirements of the Article 3 of the State CCCPH and the sections to follow.

4.1 Backflow Prevention Requirements

- (a) The District must ensure its distribution system is protected from backflow from identified hazards through the proper installation, continued operation, and field testing of an approved BPA (see Section 4.2.1 for installation and approved BPA criteria). When a DC is required or referenced in the State CCCPH, a DCDA or DCDA-II type of assembly may be substituted if the District's Cross Connection Control Specialist deems appropriate. When an RP is required or referenced in the State CCCPH, an RPDA or RPDA-II type of assembly may be substituted if the District's Cross Connection Control Specialist deems appropriate.
- (b) The BPA installed must be no less protective than that which is commensurate with the degree of hazard at a user premises, as specified in this section and as determined based on the results of the hazard assessment conducted pursuant to CCCMP Section 3.
- (c) Unless specified otherwise in this section, a District must, at all times, protect its distribution system from high hazard cross connections (see **Appendix D** for examples), through premises containment, through the use of AG(s) or RP(s).
 - (1) Following State Water Board review and approval, the District may implement an alternate method of premises containment in lieu of a required AG provided that the proposed alternative would provide at least the same level of protection to public health.
 - (2) Following State Water Board review and approval, the District may accept internal protection in lieu of containment when premises containment is not feasible.
- (d) Except as otherwise allowed or prohibited in statute or in CCR Title 22, Division 4, Chapter 3, a swivel-ell may be used instead of an AG for premises containment protection when temporarily substituting tertiary recycled water use areas with potable water from a PWS if all the following criteria are met:
 - (1) the swivel-ell is approved by the State Water Board;
 - (2) the District has a cross connection control program, required pursuant to the State CCCPH Section 3.1.3, and the use and operation of the swivel-ell is described in the CCCMP required pursuant to the State CCCPH Section 3.1.4;

- (3) the design and construction-related requirements of the swivel-ell adheres to the criteria in CCCMP;
- (4) at least every 12 months, inspections are performed and documented to confirm ongoing compliance with the design and construction-related requirements in CCCMP;
- (5) the RP used in conjunction with the swivel-ell is field tested and found to be functioning properly:
 - (A) immediately upon each switchover to potable water use, a visual inspection of the RP must be completed
 - (B) within 72 hours of each switchover to potable water use, a field test must be completed, and
 - (C) at least every 12 weeks the use site is supplied with potable water; and
- (6) there is a legally binding agreement between the District and the entity supplying the recycled water, signed by those with relevant legal authority, which includes the following requirements:
 - (A) The State Water Board will be notified within 24 hours of all switchovers to or from potable water, will be given an estimate of the timeframe until the next switchover, and will be provided the results of the field testing required in paragraph (5);
 - (B) a trained representative of the District be present to supervise each switchover; and
 - (C) within seven days of each switchover, if requested by the State Water Board, the District will submit a written report describing compliance with this subsection, as well as potable and recycled water usage information.
- (e) Except as noted below, the District must ensure its distribution system is protected with no less than DC protection for a user premises with a fire protection system.
 - (1) A high hazard cross connection fire protection system, including but not limited to fire protection systems that may utilize chemical addition (e.g., wetting agents, foam, anti-freeze, corrosion inhibitor, etc.) or an auxiliary water supply, must have no less than RP protection.
 - (2) A BPA is not necessary for a low hazard fire protection system on a residential user premises if the following criteria are satisfied:
 - (A) the user premises has only one service connection to the District;
 - (B) a single service line onto the user premises exists that subsequently splits on the property for domestic flow and fire protection system flow, such that the fire protection system may be isolated from the rest of the user premises;
 - (C) a single, water industry standard, water meter is provided to measure combined domestic flow and fire protection system flow;
 - (D) the fire protection system is constructed of piping materials certified as meeting NSF/ANSI Standard 61; and
 - (E) the fire protection system's piping is looped within the structure and is connected to one or more routinely used fixtures (such as a water closet)

to prevent stagnant water.

- (3) For residential premises where a BPA is installed and the service complies with CCCMP Section 4.1(e)(2)(A) through (E), the District may allow the BPA to remain in place without requiring ongoing field testing.
- (f) The State Water Board and the District may, at their discretion, require a water user to designate a user supervisor when the user premises has a multi-piping system that conveys various types of fluids and where changes in the piping system are frequently made. If a user supervisor is designated the following is required:
 - (1) The user supervisor is responsible for the avoidance of cross connections during the installation, operation and maintenance of the water user's pipelines and equipment. The user supervisor must be trained on the fluids used and backflow protection for the premise, and must inform the District of changes in piping, and maintain current contact information on file with the District; and;
 - (2) The District must include in the CCCMP required in the State CCCPH Section 3.1.4 the training and qualification requirements for user supervisors, identify the entity that will provide the user supervisor training, and frequency of any necessary recurring training. The training must adequately address the types of hazards and concerns typically found.
- (g) Facilities producing, treating, storing, or distributing drinking water that are an approved water supply or water recycling plants as defined by CCR Title 22, Section 60301.710 must have proper internal protection from cross connections to ensure that all drinking water produced and delivered to customers and workers at those facilities is free from unprotected cross connections.

4.2 Backflow Prevention Assemblies

4.2.1 Standards for Types of Backflow Protection

- (a) Each AG used for the CCCMP must meet the requirements in Table 1, Minimum Air Gaps for Generally used Plumbing Fixtures, page 4 of the American Society of Mechanical Engineers (ASME) A112.1.2- 2012(R2017).
- (b) Each replaced or newly installed PVB, SVB, DC, and RP for protection of the PWS must be approved through both laboratory and field evaluation tests performed in accordance with at least one of the following:
 - (1) Standards found in Chapter 10 of the *Manual of Cross Connection Control, Tenth Edition*, published by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research;
 - (2) certification requirements for BPAs in the Standards of ASSE International current as of 2022 that include ASSE 1015-2021 for the DC, ASSE 1048-2021 for the DCDA & DCDA-11, ASSE 1013-2021 for the RP, and ASSE 1047-2021for the RPDA & RPDA-II and must have the 1YT mark.
- (c) BPAs must not be modified following approval granted under Section 4.2.1(b). The District requires that BPA testers notify the District if a water user or District-owned BPA

has been modified from the CCCMP Section 4.2.1(b) approval.

4.2.2 Installation Criteria for Backflow Protection

- (a) For AGs, the following is required:
 - (1) The receiving water container must be located on the water user's premises at the water user's service connection unless an alternate location has been approved by the District;
 - (2) all piping between the water user's service connection and the discharge location of the receiving water container must be above finished grade and be accessible for visual inspection unless an alternative piping configuration is approved by the District;
 - (3) the District must ensure that the AG specified in the State CCCPH Section 3.3.1(a) has been installed; and
 - (4) any new air gap installation at a user's service connection must be reviewed and approved by the State Water Board prior to installation.
- (b) RPs must be installed such that the lowest point of an assembly is a minimum of twelve inches above grade, and a maximum of thirty-six inches above the finished grade, unless an alternative is approved by the PWS.
- (c) DCs installed or replaced after the adoption of the State CCCPH must be installed according to the State CCCPH Section 3.3.2 (b). Below ground installation can be considered if approved by the District where it determines no alternative options are available.
- (d) A PVB or SVB must be installed at a minimum of twelve inches above all downstream piping and outlets.
- (e) SVBs may not be used for premises containment. PVBs may only be used for roadway right of way irrigation systems as premises containment where there is no potential for backpressure.
- (f) A RP or DC installed after the adoption of the State CCCPH must have a minimum side clearance of twelve inches, except that a minimum side clearance of twenty-four inches must be provided on the side of the assembly that contains the test cocks. The District may approve alternate clearances providing that there is adequate clearance for field testing and maintenance.
- (g) Backflow protection must be located as close as practical to the water user's service connection unless one or more alternative locations have been approved by the District. If internal protection is provided in lieu of premises containment, the District must obtain access to the user premises and must ensure that the on-site protection meets the requirements of this Chapter for installation, field testing, and inspections.
- (h) Each BPA and air gap separation must be accessible for field testing, inspection, and maintenance.

The District's Standard Specification and/or drawings for each type of BPA is contained in **Appendix G.**

4.2.3 Removal, Relocation, Repair, and Replacement of BPAs

Approval must be obtained from the District before a BPA is removed, relocated, repaired, or replaced.

- (a) Removal: A BPA may be removed from service only upon approval from the District, supported by sufficient evidence confirming that a cross connection hazard no longer exists or is unlikely to be created in the future. The District may require a hazard reassessment as described in CCCMP Section 3.2.1.
- (b) Relocation: A BPA may be relocated only after the District confirms that the new location provides equal or greater protection, complies with CCCMP Section 4.2.2, and maintains accessibility for testing and maintenance. A retest is required after relocation.
- (c) Repair: A BPA may be temporarily removed for repair if the water use is suspended during repair, or if temporary backflow protection acceptable to the District is installed. The BPA must be retested and pass before being placed back into service.
- (d) Replacement: A BPA may be removed and replaced if the water service is suspended during replacement. Replacement assemblies must be approved by the District and must match or exceed the level of protection required based on the current hazard assessment. All replacements must be documented per CCCMP Section 9.

5 Non-Testable Devices

5.1 Non-testable backflow preventer testing procedures

There are non-testable backflow preventer devices under the District ownership or administration. Hose-bibb vacuum breakers are an example of the most common types of nontestable backflow prevention devices for the District. Reservoir and pump station sites are checked twice weekly; the WRP is checked daily from Monday through Friday.

Location	Air Gap	Atmospheric Vacuum Breaker	Hose-Bibb Vacuum Breaker	Dual Check Valve	Identification Potential Onsite Hazard
R-1/R-2	No	No	Yes	No	Sodium Hypochlorite
	•	•	. .	•.	Ammonium Hydroxide
R-3	No	No	No	No	Sodium Hypochlorite Ammonium Hydroxide
R-4	No	No	No	No	Sodium Hypochlorite Ammonium Hydroxide
R-5	No	No	No	No	Sodium Hypochlorite Ammonium Hydroxide
R-6	No	No	No	No	Sodium Hypochlorite Ammonium Hydroxide
Cherry P.S.	No	No	No	No	
Shenandoah P.S.	No	Yes	No	No	
Spartan P.S.	No	No	No	No	
Main P.R.	No	No	Yes	No	
Alscot P.S.	No	No	No	No	
4920 L.S.	No	No	No	No	
Aliso L.S.	No	No	No	No	
Freeway L.S.	No	No	No	No	
La Paz L.S.	No	No	No	No	
Oso L.S.	No	No	No	No	
Northline L.S.	No	No	No	No	
Veeh L.S.	No	No	No	No	
Westline L.S.	No	No	No	No	
WRP	Yes	No	Yes	No	
Main Office	No	No	Yes	No	

Table 5 -1 Non-Testable Devices

6 Certified Backflow Prevention Assembly Testers and Certified Cross Connection Control Specialists

In accordance with the State CCCPH, Section 3.1.3 (a)(5), Section 3.1.4 (b)(6), and Section 3.4.1 – the District must ensure that each BPA required by the CCCMP to protect the District's domestic water system is field tested by a person with valid certification from a certifying organization recognized by the State Water Board pursuant to the State's CCCPH.

6.1 Backflow Tester Certification

All backflow testers testing within the service area of the District must provide evidence of current certification from a State Water Board-recognized organization certifying backflow prevention assembly testers. Certifying organizations must be recognized by the State Water Board in accordance with requirements of the State CCCPH and ISO/IEC 17024. Beginning on July 1, 2025, only those testers with a valid certification from a State Water Board recognized certifying organization shall be allowed to test BPAs in the District's service area. Certifications from any other entity will be considered invalid.

6.1.1 Backflow Tester List

Backflow testers must provide evidence of certification from a State Water Board recognized certifying organization and documents will be verified by the District's Cross Connection Specialist.

- A database of approved testers can be downloaded from the American Water Works Association website at https://www.ca-nv-awwa.org/
- The District requires that all backflow testers use annually calibrated test equipment for backflow testing within the District's service area.

6.2 Cross Connection Control Specialist Certification

All Cross Connection Control Specialists, used by the District pursuant to the requirements of the State CCCPH, shall have valid certification from a State Water Board recognized certifying organization, which complies with the State CCCPH.

Beginning three years after the effective date of the State CCCPH, only those Cross Connection Control Specialists with a valid certification from a State Water Board recognized certifying organization shall satisfy the requirements of the State CCCPH. Certifications obtained by organizations that do not meet the requirements of the State CCCPH will be invalid.

The District has one employee on staff who is certified by a State Water Board recognized certifying organization as Cross Connection Control Specialists. The staff is listed in **Table 6-1** below.

Table 6 -1 Certified Cross Connection Control Specialists

Name	Agency	Address	Phone No.	E-mail Address	Certification No.	Certification Expiration Date
Steve Wingen	ETWD	24251 Los Alisos Blvd Lake Forest, CA 92630	(949) 837-7050 x209	swingen@etwd.com	02645	03/31/2027

7 Backflow Incident Response, Reporting and Notification

In accordance with the State CCCPH, Section 3.1.3(a)(8), Section 3.1.4 (b)(7), and Section 3.5.2 the District has developed and implemented procedures for investigating and responding to suspected or actual backflow incidents. The procedure for responding to backflow incidents, reporting any incidents, and reporting those incidents, will be as indicated in the following sections.

7.1 Backflow Incident Response Procedure

In the event that a suspected backflow incident occurs in the District, the District's response will include, but not limited to, the following:

- (a) Consideration of complaints or reports of changes in water quality as possible incidents of backflow;
- (b) Water quality sampling and pressure recording; and
- (c) Documentation of the investigation, and any response and follow-up activities.

7.2 Backflow Incident Notification

In the event that a backflow incident occurs the Cross Connection Control Coordinator will provide the following notification:

- (a) The Cross Connection Control Coordinator will notify the State Water Board and Orange County Health Care Agency of any known or suspected incident of backflow within 24 hours of the determination. If required by the State Water Board, the District will issue a Tier 1 public notification pursuant to CCR, Title 22, Section 64463.1.
- (b) If required by the State Water Board, the District will submit, by a date specified by the State Water Board, a written incident report describing the details and affected area of the backflow incident, the actions taken by the District in response to the backflow incident, and the follow up actions to prevent future backflow incidents. The written report form is in **Appendix I**.

8 Cross Connection Control Program Coordinator

In accordance with the State CCCPH, Section 3.1.3 (a)(2) and Section 3.1.4 (b)(8), the District must designate at least one individual involved in the development of and be responsible for the reporting, tracking, and other administration duties of its cross connection control program. Further for public water systems with more than 3,000 service connections the Cross Connection Control Program Coordinator must be a Cross Connection Control Specialist.

The District's water system includes 9,962 domestic water connections. Therefore, the District must have a Cross Connection Control Program Coordinator, and the Coordinator must be a certified Cross Connection Control Specialist with certification from a State Water Board recognized training operation.

The District's Cross Connection Control Program Coordinator is:

Steven P. Wingen El Toro Water District 24251 Los Alisos Blvd Lake Forest, CA 92630 (949) 837-7050 x209 swingen@etwd.com Certification Number: 02645 Certifying Entity: CA/NV AWWA Expiration Date: 03/31/2027

The District's Cross Connection Control Program Specialist is:

Steven P. Wingen El Toro Water District 24251 Los Alisos Blvd Lake Forest, CA 92630 (949) 837-7050 x209 swingen@etwd.com Certification Number: 02645 Certifying Entity: CA/NV AWWA Expiration Date: 03/31/2027

The District's CCCMP was developed in consultation with their Cross Connection Control Specialist because the District's domestic water system has more than 1,000 service connections.

The District's designated Cross Connection Control Specialist can be contacted within one hour, per the requirement of the State CCCPH for a PWS with 3,000 or more service connections.

8.1 Cross Connection Control Specialist Designee

In the event the District's Cross Connection Control Specialist is unavailable due to vacation, sickness, or other reason, the duties of the Cross Connection Control Specialist will be carried out by the District's primary on-call operator. The contact phone number for the primary on-call operator is (949) 290-4243. In the event the District's primary on-call operator cannot be reached, the secondary on-call operator will respond within 30 minutes.

9 Recordkeeping

In accordance with the State CCCPH, Section 3.1.3(a)(7) and Section 3.1.4 (b)(9) the District has developed and implemented a recordkeeping system for:

- 1. Backflow prevention assemblies (BPA),
- 2. Cross connection information, and
- 3. Commercial/Industrial and Residential site assessments.

This recordkeeping system complies with the State CCCPH Section 3.5.1, and the District's written Retention Policy included in **Appendix H.**

9.1 Records Retained

The District maintains the following records:

- (a) The-hazard assessments for each user premise, conducted pursuant to CCCPH Section 3.2.1 (Hazard Assessment).
- (b) For each BPA, the associated hazard or application, location, owner, type, manufacturer and model, size, installation date, and serial number.
- (c) For each AG installation, the associated hazard or application and the location, owner, and as-built plans of the AG.
- (d) Results of all BPA field testing, AG inspections, swivel-ell inspections, and field tests for the previous three calendar years, including the name, test date, repair date, and certification number of the backflow prevention assembly tester for each BPA field test and AG and swivel-ell.
- (e) Repairs made to, or replacement or relocation of, BPAs for the previous three calendar years.
- (f) The most current cross connection tests (e.g., shutdown test, dye test), if recycled water use on the premise.
- (g) If a User Supervisor is designated for a user premise, the current contact information for the User Supervisor and Water User, and any applicable training and qualifications as described by State CCCPH section 3.2.2(f).
- (h) Descriptions and follow-up actions related to all backflow incidents.
- (i) If any portion of the cross connection control program is carried out under contract or agreement, a copy of the current contract or agreement.

- (j) The current Cross Connection Control Management Plan as required in the State CCCPH Section 3.1.4.
- (k) Any public outreach or education materials issued as required in the State CCCPH Section 3.1.3.(a)(7) for the previous three calendar years.
- (I) All records retained by the District will be made available to the State Water Board upon request.
- (m) Records of Commercial/Industrial site assessments.
- (n) Records of Residential site assessments.

9.2 Recordkeeping Policy and Procedures

The District has a written Records Retention Policy which is contained in **Appendix H.** The procedures are generally described below:

9.2.1 Phase 1 Site Assessments

Assessments on sites with meter protection in accordance with Section 2 generate an electronic assessment document saved as a PDF, reviewed, and electronically signed by the Cross Connection Control Specialist.

- An electronic copy will be filed on the District's shared drive at this address: S:\Engineering\Cross Connection\Hazard Assessments\Phase 1
- The Cross Connection Control Specialist will be responsible for the filing. Refer to Section 8 for contact information.
- The surveys will be filed permanently.
- Assessment data will be stored by service ID.

9.2.2 Phase 2 Site Assessments

Assessments on industrial/commercial sites without meter protection in accordance with Section 2 generate an electronic assessment document saved as a PDF, reviewed, and electronically signed by the Cross Connection Control Specialist.

- An electronic copy will be filed on the District's shared drive at this address: S:\Engineering\Cross Connection\Hazard Assessments\Phase 2
- The Cross Connection Control Specialist will be responsible for the filing. Refer to Section 8 for contact information.
- The surveys will be filed permanently.
- Assessment data will be stored by service ID.
- If action is required -
 - Notification generated by Cross Connection Control Specialist that a backflow is required.
 - \circ $\;$ Notification mailed to residential customer.
 - \circ Specialist follows up in 30 days to verify that backflow has been installed.
 - $\circ~$ Action noted in residential assessment database.
 - $\circ~$ Action noted by Cross Connection Control Specialist. Refer to Section 8 for

contact information.

9.2.3 Phase 3 Site Assessments

Residential assessments conducted in accordance with Section 2 will populate data into an excel file. The completed excel file will be saved as a PDF and electronically signed by the Cross Connection Control Specialist.

- An electronic copy will be filed on the District's shared drive at this address: S:\Engineering\Cross Connection\Hazard Assessments\Phase 3
- The Cross Connection Control Specialist will be responsible for the filing. Refer to Section 8 for contact information.
- The surveys will be filed permanently.
- Assessment data will be stored by service ID.
- If action is required -
 - Notification generated by Cross Connection Control Specialist that a backflow is required.
 - Notification mailed to residential customer.
 - Specialist follows up in 30 days to verify that backflow has been installed.
 - Action noted in residential assessment database.
 - Action noted by Cross Connection Control Specialist. Refer to Section 8 for contact information.

10 User Supervisors

In accordance with the State CCCPH, Section 3.2.2 (3)(f),The State Water Board and District may, at their discretion, require a water user to designate a user supervisor when the user premises has a multi-piping system that conveys various types of fluids and where changes in the piping system are frequently made. If a user supervisor is designated the following is required:

(1) The user supervisor is responsible for the avoidance of cross connections during the installation, operation and maintenance of the water user's pipelines and equipment. The user supervisor must be trained on the fluids used and backflow protection for the premise, and must inform the District of changes in piping, and maintain current contact information on file with the District; and,

(2) The District must include in the CCCMP required in CCCPH Section 3.1.4 the training and qualification requirements for user supervisors if required by the State Water Board or District, identify the entity that will provide the user supervisor training, and frequency of any necessary recurring training. The training must adequately address the types of hazards and concerns typically found.

The District has not required any user supervisors for use sites within the District.

11 Backflow Prevention Assembly Testing and Reporting

In accordance with the State CCCPH, Section 3.1.3 (a)(6) – the District must ensure that each BPA required by the CCCMP to protect the District's domestic water system is field tested. The District has developed and implemented a procedure for ensuring all BPAs are field tested, inspected, and maintained and AG's are inspected and maintained in accordance with the State CCCPH, Section 3.3.3.

- 1. All BPAs installed in the District in compliance with it CCCMP must be field tested following installation, repair, depressurization for winterizing, or permanent relocation. All required field testing must be performed by certified backflow prevention assembly tester.
- 2. BPAs must be field tested at least annually. The State CCCPH does not preclude the District, the State Water Board, or a local health agency from requiring more frequent field testing for premises with high hazard cross connection or BPA at increased risk of testing failure.
- 3. Air-gap separations must be visually inspected at least annually by a certified as backflow prevention assembly tester or certified as a cross connection control specialist.
- 4. The District must receive passing field tests before providing continuous service to a water user with a newly installed BPA.
- 5. BPAs that fail the field test must be repaired or replaced within 30 days of notification of the failure by the District. Extensions may be allowed at the District's discretion.

Backflow prevention assembly testers must notify the District within one day if a backflow incident or an unprotected cross connection is observed at the BPA or prior to the user premises during field testing. The District will immediately investigate and discontinue service to the user premises if a backflow incident is confirmed, and water service will not be restored to that user premises until the District receives a confirmation of a passing BPA field test from a backflow prevention assembly tester and the assembly is protecting the District.

11.1 Backflow Testing Notification Process

For each BPA in the District's water distribution system, an annual notice that the BPA must be tested in accordance with the CCCMP will be distributed via direct mail.

Upon receipt, the Owner will have approximately one month to have the BPA tested by a certified backflow assembly tester, and the test results submitted to the District via direct mail or electronically via e-mail.

Each water user with a BPA on the service connection must comply with the following schedule in order to be in compliance with the CCCMP and continue to receive water service from the District.

- The District will notify each affected water user when it is time to test the BPA installed at their service connection. The initial written notice shall allow 30 calendar days to complete the testing and submit results using a District-approved form.
- If the required test results are not submitted within 30 days, the District will issue a second notice providing an additional 14 days to comply.
- If no response is received within the second notice period, the District may initiate water service termination procedures as outlined in CCCMP Section 11.3.

11.2 Damaged, missing, or improperly installed backflow prevention assemblies.

In the event that a backflow prevention assembly is missing (or stolen), installed incorrectly, illegally modified, removed, or tampered with, the District shall implement the following actions:

- 1. The District shall notify the owner of the BPA in writing, identifying the necessary corrective action, such as repair, reinstallation, or replacement, and the timeframe for compliance.
- 2. If the owner fails to complete the corrective action within the specified timeframe, the District may terminate water service to the premises until the BPA is repaired and passes inspection.

11.3 Water Service Termination

When the District identifies a condition that presents a clear and immediate hazard to the public water supply—including, but not limited to, the lack of adequate backflow protection or a confirmed backflow incident—it may terminate water service without delay until the condition is corrected.

Water service may be terminated for the following conditions:

- (a) Failure to install a required backflow prevention assembly;
- (b) Failure to test a BPA as required;
- (c) Failure to repair or maintain a BPA;
- (d) Failure to replace a failed BPA;
- (e) Unauthorized cross connections or interconnections (e.g., sewer, auxiliary water, unprotected equipment);
- (f) Any condition deemed an immediate public health risk.

For violations under items (a)–(d), the District shall issue two written notices identifying the corrective action required and applicable deadlines. If unresolved within the notice period, the District may terminate water service.

For violations under items (e)-(f) or other immediate hazards, the District shall make reasonable efforts to notify the water user, then terminate service immediately. Service shall remain off until corrective actions are verified by the District.

12 Public Outreach and Education

In accordance with State CCCPH, Section 3.1.3 (a)(9) and Section 3.1.4 (b)(12) – the District has developed a cross connection control public outreach and education program that is intended to educate staff, customers, and the community about backflow protection and cross connection control.

The District has a designated Public Information Officer (PIO) that provides a point of contact for the District regarding the District's cross connection control and backflow protection program and other water related issues. The District's PIO is:

Sherri Seitz Public Affairs Manager (949) 837-7050 x 239 sseitz@etwd.com

Public Outreach to educate the District's customers on backflow and cross connection control include information on backflow and cross connections on the District's website which is <u>https://etwd.com/doing-business/about-cross-connection/</u>. In addition, backflow and cross connection prevention may be distributed by other means, including but not limited to, periodic water bill inserts, information pamphlet distribution, District newsletter, new customer documentation, emails, and additions to the District's Consumer Confidence Reports (CCR).

13 Local Entity Coordination

In accordance with the State CCCPH, Section 3.1.3 (a)(10) and Section 3.1.4 (b)(13) The District must coordinate with applicable local entities that are involved in either cross connection control or public health protection to ensure hazard assessments can be performed, appropriate backflow protection is provided and provide assistance in the investigation of backflow incidents. Local entities may include but are not limited to plumbing, permitting, or health officials, law enforcement, fire departments, maintenance, and public and private entities.

For the District the local entities which are involved in cross connection control include, but are not limited to:

Orange County Health Care Agency (OCHCA) Contact Name: Hisham Elmishad Address: 1241 E. Dyer Rd., Suite 120, Santa Ana, CA 92705 Phone: (714) 433-6284 Email: HElmishad@ochca.com Coordination includes: cross connection, backflow tester certification, and internal backflow protection

City of Laguna Woods Contact Name: April Baumgarten Address: 24264 El Toro Road, Laguna Woods, CA 92637 Phone: (949) 639-0568 Email: abaumgarten@cityoflagunawoods.org Coordination includes: recycled water cross connection testing, plan check, and backflow testing

City of Laguna Hills Contact Name: Cathy Tuper Address: 24035 El Toro Road, Laguna Hills, CA 92653 Phone: (949) 707-2676 Email: ctuper@lagunahillsca.gov Coordination includes: recycled water cross connection testing, plan check, and backflow testing

City of Mission Viejo Contact Name: Larry Longenecker Address: 200 Civic Center, Mission Viejo, CA 92691 Phone: (949) 470-3053 Email: Ilongenecker@cityofmissionviejo.org Coordination includes: plan check and backflow testing

City of Aliso Viejo Contact Name: Shaun Pelletier Address: 12 Journey, Suite 100, Aliso Viejo, CA 92656 Phone: (949) 425-2533 Email: spelletier@avcity.org Coordination includes: plan check and backflow testing

City of Lake Forest Contact Name: Yasaman Houshyar Address: 100 Civic Center Drive, Lake Forest, CA 92630 Phone: (949) 461-3464 Email: yhoushyar@lakeforestca.gov Coordination includes: plan check and backflow testing

Village Management Services Contact Name: Rigoberto Arcero Address: 24351 El Toro Road, Laguna Woods, CA 92637 Phone: (949) 285-3046 Email: Rigoberto.arcero@vmsinc.org Coordination includes: recycled water cross connection testing, backflow testing/maintenance

Orange County Fire Authority Contact Name: David Nickols Address: 1 Fire Authority Road, Irvine, CA 92602 Phone: (714) 573-6475 Email: davidnockols@ocfa.org Coordination includes: fire service connection/disconnection, backflow testing

The District intends to include coordination with other local PWS through events which may include, but not be limited to, semi-annual gatherings with other PWS Cross Connection Control Coordinators, public outreach events, and vendor workshops.

14 Severability

If any section, subsection, provision, or portion of this Cross Connection Control Management Plan is held to be invalid or unenforceable by a court of competent jurisdiction, such ruling shall not affect the validity of the remaining provisions. The District declares that it would have adopted this Plan and each section, subsection, provision, or portion thereof, independently of any such ruling.

Appendix A

What is a Cross Connection ?

Appendix A Background on Backflow Protection and Cross Connection Control

A.1 What is a Cross Connection?

A cross connection is an interconnection between a potable water supply and a non- potable source via any actual or potential connection or structural arrangement between a PWS and any source or distribution system containing liquid, gas, or other substances not from an approved water supply. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which backflow can occur are considered to be cross connections.¹ The State CCCPH includes acceptable installation criteria for swivel-ell and other types of backflow prevention assemblies (BPAs) to prevent backflow.

Backflow is the undesired or unintended reversal of flow of water and/or other liquids, gases, or other substances into a PWS's distribution system or approved water supply.

The presence of a cross connection represents a location in a distribution system through which backflow of contaminants or pollutants can occur. Backflow occurs when a non-potable source is at a greater pressure than the potable water distribution system. Backflow can occur from either backsiphonage or backpressure. Backsiphonage occurs when a non-potable source enters the drinking water supply due to negative (i.e., sub-atmospheric) distribution system pressure. Backpressure occurs when the pressure from a non-potable source exceeds the pressure in the potable water distribution system.

Backsiphonage may be caused by a variety of circumstances, such as main breaks, flushing, pump failure, or emergency firefighting water demand. Backpressure may occur when heating, cooling, waste disposal, or industrial manufacturing systems are connected to potable supplies and the pressure in the external system exceeds the pressure in the distribution system. Both situations act to change the direction of water, which normally flows from the distribution system to the customer, so that non-potable substances from industrial, commercial, or residential premises flows back into the distribution system through a cross connection.

Cross connections are not limited to industrial or commercial facilities. Submerged inlets are found on many common plumbing fixtures and are sometimes necessary features of the fixtures if they are to function properly. Examples of this type of design are siphon-jet urinals or water closets, flushing rim slop sinks, and dental cuspidors.

Older bathtubs and lavatories may have supply inlets below the flood level rims, but modern sanitary design has minimized or eliminated this cross connection in new fixtures. Chemical and industrial process vats sometimes have submerged inlets where the water pressure is used as an aid in diffusion, dispersion, and agitation of the vat contents. Even though a supply pipe may be installed above a vat, backsiphonage can still occur. Siphon action has been shown to raise a liquid in a pipe such as water almost 34 feet. Some submerged inlets are difficult to control, including those which are not apparent until a

¹ California Department of Health Services (DHS), Public Water Supply Branch. (1988). *Guidance Manual for cross connection Control Program (Green Manual)*. California Department of Health Services.

significant change in water level occurs or where a supply may be conveniently extended below

the liquid surface by means of a hose or auxiliary piping. A submerged inlet may be created in numerous ways, and its detection may be difficult.

Chemical and biological contaminants have caused illness and deaths during known incidents of backflow, with contamination affecting several service connections, and the number of incidents reported is believed to be a small percentage of the total number of backflow incidents that actually occur. The public health risk from cross connections and backflow is a function of a variety of factors including cross connection and backflow occurrence and type and amount of contaminants.

A.2 Purpose of a Cross Connection Control Program

The purpose of a cross connection control program is to prevent the occurrence of backflow into a PWS's distribution system in order to protect customers from contamination or pollution from any on-site hazards. Properly installed and maintained BPAs, devices or methods provide protection against the threat posed by many conditions typically found on a user's premise.

The use of approved BPAs ensures that the appropriate performance evaluation of the assembly was conducted. It is important and required by the State CCCPH to select and properly install an approved BPA that is capable of protecting the distribution system from the hazard identified. The success of a program depends on individuals that are knowledgeable about cross connection control to identify actual and potential hazards, apply principles of backflow protection and prevention, and implement cross connection control policies and procedures. A successful program will have ongoing surveillance of a PWS to ensure BPAs, devices or methods are working and identify new hazards or changes in the distribution system. Certified specialists are needed to properly evaluate the degree of hazard that exists in the distribution system. Hazards typically identified in distribution systems along with the required level of protection are specified in Chapter 3 of the State CCCPH.

A.3 Notes on Applicability of the Cross Connection Control Policy Handbook

The State CCCPH provides the basis for regulating the use and management of cross connection control programs and BPAs in PWSs, and related requirements for supporting programs and policies. Activities or uses outside of the scope of the authority of the State Water Board to regulate PWSs are not regulated by the State CCCPH, including California Plumbing Code requirements and definitions not related to PWSs.

Recycled water cross connection control installations and programs for the purposes of protecting the recycled water supply are not regulated by the State CCCPH, although a PWS that uses recycled water is regulated by the State CCCPH to ensure that a PWS's drinking water system has adequate backflow protection from a recycled water system.

Water systems that do not meet the definition of a PWS (e.g., "State Small Water Systems" under CCR Title 22, Article 3) are not regulated by the CCCPH, although they may need to comply with the California Plumbing Code, local health agencies, and other laws or entities.

Appendix B

Assembly Bill 1671 (2017, Chapter 533) and Assembly Bill 1880 (2019, Chapter 455)



Assembly Bill No. 1671

CHAPTER 533

An act to amend Section 116810 of, and to add Sections 116407 and 116555.5 to, the Health and Safety Code, relating to drinking water.

[Approved by Governor October 6, 2017. Filed with Secretary of State October 6, 2017.]

legislative counsel's digest

AB 1671, Caballero. Backflow protection and cross-connection controls: standards.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting regulations, and conducting studies and investigations to assess the quality of private domestic water wells. Existing law makes certain violations of the act a misdemeanor.

Existing law requires any person who owns a public water system to ensure that the system does certain things, including, but not limited to, that it will not be subject to backflow under normal operating conditions. Existing law, to ensure that testing and maintenance of backflow prevention devices are performed by persons qualified to do testing and maintenance, authorizes local health officers to maintain programs for certification of backflow prevention device testers and requires the certification program to be consistent with backflow protection regulations adopted by the state board. A violation of these provisions, or an order by a local health officer pursuant to these provisions, is a misdemeanor.

This bill would require a public water system to implement a crossconnection control program that complies with, and would require the certification program to be consistent with, applicable regulations and the standards described in (2).

(2) Existing regulations establish standards for a backflow prevention device and cross-connection control.

This bill, on or before January 1, 2020, would require the state board to adopt standards for backflow protection and cross-connection control and would authorize the state board to do so through the adoption of a policy handbook, as specified. By authorizing the state board to adopt standards, the violation of which would be a crime, the bill would create a new crime and impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 116407 is added to the Health and Safety Code, to read: 116407. (a) On or before January 1, 2020, the state board shall adopt standards for backflow protection and cross-connection control.

(b) The state board may implement subdivision (a) through the adoption of a policy handbook that is not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The policy handbook shall include standards for backflow protection and cross-connection control. In developing the standards and any amendments to those standards, the state board shall consult with state and local agencies and other persons whom the state board has identified as having expertise in the subject of backflow protection and cross-connection control. The state board shall hold at least two public hearings before adopting the policy handbook. The policy handbook shall be posted on the board's Internet Web site.

(c) (1) Upon the effective date of a policy handbook adopted by the state board pursuant to subdivision (b), the regulations set forth in Article 1 (commencing with Section 7583) and Article 2 (commencing with Section 7601) of Group 4 of Subchapter 1 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations shall become inoperative, and, 90 days thereafter, are repealed, unless the state board makes a determination not to repeal a specific regulation.

(2) If the state board determines not to repeal a specific regulation pursuant to paragraph (1), the state board shall provide to the Office of Administrative Law and the Secretary of State written notice of its determination, including identification of the specific regulation that is not repealed. That regulation, upon the provision of that written notice to the Office of Administrative Law and the Secretary of State, shall become operative.

SEC. 2. Section 116555.5 is added to the Health and Safety Code, to read:

116555.5. A public water system shall implement a cross-connection control program that complies with applicable regulations and with standards adopted by the board pursuant to Section 116407.

SEC. 3. Section 116810 of the Health and Safety Code is amended to read:

116810. To ensure that testing and maintenance of backflow prevention devices are performed by persons qualified to do testing and maintenance,

local health officers may maintain programs for certification of backflow prevention device testers. The local health officer may suspend, revoke, or refuse to renew the certificate of a tester, if, after a hearing before the local health officer or his or her designee, the local health officer or his or her designee finds that the tester has practiced fraud or deception or has displayed gross negligence or misconduct in the performance of his or her duties as a certified backflow prevention device tester. The local health officer may collect fees from certified testers to offset the cost of the certification program provided pursuant to this section. The certification standards shall be consistent with standards adopted by the state board pursuant to Section 116407 and any other applicable backflow protection regulations.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Assembly Bill No. 1180

CHAPTER 455

An act to amend Section 116407 of the Health and Safety Code, and to add Section 13521.2 to the Water Code, relating to water.

[Approved by Governor October 2, 2019. Filed with Secretary of State October 2, 2019.]

legislative counsel's digest

AB 1180, Friedman. Water: recycled water.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law requires, on or before January 1, 2020, the state board to adopt standards for backflow protection and cross-connection control through the adoption of a policy handbook, as specified.

This bill would require that handbook to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

(2) Existing law requires the state board to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health.

This bill would require the state board, on or before January 1, 2023, as specified, to update the uniform statewide criteria for nonpotable recycled water uses.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) On December 11, 2018, the State Water Resources Control Board unanimously adopted an amendment to the policy for water quality control for recycled water, which included a goal to increase the use of recycled water in the state from 714,000 acre-feet per year in 2015 to 1,500,000 acre-feet per year by 2020 and 2,500,000 acre-feet per year by 2030.

(b) Section 13521 of the Water Code requires the state board to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health.

(c) The regulations establishing the uniform statewide criteria for recycled water uses are set forth in Chapter 3 (commencing with Section 60301.050) of Division 4 of Title 22 of the California Code of Regulations. The regulations that pertain to nonpotable recycled water uses have not been updated since 2000.

(d) The regulations relating to backflow protection and cross-connection control for recycled water are set forth in Article 1 (commencing with Section 7583) and Article 2 (commencing with Section 7601) of Group 4 of Subchapter 1 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations. These regulations have not been updated since 1987.

(e) Section 1 of Chapter 533 of the Statutes of 2017 (Assembly Bill 1671 of the 2017–18 Regular Session) requires, on or before January 1, 2020, the state board to adopt backflow protection and cross-connection control standards and authorizes their implementation through a policy handbook.

(f) In order to maximize the amount of recycled water California can safely use for beneficial purposes, it is necessary to update the uniform statewide criteria for nonpotable recycled water uses and specify certain associated backflow protection and cross-connection control provisions.

SEC. 2. Section 116407 of the Health and Safety Code is amended to read:

116407. (a) On or before January 1, 2020, the state board shall adopt standards for backflow protection and cross-connection control.

(b) (1) The state board may implement subdivision (a) through the adoption of a policy handbook that is not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The policy handbook shall include standards for backflow protection and cross-connection control. In developing the standards and any amendments to those standards, the state board shall consult with state and local agencies and other persons whom the state board has identified as having expertise in the subject of backflow protection and cross-connection control. The state board shall hold at least two public hearings before adopting the policy handbook. The policy handbook shall be posted on the board's internet website.

(2) (A) The policy handbook described in this subdivision shall include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

(B) The use of a swivel or changeover device shall be consistent with any notification and backflow protection provisions contained in the policy handbook.

(c) (1) Upon the effective date of a policy handbook adopted by the state board pursuant to subdivision (b), the regulations set forth in Article 1 (commencing with Section 7583) and Article 2 (commencing with Section 7601) of Group 4 of Subchapter 1 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations shall become inoperative, and, 90 days thereafter, are repealed, unless the state board makes a determination not to repeal a specific regulation.

(2) If the state board determines not to repeal a specific regulation pursuant to paragraph (1), the state board shall provide to the Office of Administrative Law and the Secretary of State written notice of its determination, including identification of the specific regulation that is not repealed. That regulation, upon the provision of that written notice to the

Office of Administrative Law and the Secretary of State, shall become operative. SEC. 3. Section 13521.2 is added to the Water Code, to read:

13521.2. (a) On or before January 1, 2023, the state board shall update the uniform statewide criteria for nonpotable recycled water uses established in Chapter 3 (commencing with Section 60301.050) of Division 4 of Title 22 of the California Code of Regulations. The deadline imposed by this section is mandatory only if the Legislature has appropriated sufficient funds, as determined by the executive director of the state board, in the annual Budget Act or otherwise to cover the state board's costs associated with the performance of the duties imposed by this section.

(b) For purposes of the update to the uniform statewide criteria for nonpotable recycled water uses described in subdivision (a), the state board shall adopt a regulation that incorporates by reference the criteria and applicable backflow protection provisions, including the provisions for the use of a swivel or changeover device for dual-plumbed systems, that are contained in the most recently adopted version of the policy handbook adopted pursuant to Section 116407 of the Health and Safety Code and any future versions of the policy handbook.

Appendix C

Administrative Code

CROSS CONNECTION CONTROL PROGRAM

§12000 CROSS CONNECTION CONTROL MANAGEMENT PLAN

The District's Cross Connection Control Program is governed by the Cross Connection Control Management Plan (CCCMP), developed in accordance with the State Water Resources Control Board's Cross Connection Control Policy Handbook (CCCPH), effective July 1, 2024. The CCCMP outlines the procedures and responsibilities for preventing backflow and protecting the public water system from cross connections, as required by Section 3.1.4(b)(1) of the CCCPH. The CCCMP is incorporated herein by reference and shall be maintained and updated as necessary to ensure ongoing compliance with state regulations.

R 25-6-2 06/26/25

Appendix D

High Hazard Premises

District CCCMP – June 2025

APPENDIX D

HIGH HAZARD CROSS CONNECTION CONTROL PREMISES

The list below identifies premises that require backflow protection provided by an air gap or a reduced pressure principle backflow prevention assembly, unless noted otherwise. The list below is not intended to be all-inclusive. A PWS, State Water Board, or local health agency may require an AG, RP, or both to protect a PWS from other hazards not listed below and identified in premises through the hazard assessment completed in CCCPH Chapter 3, section 3.2.1. A PWS may reduce or increase the minimum protection required for a previously hazard-assessed user premise following a hazard reassessment as described in CCCPH Chapter 3, section 3.2.1.

- 1. Sewage handling facilities
- 2. Wastewater lift stations and pumping stations
- 3. Wastewater treatment processes, handling, or pumping equipment that is interconnected to a piping system connected to a PWS (+)
- 4. Petroleum processing or storage plants
- 5. Radioactive material storage, processing plants or nuclear reactors
- 6. Mortuaries
- 7. Cemeteries
- 8. Sites with an auxiliary water supply interconnected with PWS (+)
- 9. Sites with an auxiliary water supply not interconnected with PWS
- 10. Premises with more than one connection to the PWS (++++)
- 11. Recycled water (++)(+++)
- 12. Recycled water interconnected to piping system that contains water received from a PWS (+)
- 13. Graywater systems, as defined in California Water Code Section 14876, that are interconnected to a piping system that is connected to a PWS
- 14. Medical facilities
- 15. Kidney dialysis facilities
- 16. Dental office with water-connected equipment
- 17. Veterinarian facilities
- 18. Chemical plants
- 19. Laboratories
- 20. Biotech facilities
- 21. Electronics manufacture
- 22. Dry cleaner facilities
- 23. Industrial or commercial laundry facilities
- 24. Metal-plating facilities
- 25. Business park with a single meter serving multiple businesses
- 26. Marine-port facilities
- 27. Car wash facilities
- 28. Mobile home park, RV park, or campgrounds with RV hookups

- 29. Hotels/motels
- 30. Gas stations
- 31. Fire stations
- 32. Solid waste disposal facilities
- 33. Pet groomers
- 34. Agricultural premises
- 35. Hazard assessment access denied or restricted
- 36. Railroad maintenance facilities
- 37. Incarceration facilities (e.g., prisons)
- 38. Temporary connections to fire hydrants for miscellaneous uses, including construction
- 39. Private water distribution mains
- 40. Drinking water storage tank overflow connected to a sump or storm drain (+)
- 41. Airports

(+) Premise isolated by air gap only except as allowed through CCCPH Section 3.2.2(c)

(++) Dual-plumbed use areas established per CCR Title 22, Section 60313 through 60316 where recycled water is used for individually owned residential unit.

(+++) Residences using recycled water for landscape irrigation as part of an approved dual plumbed use area established pursuant to CCR Title 22, sections 60313 through 60316 shall use, at a minimum, a DC. If the water supplier is also the supplier of the recycled water, then the recycled water supplier may obtain approval of the local public water supplier or the State Water Board, to utilize an alternative backflow protection plan that includes an annual inspection of both the recycled water and potable water systems and an annual cross connection test of the recycled water and potable water systems pursuant to subsection 60316(a) in lieu of any BPA.

(++++) All connections must receive at least the same level of protection excluding fire protection when connected to the PWS distribution system (e.g., if one connection requires an RP then all connections must have RPs installed).

Appendix E

Assessment Database

District CCCMP – June 2025

APPENDIX E

Phase 1 Database

The District records data for all customers with backflow in its Syncta software. Below is an example of the data fields collected and stored for these customers.

- Name
- Serial
- Syncta Id
- Туре
- Make
- Model
- Size
- Service Id
- Service Id 2
- Assembly Location
- Assembly Comment
- Service Location Name
- Service Location Nickname
- Assembly Status
- Notification Frequency
- Last Notified At
- Last Notification
- Notification Template
- Customer Address Line1
- Customer Address Line2
- Customer City
- Customer State

- Customer Zip
- Customer Phone
- Customer Email
- Service Location Line1
- Service Location Line2
- Service Location City
- Service Location State
- Service Location Zip
- Removed On
- Created On
- Water Purveyor
- Last Tested At
- Last Test Result
- Next Test Date
- Notification Month
- Testing Frequency
- Location Type
- Install Date
- Hazard Type
- Downstream Process

APPENDIX E

Phase 2 Database

The District will send the survey included in Appendix F and record the following data in an Excel database. Should any new backflows be required as a result of this effort, they would be added to the Syncta database described for Phase 1.

- Dental and/or medical equipment using water (Y/N)
- Pumps or motors connected to water or sewer piping (Y/N)
- Chemicals in quantities greater than 5 gallons or 5 lbs (Y/N)
 - List of chemicals if yes
- Laundry facilities (Y/N)
- Multiple tenant suites (Y/N)
- Graywater system(s) (Y/N)
- Water storage tanks, ponds, water treatment systems, sewage treatment, sewage storage, and/or wells (Y/N)
 - Description if yes
- Petroleum, chemical or radioactive materials processing or storage (Y/N)
- Inspection requested (Y/N)
- Business type
- Service ID
- Contact Name
- Business Name
- Phone No.
- E-mail
- Date
- Degree of Hazard
- Meter protection appropriate for Degree of Hazard (Y/N)
- Internal Protection and Referral to OC Health
- Cross Connection Control Specialist Reviewer
- Cross Connection Control Program Specialist Certification No.
- Expiration Date
- Review Date

APPENDIX E

Phase 3 Database

The District will conduct a desktop survey of all residential customers and record the following data in an excel database:

- Service ID
- Review Date
- Degree of Hazard

Appendix F

Self-Report Letter (Commercial/Industrial Assessments)

District CCCMP - June 2025

cember 19, 2023, the State Water Resources Control Board adopted the Cross-Connection Poli tion requires each public water system to conduct initial and ongoing inspections of potentially I . The District is asking that each customer of a commerical/industrial site complete the survey b	high hazard facilities to determine the level of hazard within you
tment at backflow@etwd.com	
your property do any of the following exist:	
Dental and/or medical equipment using water	Laundry facilities
Pumps or motors connected to water or sewer piping	Multiple tenant suites
Chemicals in quantities greater than 5 gallons or 5 lbs.	Graywater system(s)
If yes, what chemicals are present:	
Water storage tanks, ponds, water treatment systems,	
sewage treatment, sewage storage, and/or wells	
If yes, please describe:	
Petroleum, chemical or radioactive materials processing or storage	
I am uncertain of the hazards on site and request an inspection.	
Type of Business	
Veterinary	Manufacturing
Pet grooming	Food Processing
Medical/Dental	Restaurant
Office/Warehouse	Aerospace
Hotel/Motel	Retail
Other (explain below):	—
•	
Site Contact	
Service ID:	
Contact Name:	
Business Name:	
Phone No.	
Email:	
I certify that the above information is true and correct to the best of my knowledge.	
Signature	
Print Name:	
Title:	
Date:	
FOR WATER PURVEYOR USE O	ONLY
gree of Hazard Meter protection appropriate for Degree of Hazard	Internal Protection and Referral to OC Health
High Yes	Yes
Low No	No

Appendix G

Backflow Prevention Assembly Diagrams

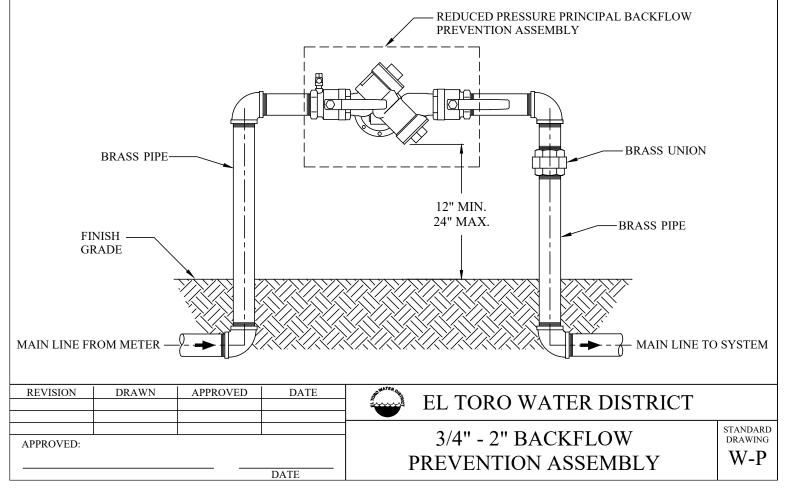
District CCCMP – June 2025

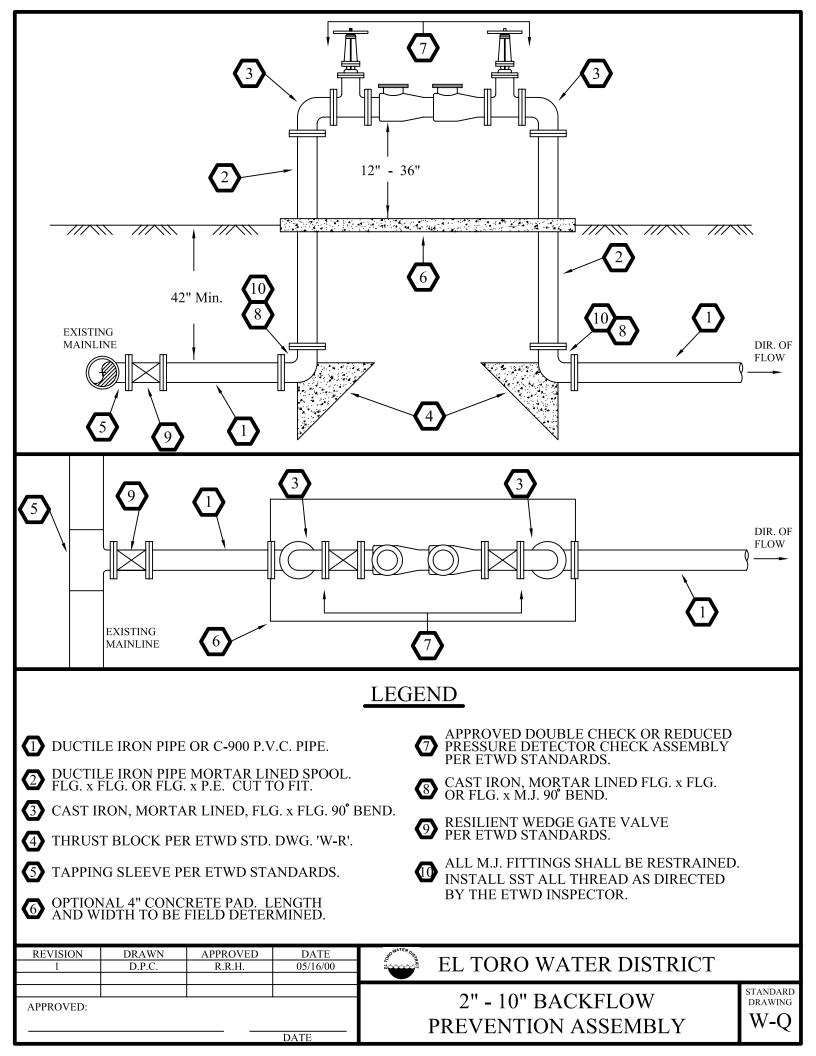
	ETWD MAINTAINED ETWD SPECIFIED AND CUSTOMER MAINTAINED CUSTOMER MAINTAINED CUSTOMER MAINTAINED								
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$42'' \text{ Min. } \begin{pmatrix} 13 \\ 1 \end{pmatrix} \qquad \qquad$									
EXIST MAIN	INO	<u>11</u>			9 DIR. 0				
		<u> </u>	P		FLOW				
			ш 	·	4				
		$\left\langle 1 \right\rangle$							
	$\langle 12 \rangle$				12" MIN. 7 6 1				
					DIR. C				
	EXISTING (
1 1 1	MAINLINE	$\sqrt{3}$							
LEGEND									
	(1) DUCTILE IRON PIPE OR C-900 P.V.C. PIPE.				$\begin{array}{ c c c c c c c c c c c c c c c c c c c$				
2 DUCTILE IRON PIPE MORTAR LINED SPOOL. FLG. x FLG. OR FLG. x P.E. CUT TO FIT.				Г. <u></u> .	(13) ALL M.J. FITTINGS SHALL BE RESTRAINED. INSTALL SST ALL THREAD AS DIRECTED BY THE ETWD INSPECTOR.				
	(3) CAST IRON, MORTAR LINED, FLG. x FLG. 90 BEND.								
	CK PER ETWD ST	TD. DWG. 'W-R'.			(15) NOTIFY ETWD PRIOR TO INSTALLATION OF BACKFLOW DEVICE.				
	$\overline{(5)}$ CHECK VALVE. $\overline{(6)}$ F.D.C. 'Y' TYPE 2-1/2" FEMALE CONNECTOR.				(16) FIRE DEPARTMENT CONNECTION AND POST-INDICATOR VALVES SHALL NOT BE PART OF THE BACKFLOW DEVICE AND MUST BE INSTALLED ON THE CUSTOMER SPECIFIED PIPING.				
7 FLG. x FLG. x FLG. CAST IRON, MORTAR LINED TEE.				DESCRIPTION ASSEMBLY SHALL BE A MIN. OF 36" FROM ANY STRUCTURE, CURB, OR SIDEWALK.					
(8) TAPPING SLEEVE SHALL BE INSTALLED WITH A MIN. DISTANCE OF 18" FROM ANY COLLAR/FITTING/COUPLING/TAPPING SADDLE.				BY-PASS METER TO BE USED FOR FIRE SYSTEMS ONLY. DO NOT INSTALL BY-PASS METER WHERE SUPPLY TO DEVICE IS ALREADY METERED.					
ONCRETE PAD REQUIRED ONLY IF BACKFLOW DEVICE IS REQUIRED TO HAVE PIPE SUPPORTS (SEE NOTE 10) CONCRETE SHALL BE 6" THICK WITH WITH 6X6 W.W.F. PLACED IN THE CENTER.				 INSTALLATIONS SHALL BE ABOVE GROUND WITH UNOBSTRUCTED ACCESS TO BACKFLOW DEVICE. 					
DOUBLE CHECK OR REDUCED PRESSURE DETECTOR CHECK ASSEMBLY WITH 5/8" BY-PASS METER (READS IN 100 CUBIC FEET). DEVICE SHALL BE				UPON COMPLETION OF INSTALLATION, BACKFLOW DEVICE SHALL BE TESTED FOR ADEQUACY AND OPERATIONAL COMPLIANCE BY A TESTER					
FROM THE USC APPROVED LIST. TEST COCKS SHALL REMAIN IN PLACECERTIFIED BY THE ORANGEAT ALL TIMES, REMOVAL LEADS TO UNAUTHORIZED USED. PIPESHALL FURNISH A CERTIFICSUPPORTS REQUIRED FOR 6" AND ABOVE BACKFLOW DEVICES. BRASSDOES NOT PASS, CUSTOMER					CERTIFIED BY THE ORANGE COUNTY HEALTH DEPARTMENT. TESTER SHALL FURNISH A CERTIFICATE OF TEST OF THE DEVICE. IF DEVICE DOES NOT PASS, CUSTOMER SHALL MAKE CORRECTIONS UNTIL A PASSING RESULT IS ACHIEVED.				
(I) CAST IRON, MORTAR LINED FLG. x FLG. OR FLG. x M.J. 90 BEND.									
REVISION 1	DRAWN D.P.C.	APPROVED R.R.H.	DATE 06/18/1999	Den WATE	EL TORO WATER DISTRICT				
2	R.M.H.	D.P.C.	06/24/2022		STANDA				
APPROVED: FIRE SERVICE					CONNECTION DRAWN W-C				
			DATE	1					

DATE

NOTES

- 1. ALL NEW AND/OR REPLACEMENT BACKFLOW PREVENTION ASSEMBLIES FOR METER PROTECTION SHALL BE INSTALLED AS CLOSE AS PRACTICAL TO THE METER BOX BUT NOT FURTHER THAN 12" UNLESS A VARIANCE IS OBTAINED FROM ETWD PRIOR TO INSTALLATION.
- 2. ALL BACKFLOW PREVENTION ASSEMBLIES MUST BE ON THE CURRENT USC FOUNDATION FOR CROSS-CONNECTION CONTROL AND HYDRAULIC RESEARCH LIST OF APPROVED BACKFLOW PREVENTION ASSEMBLIES.
- 3. UPON COMPLETION OF THE INSTALLATION OF THE ASSEMBLY, A TEST SHALL BE PERFORMED AND A CERTIFICATE OF ADEQUACY AND OPERATIONAL COMPLIANCE SHALL BE FURNISHED TO ETWD. THE TEST SHALL BE PERFORMED BY A TESTER CERTIFIED BY THE ORANGE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH.
- 4. ETWD MAINTENANCE RESPONSIBILITY STOPS AT THE METER. THE CUSTOMER IS RESPONSIBLE TO TEST AND MAINTAIN THE BACKFLOW PREVENTION ASSEMBLY.
- 5. BACKFLOW CERTIFICATION TESTING IS REQUIRED ANNUALLY AT A MINIMUM BUT MAY BE MORE FREQUENT AS DEEMED NECESSARY BY ETWD. CERTIFICATION TESTING IS REQUIRED IMMEDIATELY AFTER AN ASSEMBLY IS RELOCATED, REPLACED, AND REPAIRED.
- 6. BACKFLOW PREVENTION ASSEMBLY SIZE SHALL MATCH THE DIAMETER OF THE METER IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE; CHAPTER 6, SECTION 610 AS AMENDED, OR UP TO 1" LARGER.
- 7. BACKFLOW PREVENTION ASSEMBLY INSTALLATIONS INCLUDING ALL APPURTENANCES FOR THE SUPPLY OF DOMESTIC WATER SHALL COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA LEAD-FREE ACT AB1953.
- 8. NO OUTLETS, TEES, OR CONNECTIONS SHALL BE ALLOWED BETWEEN THE METER AND THE BACKFLOW PREVENTION ASSEMBLY.
- 9. BACKFLOW PREVENTION ASSEMBLIES SHALL MAINTAIN A VERTICAL CLEARANCE FROM THE LOWEST POINT OF 12" (MIN.) TO 24" (MAX.) ABOVE FINISH GRADE, WITH SIDE AND TOP CLEARANCES OF 12" (MIN.) FOR ANY OBSTRUCTIONS IN ALL DIRECTIONS.
- 10. PARALLEL INSTALLATIONS OF THE SAME TYPE OF BACKFLOW PREVENTION ASSEMBLIES ARE RECOMMENDED FOR ALL FACILITIES REQUIRING UNINTERRUPTED WATER SUPPLY, SUCH AS, HOSPITALS AND SCHOOLS.
- 11. THEFT PREVENTION DEVICES ARE RECOMMENDED FOR BRASS ASSEMBLIES ALLOWING ADEQUATE ACCESS TO THE ASSEMBLY FOR TESTING, MAINTENANCE, AND PROPER DRAINAGE.





Appendix H

District Records Retention Policy

District CCCMP - June 2025

El Toro Water District is currently in the process of revising its Records Retention Policy to align with updated, applicable legal and regulatory requirements. As part of this revision, the District will incorporate provisions consistent with DDW's CCCPH. Upon completion, the revised policy will formally establish retention standards for backflow prevention and cross connection control records to ensure compliance with CCCPH requirements, including the retention of test reports, survey data, enforcement actions, and program documentation for the specified durations in this Plan.

Appendix I

Cross Connection Incident Response Form

District CCCMP - June 2025

Cross-Connection Incident Report Form									
CALL DETAILS									
1. Caller Name:			Phone number:						
2. Call Date:		Time:							
3. Location address:									
	Street Number	Street	City						
4. Name of ownership/busine	ess:								
ISSUE DESCRIBED BY CALLER									
5. Estimated start date & time	e:								
6. Description of issue:									
0. Description of issue.									
7. Name of City/District Inspe	ector:								
			-						
		ON SITE DETAIL	3						
8. Site conditions: (Check all Meter Protection Last Test Date: Pass Fail Notes:		Dual Plumbed Bldg. (itchen/Cafeteria Recycled Water Onsite Designated Industrial Line	Cooling Tower Chemical Pumps/ Motors	Laboratory Multi-Tenant					
9. Number of persons in the b	ouilding:								
10. OCHCA Notified?: Yes No	If Yes Name:		Time of Markinson	·					
(714) 955-3963 or WQOnCall@ochca.com	Date:		Time of Notice:						



STAFF REPORT

To: Board of Directors

Meeting Date: June 26, 2025

From: Dennis Cafferty, General Manager

Subject: Administrative Code Amendment – Purchasing Policy

Staff are recommending revisions to District Purchasing Policy (Administrative Code Section 6100)

The proposed revisions accomplish the following:

- Provides authority for "Authorized Signers" to sign contract documents.
- Adds the Chief Financial Officer to the listed "Authorized Signers".
- Clarifies the requirement that purchase approvals must come from an "Authorized Approver" as defined in the Policy.
- Provides purchasing authority, for expenses in the Human Resources Department up to \$10,000, for the Director of Human Resources.
- Increases the trigger amount for requiring performance and bid bonds from \$50,000 to \$75,000.
- Clarifies that the CFO and Director of Engineering can execute contracts up to \$10,000 with all other contracts requiring execution by the General Manager.

The attached redline document identifies the proposed changes to the Purchasing Policy.

Recommended Action:

The Board of Directors will consider adopting Resolution No. 25-6-3 which adopts the amended El Toro Water District Administrative Code.

RESOLUTION 25-6-3

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE

RESOLUTION NO. 25-6-3

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE

WHEREAS, the Board of Directors of the El Toro Water District adopted an Administrative Code defining the policies of the El Toro Water District in November 2023; and

WHEREAS, it is in the best interest of the District that the District's Administrative Code be amended to incorporate updates to the existing Administrative Code Section 6100 – Purchasing Policy; and

WHEREAS, the Board of Directors of the EI Toro Water District has reviewed Administrative Code Section 6100 – Purchasing Policy which is incorporated herein by this reference.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the El Toro Water District does hereby adopt the Amendment to the El Toro Water District Administrative Code to incorporate updates to the existing Administrative Code Section 6100 – Purchasing Policy effective June 26, 2025.

ADOPTED, SIGNED AND APPROVED this 26th day of June 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> Mike Gaskins, President El Toro Water District and of the Board of Directors thereof

ATTEST:

DENNIS P. CAFFERTY, Secretary El Toro Water District and of the Board of Directors there of **PURCHASING POLICY**

REDLINE

§6100 PURCHASING POLICY

1. **DEFINITIONS**

The definitions contained in this section govern the interpretation of this policy.

- A. Authorized Agent when used with respect to the District, means the General Manager or any person designated by the General Manager to have authority to solicit bids or proposals and administer the terms of an awarded contract.
- B. Authorized Approver means any person given authority by this Policy to approve procurements as defined herein.
- C. Authorized Signer means any person empowered by this Policy to sign bid documents, contracts, contract amendments, and change orders.
- D. Change Order means an amendment modifying the terms of an existing contract, including price or quantity and quality ordered.
- E. Competitive Bidding means a bidding process in which the bid solicitation is advertised as described herein.
- F. Construction includes the erection, demolition, alteration, repair, replacement, refurbishment or relocation of buildings, infrastructure, or improvements.
- G. Contract means any written agreement, including purchase orders, to which the District is a party.
- H. Form of Agreement means the document evidencing the contractual relationship of the District and the successful vendor, supplier, contractor or consultant.
- I. Notice Inviting Bids means a notice inviting proposals for entering a contract upon the terms of contract documents incorporated in said notice by reference.
- J. Notice Inviting Pre-qualification Information means a notice inviting prospective bidders to submit information that will permit the Authorized Agent to determine in advance of issuing of a notice inviting bids that a prospective bidder is responsible to perform a proposed contract.
- K. Proposal means an offer to enter into a contract upon the terms set forth in the contract documents.
- L. Purchase Order means an authorization, including Field Requisitions, under which the party designated therein as vendor is to provide materials or services for which the District agrees to pay.

- M. Selective Competitive Bidding means a bidding process in which the District solicits bids only from select pre-qualified bidders.
- N. Sole Source Contracts means contracts issued directly to a vendor, supplier, contractor or consultant that have not been subject to a competitive bidding or selective competitive bidding process.

2. <u>CONTRACT DOCUMENTS</u>

- A. General The contract documents shall consist of such documents as the General Manager may deem desirable in addition to those required by law.
- B. Documents Included The contract documents may consist of, among others, a notice inviting bids, instructions to bidders, the proposal, bid sheets, contractor's licensing and qualifications statement, list of subcontractors, bidder's bond, certificates of insurance, form of agreement, performance bond, payment bond, non-collusion affidavit, notice of award, notice to proceed, general conditions, specifications and drawings.
- C. Authority to Carry out Power Whenever award is made by the District, such award shall constitute approval of the contract documents and the Authorized Agent shall be authorized to carry out the powers described in the contract agreements on behalf of the District.
- D. Authorized Signers are hereby empowered to sign bid <u>and/or contract</u> documents. Authorized Signers are authorized to use an electronic signature but must have their electronic signature certified prior to signing any documents. Authorized Signers include the General Manager, the Chief <u>Financial Officer</u> and the Director of Engineering.

3. <u>REQUISITIONS AND PURCHASE ORDERS FOR EQUIPMENT, MATERIAL,</u> <u>SUPPLIES OR SERVICES</u>

Requisitions for the furnishing of equipment, material, supplies, or services may originate as a result of normal operating need or due to emergency.

- A. Requisitions for normal operating need:
 - 1. Include those purchases that originate from the Warehouse, when inventory reorder points are reached and from departments for regular operating needs, as outlined in the District's operation and maintenance budget and, capital expenditures, as outlined in the District's capital budget.
 - 2. Authorization is required by the Department Head who has budgetary responsibility for the category of expenditure-<u>and is an</u> <u>Authorized Approver as defined herein.</u>

- i. For requisitions originating from the Operations Department, including Operations Support, Fleet Services, Pumping Operations, Transmission & Distribution, Collections, and the Water Recycling Plant, authorization by the General Manager and/or the Operations Superintendent is required.
- ii. For requisitions originating from Engineering, authorization by the General Manager and/or the Director of Engineering is required.
- iii. For requisitions for Information Technology Resources, authorization by the General Manager and/or the IT Manager is required.
- iv. For requisitions originating from Administration, authorization by the General Manager or the Chief Financial Officer is required.
- v. For requisitions originating from the Human Resources Department, authorization by the General Manager or the Director of Human Resources is required.
- •-vi. For requisitions for capital items, authorization by the General Manager and/or the Director of Engineering is required.
- vi.vii. In the absence of the General Manager, the Operations Superintendent or the Chief Financial Officer may provide authorization.
- B. Requisitions due to Emergency:
 - 1. Emergencies include those purchases that originate for unplanned, sudden and unexpected events of a serious nature requiring immediate furnishing of equipment, material, supplies, or services and where the purchase is necessary within a shorter period of time than required for a requisition in a normal operating period.
 - 2. Due to the nature of the emergency, it may not be possible for the supervisor who has budgetary responsibility to obtain complete authorization of a requisition prior to the furnishing of equipment, material, supplies, or services. If this situation arises, an emergency purchase order number shall be issued by an Authorized Agent. At the earliest convenience, a requisition will be prepared for the emergency purchase order number, description of and reason for the emergency purchase, vendor information and total cost. All requisitions for emergency needs issued without complete authorization must be brought back to the appropriate authorizing Officer (as described in Section 3.A.2) for approval.

C. Authorized Approvers

- 1. Requisitions for Administration expenses, up to \$10,000, require the authorization of either the General Manager, the Chief Financial Officer, or the Operations Superintendent. All requisitions over \$10,000 require the authorization of two of the three Approvers.
- 2. Requisitions for Operations Department expenses, up to \$10,000, require the authorization of either the General Manager, the Chief Financial Officer, or the Operations Superintendent. All requisitions over \$10,000 require the authorization of two of the three Approvers.
- 3. Requisitions for Engineering Department expenses, up to \$10,000, require the authorization of either the General Manager, the Chief Financial Officer, or the Director of Engineering. All requisitions over \$10,000 require the authorization of two of the three Approvers.
- 1.4. Requisitions for Human Resources Department expenses, up to \$10,000, require the authorization of either the General Manager, the Chief Financial Officer, or the Director of Human Resources. All requisitions over \$10,000 require the authorization of two of the three Approvers.
- 2.5. Requisitions for IT Resources, up to \$10,000, require the authorization of either the General Manager, the Chief Financial Officer, or the IT Manager. All requisitions over \$10,000 require the authorization of two of the three Approvers.
- 3.6. All other requisitions, regardless of origination, up to \$10,000 require the authorization of either the General Manager, the Chief Financial Officer, the Operations Superintendent, or the Director of Engineering. All requisitions over \$10,000 require the authorization of two of the four approvers, including either the General Manager or the Chief Financial Officer.
- D. Upon receipt of a properly approved requisition, a purchase order may be created. All purchase orders must be approved by an Authorized Approver of the District.
- E. In the event that contracts for the furnishing of equipment, material, supplies, or services exceeds 110 percent (110%) of the amount identified in the annual budget for that particular account and sufficient funds are not available within the overall operating budget, the General Manager shall report cost center variances to the Board.
- F. The General Manager shall report to the Board, on a monthly basis, details of purchases which exceed \$50,000.

4. INVOICE PROCESSING AND CHECK ISSUANCE

Once a service has been completed or material or goods have been received, vendor invoices need to be matched to the original purchase requisition or, if the invoice received is for an ongoing service for which a purchase requisition has not been created, the invoice must be approved and coded to the appropriate account.

- A. Prior to processing, invoices must be reviewed and approved by the employee who received the good, material, or service. Invoices shall be reviewed for accuracy and will then be approved by the initials or signature of the receiving employee. The expense account number(s) and/or project number(s) with the appropriate amounts will be included as part of the approval of the requisition and verified as part of the invoice approval process.
- B. In the event that invoices exceed the amount identified in the approved procurement document, the original Authorized Approver must approve a modification of the procurement document, with the new approved amount, by initials or electronic signature within the approval authority defined in Section 3.C.
- C. Employees are authorized to use an electronic signature for invoices but must have their electronic signature certified prior to signing any documents. The signatures on these documents can then be used by Accounting as authorization for payment of invoices, requisitions, or check requests.
- D. The District will issue checks for approved invoices on a regular basis as determined by the General Manager or his/her designee. Checks that are issued by the District are required to have two signatures from either the General Manager, the Chief Financial Officer, or the Operations Superintendent. Checks may be signed electronically if the District's financial software provides the capability. Checks that are signed electronically may only be issued after an appropriate approval as defined in Section 3.

5. <u>SELECTIVE COMPETITIVE BIDS</u>

Before entering into a contract for the construction of facilities or for the furnishing of equipment, materials, supplies or services, the Authorized Agent should ascertain in his/her discretion, the best source of supply. In obtaining the best source of supply, the General Manager may determine, in his/her discretion, that selective competitive bidding should be utilized pursuant to a bid package developed for the particular project.

- A. The following situations will not require selective competitive bidding:
 - 1. Contracts for miscellaneous services, such as telephone, light, power and water, where rates or prices are fixed by legislation or by federal, state, county or municipal regulations;
 - 2. Contracts required during an emergency;
 - 3. If the articles are patented, copyrighted or otherwise unique;
 - 4. If within one year previous to the date of execution of a proposed contract, advertising or posting for identical articles, or articles of the same general character, has failed to secure responsive proposals, and in the opinion of the authorized agent, further advertising or posting will not alter this result
 - 5. If the purchase is with any governmental agency;
 - 6. Contracts for insurance or for services of a professional, artistic, scientific, or technical character.
- B. In the event that the General Manager deems it appropriate to procure equipment, material or services without selective competitive bidding ("Sole Source Contracts"), on projects that require the approval of the Board of Directors the Board shall be so informed and the reasons for the Sole Source contract shall be documented in the supporting material provided to the Board for the subject procurement.
- C. The notice inviting bids shall provide for the District's right to reject any and all proposals.

6. <u>PRE-QUALIFICATIONS PROCEDURES</u>

If the District utilizes a selective competitive bidding process in the procurement of a contract it may be necessary to pre-qualify potential bidders. The pre-qualification procedure may, in the discretion of the Authorized Agent, provide for one or more of the following:

- A. A pre-qualification procedure for determining the qualifications of potential bidders or proponents in advance of receipt of bids or proposals and that bidding or proposal solicitation, in that case, shall be restricted to bidders or proponents determined to be qualified pursuant to said procedure.
- B. In determining qualifications, the factors to consider may include, but shall not be limited to, the following:
 - 1. A bidder's or proponents experience in the design, construction, fabrication, assembly, or manufacture of works or materials similar to what will be called for under this contract;

- 2. The experience of others with the bidder or proponent, including references from past projects, in the design, construction, fabrication, assembly, or operation of similar works or material designed, constructed, fabricated or assembled by the bidder or proponent;
- 3. The physical plant, facilities, and equipment the bidder or proponent proposes to employ in the performance of the contract.
- 4. The experience and expertise of a bidder's or proponents responsible managing personnel, key staff members, and other employees who would be assigned to the work if the bidder or proponent were awarded the contract;
- 5. The extent to which any part of the contract is to be performed by subcontractors, subconsultants or suppliers;
- 6. The financial capability and resources of the bidder or proponent to perform the proposed contract; and,
- 7. Any other factor bearing on the responsibility of a bidder or proponent, which factors shall be set forth in the notice inviting prequalification information.
- C. As a result of a pre-qualification procedure, it shall be determined which bidders or proponents are responsible/qualified to perform the proposed work. Said procedures may include a time period during which a finding of responsibility/qualification shall be effective. The District may require, in its discretion, that pre-qualified bidders or proponents, bidders or proponents who have not qualified, and new bidders or proponents who need to qualify, to go through the pre-qualification process at any time and from time to time.
- D. A "Dun and Bradstreet Report" may be requested as part of the prequalifications procedure.

7. BONDS

A. Every construction contract involving more than \$50,000\$75,000 and any other contract as determined by the Authorized Agent shall be accompanied by separate performance and payment bonds executed by a corporate surety authorized to do business in California and approved by the General Manager. Both types of bonds shall comply with applicable legal requirements and shall be subject to approval by the General Manager or his/her designee. The performance bond shall guarantee the faithful performance of the contract by the contractor and shall be in the form and amount approved by the General Manager. The payment bond shall contain the provisions required by Civil Code Sections 3225 - et. seq. inclusive, and Sections 3247 - 3252 inclusive.

B. Bidder's Bond. Bids submitted for construction contracts involving more than \$50,000\$75,000 through selective competitive bidding may require a bidder's bond executed by a responsible corporate surety authorized to engage in such business in California, made payable to the District. Said bid security or bidder's bond shall be in an amount no less than specified in the notice inviting bids, or, if no amount be so specified, then in an amount not less than 10 percent (10%) of the amount of the bid, and shall guarantee that the bidder will, if an award is made to him in accordance with his/her bid, properly execute a contract with the District secure payment of worker's compensation, if required, and furnish satisfactory performance and payment bonds and proof of insurance coverage.

8. INSURANCE POLICIES

As deemed appropriate by the General Manager, contractors, consultants or service providers to whom a contract is awarded shall furnish satisfactory evidence that the requirements of the Insurance Code of the State of California have been observed.

- A. The construction contractor, consultant or service provider shall furnish to the District a liability insurance policy or certificate naming the District as an additional insured.
- B. The construction contractor, consultant, or service provider and all subcontractors shall cover or insure in accordance with the Workers' Compensation and Insurance Act, Division IV of the Labor Code of the State of California and any Acts amendatory thereof.
- C. The construction contractor shall provide and maintain builder's risk insurance in amounts specified by the contract.

9. SPECIFICATIONS AND DRAWINGS

- A. Specifications and necessary drawings for construction or for the furnishing of equipment, materials, supplies, or services shall be prepared by, or under the direction of the Director of Engineering responsible for seeing the work performed.
- B. Specifications, including drawings, if any, shall be sufficient to clearly describe the work required to be done, the quality and properties of materials to be furnished, the results and performance required, and the method of payment for the work done and material and equipment furnished.

10. POSTING AND ADVERTISING

A. General – Unless waived by the General Manager, no Notice Inviting Bids for any contract subject to selective competitive bidding or competitive bidding shall be posted or advertised unless there is first prepared a complete set of contract documents detailing the agreement and the work to be performed.

- B. Advertised Projects If the General Manager deems it appropriate to publicly advertise a competitively bid project, a Notice Inviting Bids shall be posted in a public place within the District and shall be published not less than once in a construction periodical designated by the General Manager at least five days, exclusive of Saturday, Sunday and holidays, before the time for opening bids. Alternatively, the project may be published through the Planet Bids electronic bidding platform.
- C. Projects Conducted Without Advertising Whenever the District elects not to publicly advertise a contract or to award a contract upon competitive bidding, selective competitive bids may be obtained from three or more firms or in any other manner as the General Manager determines to be appropriate.

11. <u>EVALUATION</u>

The General Manager or his/her designee shall compare all bids received pursuant to any Notice Inviting Bids or other solicitation for compliance with the terms of the notice inviting bids or other solicitation and shall determine the lowest responsible bid of all those received and, when award of contract is to be made by the Board, make a recommendation in writing to the Board.

12. <u>REJECTION OF BIDS</u>

The Board of Directors, or the General Manager, as applicable for the particular contract, reserves the right to accept or reject any or all bids and to waive any defects in bids.

13. AWARD OF CONTRACTS

- A. By Board Award of contracts shall be approved by the Board when the amount of the contract is over \$75,000.
- B. By General Manager In all cases other than those referred to in Section 13a hereof, award of contracts may be made by the General Manager unless otherwise directed by the Board.

14. EXECUTION OF CONTRACTS

After award, all contracts shall be executed on behalf of the District by the General Manager, the Chief Financial Officer or the Director of Engineering. unless otherwise directed by the Board. The General Manager, Chief Financial Officer or Director of Engineering shall also execute any subsequent contract amendments or change orders. All contracts over \$10,000 shall be executed by the General Manager. The General Manager, Chief Financial Officer and Director of Engineering is are authorized to use an electronic signature but must have the electronic signature certified prior to signing any documents.

15. URGENT CONTRACTS

The General Manager is delegated the authority to waive applicable procedures and to execute contracts that exceed \$75,000 and take any directly related and immediate action required by an emergency when said contracts are determined by the General Manager to be of urgent necessity, subject to the following requirements:

- A. General Manager shall report to the Board not later than its next regularly scheduled meeting the details of the emergency and reasons justifying the actions taken.
- B. At each regularly scheduled meeting following the emergency action, the Board shall determine by majority vote whether the emergency still exists and the need for authorization of the General Manager in such an emergency.

16. <u>CHANGE ORDERS</u>

- A. Unless superseded by provisions of the applicable contract or as otherwise directed by the Board, the following procedures shall apply to change orders:
 - 1. The General Manager is authorized to execute change orders for contracts providing for the furnishing of equipment, material, supplies, or services. Change orders are not required if the additional amount payable is for sales tax or shipping and handling charges in connection with the furnishing of equipment, material or supplies. If the amount payable is more than the contract amount but does not exceed 10% of the contract amount, a change order is not required for the furnishing of equipment, material, supplies, or services but the approval of invoices but comply with Section 4.B of this Policy. Change orders are not required if completed contracts are less than the face value of contract.
 - 2. Change orders for professional and consulting services Change orders are required for professional and consulting services contracts whenever the costs exceed the original contract amount. The General Manager shall not, without prior Board approval, issue change orders totaling more than \$75,000, or a change order that would cause the amount payable under a contract for professional and consulting services to exceed the limit established by Section 13.
 - 3. Change orders for the construction of public works and facilities Change orders are required for construction contracts whenever the costs vary from the original contract amount. The General Manager shall not, without prior Board approval, issue change orders totaling more than \$75,000, or a change order that would cause the amount payable under a contract for construction of works or structure to exceed the limit established by Section 13.

17. APPROVAL BY GENERAL COUNSEL

The General Counsel shall approve, in writing, the District's standard <u>construction and</u> <u>consulting</u> contract <u>formdocuments</u>. In the event that the District's standard contract <u>form</u> <u>documents</u> is are not applicable, the General Manager, at his discretion, may direct the District's General Counsel to review and approve any other contract <u>formdocuments</u>.

R 96-6-1 06/20/96; R 03-4-2 04/24/03; R 09-11-1 11/24/09; R 15-9-2 09/24/15; R 24-8-2 08/22/24; R25-6-4 06/26/25;



STAFF REPORT

To: Board of Directors

Meeting Date: June 26, 2025

From: Dennis Cafferty, General Manager

Subject: Administrative Code Amendment – FOG Regulations

At the November 2023 Board meeting the Board approved the initial version of the El Toro Water District Administrative Code. Staff continues to work to transition existing policies into the Administrative Code with revisions or updates as appropriate.

The current proposed amendment adds Section 13000 – Fats, Oils and Grease ("FOG") Control Regulations Applicable to Food Service Establishments. This amendment incorporates the existing FOG Regulations into the Administrative Code and provides recommended updates following a detailed review by staff.

The attached redline document includes the redlined Administrative Code cover page and Table of Contents as well as the updated FOG Regulations.

Recommended Action:

The Board of Directors will consider adopting Resolution No. 25-6-4 which adopts the amended El Toro Water District Administrative Code.

RESOLUTION NO. 25-6-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE INCORPORATING FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

RESOLUTION NO. 25-6-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE AMENDED EL TORO WATER DISTRICT ADMINISTRATIVE CODE INCORPORATING FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

WHEREAS, the Board of Directors of the El Toro Water District adopted an Administrative Code defining the policies of the El Toro Water District in November 2023; and

WHEREAS, the Board of Directors of the EI Toro Water District adopted Schedule 7-S of the District Rules and Regulations in December 2004 defining Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments; and

WHEREAS, the Board of Directors of the El Toro Water District amended Schedule 7-S of the District Rules and Regulations in August 2006 updating the Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments; and

WHEREAS, it is in the best interest of the District to amend its Administrative Code to incorporate a new Section 13000 – Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments which replaces Schedule 7-S of the Rules and Regulations; and

WHEREAS, the Board of Directors of the El Toro Water District has reviewed Section 13000 – Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments of the Administrative Code which is incorporated herein by this reference.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the El Toro Water District does hereby adopt the Amended El Toro Water District Administrative Code effective June 26, 2025 which includes the newly incorporated Section 13000 – Fats, Oils and Grease Control Regulations Applicable to Food Service Establishments.

ADOPTED, SIGNED AND APPROVED, this 26th day of June, 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN: MIKE GASKINS, President EI Toro Water District and of the Board of Directors thereof

ATTEST:

DENNIS P. CAFFERTY, Secretary El Toro Water District and of the Board of Directors thereof

ADMINISTRATIVE CODE AMENDMENT

FATS, OILS AND GREASE ("FOG") CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

REDLINE

EL TORO WATER DISTRICT



ADMINISTRATIVE CODE

Adopted

February 27June 26, 2025

DISTRICT

1000 Principal Office

1010 Seal

BOARD OF DIRECTORS

- 2000 General Authority
- 2010 Membership
- 2020 Terms of Office
- 2030 Elections
- 2040 Meetings
- 2050 Quorum: Votes Necessary
- 2060 Compensation
- 2070 Board Staff Relationship
- 2080 Guidelines for Board Conduct
- 2090 Committees of the Board

BOARD OFFICERS AND EMPLOYEES

- 3000 Officers Other Than Directors
- 3010 Elimination
- 3020 President (Term of Office)
- 3030 Succession to Presidency
- 3040 Vice President (Election Term of Office Succession to Presidency)
- 3050 Secretary
- 3060 Treasurer
- 3070 Duties and Powers of President
- 3080 Duties and Powers of Vice President
- 3090 Employees
- 3100 District Legal Counsel
- 3110 District Auditors

ETWD DIRECTORS

- 4000 Directors' Compensation
- 4010 Directors' Benefits
- 4020 Directors' Travel & Expense Reimbursement

ETHICS

5000 Ethics Training

FINANCIAL MATTERS

- 6000 District Claim Procedures
- 6010 Board Authorization of Fund Transfers With the District Capital Budget
- 6020 Budget Policy
- 6030 Designated Staff Credit Card Issuance / Usage Policy
- 6040 Cash Reserve Policy
- 6050 Debt Management Policy
- 6060 Capitalization Policy for Capital Assets
- 6070 Disposal of Surplus Property
- 6080 Investment Policy
- 6090 Electronic Funds Transfer Policy
- 6100 Purchasing Policy

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- 7000 Statement of Service Outside of District Boundaries
- 7010 Statement of Construction of Water and Sewer
- 7020 Rate Schedules Preliminary Statement
- 7030 General Metered Potable Water Service
- 7040 General Sewer Service
- 7050 Commercial, Industrial, Public Authority and Homeowner Association Recreational Facility Sewer Service
- 7060 Recycled Water Sales and Service
- 7070 Private Fire Protection Service
- 7080 Water Capital Facilities Fee
- 7090 Wastewater Capital Facilities Fee
- 7100 Water Meter and Meter Installation Charges
- 7110 Wholesale Water Service
- 7120 Metered Construction Service
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- 7160 Restablishment of Accounts for Bankruptcy Cases

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- 9000 Fraud in the Workplace
- 9010 District Meeting Rooms Use Policy
- 9020 Identity Theft Prevention Program
- 9030 Legislative Advocacy Policy
- 9040 IT Acceptable Use Policy
- 9050 Public Records Act Response Policy

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- 10200 Definitions
- 10300 General Requirements
- 10400 Permitting Process
- 10500 Technical Requirements
- 10600 Construction Specifications
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- 10900 Appendices

COMMUNICATION FACILITIES LICENSE PROGRAM

11000 Communication Facilities License Program

CROSS CONNECTION CONTROL PROGRAM

12000 Cross Connection Control Management Plan

FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

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- 13300 FOG Wastewater Discharge Permits for Food Service Establishments
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FATS, OILS AND GREASE ("FOG") CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

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§13050 <u>APPLICABILITY</u>

Applicable to sewer service to Food Service Establishments ("FSEs").

§13100 BACKGROUND / PURPOSE

The purpose of these regulations is to facilitate the maximum beneficial public use of the District's sewer services and facilities while preventing blockages of sewer lines resulting from discharges of fats, oils and grease ('FOG") to the sewer facilities, and to specify appropriate FOG discharge requirements for Food Service Establishments.

Pursuant to California Water District Law – Section 34000 et seq. of the California Water Code, the El Toro Water District ("District") has the authority to adopt regulations relating to the provision of sewer services and facilities.

In 2002 the Regional Water Quality Control Board ("RWQCB") for the Santa Ana Region adopted Order R8-2002-0014, which prescribes general waste discharge requirements prohibiting sanitary sewer overflows ("SSOs") by sewer collection agencies. In Order R8-2002-0014, the RWQCB found that one of the leading causes of SSOs within the Santa Ana Region, which encompasses portions of the District's service area is "grease blockages."

SSOs, which are often caused by discharges of wastewater containing high levels of FOG, suspended solids, pathogenic organisms, and other pollutants, may cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters.

In 2000-2001 the Orange County Grand Jury ("Grand Jury") conducted a survey among 35 wastewater collection and treatment agencies in Orange County and concluded that one of the leading causes of SSOs and sewage spills is sewer lines clogged from the accumulation of FOG discharged from Food Service Establishments. The Grand Jury further concluded that more effective methods of minimizing grease discharges into the sewer system must be developed and implemented to reduce the discharge of FOG to the sewer system in order to prevent sewer blockages and SSOs.

Section 1014 of the 2001 California Plumbing Code, applicable to all occupancies in the State pursuant to the California Building Standards Law, requires the installation of grease traps or interceptors when, in the opinion of the Building Official, waste pretreatment is required.

The foregoing findings indicate that a FOG Control Program is required for Food Service Establishments within the District's jurisdiction to comply with the RWQCB waste discharge regulations and prevent the harmful effects of SSOs. The District has a long history of operating a FOG Control Program. These regulations, along with the FOG Control PlanProgram Operations Manual, under separate cover, shall serve to document the policies and practices of the District's existing program as well as provide further detail

and specific enforcement provisions to govern discharges of wastewater to the District's system by Food Service Establishments.

These regulations shall be interpreted in accordance with the <u>following</u> definitions <u>provided in Section 13150</u>. The provisions of these regulations shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the District.

These regulations establish quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of SSOs.

§13150 DEFINITIONS

- 1. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- 2. Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.
- 3. Words used in these Regulations in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.
- 4. Subject to the foregoing provisions, the following definitions shall apply in these Regulations:

Board The Board of Directors of the El Toro Water District.

Change in Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for SSOs to occur.

- **Composite Sample** A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste_stream discharged during the sample period. Samples will be collected when a wastewater discharge occurs.
- **Discharger** Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
- **District** The El Toro Water District.
- **Effluent** Any liquid outflow from a Food Service Establishment that is discharged to the sewer.
- **ETWD** The El Toro Water District.
- **Fats, Oils, and Grease ("FOG")** Any substance such as a vegetable or animal product that is used in, or is a <u>by productbyproduct</u> of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.
- FOG ControlThe ETWD FOG Control Program required by and
developed pursuant to RWQCB Order No. R8-2002-
0014, Section (c)(12)(viii).
- **FOG Control Program Manager** The individual designated by the District to administer the FOG Control Program. The FOG Control Program Manager is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers.
- **FOG Wastewater Discharge Permit** A permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District's facilities or into sewer facilities which ultimately discharge into a District facility.

Food Service Establishment	or plac of the any p prepa transp distrib items)	Food Service Establishment means any room, building, or place or portion thereof, located within the boundaries of the District, which is maintained, used or operated by any profit or non-profit entity for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging or otherwise handling and distributing food and beverages (including prepackaged items), which have any process or device that uses or produces FOG, for the following purposes:	
	(a)	in the case of a profit entity, for the commercial sale of food on a retail or wholesale basis; and	
	(b)	in the case of a non-profit entity, for providing food, free of charge or otherwise, to the public, its members or guests.	
	By example, Food Service Establishments shall include, but not be limited to, facilities and activities as defined above which are operated and maintained by restaurants, lunch counters, refreshment stands, bars, schools, hospitals, convalescent/health care homes, community centers, private or public community clubhouses (such as those operated by the Golden Rain Foundation) and fire stations.		
Food Grinder	Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.		
Grease Control Device	device waste which discha device	rease interceptor, grease trap or other mechanism, e, or process, which attaches to, or is applied to, water plumbing fixtures and lines, the purpose of is to trap or collect or treat FOG prior to it being arged into the sewer system. "Grease control e" may also include any other proven method to e FOG subject to the approval of the District.	

- **Grease Disposal Mitigation Charge** A charge assessed to an Owner/Operator of a Food Service Establishment when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the Food Service Establishment under consideration, impossible or impracticable. The Grease Disposal Mitigation Charge is intended to cover the costs of increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.
- **Grease Interceptor** A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.
- **Grease Trap** A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.
- **General Manager** The individual duly designated by the Board of Directors of the District to administer these Regulations.
- **Grab Sample** A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- **Hot Spots** Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.
- Inflow Water entering a sewer system through a direct stormwater / runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

- Infiltration Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
- Inspector A person authorized by the District to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

Interceptor A grease interceptor.

- Interference Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the District's sewer system, treatment processes or operations; or is a cause of violation of the District's NPDES or Waste Discharge Requirements or prevents lawful sludge use or disposal.
- Kitchen Best
ManagementSchedules of activities, prohibitions of practices,
maintenance procedures and other management
practices to prevent or reduce the introduction of FOG
to the sewer facilities as set forth in Section 3.513450 of
these Regulations.
- **Local Sewering** Agency Agency Any public agency or private entity responsible for the collection and disposal of wastewater to the District's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.
- **NPDES** The National Pollutant Discharge Elimination System; the permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States as detailed in Public Law 92-500, Section 402.
- **New Construction** Any structure planned or under construction for which a sewer connection permit has not been issued.
- **Permittee** A person who has received a permit to discharge wastewater into the District's sewer facilities subject to the requirements and conditions established by the District.

- Person Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
- Public AgencyThe State of California and/or any city, county, special
district, other local governmental authority or public body
of or within this State.
- Public SewerA sewer owned and operated by the District, or other
local Public Agency, which is tributary to the District's
sewer facilities.

RegulatoryRegulatory Agencies shall mean those agencies having
regulatory jurisdiction over the operations of the District,
including, but not limited to:

- a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
- b) California State Water Resources Control Board (SWRCB).
- c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
- d) South Coast Air Quality Management District (SCAQMD).
- e) California Department of Health Services (DOHS)State Water Resources Control Board – Division of Drinking Water.
- **Remodeling** A physical change or operational change causing generation of an amount of FOG that exceeds the current amount of FOG discharged to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or creates a potential for SSOs to occur; or exceeding a cost of \$50,000 to a Food Service Establishment that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) a 30% increase in the net public seating area, or (4) any change in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

- **Sample Point** A location approved by the District, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.
- **Sampling Facilities** Structure(s) provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
- Sanitary Sewer The unauthorized discharge of wastewater from the District's designated sewer collection and conveyance facilities.
- Sewage Wastewater.

Sewer Facilities or System Any and all facilities used by the District for collecting, conveying, pumping, treating, recycling, reuse, transportation and/or disposing of wastewater or sludge.

Sewer Lateral A building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater piping connection between the building's wastewater facilities and a public sewer system.

Sludge Any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

- **Twenty-five percent** (25%) Rule Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
- **User** Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.

- Waste Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.
- ManifestThat receipt which is retained by the generator of wastes
for disposing recyclable wastes or liquid wastes as
required by the District.
- **Waste Minimization Practices** Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.
- Waste_hHauler Any person licensed to carry on or engage in vehicular transport of waste as part of, or incidental to, any business for that purpose.
- **Wastewater** The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
- Wastewater
Constituents and
CharacteristicsThe individual chemical, physical, bacteriological, and
other parameters, including volume and flow rate and
such other parameters that serve to define, classify or
measure the quality and quantity of wastewater.

§13200 <u>GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON</u> FATS, OILS, AND GREASE ("FOG") DISCHARGES

§13210 FOG DISCHARGE REQUIREMENT

No Food Service establishment shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by the Board or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the Food Service Establishment to the sewer system.

§13220 PROHIBITIONS

The following prohibitions shall apply to all Food Service Establishments:

- Installation of food grinders in the plumbing system of new constructions of Food Service Establishments shall be prohibited. Furthermore, all food grinders shall be removed from all existing Food Service Establishments within 180 days of the effective date of these Regulations, except when expressly allowed by the FOG Control Program Manager.
- Introduction of any additives into a Food Service Establishment's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance_is prohibited, unless a specific written authorization from the FOG Control Program Manager is obtained.
- 3. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- 4. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- 5. Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- 6. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- 7. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be waste_hauled periodically as part of the operation and maintenance requirements for grease interceptors.
- 8. Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the total operating depth of the grease interceptor is prohibited (25% Rule).
- 9. Discharge of any waste including FOG and solid materials removed from floormats and/or kitchen appliances directly to the sewer system is prohibited.

§13230 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

No person shall discharge, or cause to be discharged any wastewater from Food Service Establishments directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit pursuant to these Regulations.

§13240 KITCHEN BEST MANAGEMENT PRACTICES REQUIRED

All Food Services Establishments shall implement Kitchen Best Management Practices in <u>its-their</u> operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Kitchen Best Management Practices shall be specified in the permit. This may include kitchen practices and employee training that are essential in minimizing FOG discharge.

§13250 FOG PRETREATMENT REQUIRED

Food Service Establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of these Regulations, subject to the variance and waiver provisions of Section 1.613260. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

1. <u>New Construction of Food Service Establishments</u>

New construction of Food Service Establishments, including remodels or tenant improvements that change the classification of an establishment to a Food Service Establishment, shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

2. <u>Existing Food Service Establishments</u>

- A. For existing Food Service Establishments, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally stayed, that is, delayed in its implementation by the FOG Control Program Manager for a maximum period of three years from the effective date of these Regulations. Terms and conditions for application of a stay to a Food Service Establishment shall be set forth in the permit.
- B. Existing Food Service Establishments, which have caused or contributed to a grease-related blockage in the sewer system, or which have been determined to contribute significant FOG to the sewer system by the FOG Control Program Manager based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 days upon notification by the District.
- C. Existing Food Service Establishments or Food Service Establishments that change ownership, that undergo remodeling or a change in operations as defined in of the definitions section of these Regulations, shall be required to install a grease interceptor.

§13260 VARIANCE AND WAIVER OF GREASE INTERCEPTOR REQUIREMENT

1. Variance from Grease Interceptor Requirements

An existing Food Service Establishment may obtain a variance from the grease interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor. if the Food Service Establishment demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The determination to grant a variance will be made by the FOG Control Program Manager. The FOG Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- A. There is no adequate space for installation and/or maintenance of a grease interceptor.
- B. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- C. The Food Service Establishment can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the Food Service Establishment must be ablemay be required to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

2. <u>Conditional Waiver from Installation of Grease Interceptor</u>

An existing Food Service Establishment may obtain a conditional waiver from installation of a grease interceptor, if the Food Service Establishment demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver from installation of grease interceptor may be granted, the Food Service Establishment may be required to provide space and plumbing segregation for future installation of grease interceptor. The FOG Control Program Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

A. Quantity of FOG discharge as measured or as indicated by the size of Food Service Establishment based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and

other conditions that may reasonably be shown to contribute to FOG discharges.

- B. Adequacy of implementation of Kitchen Best Management Practices and compliance history.
- C. Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the Food Service Establishment, and history of maintenance and sewage spills in the receiving sewer system.
- D. Changes in operations that significantly affect FOG discharge.
- E. Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

3. <u>Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation</u> <u>Charge</u>

For Food Service Establishments where the installation of a grease interceptor is not feasible and no equivalent alternative pretreatment technology can be employed, a waiver from the grease interceptor requirement may be granted with the imposition of a Grease Disposal Mitigation Charge as described in Section <u>1.813280</u>. Additional requirements may be imposed to mitigate the discharge of FOG into the sewer system. The FOG Control Program Manager's determination to grant the waiver with a Grease Disposal Mitigation Charge will be based upon, but not limited to, evaluation of the following conditions:

- A. There is no adequate space for installation and/or maintenance of a grease interceptor.
- B. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- C. A variance from grease interceptor installation to allow alternative pretreatment technology cannot be granted.

4. <u>Application for Waiver or Variance of Requirement for Grease Interceptor</u>

A Food Service Establishment may submit an application for waiver or variance from the grease interceptor requirement to the FOG Control Program Manager. The Food Service Establishment bears the burden of demonstrating, to the FOG Control Program Manager's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the FOG Control Program Manager that reasons are sufficient to justify a variance or waiver, the permit will be issued or revised to include the variance or waiver and relieve the Food Service Establishment from the requirement.

5. <u>Terms and conditions</u>

A variance or waiver shall contain terms and conditions that serve as basis for its issuance. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. The waiver or variance shall be valid so long as the Food Service Establishment remains in compliance with their terms and conditions until the expiration date specified in the variance or waiver.

§13270 <u>COMMERCIAL PROPERTIES</u>

Property owners of commercial properties containing multiple tenants on a single parcel, or their official designee(s), shall be responsible for the installation and maintenance of the grease interceptor serving multiple or individual Tenants. Property owners of commercial properties shall be responsible for all aspects of compliance with these Regulations.

Permits issued to FSEs that do not have an individual water meter shall also be issued to the property owner and property management company as co-permittees. Any subsequent enforcement actions that may be necessary to ensure compliance with these Regulations will be prosecuted jointly against the FSE and the property owner.

§13280 GREASE DISPOSAL MITIGATION CHARGE

Food Service Establishments that operate without a grease control interceptor, who have a waiver as described in Section 1.6C13260.3, may be required to pay an annual Grease Disposal Mitigation Charge to equitably cover the costs of increased maintenance of the sewer system as a result of the Food Service Establishments' inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow the new construction of, or existing Food Service Establishments undergoing remodeling or change in operations to operate without an approved grease interceptor unless the District has determined that it is impossible or impracticable to install or operate a grease control interceptor for the subject facility under the provisions of Section 132601.6 of these Regulations.

1. The Grease Disposal Mitigation Charge shall be established by resolution of the Board of Directors, and shall be based on the estimated cost, as determined by the General Manager, of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the Food Service Establishment resulting from the lack of a grease interceptor or grease control device.

- 2. The Grease Disposal Mitigation Charge may be waived or reduced on a no less than an annual basis when the discharger demonstrates to the reasonable satisfaction of the FOG Control Program Manager that they have used best management and waste minimization practices on a regular basis that has significantly and adequately reduced the introduction of FOG into the sewer system.
- 3. The Grease Disposal Mitigation Charge may not be waived or reduced when the Food Service Establishment does not comply with the minimum requirements of these Regulations and/or its discharge into the sewer system in the preceding 12 months has caused or created a potential to cause, alone or collectively, a sewer blockage or SSO in the sewer downstream, or surrounding the Food Service Establishment prior to the waiver request.

§13290 <u>SEWER SYSTEM OVERFLOWS, PUBLIC NUISANCE, ABATEMENT</u> ORDERS AND CLEANUP COSTS

Notwithstanding the three-year period established in Section 1.513250, Food Service Establishments found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a requirement to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by Food Service Establishments alone or collectively, are the responsibility of the private property owner and/or Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment. If the District must act immediately to contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a Food Service Establishment, or at the request of the property owner or operator of the Food Service Establishment, or because of the failure of the property owner or Food Service Establishment to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the District's costs for such abatement may be entirely borne by the property owner or operator of the Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment(s) and may constitute a debt to the District and become due and payable upon the District's request for reimbursement of such costs.

§13300 FOG WASTEWATER DISCHARGE PERMITS FOR FOOD SERVICE ESTABLISHMENTS

§13310 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

1. Food Service Establishments proposing to discharge or currently discharging wastewater into the District's sewer system shall obtain a FOG Wastewater Discharge Permit from the District.

2. FOG Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permits shall be enforced by the District in accordance with these Regulations and applicable State and Federal Regulations.

§13320 FOG WASTEWATER DISCHARGE PERMIT APPLICATION

- 1. Any FSE required to obtain a FOG Wastewater Discharge Permit shall complete and file with the District prior to commencing or continuing discharges, an application in a form prescribed by the District. The applicable fees shall accompany this application. The applicant shall submit, in units and terms appropriate for evaluation, the following information at a minimum:
 - A. Name, address, telephone number, assessor's parcel number(s), description of the Food Service Establishment, operation, cuisine, service activities, or clients using the applicant's services.
 - B. (Whichever is applicable) Name, address and telephone number of any and all principals/owners/major shareholders of the Food Service Establishment; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - C. Name, address and telephone number of property owner or lessor and the property manager where the Food Service Establishment is located.
 - D. Any other information as specified in the application form.
- 2. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- 3. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- 4. After evaluation of the data furnished, the District may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth in these Regulations and as otherwise determined by the FOG Control Program Manager to be appropriate to protect the District's sewer system.

§13330 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits:

- 1. Limits on discharge of FOG and other priority pollutants.
- 2. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
- 3. Grease interceptor maintenance frequency and schedule.
- 4. Requirements for implementation of Kitchen Best Management Practices and installation of adequate grease interceptor and/or grease control device.
- 5. Requirements for maintaining and reporting status of Kitchen Best Management Practices
- 6. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests.
- 7. Requirements to self-monitor.
- 8. Requirements for the Food Service Establishment to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
- 9. Additional requirements as otherwise determined to be reasonably appropriate by the FOG Control Program Manager to protect the District's system or as specified by other Regulatory Agencies.
- 10. Other terms and conditions, which may be reasonably applicable to ensure compliance with these Regulations.

§13340 FOG WASTEWATER DISCHARGE PERMIT FEE

A FOG Wastewater Discharge Permit Fee may be assessed. The FOG Wastewater Discharge Permit fee shall be paid by the applicant in an amount adopted by resolution of the Board of Directors of the District. Payment of the permit fee must be received by the District prior to issuance of the permit. A permittee shall also pay any delinquent invoices in full prior to permit renewal.

§13350 FOG WASTEWATER DISCHARGE PERMIT MODIFICATION OF TERMS AND CONDITIONS

- 1. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the FOG Control Program Manager during the life of the permit based on:
 - A. The discharger's current or anticipated operating data;
 - B. The District's current or anticipated operating data;
 - C. Changes in the requirements of Regulatory Agencies which affect the District; or
 - D. A determination by the FOG Control Program Manager that such modification is appropriate to further the objectives of these Regulations.
- 2. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The FOG Control Program Manager shall review the request, make a determination on the request, and respond in writing.
- 3. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§13340 NON-TRANSFERABILITY OF PERMITS

FOG Wastewater Discharge Permits issued under these Regulations are for a specific Food Service Establishment, for a specific operation and create no vested rights.

- 1. No permit holder shall assign, transfer, or sell any FOG Wastewater Discharge Permit issued under these Regulations nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- 2. Any permit that is transferred to a new owner or operator or to a new facility is void.

§13400 FACILITIES REQUIREMENTS

§13410 DRAWING SUBMITTAL REQUIREMENTS

Upon request by the District:

- 1. Food Service Establishments may be required to submit a minimum of two copies of facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the District for review of existing or proposed grease control devices, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the Food Service Establishments of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of these Regulations or any requirements of other Regulatory Agencies.
- 2. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- 3. Food Service Establishments may be required to submit a schematic drawing of the FOG control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report.
- 4. The District may require the drawings be prepared by a California Registered Civil, Chemical, Mechanical, or Electrical Engineer.

§13420 GREASE INTERCEPTOR REQUIREMENTS

- 1. All Food Service Establishments shall provide wastewater acceptable to the District, under the requirements and standards established herein before discharging to any public sewer. Any Food Service Establishment required to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of these Regulations.
- 2. Grease interceptor sizing and installation shall conform to the current edition of the California Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the FOG Control Program Manager and shall have a minimum of two compartments with fittings designed for grease retention.
- 3. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

4. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

§13430 GREASE TRAP REQUIREMENTS

- 1. Food Service Establishments may be required to install grease traps in the waste line leading from drains, sink, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- 2. Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code subject to approval by the FOG Control Program Manager.
- 3. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on a daily basis.
- 4. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
- 5. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- 6. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

§13440 MONITORING FACILITIES REQUIREMENTS

- 1. The District may require Food Service Establishments to construct and maintain in proper operating condition at the Food Service Establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- 2. The location of the monitoring or metering facilities shall be subject to approval by the FOG Control Program Manager.
- 3. Food Service Establishments may be required to provide immediate, clear, safe and uninterrupted access to the FOG Control Program Manager or inspectors to the Food Service Establishment's monitoring and metering facilities.

- 4. Food Service Establishments may also be required by the FOG Control Program Manager to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with these Regulations.
- 5. No Food Service Establishment shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with these Regulations and the FOG Wastewater Discharge Permit.

§13450 REQUIREMENTS FOR KITCHEN BEST MANAGEMENT PRACTICES

- 1. All Food Service Establishments shall implement Kitchen Best Management Practices in accordance with the requirements and guidelines established by the District under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- 2. All Food Service Establishments shall be required, at a minimum, to comply with the following Kitchen Best Management Practices, when applicable:
 - A. <u>Installation of drain screens.</u> Drain screens shall be installed on all drainage pipes in food preparation areas.
 - B. <u>Segregation and collection of waste cooking oil.</u> All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste_haulers or an approved recycling facility must be used to dispose of waste cooking oil.
 - C. <u>Disposal of food waste</u>. All food waste shall be disposed of directly into the trash or garbage, and not in sinks.
 - D. <u>Employee training.</u> Employees of the food service establishment shall be trained by ownership/management periodically as specified in the permit, on the following subjects:
 - 1. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 - 2. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

- 3. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
- 4. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the FOG Control Program Manager or a designated District inspector. Training records shall be retained for a minimum of three (3) years.

- E. <u>Maintenance of kitchen exhaust filters.</u> Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly.
- F. <u>Kitchen signage.</u> Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.
- G. <u>Maintenance of floormats and kitchen appliances.</u> The wastewater generated from floormat or kitchen appliance washing operations must be disposed of properly in compliance with these Regulations.

§13460 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

- 1. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- 2. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the FOG Control Program Manager pursuant to this section.
- 3. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- 4. Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.

- 5. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:
 - A. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 - B. All Food Service Establishments with a Grease Interceptor shall maintain their grease interceptor not less than every 6 months.
 - C. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in <u>Section 13460.5.A(1)</u> has not been established. The maintenance frequency shall be adjusted when sufficient data <u>havehas</u> been obtained to establish an average frequency based on the requirements described in (<u>1)Section 13460.5.A</u> and guidelines adopted pursuant to the FOG Control Program. The FOG Control Program Manager may change the maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG Control Program. Based on the actual generation of FOG from the Food Service Establishment, the maintenance frequency may increase or decrease.
 - D. The owner/operator of a Food Service Establishment may submit a request to the FOG Control Program Manager requesting a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in <u>Section 13460.5.A(1)</u>, and that it is in full compliance with the conditions of its permit and these Regulations. Upon determination by the FOG Control Program Manager that requested revision is justified, the permit shall be revised accordingly to reflect the change in maintenance frequency.
 - E. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in <u>Section 13460.5.A(1)</u>, the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the FOG Control Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency.

- 6. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off site properly by waste_haulers in accordance with federal, state and/or local laws. FSEs are required to obtain and maintain a copy of the waste_hauler's documentation which must include:
 - Name of Hauling Company
 - Name and Signature of Operator performing the pumpout
 - Documentation of full pumpout with volume of water and FOG removed (e.g. 1,500 gallons)
 - Documentation of the level of floating FOG and Settable Solids (to determine if volume exceeds 25% capacity of grease removal equipment)
 - Documentation if repairs to the Grease Interceptor are required
 - Identification of the facility where the waste_hauler is planning to dispose of the waste

§13500 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

§13510 MONITORING AND REPORTING CONDITIONS

- 1. <u>Monitoring for Compliance with Permit Conditions and Reporting Requirements</u>
 - A. The FOG Control Program Manager may require periodic reporting of the status of implementation of Kitchen Best Management Practices, in accordance with the FOG Control Program.
 - B. The FOG Control Program Manager may require visual monitoring at the sole expense of the Permittee to observe the actual conditions of the Food Service Establishment's sewer lateral and/or downstream sewer lines.
 - C. The FOG Control Program Manager may require reports for self-monitoring of wastewater constituents and FOG characteristics of the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or these Regulations. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the FOG Control Program Manager and shall be submitted upon request of the FOG Control Program Manager. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the FOG Control Program Manager constitutes a violation of these Regulations and may be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in these Regulations. The Permittee shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.

D. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the FOG Control Program Manager to ensure compliance with these Regulations.

2. <u>Record Keeping Requirements</u>

The Permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector.

These records may include:

- A. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
- B. A record of Kitchen Best Management Practices being implemented including employee training.
- C. Copies of records and manifests of waste_hauling interceptor contents.
- D. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
- E. Records of any spills and/or cleaning of the lateral or sewer system.
- F. Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with these Regulations.

3. Falsifying Information or Tampering with Process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under these Regulations.

§13520 INSPECTION AND SAMPLING CONDITIONS

1. The FOG Control Program Manager may inspect or order the inspection and sample the wastewater discharges of any Food Service Establishment to ascertain whether the intent of these Regulations is being met and the Permittee is complying with all requirements. The Permittee shall allow the District access to the Food Service Establishment premises, during normal business hours, for purposes of inspecting the Food Service Establishment's grease control devices

or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

- 2. The FOG Control Program Manager shall have the right to place or order the placement on the Food Service Establishment's property or other locations as determined by the FOG Control Program Manager, such devices as are necessary to conduct sampling or metering operations. Where a Food Service Establishment has security measures in force, the Permittee shall make necessary arrangements so that representatives of the District shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- 3. In order for the FOG Control Program Manager to determine the wastewater characteristics of the discharger for purposes of determining the permit fee and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the District all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal without restriction but subject to the confidentiality provision set forth in these Regulations. All such records shall be kept by the Permittee a minimum of three (3) years.

§13530 RIGHT OF ENTRY

Persons or occupants of premises where wastewater is created or discharged shall allow the FOG Control Program Manager, or District representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to District representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewer system. In the event of an emergency involving actual or imminent sanitary sewer overflow, District's representatives may access adjoining businesses or properties that share a sewer system with a Food Service Establishment in order to prevent or remediate an actual or imminent sanitary overflow.

§13540 NOTIFICATION OF SPILL

- 1. In the event a permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or these Regulations, the discharger shall immediately notify the District by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department, City or County, and the District.
- 2. Confirmation of this notification shall be made in writing to the FOG Control Program Manager at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the

date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

3. Such notification shall not relieve the Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by these Regulations or other applicable law.

§13550 NOTIFICATION OF PLANNED CHANGES

Permittee The Permittee shall notify the District at least 60 days in advance prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Permittee The Permittee shall notify the District in writing of the proposed expansion or remodeling and shall submit any information requested by the District for evaluation of the effect of such expansion on Permittee's FOG discharge to the sewer system.

§13600 ENFORCEMENT

§13605 PURPOSES AND SCOPE

- 1. The Board of Directors finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the District's sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the District's system by Food Service Establishments.
- 2. The District is willing to cooperate with all users on improvements in wastewater quality, yet must be in a position to ensure that uncooperative users shall comply with these Regulations and any conditions set forth in a wastewater discharge permit.
- 3. To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, the general policy of the District is that:
 - A. Any determination relating to a notice of violation and Compliance Schedule Agreement (CSA) will be made by the FOG Control Program Manager, with a right of appeal by the permittee to the General Manager pursuant to the procedures set forth in Section <u>5.1213660</u>.
 - B. A permittee, or applicant for a permit may request the Board of Directors of the District to hear an appeal of the General Manager's decision pursuant to Section 5.1313665. Such request may be granted or denied by the Board of Directors.

- C. Any permit suspension or revocation recommended by the FOG Control Program Manager will be heard and a recommendation made to the General Manager or other person designated by the General Manager with a right of appeal of the General Manager's order by the permittee to the Board of Directors pursuant to the provisions of Section <u>5.1313665</u>.
- 4. The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 5Section 13600 in response to any noncompliance with a permit condition or any violation of these Regulations.
- 5. Each non-compliance or violation per day and each day of noncompliance or violation shall be taken as a separate noncompliance or violation for determining the amount of fees, charges, fines or penalties and/or which enforcement actions may be taken.
- 6. The issuance or exercise of any type of an enforcement action provided for under these Regulations shall not be a bar against, or a prerequisite for, taking any other or additional enforcement action against a user under these Regulations or any other local, state or federal law.
- 7. All users have a right of appeal pursuant to the procedures set forth in these Regulations.

§13610 DETERMINATION OF NONCOMPLIANCE WITH FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

- 1. Inspection Procedures
 - A. Inspection of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the FOG Control Program Manager.
 - B. Noncompliance with Kitchen Best Management Practices, 25% Rule for grease interceptors, maintenance frequency requirements for grease interceptors, permit discharge conditions, or any discharge provisions of these Regulations may be determined by an inspection of the Food Service Establishment.
- 2. Sampling Procedures
 - A. Sampling of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District.
 - B. Non-compliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of these Regulations may be determined by an analysis of a grab or composite sample of the effluent

of a user. Non-compliance with mass emission rate limits shall be determined by an analysis of a composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.

- C. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.
- 3. Notice of Noncompliance (NON)
 - A. In the event that it is determined that a user is in noncompliance with any provision of these Regulations, or the terms, conditions and limitations of its FOG Wastewater Discharge Permit, the District may issue a NON, whereby the user shall comply with all directives, conditions and requirements therein within the time prescribed.
 - B. The issuance of a NON may contain terms and conditions including, but not limited to, installation of grease control devices or a grease interceptor, submittal of drawings or technical reports, payment of fees or administrative fines, limits on rate and time of discharge or any other provisions to ensure compliance with these Regulations and the user's FOG Wastewater Discharge Permit.
- 4. Noncompliance Charges

Any permittee determined to be in noncompliance with the terms and conditions specified in its permit or with any provision of these Regulations may pay a noncompliance charge. The purpose of the noncompliance charge is to compensate the District for estimated or actual costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections $\frac{5.1013650}{5.1013650}$ and $\frac{5.1113655}{5.1013650}$. Noncompliance charges shall be determined by the General Manager on a case-by-case basis.

§13615 NOTICE OF VIOLATION (NOV

1. In the event that it is determined that a user has not responded to a NON that was previously issued to them or that noncompliance of any FOG standards requires their immediate attention, the District may issue a NOV, whereby the user shall comply with all directives, conditions and requirements therein within the time prescribed.

2. The issuance of a NOV may contain terms and conditions including, but not limited to, installation of grease control devices or a grease interceptor, submittal of drawings or technical reports, payment of fees, administrative fines, limits on rate and time of discharge or any other provisions to ensure compliance with these Regulations.

§13620 <u>COMPLIANCE SCHEDULE AGREEMENT (CSA)</u>

- 1. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its permit or any provision of these Regulations, or needs to construct and/or acquire and install a grease control device or grease interceptor, the FOG Control Program Manager may require the permittee to enter into a CSA.
- 2. The issuance of a CSA may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with these Regulations.
- 3. The FOG Control Program Manager shall not enter into a CSA until such time as all amounts owed to the District, including user fees, noncompliance charges, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the FOG Control Program Manager.
- 4. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Control Program Manager may issue an order suspending or revoking the discharge permit pursuant to Section <u>5.513625</u> of these Regulations.

§13625 <u>PERMIT REVOCATION</u>

1. <u>Grounds</u>

The General Manager may revoke any permit when it is determined that a permittee:

- A. Knowingly provides a false statement, representation, record, report, or other document to the District.
- B. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, discharge compliance, or compliance with these Regulations.
- C. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.

- D. Fails to comply with the terms and conditions of a CSA.
- E. Discharges effluent to the District's sewer system while its permit is suspended.
- F. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- G. Does not make timely payment of all amounts owed to the District for user charges, permit fees, or any other fees imposed pursuant to these Regulations.
- H. Causes interference, sewer blockages, or SSOs with the District collection, treatment, or disposal system.
- I. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of the District's Regulations.
- J. Failed to report significant changes in operations or wastewater constituents.
- K. Failed to comply with the terms and conditions of any enforcement action.

2. <u>Notice</u>

When the FOG Control Program Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

3. <u>Hearing</u>

- A. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
- B. If the General Manager designates a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

C. Upon receipt of the written report by the hearing officer, or conclusion of the hearing, if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for revocation of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the General Manager determines not to revoke the permit, he/she may order other enforcement actions under terms and conditions that he/she deems appropriate.

4. <u>Effect</u>

- A. Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any wastewater directly or indirectly to the District's system. All costs for physical termination shall be paid by the permittee.
- B. Any owner or responsible management employee or assignee of the permittee shall be bound by the order of revocation.
- C. Any future application for a permit at any location within the District by any person associated with an order of revocation will be considered by the District after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
- D. An order of permit revocation issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Board of Directors pursuant to Section <u>5.1313665</u> no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

§13630 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

 Any person who discharges any waste which causes or contributes to any sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the District's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the District to resume normal operations. A service charge of twenty-five percent (2540%) of District's costs shall be added to the costs and charges to reimburse the District for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by the District. 2. Any person who discharges a waste which causes or contributes to the District violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

§13635 PUBLIC NUISANCE

- 1. Discharge of wastewater in any manner in violation of these Regulations or of any order issued by the FOG Control Program Manager or General Manager, as authorized by these Regulations, is hereby declared a public nuisance and shall be corrected or abated as directed by the FOG Control Program Manager or General Manager.
- 2. Any person creating a public nuisance is guilty of a misdemeanor and is subject to the criminal penalties identified in Section <u>5.1113655</u> of these Regulations.

§13640 TERMINATION OF SERVICE

- 1. The District, by order of the General Manager, may physically terminate sewer service to any property as follows:
 - A. On an order of revocation of a permit; or
 - B. Upon the failure of a person not holding a valid FOG Wastewater Discharge Permit to immediately cease the discharge, whether direct or indirect, to the District's sewer facilities after the notice and process in Section <u>5.513625</u> herein.
- 2. All costs for physical termination as well as all costs for reinstating service shall be paid by the owner or operator of the Food Service Establishment or permittee.

§13645 <u>EMERGENCY SUSPENSION ORDER</u>

- 1. The District may, by order of the General Manager, suspend sewer service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the District's sewer facilities, or may cause the District to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.
- 2. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) business days following the issuance of such order, the General Manager shall hold a hearing to provide the

Food Service Establishment or Permittee the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the Food Service Establishment or its legal counsel/representative at that Food Service Establishment's business address. The decision of the General Manager following the hearing shall be final and not appealable to the Board, but may be subject to judicial review pursuant to Section <u>5.1613682</u>.

§13650 <u>CIVIL PENALTIES</u>

1. <u>Authority</u>

All users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

2. <u>Recovery of Fines or Penalties</u>

In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by the District, as caused by the discharge of any user of the District's system which is in violation of any provision of the District's Regulations or the user's permit, the District shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.

- 3. <u>Civil Liability</u>
 - A. Pursuant to the authority of California Government Code Sections 54739 -54740, any person who violates any provision of these Regulations; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs.

- B. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of these Regulations, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs.
- C. The General Counsel of the District, upon request of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to Federal and/or State legislative authorization.
- D. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recovered under this section for any violation for which liability is recovered under Section <u>5.1013650</u> of these Regulations.

4. <u>Administrative Civil Penalties</u>

- A. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint to any permittee, discharger or other person who violates:
 - 1. any provision of these Regulations;
 - 2. any permit condition, prohibition, or effluent limit; or
 - 3. any revocation or emergency suspension order.
- B. The administrative complaint shall be served by personal delivery or certified mail on the person and shall inform the person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's regulations, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager or his/her designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
- C. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.

- D. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- E. Upon receipt of the written report by the hearing officer, or conclusion of the hearing if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the person, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.
- F. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the General Manager or Board of Directors may assess a civil penalty against that person. In determining the amount of the civil penalty, the General Manager or Board of Directors may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
- G. Civil penalties may be assessed as follows:
 - 1. In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish required reports;
 - 2. In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the District;
 - 3. In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the District;
 - 4. In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District;
- H. An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the person unless an appeal and request for hearing is filed with the Board of Directors pursuant to Section <u>5.1313665</u> no later than the thirtieth (30th) day following such mailing. An order assessing

administrative civil penalties issued by the Board of Directors shall be final upon issuance.

- I. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the person at his/her/its business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- J. Any person aggrieved by a final order issued by the Board of Directors, after granting review of the order of the General Manager, may obtain review of the order of the Board of Directors in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board of Directors.
- K. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed shall constitute a debt to the District.
- L. No administrative civil penalties shall be recoverable for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

§13655 <u>CRIMINAL PENALTIES</u>

- 1. Any person who violates any provision of these Regulations is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than 6 months, or both.
- 2. Each violation and each day in which a violation occurs may constitute a new and separate violation of these Regulations and shall be subject to the penalties contained herein.

§13660 APPEALS TO THE GENERAL MANAGER

- 1. <u>General</u>
 - A. Any Food Service Establishment, permit applicant or permittee affected by any decision, action or determination made by the FOG Control Program Manager or notice of violation issued by any District inspector may file with the General Manager a written request for an appeal hearing.
 - B. The request must be received by the District within fifteen (15) days of mailing of notice of the decision, action, or determination of the FOG Control Program Manager to the appellant.

C. The request for hearing shall set forth in detail all facts supporting the appellant's request.

2. <u>Notice</u>

- A. The General Manager shall, within fifteen (15) days of receiving the request for appeal, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place.
- B. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant.
- C. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

3. <u>Hearing</u>

- A. At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the FOG Control Program Manager's decision, action or determination.
- B. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

4. <u>Written Determination</u>

- A. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the FOG Control Program Manager's original decision, action or determination.
- B. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee.
- C. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.
- D. The order of the General shall be final in all respects on the sixteenth (16th) day after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section <u>5.1313665</u>, no later than 5:00 p.m. on the fifteenth day following such mailing.

§13665 APPEALS TO THE BOARD OF DIRECTORS

1. <u>General</u>

- A. Any Food Service Establishment, permit applicant, or permittee adversely affected by a decision, action, or determination made by the General Manager may, prior to the date that the General Manager's order becomes final, file a written request for hearing before the Board of Directors accompanied by the appeal fee.
- B. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.
- C. The Board of Directors shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be within the sole discretion of the Board of Directors.
- D. A fee of one hundred dollars (\$100) shall accompany the written appeal which shall be refunded if the Board of Directors reverses or modifies the order of the General Manager. The appeal fee shall be refunded if the Board of Directors denies a hearing or reverses or modifies, in favor of the appellant, the order of the General Manager. The fee shall not be refunded if the Board of Directors denies the appeal.
- 2. <u>Notice</u>
 - A. No later than sixty (60) (15) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.
 - B. A hearing shall be held by the Board of Directors within sixty-five (65) days from the date of determination granting a hearing, unless a later date is agreed to by the appellant and the Board of Directors.
 - C. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

3. <u>Hearing</u>

- A. The appellant shall have the opportunity to present information supporting its position concerning the General Manager's determination.
- B. The hearing shall be conducted in accordance with procedures established by the Board and approved by the District's General Counsel.

4. <u>Written Determination</u>

- A. After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.
- B. The decision of the Board of Directors shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions.
- C. The written decision and order of the Board of Directors shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.
- D. The order of the Board of Directors shall be final upon its adoption. In the event the Board of Directors fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

§13670 PAYMENT OF CHARGES

- 1. Except as otherwise provided, all fees, charges and penalties established by these Regulations are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.
- 2. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - A. Forty-six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - B. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- 3. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings.
- 4. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date.
- 5. Payment of disputed charges is still required by the due date during District review of any appeal submitted by permittees.

6. <u>Collection of Delinquent Accounts</u>

Collection of delinquent accounts shall be in accordance with the District's policy resolution establishing procedures for collection of delinquent obligations owed to the District, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of these Regulations.

§13675 FINANCIAL SECURITY / AMENDMENTS TO PERMIT

1. Delinquent Accounts

The District may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by the District, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by the Permittee.

2. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court-ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

3. <u>Security</u>

An amendment to a waste discharge permit issued, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District and shall not be used by the District to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

4. <u>Return of Security</u>

In the event the Permittee makes payment in full within the time prescribed by these Regulations of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit, the District shall either return the security deposit posted by the Permittee or credit their account.

§13680 JUDICIAL REVIEW

1. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, the District hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

2. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- A. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- B. Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the District's officers, agents, or employees, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its officers, agents or employees, all written evidence, and any other papers in the case.

3. <u>Time Limit for Judicial Review</u>

Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

5. <u>Preparation of Records</u>

The complete record of the proceedings shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

6. <u>Extension</u>

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

7. <u>Notice</u>

In making a final decision, the District shall provide notice to the party that Section 1094.6 of the Code of Civil Procedure governs the time within which judicial review must be sought.

8. Notwithstanding the foregoing in this Section <u>5.1613680</u>, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board of Directors imposing administrative civil penalties pursuant to Section <u>5.10.D13650.4</u> may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the Board of Directors becomes final.

§13685 <u>RECOVERY OF ENFORCEMENT COSTS</u>

In the event a user fails to comply with any of the terms and conditions of this ordinance, wastewater discharge permit, administrative order, wastewater discharge permit suspension or revocation, or any other enforcement action, the District shall be entitled to reasonable attorney's fees and costs which may be incurred during enforcement of any terms and conditions with or without filing proceedings in court.

§13700 <u>SEVERABILITY</u>

If any section, subsection, subdivision, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of these entire Regulations or any of the remaining portions hereof. The Board of Directors hereby declares that it would have passed these Regulations, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sees, clauses or phrases be declared unconstitutional or otherwise invalid.

§13800 CALIFORNIA BUILDING STANDARDS LAW FINDINGS

Pursuant to the provisions of the California Building Standards Law, California Health and Safety Code §§ 18941.5, 17958, 17958.5 and 17958.7, the Board hereby finds that the amendments to the State Building Standards and Housing Laws, more particularly the California Plumbing Code, adopted herein are necessary because of climatic, geological or topographical conditions of property in the District's jurisdiction, and as more specifically described below.

- 1. Articles 2 and 4<u>Sections 13300 and 13500</u> modify the authority and discretion of the "Administrative Authority" of Section 1014.1 of the 2001 California Plumbing Code by requiring all Food Service Establishments to install and operate a grease control device, which may be a grease interceptor or grease trap, if no other device, mechanism, or process is found to successfully trap or collect or treat FOG prior to it being discharged into the sewer system.
- 2. Article 4<u>Section 13500</u> modifies the general maintenance requirements for grease interceptors of Section 1014.6 of the 2001 California Plumbing Code and establishes more specific maintenance requirements.

FINDINGS FOR "A(1)" AND "(2)B": The District's topography and geography that has created the Santa Ana Watershed and the District's proximity to the Pacific Ocean coupled with the general waste discharge requirements imposed by the RWQCB require the strict compliance with grease control device regulations to prevent sewer system overflows that threaten the health and safety of the public within the immediate vicinity of the overflow and downstream to the local beaches.

3. ADMINISTRATIVE-PROCEDURAL AMENDMENTS.

Additional amendments and deletions to the California Plumbing Code are found to be administrative or procedural and are found to be reasonable and necessary to safeguard life and property within the District.



STAFF REPORT

То:	Board of Directors	Meeting Date: June 26, 2025
From:	Judy Cimorell, Director of Human Resources	
Subject:	Second Amendment to the El Toro Water District Retirement Savings Plan (401(k) Plan)	

PURPOSE

This staff report provides a summary and explanation of the key provisions included in the Second Amendment to the El Toro Water District Retirement Savings Plan ("401(k) Plan"). The changes are primarily in response to federal legislative mandates arising from the Setting Every Community Up for Retirement Enhancement (SECURE) Act and its successor, the SECURE 2.0 Act of 2022.

The amendments to the Retirement Savings Plan document are designed to ensure continued compliance with federal retirement legislation while offering enhanced distribution flexibility and improved retirement planning options for participants. The changes to the Plan document are summarized as follows.

1. Increase in Required Minimum Distribution (RMD) Age

As of January 1, 2023, the age at which participants must begin taking RMDs increased in accordance with SECURE 2.0 guidelines. This change enables individuals to retain assets in their retirement accounts longer, potentially enhancing retirement security. Amendment Paragraph 1 defines the required language change.

2. Spousal RMD Option

Beginning January 1, 2025, surviving spouses may be treated as the participant for purposes of calculating RMDs. This rule offers surviving spouses greater flexibility and potentially reduced RMD obligations. Amendment Paragraph 2 modifies the language as necessary to facilitate this option.

Second Amendment to the El Toro Water District Retirement Savings Plan (401(k) Plan) Page 2

3. Increase in Dollar Limit for Mandatory Distributions

The threshold for mandatory cash-out distributions will increase from \$5,000 to \$7,000, effective July 1, 2025. This adjustment, defined in Amendment Paragraph 3 and Paragraphs 5 through 8, aligns with inflationary pressures and reduces the number of small accounts the plan must manage, easing administrative burdens.

4. Hardship Withdrawal Self-Certification

Effective July 1, 2025, plan participants will be allowed to self-certify their eligibility for a hardship distribution. This optional change, defined in Amendment Paragraph 4, significantly simplifies the withdrawal process by reducing administrative documentation requirements while still adhering to hardship criteria under the plan.

5. Repayments of Qualified Birth or Adoption Distributions

SECURE 2.0 provided an option for birth or adoption distributions of up to \$5,000, and stipulates that any repayments must be completed within three years of the distribution date. Amendment Paragraph 9 adds the new Qualified Birth or Adoption Distribution language. The repayment option supports participants who wish to replenish their retirement savings after taking such a distribution.

6. Qualified Disaster Recovery Distributions

A new distribution option effective July 1, 2025, permits participants to withdraw up to \$22,000 in the event of a federally declared qualified disaster. These distributions are exempt from the 10% early withdrawal penalty and are eligible for tax-free repayment over a three-year period. This provides immediate financial relief for affected participants while preserving long-term retirement savings through repayment flexibility. Amendment Paragraph 10 adds language to the Plan regarding the Qualified Disaster Recovery Distribution.

7. Distributions for Terminally III Participants

Effective July 1, 2025, participants certified as terminally ill (expected death within 84 months) by a physician will be eligible to take distributions that are not subject to the 10% early withdrawal penalty. This addition offers compassionate access to funds in critically serious medical circumstances. Amendment Paragraph 11 adds language to the Plan regarding the Terminal Illness Distribution.

Second Amendment to the El Toro Water District Retirement Savings Plan (401(k) Plan) Page 3

8. Roth Contribution Account Requirement

The Internal Revenue Service limits the amount individuals can contribute to their retirement plans to \$23,500 in 2025. Individuals aged 50 and over are allowed a "catch-up contribution" that permits up to an additional \$7,500 contribution to their retirement plans in 2025. These limits apply separately to the ETWD 401(k) and 457 Plans.

Under a change made in SECURE 2.0, a higher catch-up contribution limit applies for employees aged 60, 61, 62 and 63 who participate in these plans. For 2025, this higher catch-up contribution limit is \$11,250 instead of \$7,500.

Effective January 1, 2026, all catch-up contributions will be subject to a significant new requirement for certain highly compensated employees.

- Participants who earn more than \$145,000 in wages in the prior calendar year will be required to make catch-up contributions exclusively on a roth (after-tax) basis.
- Pre-tax catch-up contributions will no longer be allowed for these participants under federal law.

Beginning January 1, 2026, the District will introduce a separate Roth Contribution Account within the 401(k) Retirement Savings Plan. These contributions will be made on an after-tax basis, however qualified withdrawals will be tax-free.

Amendment paragraphs 12 – 16 update the Plan definitions to reflect references to both Roth and distinctions to pre-tax deferrals.

Amendment paragraphs 17 – 18 add references to both Roth Contributions and Pre-Tax Elective Deferrals.

Amendment Paragraph 19 adds language to define the requirement that all catch-up contributions made by Participants who earn more than \$145,000 per year will be required to be made on a Roth (after-tax) basis.

Amendment paragraphs 20 – 26 add references to both Roth Contributions and Pre-Tax Elective Deferrals.

Second Amendment to the El Toro Water District Retirement Savings Plan (401(k) Plan) Page 4

RECOMMENDATION

Staff recommend that the Board of Directors adopt Resolution No. 25-6-5 adopting the Second Amendment to the El Toro Water District Retirement Savings Plan.

RESOLUTION NO. 25-6-5

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE SECOND AMENDMENT TO EL TORO WATER DISTRICT RETIREMENT SAVINGS PLAN

RESOLUTION NO. 25-6-5

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE SECOND AMENDMENT TO EL TORO WATER DISTRICT RETIREMENT SAVINGS PLAN

WHEREAS, the El Toro Water District (the "Employer") sponsors the El Toro Water District Retirement Savings Plan, which was originally effective September 12, 1983; and

WHEREAS, the El Toro Water District Board adopted a Restatement of the Retirement Savings Plan on December 14, 2020; and

WHEREAS, the El Toro Water District Retirement Savings Plan was amended effective March 28, 2024; and

WHEREAS, the Employer deems it advisable to adopt the Second Amendment to the Retirement Savings Plan, effective July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the amending authority set forth in Section 15.1 of the Retirement Savings Plan, the Second Amendment to the El Toro Water District Retirement Savings Plan, as set forth and attached hereto as Exhibit A which is incorporated herein by reference, is adopted effective July 1, 2025; and

BE IT FURTHER RESOLVED, that the President and Secretary of the Employer are hereby authorized and directed to execute the Second Amendment to the Retirement Savings Plan for and on behalf of the Employer and to take such action as may be reasonably necessary to implement the Second Amendment to the Retirement Savings Plan.

ADOPTED, SIGNED AND APPROVED this 26th day of June 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> Mike Gaskins, President El Toro Water District and of the Board of Directors thereof

ATTEST:

DENNIS P. CAFFERTY, Secretary El Toro Water District and of the Board of Directors there of

EXHIBIT A

SECOND AMENDMENT

EL TORO WATER DISTRICT RETIREMENT SAVINGS PLAN

SECOND AMENDMENT TO EL TORO WATER DISTRICT RETIREMENT SAVINGS PLAN (Amended and Restated Effective as of December 14, 2020)

WHEREAS, El Toro Water District (the "Employer") sponsors the El Toro Water District Retirement Savings Plan (Amended and Restated Effective as of December 14, 2020) (the "Plan"); and

WHEREAS, the Employer, pursuant to Section 15.1 of the Plan, is authorized to amend the Plan at any time; and

WHEREAS, the Employer wishes to amend the Plan, effective as outlined below, to include various provisions required and allowed under the Setting Every Community Up for Retirement Enhancement Act ("SECURE Act"), and the Securing a Strong Retirement Act of 2022, passed as part of the Consolidated Appropriations Act of 2023 ("SECURE 2.0").

NOW, THEREFORE, pursuant to the authority in Section 15.1 of the Plan, the Employer hereby amends the Plan as follows:

1. Effective January 1, 2023, Section 11.2(A) under Article XI of the Plan is amended to read as follows:

"Required Beginning Date. The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's required beginning date, which shall be April 1 of the calendar year following the later of the calendar year in which the participant attains: (i) age 73 on or after January 1, 2023; (ii) age 72 before January 1, 2023; or (iii) age 70¹/₂ prior to January 1, 2020; or the calendar year in which the Participant separates from service with the Employer."

2. Effective January 1, 2025, Section 11.2(B)(i) under Article XI of the Plan is amended to read as follows:

"If the Participant's surviving spouse is the Participant's sole designated Beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained: (i) age 73 on or after January 1, 2023; (ii) age 72 before January 1, 2023; or (iii) age 70¹/₂ prior to January 1, 2020; if later."

3. Effective as of July 1, 2025, Section 7.1(B)(ii) of Article VII is amended to replace the reference to \$5,000 with \$7,000.

4. Effective as of July 1, 2025, the first paragraph of Section 7.1(C) under Article VII of the Plan is amended to read as follows:

"Hardship Distributions. Prior to January 1, 2019, distributions of Elective Deferrals (and earnings thereon accrued as of December 31, 1988) may be made to a Participant in the event of hardship. For the purposes of this Section, hardship is defined as an immediate and heavy financial need of the Employee where such Employee lacks other available resources. The Administrator may rely on a written certification by the Participant that (i) the Participant has suffered an immediate and heavy financial need, (ii) the distribution does not exceed the amount required to satisfy the financial need, and (iii) the Participant has no alternative means reasonably available to satisfy the financial need, and further provided that the Administrator does not have actual knowledge contrary to the Participant's certification. After January 1, 2019, hardship distributions may be made from all amounts in a Participant's Account, regardless of source."

5. Effective as of July 1, 2025, Section 7.2(A)(i) under Article VII of the Plan is amended to read as follows:

"Effective for Plan Years commencing on or after July 1, 2001, if the value of the Participant's vested interest in such Account or Accounts at the time of the distribution does not exceed \$5,000.00, the Administrator shall distribute, in one lump sum payment, the value of the entire vested interest in such Account or Accounts to the Participant without the Participant's consent and the nonvested portion of such Account or Account or Accounts, if any, will be treated as a forfeiture. Effective as of July 1, 2025, the reference to \$5,000 in this section is replaced with \$7,000."

6. Effective as of July 1, 2025, Section 7.2(B) under Article VII of the Plan is amended to read as follows:

"Notwithstanding any contrary provision of the Plan, in the event that a distribution is made from the Plan on or after July 1, 2007 of an amount of \$5,000 or less in accordance with the provisions of Subsection 7.2(A) above, if the Participant fails to elect to have such distribution either (i) paid directly to an eligible retirement plan specified by the Participant in a direct rollover, or (ii) receive the distribution directly, then the Administrator will pay the distribution in a direct rollover to an individual retirement plan designated by said Administrator. Effective as of July 1, 2025, the reference to \$5,000 in this section is replaced with \$7,000."

- 7. Effective as of July 1, 2025, Section 7.2 (C)(ii) under Article VII of the Plan is amended to replace the reference to \$5,000 with \$7,000.
- 8. Effective as of July 1, 2025, Section 7.4 under Article VII of the Plan is amended to replace the references to \$5,000 with \$7,000.

9. Effective July 1, 2025, a new Section 7.8 under Article VII of the Plan shall be added and shall read in its entirety as follows:

"7.8 Qualified Birth or Adoption Distribution

Notwithstanding any other provisions in the Plan, effective July 1, 2025, subject to the requirements of this Section 7.8, a Participant may request to withdraw a portion of his or her Account if the distribution meets the requirements of a Qualified Birth or Adoption Distribution, as follows:

- (A) A 'Qualified Birth or Adoption Distribution' means a distribution from the Plan to a Participant made during the one-year period beginning on the date on which a child of the Participant is born or which the legal adoption by the Participant of an eligible adoptee is finalized. An 'eligible adoptee' means any individual (other than a child of the Participant's spouse) who has not attained age 18 or is physically or mentally incapable of self-support (determined in the same manner as the determination of whether an individual is disabled under section 72(m)(7) of the Code).
- (B) The aggregate maximum amount of a Qualified Birth or Adoption Distribution which a Participant may withdraw from the Plan and any other plan maintained by the Employer shall not exceed \$5,000 (or if less, the Participant's vested Account balance) for each child born to, or eligible adoptee legally adopted by, the Participant (the 'Maximum QBOAD'). If the Participant and his or her spouse each have an Account under the Plan, both the Participant and the spouse can each withdraw the Maximum QBOAD for each child born to, or eligible adoptee legally adopted by, the Participant and his or her spouse.
- (C) A Participant who received a Qualified Birth or Adoption Distribution from the Plan and is otherwise eligible to make a Rollover Contribution to the Plan may, at any time during the three-year period beginning on the day after the date on which such distribution was received, make one or more contributions to the Plan in an aggregate amount not to exceed the amount of such Terminal Illness Distribution, in accordance with procedures established by the Administrator. Any such contributions shall be credited to the Participant's Rollover Account and treated in the same manner as Rollover Contributions under the Plan. Any repayments made pursuant to this subsection (c) shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of Code Sections 402(g) and 415.
- (D) The tax treatment, reporting, and administration for any such Qualified Birth or Adoption Distribution shall be determined by the Administrator or its delegate in accordance with the Securing a Strong Retirement Act of 2022, passed as part of the Consolidated Appropriations Act of 2023 ('SECURE 2.0'), Code Sections 72(t)(2)(H)(iii)(I), any guidance published by the Internal Revenue Service thereunder, and any procedures established by the Administrator."

- 10. Effective as of July 1, 2025, a new Section 7.9 under Article VII of the Plan shall be added and shall read in its entirety as follows:
 - "7.9 Qualified Disaster Recovery Distribution.

Notwithstanding any other provisions in the Plan, effective July 1, 2025, subject to the requirements of this Section 7.9, a Participant may request to withdraw a portion of his or her Account as a distribution in connection with a qualified federally declared disaster in accordance with Sections 72(t)(2)(M) and 72(t)(11) of the Code and any guidance issued thereunder by the Internal Revenue Service (a 'Qualified Disaster Distribution'), regardless of whether or not benefits are otherwise payable under the Plan, as follows:

- (A) The maximum amount a Participant may receive as a Qualified Disaster Distribution for any such qualified disaster in all taxable years is \$22,000, as determined in the aggregate, including all plans maintained by the Employer.
- (B) A Qualified Disaster Distribution means a distribution to a Participant on or after the incident period of a qualified disaster and before the date that is 180 days after the applicable date with respect to such disaster who has a principal place of abode during the incident period in the qualified disaster area and who has sustained an economic loss by reason of such qualified disaster (a 'Qualified Individual'). For this purpose, 'qualified disaster' means a major disaster declared by the President of the United States under § 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act after December 27, 2020, 'qualified disaster area' means the area with respect to which the major disaster was declared, 'incident period' means the period during which the disaster occurred as specified by the Federal Emergency Management Agency, and 'applicable date' means the latest of the first day of the incident period with respect to the qualified disaster or the date of the disaster declaration. A Participant requesting a Qualified Disaster Distribution may be required to submit evidence that supports the Participant's application for such distribution.
- (C) A Participant who received a Qualified Disaster Distribution from the Plan and is otherwise eligible to make a rollover contribution to the Plan may, at any time during the three-year period beginning on the day after the date on which such distribution was received, make one or more contributions to the Plan in an aggregate amount not to exceed the amount of such Qualified Disaster Distribution, in accordance with procedures established by the Administrator. Any such contributions shall be credited to the Participant's Rollover Account and treated in the same manner as rollover contributions under the Plan. Any repayments made pursuant to this subsection (c) shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of Sections 402(g) and 415 of the Code.

- (D) The tax treatment, reporting, and administration for any such Qualified Disaster Distribution shall be determined by the Administrator or its delegate in accordance with SECURE 2.0, Sections 72(t)(2)(M) and 72(t)(11) of the Code, any guidance published by the Internal Revenue Service thereunder, and any procedures established by the Administrator."
- 11. Effective July 1, 2025, a new Section 7.10 under Article VII of the Plan shall be added and shall read in its entirety as follows:

"7.10 Terminal Illness Distribution.

Notwithstanding any other provisions in the Plan, effective July 1, 2025, subject to the requirements of this Section 7.10, an Employee who is a Participant may request to withdraw a portion of his or her Account if the distribution meets the requirements of a Terminal Illness Distribution, as follows:

- (A) A 'Terminal Illness Distribution' is a distribution from the Plan to an Employee who is a Participant who is otherwise entitled to take a distribution from the Plan that is made on or after the date that the Participant provides the Administrator with certification from a physician that the Participant has an illness or physical condition which can reasonably be expected to result in death in 84 months or less after the date of the certification.
- (B) A Participant who received a Terminal Illness Distribution from the Plan and is otherwise eligible to make a Rollover Contribution to the Plan may, at any time during the three-year period beginning on the day after the date on which such distribution was received, make one or more contributions to the Plan in an aggregate amount not to exceed the amount of such Terminal Illness Distribution, in accordance with procedures established by the Administrator. Any such contributions shall be credited to the Participant's Rollover Account and treated in the same manner as Rollover Contributions under the Plan. Any repayments made pursuant to this subsection (c) shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of Code Sections 402(g) and 415.
- (C) The tax treatment, reporting, and administration for any such Terminal Illness Distribution shall be determined by the Administrator or its delegate in accordance with SECURE 2.0, Code Sections 72(t)(2)(L), any guidance published by the Internal Revenue Service thereunder, and any procedures established by the Administrator."

12. Effective January 1, 2026, the definition of "'Account" or "Accounts"" in Section 1.3 under Article I of the Plan is amended to read as follows:

"Account" or "Accounts" shall mean the records maintained by the Administrator to determine the value of each Participant's interest in the assets of the Plan and may refer to the Participant's Pre-Tax Elective Deferral Account, Matching Contribution Account, Regular Account, Rollover Account, or Roth Contribution Account, singularly or in any appropriate combination. All references to an Account or Accounts of a Participant shall also include any subaccount and sub-accounts established pursuant to Section 5.1."

13. Effective January 1, 2026, the definition of "Elective Deferrals" in Section 1.3 under Article I of the Plan is amended to read as follows:

"Elective Deferrals" shall mean any Employer contributions made to the Plan at the election of the Participant, in lieu of cash Compensation, and shall include contributions made pursuant to a salary reduction agreement or other deferral mechanism. Elective deferrals may be on a pre-tax or roth basis (as described in Code Section 402A). With respect to any taxable year, a Participant's Elective Deferral is the sum of all Employer contributions made on behalf of such Participant pursuant to an election to defer under any qualified CODA as described in Code Section 401(k), any simplified employee pension cash or deferred arrangement as described in Code Section 402(h)(1)(B), any eligible deferred compensation plan under Code Section 457, any plan as described under Code Section 501(c)(18), and any Employer contribution made on the behalf of a Participant for the purchase of an annuity."

14. Effective January 1, 2026, the definition of "Elective Deferral Account" in Section 1.3 under Article I of the Plan is amended to read as follows:

""**Pre-Tax Elective Deferral Account**" shall mean the separate account maintained by the Administrator for each Participant as required by Section 5.1 to which is credited pre-tax Elective Deferrals and earnings and losses of the Trust, attributable thereto."

15. Effective January 1, 2026, a new definition for "Roth Contribution Account" is added to Section 1.3 under Article I of the Plan to read as follows:

"Roth Contribution Account" shall mean the separate account maintained by the Administrator for each Participant as required by Section 5.1 to which is credited roth Elective Deferrals ("Roth Contributions") and earnings and losses of the Trust, attributable thereto."

- 16. Effective as of January 1, 2026, the definition of "Rollover Amount" in Section 1.3 under Article I of the Plan is amended to add a new subsection (v) to read as follows:
 - "(v) A designated roth account described in Code section 402A(b)(2)."

17. Effective January 1, 2026, Section 4.1(B) under Article IV of the Plan is amended to add a new sentence at the end thereof to read as follows:

"If a Participant with Excess Elective Deferrals had both Pre-Tax Elective Deferral Contributions and Roth Contributions during the Plan Year, the Excess Elective Deferrals distributed pursuant to this section shall consist first of the Participant's Roth Contributions."

18. Effective January 1, 2026, subsection (i) of Section 4.1(C) under Article IV of the Plan is amended to read as follows:

"(i) income or loss allocable to the Participant's Pre-Tax Elective Deferral Account for the calendar year multiplied by a fraction, the numerator of which is such Participant's Excess Elective Deferrals for the calendar year and the denominator is the Participant's Account balance attributable to Pre-Tax Elective Deferrals without regard to any income or loss occurring during such calendar; and"

19. Effective January 1, 2026, Section 4.1(E) under Article IV of the Plan is amended to add a new paragraph at the end thereof to read as follows:

"Beginning January 1, 2026, any Elective Deferrals that are age 50 catch-up contributions permitted under Code Section 414(v) must be on a roth basis if the Participant's wages (as defined in Code Section 3121(a)) for the prior calendar year were more than the wage limit in effect under Code Section 414(v)(7)(A) (\$145,000 and as adjusted for inflation after 2025). A Participant who elects to make age 50 catch-up contributions and who is required to make such age 50 catch-up contributions on a roth basis will be deemed to have irrevocably designated any age 50 catch-up contributions as roth."

20. Effective as of January 1, 2026, subsection (A) of Section 5.1 under Article V of the Plan is amended to read as follows:

"(A) The Administrator shall establish and maintain the following Accounts in the name of each Participant to the extent applicable:

- (i) Pre-Tax Elective Deferral Account;
- (ii) Matching Contribution Account;
- (iii) Regular Account;
- (iv) Rollover Account;
- (v) Roth Contribution Account; and
- (vi) Voluntary Contribution Account."
- 21. Effective as of January 1, 2026, subsection (A) of Section 5.4 under Article V of the Plan is amended to read as follows:

"(A) Elective Deferrals. The Administrator shall allocate to each Participant's Pre-Tax Elective Deferral Account and Roth Contribution Account the Elective Deferrals the Employer makes to the Trust on behalf of the Participant for the Plan Year."

22. Effective as of January 1, 2026, Section 6.1 under Article VI of the Plan is amended to read as follows:

"The Pre-Tax Elective Deferral Account, Matching Contribution Account, Regular Account, Rollover Account, Roth Contribution Account, and Voluntary Contribution Account, if any, shall be one hundred percent (100%) vested and non-forfeitable at all times."

- 23. Effective as of January 1, 2026, the first paragraph of Section 7.1(A) of Article VII is amended to read as follows:
 - "(A) Settlement Options. Subject to the provisions hereof, the Administrator shall direct the Trustee to distribute the net credit balances in a Participant's Pre-Tax Elective Deferral Account, Matching Contribution Account, Regular Account, Rollover Account, Roth Contribution Account, and Voluntary Contribution Account, if any, to or for the benefit of such Participant in any one or a combination of the following methods:"
- 24. Effective as of January 1, 2026, Section 7.1(B)(ii) of Article VII is amended to read as follows:

"If the value of the Pre-Tax Elective Deferral Account, Matching Contribution Account, Regular Account, Roth Contribution Account, and Voluntary Contribution Account is in excess of \$7,000, the failure of a Participant to affirmatively agree in writing to receive a benefit distribution while a benefit is immediately distributable, within the meaning of Section 7.3, shall be deemed to be an election to defer commencement of payment of any benefit sufficient to satisfy this paragraph."

25. Effective as of January 1, 2026, the first paragraph of Section 7.1(B)(iv) of Article VII is amended to read as follows:

"Distribution Events. Except as otherwise provided in the Plan, Pre-Tax Elective Deferral Account, Matching Contribution Account, Roth Contribution Account, and Regular Account are not distributable to a Participant or their Beneficiary earlier than upon severance from employment, death, or Total and Permanent Disability; provided, however, such Accounts may also be distributed upon:

- (a) Termination of the Plan without the establishment of another defined contribution plan, or
- (b) The attainment of age 59 1/2.

Notwithstanding the foregoing, a Participant's Roth Contribution Account is subject to the distribution rules under Code Section 402A(d)."

- 26. Effective as of January 1, 2026, Section 7.2(A) under Article VII of the Plan is amended to read as follows:
 - (A) The following rules shall apply if the net credit balances in the Participant's Pre-Tax Elective Deferral Account, Matching Contribution Account, Regular Account, Roth Contribution Account, and Voluntary Contribution Account become distributable from the Plan:

IN WITNESS WHEREOF, the Employer has authorized the execution of this Second

Amendment, this ____ day of _____, 2025.

By: _____

Title: _____



STAFF REPORT

То:	Board of Directors	Meeting Date: June 26, 2025
From:	Judy Cimorell, Director of Human Resources	
Subject:	Third Amendment to the El Toro Water District Deferred Compensation Plan (457 Plan)	

PURPOSE

This staff report provides a summary and explanation of the key provisions included in the Third Amendment to the El Toro Water District Deferred Compensation Plan ("457 Plan"). The changes are primarily in response to federal legislative mandates arising from the Setting Every Community Up for Retirement Enhancement (SECURE) Act and its successor, the SECURE 2.0 Act of 2022.

The amendments to the Deferred Compensation Plan document are designed to ensure continued compliance with federal retirement legislation while offering enhanced distribution flexibility and improved retirement planning options for participants. The changes to the Plan document are summarized as follows.

1. Increase in Required Minimum Distribution (RMD) Age

As of January 1, 2023, the age at which participants must begin taking RMDs increased in accordance with SECURE 2.0 guidelines. This change enables individuals to retain assets in their retirement accounts longer, potentially enhancing retirement security. Amendment Paragraph 1 defines the required language change.

2. Elimination of "First Day of the Month" Requirement

Beginning July 1, 2025, the rigid requirement that deferral elections be made by the first day of the month is eliminated for 457(b) plans. Participants will be allowed to make deferral elections up to the date the compensation becomes available, offering greater flexibility in managing contributions. Amendment Paragraph 2 modifies the Plan language accordingly.

Third Amendment to the El Toro Water District Deferred Compensation Plan (457 Plan) Page 2

3. Increase in Dollar Limit for Mandatory Distributions

The threshold for mandatory cash-out distributions will increase from \$5,000 to \$7,000, effective July 1, 2025. This adjustment, defined in Amendment Paragraph 3, aligns with inflationary pressures and reduces the number of small accounts the plan must manage, easing administrative burdens.

4. Repayments of Qualified Birth or Adoption Distributions

SECURE 2.0 provided an option for birth or adoption distributions of up to \$5,000, and stipulates that any repayments must be completed within three years of the distribution date. Amendment Paragraph 4 adds the new Qualified Birth or Adoption Distribution language. The repayment option supports participants who wish to replenish their retirement savings after taking such a distribution.

5. Qualified Disaster Recovery Distributions

A new distribution option effective July 1, 2025, permits participants to withdraw up to \$22,000 in the event of a federally declared qualified disaster. These distributions are exempt from the 10% early withdrawal penalty and are eligible for tax-free repayment over a three-year period. This provides immediate financial relief for affected participants while preserving long-term retirement savings through repayment flexibility. Amendment Paragraph 5 adds language to the Plan regarding the Qualified Disaster Recovery Distribution.

6. Roth Contribution Account

The Internal Revenue Service limits the amount individuals can contribute to their retirement plans to \$23,500 in 2025. Individuals aged 50 and over are allowed a "catch-up contribution" that permits up to an additional \$7,500 contribution to their retirement plans in 2025. These limits apply separately to the ETWD 401(k) and 457 Plans.

Under a change made in SECURE 2.0, a higher catch-up contribution limit applies for employees aged 60, 61, 62 and 63 who participate in these plans. For 2025, this higher catch-up contribution limit is \$11,250 instead of \$7,500.

Effective January 1, 2026, all catch-up contributions will be subject to a significant new requirement for certain highly compensated employees.

- Participants who earn more than \$145,000 in wages in the prior calendar year will be required to make catch-up contributions exclusively on a roth (after-tax) basis.
- Pre-tax catch-up contributions will no longer be allowed for these participants under federal law.

Third Amendment to the El Toro Water District Deferred Compensation Plan (457 Plan) Page 3

Beginning January 1, 2026, the District will introduce a separate Roth Contribution Account within the 401(k) Retirement Savings Plan. These contributions will be made on an after-tax basis, however qualified withdrawals will be tax-free.

Amendment paragraph 6 adds reference to a Roth Contribution Account and provides a distinction to Pre-Tax Elective Deferral Accounts.

Amendment Paragraph 7 adds language to define the requirement that all catch-up contributions made by Participants who earn more than \$145,000 per year will be required to be made on a Roth (after-tax) basis.

Amendment paragraph 8 adds reference to a Roth Contribution Account.

RECOMMENDATION

Staff recommend that the Board of Directors adopt Resolution No. 25-6-6 adopting the Third Amendment to the El Toro Water District Deferred Compensation Plan.

RESOLUTION NO. 25-6-6

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE THIRD AMENDMENT TO EL TORO WATER DISTRICT DEFERRED COMPENSATION PLAN

RESOLUTION NO. 25-6-6

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT ADOPTING THE THIRD AMENDMENT TO EL TORO WATER DISTRICT DEFERRED COMPENSATION PLAN

WHEREAS, the El Toro Water District (the "Employer") sponsors the El Toro Water District Deferred Compensation Plan, which was originally effective July 31, 1980; and

WHEREAS, the El Toro Water District Board adopted a Restatement of the Deferred Compensation Plan on December 14, 2020; and

WHEREAS, the EI Toro Water District Board adopted the First Amendment to the Deferred Compensation Plan on March 28, 2024; and

WHEREAS, the El Toro Water District Board adopted the Second Amendment to the Deferred Compensation Plan on May 23, 2024; and

WHEREAS, the Employer deems it advisable to adopt the Third Amendment to the Deferred Compensation Plan, effective July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the amending authority set forth in Chapter 09-2 of the Deferred Compensation Plan, the Third Amendment to the El Toro Water District Deferred Compensation Plan, as set forth and attached hereto as Exhibit A which is incorporated herein by reference, is adopted effective July 1, 2025; and

BE IT FURTHER RESOLVED, that the President and Secretary of the Employer are hereby authorized and directed to execute the Third Amendment to the Deferred Compensation Plan for and on behalf of the Employer and to take such action as may be reasonably necessary to implement the amended the Third Amendment to the Deferred Compensation Plan.

ADOPTED, SIGNED AND APPROVED this 26th day of June 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> Mike Gaskins, President El Toro Water District and of the Board of Directors thereof

ATTEST:

EXHIBIT A:

THIRD AMENDMENT

EL TORO WATER DISTRICT DEFERRED COMPENSATION PLAN

THIRD AMENDMENT TO EL TORO WATER DISTRICT DEFERRED COMPENSATION PLAN (Amended and Restated Effective as of December 14, 2020)

WHEREAS, El Toro Water District (the "Employer") sponsors the El Toro Water District Deferred Compensation Plan (Amended and Restated Effective as of December 14, 2020) (the "Plan"); and

WHEREAS, the Employer, pursuant to Section 09-1 of the Plan, is authorized to amend the Plan at any time; and

WHEREAS, the Employer wishes to amend the Plan, effective as outlined below, to include various provisions required and allowed under the Setting Every Community Up for Retirement Enhancement Act ("SECURE Act"), and the Securing a Strong Retirement Act of 2022, passed as part of the Consolidated Appropriations Act of 2023 ("SECURE 2.0").

NOW, THEREFORE, pursuant to the authority in Section 09-1 of the Plan, the Employer hereby amends the Plan as follows:

1. Effective as of January 1, 2023, Section 05-3(1) under Chapter 05 of the Plan is amended to read as follows:

"(1) **Election Regarding Time of Payment.** The election regarding the time when payment will begin shall be made at any time which is not sooner than one of the following:

- (a) the calendar year in which the Participant attains: (i) age 73 on or after January 1, 2023; (ii) age 72 before January 1, 2023; or (iii) age 70¹/₂ prior to January 1, 2020;
- (b) when the Participant has a Separation from Service; or
- (c) when and to the extent of any unforeseen emergency as defined herein."
- 2. Effective as of July 1, 2025, Section 04-6 under Chapter 04 of the Plan is amended to read as follows:

"A Participant may modify their deferral or funding option(s) at any time (and with no limit as to the number of modifications in any calendar year) by completing a revised Participant Agreement and such modification shall become effective as soon as administratively feasible after such modification is filed with the Committee. Changes in the amount of deferral must equal at least ten dollars (\$10) or more per funding option per month. All Participation Agreements indicating changes in funding option(s) must be filed with the Committee no later than fifteen (15) days prior to the established pay date for which the change will occur. The Committee reserves the right to defer the effective date of any change."

- 3. Effective as of July 1, 2025, Section 05-5 under Chapter 05 of the Plan is amended to replace the reference to \$5,000 with \$7,000.
- 4. Effective July 1, 2025, a new Section 06-3 under Chapter 06 of the Plan shall be added and shall read in its entirety as follows:

"06-3 Qualified Birth or Adoption Distribution

Notwithstanding any other provisions in the Plan, effective July 1, 2025, subject to the requirements of this Section 06-03, a Participant may request to withdraw a portion of his or her Account if the distribution meets the requirements of a Qualified Birth or Adoption Distribution, as follows:

- (A) A 'Qualified Birth or Adoption Distribution' means a distribution from the Plan to a Participant made during the one-year period beginning on the date on which a child of the Participant is born or which the legal adoption by the Participant of an eligible adoptee is finalized. An 'eligible adoptee' means any individual (other than a child of the Participant's spouse) who has not attained age 18 or is physically or mentally incapable of self-support (determined in the same manner as the determination of whether an individual is disabled under section 72(m)(7) of the Code).
- (B) The aggregate maximum amount of a Qualified Birth or Adoption Distribution which a Participant may withdraw from the Plan and any other plan maintained by the Employer shall not exceed \$5,000 (or if less, the Participant's vested Account balance) for each child born to, or eligible adoptee legally adopted by, the Participant (the 'Maximum QBOAD'). If the Participant and his or her spouse each have an Account under the Plan, both the Participant and the spouse can each withdraw the Maximum QBOAD for each child born to, or eligible adoptee legally adopted by, the Participant and his or her spouse.
- (C) A Participant who received a Qualified Birth or Adoption from the Plan may, at any time during the three-year period beginning on the day after the date on which such distribution was received, make one or more contributions to the Plan in an aggregate amount not to exceed the amount of such Qualified Disaster Distribution, in accordance with procedures established by the Committee. Any repayments made pursuant to this subsection (c) shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of Section 457 of the Code.
- (D) The tax treatment, reporting, and administration for any such Qualified Birth or Adoption Distribution shall be determined by the Committee or its delegate in accordance with the Securing a Strong Retirement Act of 2022, passed as part of the Consolidated Appropriations Act of 2023 ('SECURE 2.0'), Code Sections 72(t)(2)(H)(iii)(I), any guidance published by the Internal Revenue Service thereunder, and any procedures established by the Committee."

5. Effective as of July 1, 2025, a new Section 06-4 under Chapter 06 of the Plan shall be added and shall read in its entirety as follows:

"06-4 Qualified Disaster Recovery Distribution.

Notwithstanding any other provisions in the Plan, effective July 1, 2025, subject to the requirements of this Section 06-4, a Participant may request to withdraw a portion of his or her Account as a distribution in connection with a qualified federally declared disaster in accordance with Code Sections 72(t)(2)(M) and 72(t)(11) and any guidance issued thereunder by the Internal Revenue Service (a 'Qualified Disaster Distribution'), regardless of whether or not benefits are otherwise payable under the Plan, as follows:

- (A) The maximum amount a Participant may receive as a Qualified Disaster Distribution for any such qualified disaster in all taxable years is \$22,000, as determined in the aggregate, including all plans maintained by the Employer;
- (B) A Qualified Disaster Distribution means a distribution to a Participant on or after the incident period of a qualified disaster and before the date that is 180 days after the applicable date with respect to such disaster who has a principal place of abode during the incident period in the qualified disaster area and who has sustained an economic loss by reason of such qualified disaster (a 'Qualified Individual'). For this purpose, 'qualified disaster' means a major disaster declared by the President of the United States under § 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act after December 27, 2020, 'qualified disaster area' means the area with respect to which the major disaster was declared, 'incident period' means the period during which the disaster occurred as specified by the Federal Emergency Management Agency, and 'applicable date' means the latest of the first day of the incident period with respect to the qualified disaster or the date of the disaster declaration. A Participant requesting a Qualified Disaster Distribution may be required to submit evidence that supports the Participant's application for such distribution.
- (C) A Participant who received a Qualified Disaster Distribution from the Plan may, at any time during the three-year period beginning on the day after the date on which such distribution was received, make one or more contributions to the Plan in an aggregate amount not to exceed the amount of such Qualified Disaster Distribution, in accordance with procedures established by the Committee. Any repayments made pursuant to this subsection (c) shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of Section 457 of the Code.

- (D) The tax treatment, reporting, and administration for any such Qualified Disaster Distribution shall be determined by the Committee or its delegate in accordance with SECURE 2.0, Code Sections 72(t)(2)(M) and 72(t)(11), any guidance published by the Internal Revenue Service thereunder, and any procedures established by the Committee."
- 6. Effective January 1, 2026, Section 04-1(2) under Chapter 04 of the Plan is amended to read as follows:

"In signing the Participation Agreement, the Participant elects to participate in this Plan and consents to the Plan Sponsor deferring the amount specified in the Participation Agreement from the Participant's gross Compensation for each pay period. The amount specified must equal at least ten dollars (\$10) per pay period and shall continue until changed or revoked pursuant to Chapter 04-6 or 04-7 of this Plan. Deferrals may be made on a pre-tax or roth basis (as described in Code Section 402A) ("Roth Contributions")."

7. Effective January 1, 2026, Section 04-3(2) under Chapter 04 of the Plan is amended to add a new paragraph at the end thereof to read as follows:

"Beginning January 1, 2026, any contributions that are age 50 catch-up contributions permitted under Code Section 414(v) must be on a roth basis if the Participant's wages (as defined in Code Section 3121(a)) for the prior calendar year were more than the wage limit in effect under Code Section 414(v)(7)(A) (145,000 and as adjusted for inflation after 2025). A Participant who elects to make age 50 catch-up contributions and who is required to make such age 50 catch-up contributions on a roth basis will be deemed to have irrevocably designated any age 50 catch-up contributions as roth."

8. Effective as of January 1,2026, Section 05-4 under Chapter 05 of the Plan is amended to read as follows:

"**Distribution of Accumulated Deferrals.** Each Participant's Accumulated Deferrals must be distributed or begin to be distributed no later than the Participant's Required Beginning Date in accordance with the provisions of Article XI of the Retirement Savings Plan.

Notwithstanding the foregoing, the Roth Contribution portion of a Participant's Accumulated Deferrals is subject to the distribution rules under Code Section 402A(d)."

IN WITNESS WHEREOF, the Employer has authorized the execution of this Third Amendment,

this _____ day of ______, 2025.

By: _____

Title: _____

GENERAL MANAGER'S REPORT

June 2025

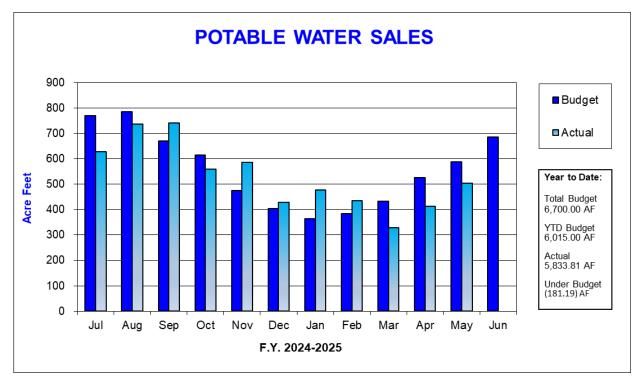
I. OFFICE OF THE GENERAL MANAGER

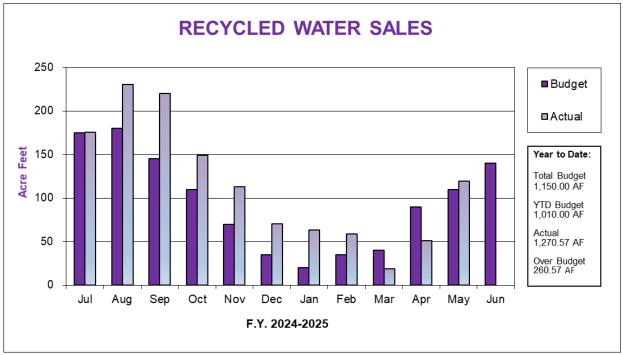
- MWDOC Board Meeting
- MWDOC P&O Committee Meeting
- MWDOC Managers Meeting
- MWDOC / MET Directors Workshop
- SOCWA Board Meeting
- SOCWA Finance Committee Meeting
- SOCWA Managers Meetings
- South Orange County Agencies Group Meeting
- Meeting with ACWA Executive Officer and Region 10 Regional Affairs Representative
- Meeting with Joone Lopez
- SCE Power Briefing Meeting
- Santa Fe Irrigation District Purchasing Module Demonstration
- Meeting with Springbrook Regarding Purchasing Module
- Meetings with Terra Verde Regarding Energy Efficiency Projects
- Meeting with ERISSA Counsel Regarding Retirement Plans
- ETWD Community Information Meetings Regarding 2025-26 Budget and Rates
- ETWD President / Vice President / GM Meeting
- ETWD Risk and Resilience Assessment Workshop
- ETWD RRC Meeting
- ETWD Agenda Review Meeting
- ETWD Special Board Meeting
- ETWD Regular Engineering & Finance Committee Meetings
- ETWD Regular Board Meeting

II. DOMESTIC AND RECYCLED WATER SALES

Actual domestic sales for the year-to-date as of May 31, 2025 are 5,833.81 acrefeet. This compares to year-to-date budgeted domestic sales of 6,015.00 acre-feet. The year-to-date variation in actual to budgeted sales reflects a decrease of 181.19 acre-feet. Actual sales are 646.22 acre-feet higher than last year-to-date actual sales for the same period.

Actual recycled sales for the year-to-date as of May 31, 2025 are 1,270.57 acrefeet. This compares to year-to-date budgeted recycled sales of 1,010.00 acre-feet. The year-to-date variation in actual to budgeted sales reflects an increase of 260.57 acre-feet. Actual sales are 303.69 acre-feet higher than last year-to-date actual sales for the same period.





Customer Service Activity Report

Regular Service Calls	MAY 2025	MAY 2024	Telephone Calls	MAY 2025	MAY 2024
Serviceman Dispatched to Read,			Change of Service:		
Connect/Disconnect Service	109	93	Connections and Disconnections	74	73
Field Investigations:			Billing / Payments & Graph Inquires	248	190
Check for leaks - calls to CS			Assistance with online payments and		
Office:(irrigation,meter,street leaks)			ETWD's portal (cc, e-checks, other.)	16	13
Customer Responsible	25	13			
District Responsible	5	5	Variance / Adjustment Inquiries	15	9
None found/other	40		Variance / Adjustment Requests	0	10
ligh Boodo Chooked High Consumption	16	4	Processed Ordinance Infraction / Water Waste	2	10
ligh Reads Checked - High Consumption Billing Dept.)			Complaints	0	0
Cust Leaks: 08 No Leaks: 13	21	32	Complaints	0	0
Check Stopped Slowed Meters-Low	21	52			
Consumption (Billing)	6	7	Outside Utility Districts	54	54
vonsumption (Binnig)	Ū	,	Phone calls Transfer to other	04	04
Re-Check Read	10	4	Departments within ETWD	53	48
Drdinance Infraction	0	0	Phone calls for the Board of Directors	1	0
Recycled Water	0	0	Recycled Water	0	Ő
Vater Quality: Taste / Odor / Color	2	3	Water Quality Taste - Odor - Color	2	2
Phone response: _1 Field response:_1	2	3	Leaks / Breaks	11	2 15
looding (Hydrant) Meters issued	1	2	Flooding Meter calls (Hydrant)	0	3
Sewer - Odor/Stoppage/ Manhole Covers	1	2	Sewer Problems (odor / spills)	4	1
Aeter Box: Lids / Covers Replaced	23	30		·	•
•			Backflow / Cross Connection (questions		
leter Box Clean, Digout	1	26	or yearly testing forms)	2	3
			ETWD facilities inquiries:		
Raised Meter Box			Boxes/Covers/Lids/Hydrants/Pump		
	0	2	Stations/Graffiti/ "Gen. Maint"	0	4
rim Bushes / Meter Obstruction	13	29			
anaral Maintananaa Daaraaraa			Tyco (ADT) Calls		
General Maintenance Response	4	4	(Alarms to ETWD facilities)	7	0
ire Hydrants: Hit / Leaks / Caps	0	1	ATT Calls (access to tower sites)	0	0
Pressure(psi) Checks / Reads	2	0	SCE Calls (access to tower sites)	1	0
CSSOV (Angle Meter/Ball Valve/Gate			Pager Calls specifically for Pump		
/alve/Globe Valve) chk,repair,replaced	9	10	Stations - SCADA	0	0
MS angle-meter-stop replace/repair	0	1			
ees Removed	3	4			
ackflow / Cross Connection	1	4	Payment Extensions	45	17
			Delinquent Payment Calls to Customer 's prior		
ogged Registers	36	3	to shut off per billing calendar (automatic	0	20
	30	3	courtesy dialer) Return Calls from customers left on our	0	36
MCOP: Old Meter Change - Out Program	2	0	voice mail system. Ext. 500	1	8
Other: (uncommon non-maintenance calls)	2 7	7	Email Correspondence:	50	о 37
	,	,	Maintenance Service Order Requests	00	51
n-Call After Hrs. CS Response	30	18	(bees, psi, fogged-dirty registers)	9	3
	00	10	Misc. (other: employment, deliveries,	v	0
Posting Notice & 24 Hr. Door Hangers Hung	194	93	sales calls)	25	29
			,	-	-
Shut Offs/Disconnect for Non-Payment (DNP)	35	15	Payment Processing Fee Complaints	0	0
			· · · · · · · · · · · · · · · · · · ·		
emoved Meter	0	0	Customers Complaints non bill related.	0	0
lew Meter	1	0	Billing Disputes	0	0
			bining Disputes	0	0
Inread Meters	2	9	- Total Tolophono Callo		5 40
Total Field Investigations	559	418	Total Telephone Calls	620	519
Incollectible Accounts:			Credit Card Payments	MAY 2024	MAY 2024
					A400 E40 4
Budget YTD	\$ 17,875.00	\$ 15,583.37	REGULAR	2,251 \$394,540.56	\$193,548.14



The Metropolitan Water District of Southern California's Water Supply Conditions Report (WSCR)

Water Year 2024-2025 As of: 06/04/2025

https://www.mwdh2o.com/WSCR



This report contains information from various federal, state, and local agencies. The Metropolitan Water District of Southern California cannot guarantee the accuracy or completeness of this information. Readers should refer to the relevant state, federal, and local agencies for additional or for the most up to date water supply information. Questions?Email: MFerreira at mwdh2o.com

WILL SERVE SUMMARY REPORT JUNE 2025

PROJECT NAME	PROJECT DESCRIPTION	Will Serve Letter Date	PHASE	CFF
The Village at Laguna Hills (Retail Phase)	Installation of various sized water, fire, and sewer services at the former mall site.	Forthcoming	Plan Check	Not Yet Calculated
The Village at Laguna Hills (Central Residential Phase)	Installation of various sized water, fire, and sewer services at the former mall site.	Forthcoming	Plan Check	Not Yet Calculated
The Village at Laguna Hills (Southern Residential Phase)	Installation of various sized water, fire, and sewer services at the former mall site.	Forthcoming	Plan Check	Not Yet Calculated
Laguna Hills Inn Fire Sprinkler Upgrade	Fire System upgrades including conversion of a fire hydrant to private and addition of a 6-inch DCDA	4/1/2022	Close-Out	\$ -
Indian Super Mart Kitchen	Addition of a kitchen.	Forthcoming	Plan Check	\$ 3,207
Parentis Health Sewermain Relocation	Relocating an existing sewermain.	4/28/2024	Plan Check	Not Yet Calculated
Whoop Axe Water Service Upgrade	Upgrade of existing water service.	4/23/2025	Plan Check	Not Yet Calculated
Central Utilities Plant 24451 Health Center Drive	Additional domestic and fire services for a medical central utility plant.	12/20/2024	Construction	\$ 21,856
24178 Me Spa Massage	Conversion of existing chiropractic office into a massage parlor.	Forthcoming	Plan Check	Not Yet Calculated
23272 & 23282 Mill Creek	Conversion of a vacuum repair into a restaurant	Forthcoming	Planning	Not Yet Calculated
23172 Plaza Pointe Dr and 23441 S Pointe Laguna Hills	Relocating an existing sewermain	Forthcoming	Planning	Not Yet Calculated
Calle Plata Womens Health & Primary Care	Conversion of an office building into a medical outpatient facility	Forthcoming	Plan Check	Not Yet Calculated
Laguna Woods Shell and Carwash	Removal of a DCDA and installation of a Blow Off Appurtenance	3/20/2025	Construction	-
Casa De Empanada	Conversion of a vacuum repair into a restaurant	Forthcoming	Planning	Not Yet Calculated
23370 Moulton Pkwy Sewer Improvements	Modifications to the sewer lateral	5/8/2025	Plan Check	-
Texas Roadhouse BBQ	Conversion of El Torito into Texas Roadhouse BBQ	Forthcoming	Planning	Not Yet Calculated
23161 Mill Creek	Residential development for 43 attached condo units	Forthcoming	Planning	Not Yet Calculated
American Tigers Taekwondo	Addition of a backflow device on a shared meter	Forthcoming	Planning	-
23642 Dune Mear ADU	Addition of a 3/4" service	Forthcoming	Planning	Not Yet Calculated
24043 Gemwood Dr ADU	Addition of a 3/4" service	6/10/2025	Plan Check	Not Yet Calculated
24362 El Toro Road Mobil Gas Station	Addition of a backflow device on a shared meter	Forthcoming	Planning	Not Yet Calculated



To: Board of Directors, *Municipal Water District of Orange County* **From:** Natural Resource Results **RE:** Monthly Board Report – May 2025

Appropriations

We are still awaiting the arrival of President Trump's FY26 budget request. It was originally expected in mid-May but now we are hearing mid-June. Even in the absence of a budget request, appropriators have set an ambitious timeline to complete the FY26 process, especially in the House. Subcommittee markups will begin next week, followed by full committee markups starting in late June, with a goal of passing all twelve bills through the House by the August recess.

Based on the limited detail provided by the Administration's FY26 "skinny budget," we know the Administration is proposing a significant cut to Reclamation and many of MWDOC's priority programs, such as WaterSMART, could get zeroed out in the budget. However, these proposed cuts will likely face some degree of bipartisan pushback in Congress.

Cabinet Nominations

Andrea Travnicek, President Trump's nominee to be the Assistant Secretary of Water and Science, was approved by the Senate Energy and Natural Resources Committee on May 8th and received bipartisan support. Her nomination has not been taken up by the full Senate, but we expect that to occur in the coming weeks.

Still no news on a Commissioner for the Bureau of Reclamation.

Kate MacGregor was confirmed by the Senate on May 14th to be Deputy Secretary of the Department of Interior.

Budget Reconciliation

On May 22nd, the House passed its version of "One Big, Beautiful Bill". Included in the bill was \$2 billion to increase storage capacity at existing Bureau of Reclamation owned surface storage facilities (this is intended to be for the Shasta raise). There is also \$500 million to increase conveyance capacity at Bureau of Reclamation owned canals and conveyance systems.

The bill now heads to the Senate where GOP Senators will make changes to it, including potentially cutting the storage and conveyance funding.



To:	MWDOC Workshop
From:	Syrus Devers
Date:	April 4th, 2025
Re:	State Legislative Report

Administrative Report

Although the Legislative Report typically comes first in this report, the main event of the last few weeks is the Newsom administration releasing proposed budget trailer bill language in support of the Delta Conveyance Project as part of the May Revise. Proposed budget trailer bill language from the administration has a number of unique aspects–let's cover those first.

What is a Budget Trailer Bill (BTB)? BTBs are legislative vehicles like SB's and AB's, but they are supposed to serve one specific purpose, which is to impose controls on how budget allocations will be spent. The Governor can "blue pencil" (strikeout) items in the Budget Bill, but not control language in BTBs. BTBs do not have to meet policy committee or other deadlines, and are not required to be heard in policy committees at all. For that reason, they are very attractive vehicles to slip in controversial policy matters late in the process. Policy issues unrelated to controlling budget allocations are routinely put into BTBs, objections to sidestepping the policy committee process are routinely raised, and the objections are routinely ignored.

What does it mean to lobby in support of a budget trailer bill language? The administration can propose trailer bill language, but only the Legislature can put the language into a bill or into the budget. This means Newsom has to negotiate with legislative leaders to get his language adopted and passed, and that means he has to give legislators (mostly leadership) something they want in return. Lobbyists, including yours truly, are dispatched to generate support for the Governor's proposed language to lower the political cost of getting the language adopted. Ultimately, however, the Governor has to make it a priority or it will not matter what the lobbyists do.

What's in the Delta Conveyance Project BTB? The four main issues covered in the language intended to reduce delay: 1) allow the Department of Water Resources (DWR) to negotiate directly with landowners for necessary easements without going through the eminent domain process, 2) moot the litigation over the DWR's authority to issue bonds for the DCP, 3) streamline some permitting processes by eliminating issues related to time limits on DWR's water rights, and 4) limiting the remedies available to a court in response to legal challenges. On that last point, specifically, a court would not be able to order construction to halt in the face of a legal challenge.

That is the "what" and the "why" of the BTB. Reporting on the "how", which is the lobbying campaign in support and what we're against, would be better left to the oral presentation.

Legislative Report

The dreaded Suspense File has come and gone, and the list of priority bills on the Bill Matrix is now a shadow of its former size. Before turning to the suspense file results, please recall what "2-year bill" means. A 2-year bill is dead for all practical purposes for the rest of this year. Depending on where the bill was held in the process, it will have a short window at the opening of the session next year to keep moving. The further a bill advanced before being stopped, the longer it has to move next year. Bills that were held in the first policy committee have a mere 30 days to move when session recovennes in 2026. (Almost never happens.) Bills held on suspense in the first fiscal committee have several more weeks to move next year before they are dead. (Happens sometimes.)

With that, here are the winners and losers from the priority bill list:

SB 601 (Allen): Oppose–This bill seeks to restore environmental protections to wetlands that are no longer protected under federal law following the U.S. Supreme Court ruling in 2023 in Sackett v. EPA. Prior to that case, a wetland could be protected under federal law even if there was no surface connection to a federally protected waterway, if damaging the wetland would impact the navigable waterway. The bill was **passed** off of suspense with a cryptic requirement to take an amendment to conform it to existing California law. This consultant is unable to explain what that means.

AB 514 (Petrie-Norris): Support–This bill would have enacted a definition of an emergency water supply. Although it is hard to see how this would impact general fund revenues, it was <u>held</u> on suspense nonetheless and is now a 2-year bill.

SB 496 (Hurtado): Support–This bill would clarify exemptions for Advanced Clean Fleet waiver requests, and provide a review process in the event of a denial. This bill was <u>held_on</u> suspense and is now a 2-year bill.

SB 72 (Caballero): Support–This bill is a reintroduction of the "Solve the Water Crisis" bill from last year. Redubbed "Water for All", the bill seeks to modify the California Water Plan to include discrete water supply goals and a process to meet them. To no one's surprise since the author chairs the Appropriations Committee, this bill was **passed** off the suspense file.

Not all priority bills are on this list because not every bill goes to the Appropriation Committee. "Non fiscal" bills avoid the entire process.

ACKERMAN CONSULTING

Item No. 1c

Legal and Regulatory

June 4, 2025

- 1. **Snowmelt Hastens:** The National Integrated Drought Information System, recently released a report on the drought conditions for the West. They examined snow telemetry and snow water equivalent values in determining the snow melt estimates for the western states. They studied the Columbia River Basin, the Colorado River Basin, and the Rio Grande basins, which include the states of Arizona, California, Colorado, Idaho, Montana. Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Snowfall in most of the regions has been about average. However, higher than normal temperatures and lack of follow-on rainfall are causing earlier than normal snow melt in practically all areas. As a result of these conditions, they are predicting that drought conditions are likely to persist in the majority of these basins. This brings with it enhanced fire risk for various parts of the West.
- 2. Yorba Linda WD Recognized: Yorba Linda Water District and the Orange County Water District have been recognized in a publication's newsletter. Governing's Daily newsletter have a feature story on PFAS efforts in Orange County. Yorba Linda has the largest PFAS treatment facility of its kind in the country. Their plant uses ion exchange to remove the PFAS and its effective rate is almost 100%. This process puts a negative charge on the PFAS matter, which is then separated by the positive charge in the beads which act as magnets to remove the PFAS. OCWD is recognized as being one of the leaders in PFAS treatment with the most aggressive treatment policy. They are also commended for the financial plan used to attack this problem.
- 3. **More Fluoride Ban:** Florida has now become the second state in the USA to ban fluoride in its water system. This measure prohibited local governments from adding fluoride and other additives to the water systems. Some local governments in Florida have voted to remove fluoride ahead of the Statewide ban. Many dental associations and public health advocates still claim that fluoride should be part of the water system. Other people believe that citizens should have a choice on what medication the government forces on them.
- 4. **Snow Temperatures:** MIT and others are studying the temperature of snow. Using experimental infrared devices, scientists are measuring the snow temperature from the top of the snow to the ground. They believe this will help water managers in determining the time and duration of snow melt. As we have seen in the articles above and prior articles, the predictions regarding snow melt is very important. Having better information as to when the snow will melt and at what rate can be critical in water management.
- 5. Cities Sinking: Studies in the 28 most populous cities in the United States have shown that all of them are sinking. Particular attention has been given to New York, Dallas, Seattle, Los Angeles, Las Vegas, San Francisco and Washington, DC. Groundwater depletion has been responsible for approximately 80% of the subsidence in these cities. Total impacted buildings are over 30,000 and approximately 34 million people. The most impacted city is Houston, which has over 40% of its area sinking at rates up to 1/5 of an inch per year. As is to be expected, the subsidence is not universal across an entire city, but is concentrated in certain areas. We are all aware of the

agricultural areas in California some of which have dropped nearly 30 feet. There are some places in Mexico City that are sinking at a rate of 20 inches over time. Roads and airports which cover long distances are also being impacted by this subsidence. New York's LaGuardia Airport is sinking 1/5 of an inch per year. This is also impacting levies around the US and in particular those on the East Coast. Attempting to recharge aquifers is one solution, but many of the areas have no solution.

- 6. Arrowhead Water Saga: The Arrowhead Water battle continues. There are currently three separate lawsuits going through the court system. A court has recently ruled in favor of Arrowhead and against California regulators who had ordered Arrowhead to stop using water. The court in this case stated that the State Water Resources Control Board went beyond the limits of its delegated authority. The other two cases involve the US Forest Service denial of a new permit to allow Arrowhead to continue. This case is continuing. The other case is by an environmental group who is suing the Forest Service to try and stop Arrowhead from taking water because of its negative environmental impact. You may recall that Arrowhead was formally owned by Blue Triton. Blue Triton has recently merged with Primo Water Corp to form a new company called Primo Brands Corp. It appears that private industry still thinks that Arrowhead Water has value.
- 7. SGMA Impacts: The Valley Ag Voice, a Central Valley agricultural publication, recently discussed a couple of aspects of the Sustainable Groundwater Management Act. The first article was based on research from CSU Water, a study involving 23 of the California State University campuses. They studied the participation of farmers in the Central Valley as far as awareness and effectiveness of the Act. While 90% of the farmers responding to the survey were aware of SGMA, approximately 1/3 thought they were poorly represented, 1/3 were neutral and 1/3 felt they were positively represented. The larger farmers with greater resources felt they were represented and more often than not had positive results. Smaller farmers felt left out of the process. 70% of the respondents felt that they would have a negative long term financial condition under the Act. The second article examined the value of farmland in the Central Valley. The overall result was a significant decline in the value of farmland property. This was caused by many factors including low commodity prices, high farming cost, high interest rates, SGMA, lender pressure, distressed sales, and bankruptcies. The type of crop a farmer grew was also a factor. Almonds, pistachios, and fruit seemed to do better than other products. Wine and table grapes took a significant hit.
- 8. Volcano Impact: The University of Auckland recently completed a study of the volcanic eruption in Tonga which occurred in 2022. The eruption occurred underwater and was a major event. The eruption had two major impacts. First, billions of tons of steam were put into the atmosphere in a single hour with the vapor reaching a height of 35 miles above the Earth. This had a result of cooling the southern hemisphere sphere and causing a range of other climate impacts which are still being discovered. The second impact was the release of sulfur dioxide into the ocean. This was the largest eruption occurring in our modern era. The long-term impacts of this eruption are still being studied by the University.
- 9. Lake Shasta Peaks: Lake Shasta was constructed in the 1940s and can hold approximately 4.5-million-acre feet of water. It is the largest California reservoir. During the drought years, its water level shrunk greatly and in 2022 the reservoir was at 40% of capacity. However, during the recent rainy years, Shasta has achieved full capacity. This

condition has not been hit in over 13 years. Our second largest reservoir, Lake Oroville, is also nearing capacity for the third year in a row.

- 10. **Moon Ice:** The University of Hawaii is providing new information regarding the ice status on the Moon. Water ice has previously been discovered in shaded regions of the Moon. The University has been using a Shadow Cam, which provides more precise identification and evaluation of this type of ice. This shadow Cam was recently placed in service on a Korean Lunar Pathfinder Orbiter. Certain areas on the moon are in permanent shadows, making it more difficult to evaluate. Another source of ice on the Moon is buried ice deposits near the Moon's poles. The University has been using natural occurring cosmic rays to study this type of ice. The ultra-high energy rays see into the moon. These radar waves bounce back off the ice and rock layers, which makes it easier to analyze.
- 11. **Himalayan Snow Low:** The Hindu Kush Himalayan range stretches from Afghanistan to Myanmar. It holds the largest amounts of ice and snow next to the Arctic and Antarctic in the world. It also holds the principal amount of water for nearly 2 billion people in the world. Presently, it is 24% below normal, which is its lowest condition in more than 23 years. This means there will be increased reliance on groundwater and increased drought risk in the future for that region.
- 12. **Salton Sea Wetlands:** The State is near completion of a \$200 million project which will create new wetlands along the shores of the Salton Sea. The intention is to control dust and provide additional habitat for birds and fish. This part of the plan will cover 4100 acres and the bulk of the construction has been completed. The state is proposing an additional \$245 million project to expand the total acreage to over 9000. This additional money will come from the federal government. The water for this project in Imperial County is coming from an adjacent supply called the East Pond. Time will tell if this project will reverse the severe decline of the Salton Sea and its environment.



Item No. 1d

June 4, 2025

TO:MWDOC Board of DirectorsFROM:Peter Whittingham

SUBJECT: June 2025 Report

A variety of noteworthy events occurred in the month of May - following is a few of the more interesting developments and issues of the month:

- Oliver Chi, who has served as Irvine's City Manager since 2021, will be leaving the City to become the new City Manager in the City of Santa Monica. Mr. Chi, who was the sixth City Manager in the city's history, has served previously as City Manager in the cities of Huntington Beach and Monrovia. He is currently scheduled to depart Irvine in mid-July.
- A majority of the Costa Mesa City Council voted to terminate the contract of City Manager Lori Ann Farrell Harrison, who had served in that capacity since 2019. In addition to Costa Mesa and Irvine, the cities of La Palma, Orange, and Placentia are also currently in the process of identifying and selecting a new City Manager.
- A motion by new Rancho Santa Margarita City Councilmember Keri Lyn Baert to investigate the costs and options related to livestreaming City Council meetings failed to receive a second at the Council's May 12 meeting. Rancho Santa Margarita and La Palma are the only two of the county's 34 cities that only offer audio of Council meetings. Five Orange County water districts do not currently provide video or audio livestream of their meetings – Moulton Niguel Water District, Mesa Water District, East Orange County Water District, Laguna Beach County Water District, and Emerald Bay Service District.
- Statistics released by the State Water Resources Control Board show Orange County water use in February of 2025 was up nearly 25 percent over the same month in 2023 and 2024. The increase in Orange County from an average of 61 gallons per day per resident to 75 gallons per day was consistent with increases in Los Angeles, San Bernardino, and Riverside Counties. The first four months of 2025 saw roughly half the rainfall of the two prior years, which fostered the increased outdoor water use.

- Former Irvine City Councilmember Tammy Kim pleaded not guilty to 11 criminal charges related to her residency during last November's mayoral election and the 5th District special election earlier this year. Prosecutors allege Kim perjured herself repeatedly by claiming she lived at multiple addresses in the city's fifth district while she was actually living elsewhere in the city. She is charged with three felony counts of perjury, three felony counts of filing false documents, and additional felonies, including aiding the illegal casting of votes, filing false nomination papers, and voter registration fraud.
- Global data analytics company J.D. Power awarded Irvine Ranch Water District with its top honor for Customer Satisfaction for the fourth consecutive year. Customers surveyed independently by J.D. Power rated IRWD the best midsize water utility in the Western United States. Nationwide, only eight water agencies earn that top honor, and IRWD received the highest customer reviews of any water agency in the nation.
- The City of Anaheim has received the first \$15 million payment from Disney for addressing affordable housing needs throughout the city. The payment, part of the \$100 million community benefits agreement associated with the DisneylandForward expansion project, will be matched by a similar payment in 2030.
- The City of Mission Viejo has paused development of the Los Osos Core project directly opposite the city's civic center. The City will conduct additional due diligence on the project, which includes a partnership with Santa Margarita Water District and its Oso Creek Water Reclamation Plant Improvement Project.

It is a pleasure to work with you and to represent the Municipal Water District of Orange County.

Sincerely,

It What I

Peter Whittingham

MWDOC Workshop

Prepared by SDA Government Relations April. 2025

A. High

AB 259 (Rubio, Blanca, D) Open meetings: local agencies: teleconferences.

Location: 05/14/2025 - Senate Local Government

Summary: The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these alternative teleconferencing provisions, including that specified circumstances apply. Current law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less. This bill would extend the alternative teleconferencing procedures until January 1, 2030. (Based on 04/21/2025 text)

Position: support Priority: A. High Notes: Support - March 5th Workshop

AB 523 (Irwin, D) Metropolitan water districts: proxy vote authorizations.

Location: 05/21/2025 - Senate Local Government

Summary: Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member public agency. This bill would, until January 1, 2030, authorize a representative of a member public agency that is entitled to designate or appoint only one representative to the board of directors to assign a proxy vote authorization to a representative of another member public agency to be exercised when the assigning representative is unable to attend a meeting or meetings of the board, as provided. The bill would require the proxy vote authorization to be memorialized by a written instrument, as specified. The bill would prohibit a proxy vote authorization from authorizing the assumption of the assigning representative's officer position at the designated meeting and would limit a proxy vote authorization's effectiveness to no more than 6 board meetings in a calendar year. (Based on 05/05/2025 text)

Position: B. Watch Priority: A. High

<u>AB 532</u> (Ransom, D) Water rate assistance program.

Calendar: 05/27/25 #338 A-SECOND READING FILE -- ASSEMBLY BILLS Location: 05/23/2025 - Assembly SECOND READING

Summary: Current federal law, the Consolidated Appropriations Act, 2021, among other things, requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income

households that pay a high proportion of household income for drinking water and wastewater services, as provided. Current law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the above-described federal law. The Low Income Household Water Assistance Program was only operative until March 31, 2024. This bill would repeal the above-described requirements related to the Low Income Household Water Assistance Program. (Based on 05/23/2025 text)

Position: B. Watch **Priority:** A. High

AB 580 (Wallis, R) Surface mining: Metropolitan Water District of Southern California.

Location: 05/23/2025 - Senate Rules

Summary: The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation of the surface mining operation. Current law authorizes the Metropolitan Water District of Southern California (MWD) to prepare a master reclamation plan, as provided, that identifies each individual surface mining operation in specified counties and satisfies all reclamation plan requirements for each individual surface mining site. Current law requires the State Mining and Geology Board to act as the lead agency for surface mining operations conducted by the MWD and authorizes the board to conduct an inspection of an individual surface mining operation once every 2 calendar years during a period when that individual surface mining operation is idle or the site has no mineral production. Current law requires the MWD to be the lead agency for any environmental review of the master reclamation plan. Existing law repeals the provisions authorizing the preparation and approval of the master reclamation plan for the MWD on January 1, 2026. This bill would extend the operation of those provisions until January 1, 2051. (Based on 03/26/2025 text)

Position: support Priority: A. High Notes: Support - March 5th Workshop

SB 31 (McNerney, D) Water quality: recycled water.

Calendar: 05/27/25 #259 S-SENATE BILLS -THIRD READING FILE

Location: 05/23/2025 - Senate THIRD READING

Summary: The Water Recycling Law generally provides for the use of recycled water. Existing law requires any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water in or on any waters of the state to immediately notify the appropriate regional water board. This bill would, for the purposes of the above provision, redefine "recycled water" and provide that water discharge d from a decorative body of water during storm events is not to be considered an unauthorized discharge if recycled water was used to restore levels due to evaporation. (Based on 05/12/2025 text)

Position: B. Watch Priority: A. High Notes: Sponsored by WateReuse

<u>SB 72</u> (Caballero, D) The California Water Plan: long-term supply targets.

Calendar: 05/27/25 #274 S-SENATE BILLS -THIRD READING FILE

Location: 05/23/2025 - Senate THIRD READING

Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan." Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling,

desalination, conjunctive use, and water transfers, that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to expand the membership of the advisory committee to include, among others, tribes, labor, and environmental justice interests. The bill would require the department, as part of the 2033 update to the plan, to update the interim planning target for 2050, as provided. The bill would require the target to consider the identified and future water needs for all beneficial uses, including, but not limited to, urban uses, agricultural uses, tribal uses, and the environment, and ensure safe drinking water for all Californians, among other things. The bill would require the plan to include specified components, including a discussion of the estimated costs, benefits, and impacts of any project type or action that is recommended by the department within the plan that could help achieve the water supply targets. (Based on 04/10/2025 text)

Position: support Priority: A. High Notes: Support position taken on 2/5

SB 394 (Allen, D) Water theft: fire hydrants.

Calendar: 05/27/25 #160 S-SENATE BILLS -THIRD READING FILE Location: 04/22/2025 - Senate THIRD READING

Summary: Current law authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts certain acts, including, diverting or causing to be diverted, utility services by any means whatsoever. Current law creates a rebuttable presumption that there is violation of these provisions if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, certain actions occur, including that there is an instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility. This bill would add to the list of acts for which a utility may bring a civil cause of action under these circumstances to include tampering with a fire hydrant, fire hydrant meter, or fire detector check, or diverting water, or causing water to be diverted, from a fire hydrant with knowledge of, or reason to believe, that the diversion or unauthorized connection existed at the time of use for nonfirefighting purposes or without authorization from the appropriate water system or fire department. (Based on 02/14/2025 text)

Position: support Priority: A. High Notes: Support - March 5th Workshop

<u>SB 601</u> (Allen, D) Water: waste discharge.

Calendar: 05/27/25 #78 S-SENATE BILLS - SECOND READING FILE

Location: 05/23/2025 - Senate SECOND READING

Summary: (1)Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (act) and the National Pollutant Discharge Elimination System (NPDES) permit program. Under the act, the State Water Resources Control Board is authorized to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of a conflict, those plans supersede regional water quality control plans for the same waters. This bill would delete the limitation on the state board's authorization, and instead would authorize the state board to adopt water quality control plans for any waters of the state, which would include nexus waters, which the bill would define as all waters of the state that are not also navigable, except as specified. The bill would require any water quality standard applicable to nexus waters, which was submitted to, and approved by, or is awaiting approval by, the United States Environmental Protection Agency or the state board as of January 19, 2025, to remain in effect, except where the state board. The bill would require the state board and regional boards to include nexus waters in all processes pursuant to the federal Clean Water Act, including, but not limited to, the

California Integrated Report and the establishment of total maximum daily loads, as specified. (Based on 05/23/2025 text)

Position: oppose Priority: A. High Notes: Oppose adopted May 7th.

B. Watch

AB 93 (Papan, D) Water resources: demands: data centers.

Calendar: 05/27/25 #30 A-SECOND READING FILE -- ASSEMBLY BILLS

Location: 05/23/2025 - Assembly SECOND READING

Summary: Would require the Department of Water Resources and the State Energy Resources Conservation and Development Commission to develop guidelines and best practices, as specified, to maximize the use of natural resources to address the developing and emerging needs of technology in California that are consistent with urban water use objectives, as provided, and specified federal law. (Based on 05/05/2025 text)

Position: B. Watch Priority: B. Watch

<u>AB 367 (Bennett, D)</u> Water: County of Ventura: fire suppression.

Calendar: 05/27/25 #327 A-SECOND READING FILE -- ASSEMBLY BILLS

Location: 05/23/2025 - Assembly SECOND READING

Summary: Would, beginning July 1, 2027, require a water supplier that supplies water that is used for the suppression of fire in either a high or very high fire hazard severity zone to more than 20 total residential dwellings in those zones in the County of Ventura to have access to sufficient backup energy sources to operate critical wells and water pumps needed to supply water for at least 24 hours for the purpose of fire suppression in those zones, as provided. The bill would require the Ventura County Fire Department to annually inspect critical wells, water pumps, and generators, as specified. The bill would require a water supplier to take various actions, including notifying the Ventura County Office of Emergency Services within 3 business days of any reduction in its water delivery capacity that could hinder firefighting operations or significantly delay the replenishment of reservoirs. The bill would require, if any fire damages and makes uninhabitable more than 10 residential dwellings within the service area of a water supplier, a report be made by the Ventura County Fire Department in cooperation with the water supplier, as specified. By levying new requirements on the Ventura County Fire Department, this bill would create a state-mandated local program. (Based on 05/23/2025 text)

Position: B. Watch Priority: B. Watch

AB 615 (Davies, R) Power facilities: emergency response and action plans.

Calendar: 05/27/25 #495 A-CONSENT CALENDAR 2ND DAY-ASSEMBLY BILLS Location: 05/21/2025 - Assembly CONSENT CALENDAR

Summary: Current law requires an application to be filed with the State Energy Resources Conservation and Development Commission for certification of a site and related facility which includes an electric transmission line or thermal powerplant, or both. Current law requires the application to contain, among other things, safety and reliability information, including planned provisions for emergency operations and shutdowns, as specified. Current law authorizes a person proposing an energy storage system to file an application for certification with the commission in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency, as provided. This bill would require that those applications also contain emergency response and action plans, to be paid for by the applicant, that incorporate impacts to the surrounding areas in the event of an emergency and that would be conducted and coordinated with local emergency management agencies, unified program agencies, and

local first response agencies. The bill would require that applications for an energy storage system also contain emergency response and action plans to be paid for by the applicant. (Based on 05/05/2025 text)

Position: B. Watch Priority: B. Watch

<u>AB 794</u> (Gabriel, D) California Safe Drinking Water Act: emergency regulations.

Calendar: 05/27/25 #159 A-SECOND READING FILE -- ASSEMBLY BILLS Location: 05/23/2025 - Assembly SECOND READING

Summary: The California Safe Drinking Water Act (state act) requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, enforcing the federal Safe Drinking Water Act (federal act) and adopting and enforcing regulations. Current law authorizes the state board to adopt as an emergency regulation, a regulation that is not more stringent than, and is not materially different in substance and effect than, the requirements of a regulation promulgated under the federal act, with a specified exception. This bill would provide that the authority of the state board to adopt an emergency regulation pursuant to these provisions includes the authority to adopt requirements of a specified federal regulation that was in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent. The bill would prohibit an emergency regulation adopted pursuant to these provisions from implementing less stringent drinking water standards, as provided, and would authorize the regulation to include monitoring requirements that are more stringent than the requirements of the federal regulation. The bill would prohibit maximum contaminant levels and compliance dates for maximum contaminant levels adopted as part of an emergency regulation from being more stringent than the maximum contaminant levels and compliance dates of a regulation promulgated pursuant to the federal act. (Based on 04/10/2025 text)

Position: B. Watch Priority: B. Watch

AB 1146 (Papan, D) Water infrastructure: dams and reservoirs: water release: false pretenses.

Calendar: 05/27/25 #236 A-SECOND READING FILE -- ASSEMBLY BILLS

Location: 05/23/2025 - Assembly SECOND READING

Summary: Would prohibit the release of stored water from a reservoir in this state if the release is done under false pretenses, which the bill would define to mean a release of water from a reservoir in a manner that is knowingly, designedly, and intentionally under any false or fraudulent representation as to the purpose and intended use of the water. The bill would authorize the State Water Resources Control Board to issue an interim relief order, as specified, to a reservoir operator to prohibit the release of stored water in violation of the above-described prohibition. The bill would authorize the board to commence an interim relief proceeding on its own motion. The bill would make any person who violates these provisions civilly liable in an amount not to exceed \$10,000 for each day in which the violation occurs. The bill would also require these penalties to apply to the United States to the extent authorized under federal law, as specified. (Based on 05/01/2025 text)

Position: B. Watch Priority: B. Watch

<u>AB 1413 (Papan, D)</u> Sustainable Groundwater Management Act: groundwater adjudication.

Calendar: 05/27/25 #472 A-THIRD READING FILE - ASSEMBLY BILLS

Location: 05/15/2025 - Assembly THIRD READING

Summary: The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Current law requires the department to periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to the act to evaluate whether a plan conforms with specified laws and is likely to achieve the sustainability goal for the basin covered by the plan. Existing law authorizes a groundwater sustainability agency that adopts a groundwater sustainability plan to file a court action to determine the validity of the plan no sooner than 180 days following the adoption of the

plan, as provided. This bill would instead authorize groundwater sustainability agencies to file those actions within 180 days following the adoption of the plan. (Based on 04/10/2025 text)

Position: B. Watch Priority: B. Watch

SB 224 (Hurtado, D) Department of Water Resources: water supply forecasting.

Calendar: 05/27/25 #22 S-SENATE BILLS - SECOND READING FILE Location: 05/23/2025 - Senate SECOND READING

Location: 05/23/2025 - Senate SECOND READING

Summary: Current law requires the Department of Water Resources to gather and correlate information and data pertinent to an annual forecast of seasonal water crop. Current law also requires the department to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan."This bill would require the department, on or before January 1, 2027, to adopt a new water supply forecasting model and procedures that better address the effects of climate change and implement a formal policy and procedures for documenting the department's operational plans and the department's rationale for its operating procedures, including the department's rationale for water releases from reservoirs. The bill would also require the department to establish, and publish on the department's internet website, the specific criteria that it will employ to determine when its updated water supply forecasting model has demonstrated sufficient predictive capability to be ready for use in each of the watersheds. The bill would require the department, on or before January 1, 2028, and annually thereafter, to prepare and submit to the Legislature a report on its progress toward implementing the new forecasting model and to post the report on the department's internet website. The bill would also require the department, on or before January 1, 2028, and annually thereafter, to prepare and submit to the Legislature a report that explains the rationale for the department's operating procedures specific to the previous water year. (Based on 05/23/2025 text)

Position: B. Watch **Priority:** B. Watch

SB 239 (Arreguín, D) Open meetings: teleconferencing: subsidiary body.

Calendar: 05/27/25 #194 S-SENATE BILLS -THIRD READING FILE

Location: 05/08/2025 - Senate THIRD READING

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as specified. Current law, until January 1, 2026, authorizes specified neighborhood city councils to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if, among other requirements, the city council has adopted an authorizing resolution and 2/3 of the neighborhood city council votes to use alternate teleconference provisions, as specified This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require the subsidiary body to post the agenda at each physical meeting location designated by the subsidiary body, as specified. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. (Based on 04/07/2025 text)

Position: B. Watch Priority: B. Watch

SB 614 (Stern, D) Carbon dioxide transport.

Calendar: 05/27/25 #380 S-SENATE BILLS -THIRD READING FILE Location: 05/23/2025 - Senate THIRD READING

Summary: Under the Elder California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous or highly volatile liquid substances. The act imposes various requirements in relation to the regulation of these intrastate pipelines. A person who willfully and knowingly violates the act or a regulation adopted pursuant to the act is, upon conviction, subject to a fine, imprisonment, or both a fine and imprisonment, as provided. This bill would expand the regulation of intrastate pipelines under the act to intrastate pipelines used for the transportation of carbon dioxide by revising the definition of "pipeline" for purposes of the act to also include intrastate pipelines used for the transportation of carbon dioxide. The bill would require the State Fire Marshal, by April 1, 2026, to adopt regulations to regulate the transportation of carbon dioxide by a pipeline, with safety standards that, at a minimum, meet the standards proposed by certain draft federal regulations proposed by the federal Pipeline and Hazardous Materials Safety Administration. The bill would require the regulations to require a project applicant to demonstrate that the transportation of carbon dioxide in a pipeline complies with certain state laws. The bill would require the regulations to require pipelines permitted to transport carbon dioxide to be newly constructed and not converted from existing pipelines. The bill would authorize the State Fire Marshal to require additional safety standards, as specified. The bill would authorize the State Fire Marshal to require an operator of a pipeline transporting carbon dioxide to cease operation of the pipeline if the operator is found to be in violation of the specified requirements or if continued pipeline operations present an immediate danger to the health, welfare, or the environment. Because a violation of the above provisions would be a crime, this bill would impose a state-mandated local program. (Based on 05/05/2025 text)

Position: B. Watch Priority: B. Watch

SB 742 (Pérez, D) Water systems and water districts.

Location: 02/21/2025 - Senate Rules

Summary: The California Water District Law provides for the establishment of water districts, and grants a district the power to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes. This bill would state the intent of the Legislature to enact subsequent legislation related to the regulation of water systems and water districts. (Based on 02/21/2025 text)

Position: B. Watch Priority: B. Watch

Total Measures: 18 Total Tracking Forms: 18

Bill Number and Author	Amended Date and Location	Title – Summary	Metropolitan Position	Effects on Metropolitan
AB 259 B. Rubio (D – Baldwin Park)	Amended in Assembly Local Government Committee on 4/10/2025.	Open meetings: local agencies: teleconferences. This bill eliminates the sunset on provisions added to the Brown Act by AB 2449, a bill that provided additional flexibility with Brown Act meeting	Support Based on 2025 Legislative	By removing the sunset on the Brown Act provisions, AB 259 preserves flexibility for Metropolitan and Member Agency board members to meet remotely and continue providing the public with essential services.
Sponsors: California Special Districts Association, Three Valleys Municipal Water District	Assembly Floor	procedures in the event of a board member's physical absence in connection with a "just cause" or "emergency circumstances," allowing those members to participate in the meeting remotely consistent with the process detailed in the bill.	Policies and Principles.	-
AB 532 R. Ransom (D – Stockton) Sponsor: California Municipal Utilities	Amended in Assembly Environmental Safety and Toxic Materials on 4/22/2025	Water rate assistance program This bill seeks to revamp the State's Low Income Household Water Assistance Program (LIHWAP), upon appropriation by the Legislature, to provide water rate assistance to ratenavers of water systems	Support Based on 2025 Legislative Policies and	This bill would provide clarity in existing law to ensure that water agencies are able to establish local LIRA programs without fear of legal consequences given the provisions of Proposition 218.
Association	Assembly Utilities and Energy Committee	with under 3,000 connections, or systems serving disadvantaged communities. The bill also would expressly allow urban retail water suppliers to establish a local low-income rate assistance (LIRA) program using voluntary contributions or other non- ratepayer funds.	Principles.	The bill would also establish a path to revamp the LIHWAP program to ensure statewide resources are provided for small and disadvantaged communities.

Bill Number and Author	Amended Date and Location	Title – Summary	Metropolitan Position	Effects on Metropolitan
AB 580 G. Wallis (R – Bermuda Dunes) Sponsor: Metropolitan Water District of Southern California	Amended in Assembly Natural Resources Committee on 3/24/2025. Assembly Appropriations	Surface Mining: Metropolitan Water District of Southern California This bill extends the sunset date until January 1, 2051 on Metropolitan's ability to operate under a single Master Reclamation Plan for repairs using earth- moving activities under the Surface Mining and Reclamation Act for the maintenance of the Colorado River Aqueduct (CRA).	Sponsor Based on December 2024 Board Action.	Ensuring Metropolitan can continue operating under a single Master Reclamation Plan will maintain environmental oversight without delays and prevent duplicative compliance.
AB 794 J. Gabriel (D – Encino) Sponsors: Clean Water Action, Environmental Working Group	Amended in Assembly Environmental Safety and Toxic Materials Committee on 4/10/2025. Assembly Suspense File	California Safe Drinking Water Act: emergency regulations This bill would authorize the State Water Resources Control Board (SWRCB) to adopt an emergency regulation for water quality based on federal regulations in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent. The bill would prohibit an emergency regulation adopted pursuant to these provisions from implementing less stringent drinking water standards, as provided, and would authorize the regulation to include requirements that are more stringent than the requirements of the federal regulation. The bill would require, on or before January 1, 2026, the SWRCB to adopt an emergency regulation and to initiate a primary drinking water standard for perfluoroalkyl and polyfluoroalkyl substances (PFAS).	Oppose unless Amended Based on 2025 Legislative Policies and Principles.	While AB 794 aims to protect public health, its approach circumvents the established regulatory process for setting Maximum Contaminant Levels (MCLs). Metropolitan's Legislative Priorities and Principles call for using the best available science to protect public health and improve water quality when setting MCLs. The broad scope of this bill, which would allow the SWRCB to set through emergency action primary and secondary MCLs for any chemical with a federal MCL, sets a dangerous precedent and fails to align with well- established regulatory principles.

Bill Number and Amen Author and L	Amended Date and Location	Title – Summary	Metropolitan Position	Effects on Metropolitan
	Amended in	Water infrastructure: dams and reservoirs:	Oppose	This bill would create uncertainty for both
an (D – San	Assembly Water,	water release: false pretenses		Metropolitan and the Member Agencies that own
Mateo) Parks, and	, and		Based on 2025	and operate reservoirs. The releases are often
Wildlife	ife	This bill adds language to the Water Code	Legislative	based on water supply needs, operational
Comn	Committee on	prohibiting the release of stored water from a	Policies and	flexibility, and constraints, as well as scheduled
3/17/2025.	2025.	reservoir in California if the release is done under	Principles.	and emergency maintenance and/or inspection.
		false pretenses and would authorize the State Water		
Assen	Assembly Water,	Resources Control Board to issue an interim relief		The bill's definition of "false pretenses" is unclear
Parks, and	, and	order to prohibit such release of stored water. This		and does not specify what would qualify as "false
Wildlife	ife	bill would define "false pretenses" as a release of		or fraudulent representation," nor does it indicate
Committee	nittee	water from a reservoir in a manner that is knowingly		how intent would be determined. Therefore, this
		and designedly under a false or fraudulent		definition would make it difficult to understand
		representation or assumption as to the purpose and		when a reservoir release could result in an
		intended use of the water.		interim relief order.
SB 31 Amen	Amended in	Water quality: recycled water	Support	Supporting the use of recycled water in non-
J. McNerney Senate	e			potable applications such as irrigation, decorative
(D – Stockton) Envire	Environmental	SB 31 aims to enhance California's water		water features, and industrial processes reduces
Qualit	Quality Committee	sustainability by increasing the use of recycled	Based on 2025	the demand for potable water while enhancing
Sponsor: on 4/2	on 4/21/2025.	water in non-potable applications. This bill	Legislative	drought resilience.
WateReuse		modernizes outdated regulations and expands the	Policies and	
California		permissible uses of recycled water to reduce	Principles.	
Senate	e	dependence on potable sources. The bill would		
Envire	Environmental	make updates to Title 22 of the Code of Regulations		
Qualit	Quality Committee	to expand the use of recycled water in parks,		
		schools, and food handling and processing facilities.		

Metropolitan Water District of Southern California State Legislative Matrix: First Year of Legislative Session

		State Legislative Matrix: First Year of Legislative Session May 12, 2025	egislative Sessio	U
	-		-	
Bill Number and Author	Amended Date and Location	Title – Summary	Metropolitan Position	Effects on Metropolitan
SB 72 A. Caballero (D – Merced)	Amended in Senate Appropriations	The California Water Plan: long-term supply targets	Support	The intent of this bill is to help modernize California's water management practices and provide long-term reliable supplies in response to
Sponsor:	Committee on 4/10/2025.	This measure would revise the California Water Plan to require the Department of Water Resources	Based on 2025 Legislative	the current climate challenges.
California Municipal Utilities		(DWR) to update the California Water Plan by December 31, 2028, and every five years after, to	Policies and Principles.	Metropolitan supported a similar version of this bill in 2024, SB 366 (Caballero), which passed
Association	Senate Suspense File	include a long-term water supply target for 2050 and discussion on the development of specified water supply sources to meet demand.		the Legislature and was vetoed by the Governor.
SB 394 B. Allen	Introduced	Water theft: fire hydrants	Support	Metropolitan Member Agencies and subagencies that provide local water services could adopt
(D – Santa Monica)	Senate Floor	SB 394 would allow a local agency that provides water service the ability to increase fines and	Based on 2025	ordinances with enhanced penalties for water theft from a fire hydrant.
Sponsor: Las Virgenes		penalues for water then from fire hydrants. The build also adds tampering with a fire hydrant, fire hydrant meter, or fire detector check, or the unauthorized	Legislative Policies and Principles.	
Municipal Water District		diversion of water from a fire hydrant to the list of acts for which a utility may bring a civil cause of action.	4	

Metropolitan Water District of Southern California

		State Legislative Matrix: First Year of Legislative Session May 12, 2025	egislative Sessio	u
Bill Number and Author	Amended Date and Location	Title – Summary	Metropolitan Position	Effects on Metropolitan
SB 454 J. McNerney (D = Stockton)	Amended in Senate Fuvironmental	State Water Resources Control Board: PFAS Mitigation Program	Support	The proposed bill would be highly beneficial to Metropolitan, its Member Agencies, and other water and wastewater agencies currently
Sponsor:	Quality Committee on 4/8/2025.	SB 454 would establish a PFAS Mitigation Fund to address PFAS contamination in California's drinking	Based on 2025 Legislative	grappling with increased PFAS-related regulations and source contamination issues. By
Association of California Water		water and wastewater systems. Administered by the SWRCB, the fund will provide financial support	Principles.	allowing for grants, loans, and contracts unrougn the PFAS Mitigation Fund, and the provision of
Agencies	Senate Suspense File	through grants, loans, and contracts to water suppliers and wastewater operators to cover or reduce treatment and disposal costs, ensuring safe and clean water across the state with a focus on disadvantaged communities.		assistance services, the bill provides much-needed financial relief and assistance to support treatment and mitigation efforts.
SB 601 B. Allen	Amended in Senate	Water: waste discharge	Oppose	Currently, AB 601 poses risks to Metropolitan and its member agencies by: adopting EPA's
(D – Santa	Environmental	The intent of this bill is to restore Clean Water Act		drinking water standards for PFAS/PFOS,
монса	Quanty Commuted on $4/21/2025$.	protections in California that were removed per the U.S. Supreme Court's 2023 Sackett v.	Legislative	bypassing the state rulemaking process; increasing costs of waste discharge requirements
Sponsors: California		Environmental Protection Agency (EPA) decision. However, the bill goes beyond restoring statute and	Policies and Principles.	(WDRs) permits for discharges of water when dewatering or operating water supply
Coastkeeper Alliance,	Senate Judiciary Committee	includes several provisions that expand regulatory requirements without the benefit of scientific	I	infrastructure, potentially requiring all such water to be recycled regardless of cost to comply;
Defenders of Wildlife		analysis.		exposing Metropolitan and its Member Agencies to citizen suits in state court, and, for certain
				nexus waters, both state and federal court; and creating uncertainty in discharge permitting as the
				bin a subjection provisions and implications are likely to be litigated.

Metropolitan Water District of Southern California





MWDOC

June 5, 2025

Governor Gavin Newsom 1021 O Street, Suite 9000 Sacramento, CA 95814

Senate President Pro Tempore Mike McGuire 1021 O St., Suite 8518 Sacramento, CA 95814 Speaker of the Assembly Robert Rivas State Capitol P.O. Box 942849 Sacramento, CA 94249-0029

RE: Support for Delta Conveyance Project Streamlining Trailer Bill

Dear Governor Newsom, Pro Tem McGuire, and Speaker Rivas,

On behalf of a broad coalition of labor, business, infrastructure, social justice and nonprofit organizations, we would like to express our strong support for the budget trailer bill that is





where informed decisions can be made regarding construction investment.

needed infrastructure projects.

intended to streamline processes for advancing the Delta Conveyance Project (DCP) to a point

The DCP is a critical component of California's plans to fortify the State Water Project (SWP) in preparation for the impacts of extreme weather and climate change. The SWP delivers water to more than 27 million Californians and 750,000 acres of farmland and is the engine that powers California's economic success. However, this system is vulnerable to extreme weather and unpredictable precipitation patterns and, as a result, our state's main water supply is at

This budget trailer bill is NOT about circumventing public engagement and review – this budget trailer bill is all about breaking through redundant, archaic processes that have resulted in endless delays, duplicative reviews, and millions upon millions of dollars of additive costs, while impeding the State's ability to complete the DCP and other critical,















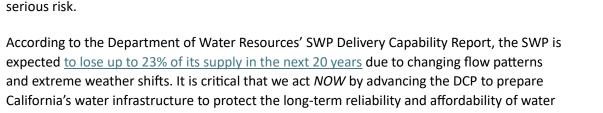
HARBOR ASSOCIATION OF INDUSTRY & COMMERCE





The proposed trailer bill smooths administrative processes to help move the Delta Conveyance Project in a way that balances environmental protections while improving the efficiency of the review and approval process.

It needs to be said, that this DCP "*is not your grandparent's water conveyance project.*" The DCP has been redesigned to be smaller, more environmentally responsive, and less intrusive to Delta communities. At the same time, the DCP will generate thousands of good-paying



The <u>2024 Benefit/Cost Analysis</u> of the Delta Conveyance Project found that water conveyed through the SWP is the most affordable source of water compared to alternatives like desalination or recycling. These alternative sources are necessary, but the volume of water delivered by the SWP cannot be replaced.

for the millions of Californian homes and businesses that rely upon the SWP.

For decades, the DCP has been stalled by frivolous lawsuits and duplicative reviews. These are the universal problems facing major infrastructure throughout California, and foundational to why it is so difficult to do big things in our state and bring major infrastructure to completion.

The budget trailer bill proposal restores balance to this process – ensuring legitimate concerns are addressed, while removing tools for obstruction and delay. Every year of delay in construction of the DCP costs California's water ratepayers – including nearly 8 million people living in disadvantaged communities – approximately \$600 million. The budget trailer bill proposal reduces bureaucratic red tape, which translates into real savings for Californians and for the State budget.







union construction jobs and stimulate local economies, especially in areas hardest hit by economic downturns and drought-related agricultural cutbacks.

TORRANCE

For these reasons, **our coalition urges you to support the DCP trailer bill**. We appreciate your consideration and look forward to working with you to advance this important legislation.

Sincerely,

Deven Upadhyay, General Manager The Metropolitan Water District of Southern California

Joe Cruz, Executive Director California State Council of Laborers

Matthew Cremins, Legislative Consultant CA/NV Conference of Operating Engineers

Dan Denham, General Manager San Diego County Water Authority



WATER AND POWER

SAN GABRIEL VALLEY









Tyler Munzing, Director of Government Affairs American Council of Engineering

Companies – California

Peter Tateishi, Chief Executive Officer Associated General Contractors of California

Kris Murray, Executive Director Association of California Cities – Orange County

Adrian Covert, Senior Vice President of Public Policy Bay Area Council

Jeff Montejano, Chief Executive Officer Building Industry Association of Southern California

Tracy Hernandez, CEO Los Angeles County Business Federation (LA BizFed) New California Coalition

Dan Dunmoyer, President & CEO California Building Industry Association Rick Callender, President NAACP California Hawaii State Conference

WORKING FOR OUR COMMUNITY

Rancho Water CHINO VALLEY

Kristopher Anderson, Policy Advocate, Water, Agriculture and Resources California Chamber of Commerce

Michael Quigley, Executive Director California Alliance for Jobs

Ernesto Medrano, Executive Secretary LA/OC Building & Constructions Trade Council

Robert Saucedo, Chairman Groundswell for Water Justice

Thomas D. McCarthy, General Manager Kern County Water Agency

Valerie Pryor, General Manager Zone 7 Water Agency

Aaron Baker, P.E., Chief Operating Officer – Water Utility Santa Clara Valley Water District

Richard Lambros, Managing Director Southern California Leadership Council

Charley Wilson, Executive Director Southern California Water Coalition

Jon Switalski, Executive Director Rebuild SoCal Partnership

Dave Sorem, President Secure Water Alliance

Ahmad Thomas, CEO Silicon Valley Leadership Group











BUSINESS ASSOCIATION



















Mayor Sharona R Nazarian, PsyD. City of Beverly Hills

Nella McOsker, President Central City Association of Los Angeles

Amanda Walsh, VP of Government Affairs Orange County Business Council

Mike Lewis, Senior Vice President Construction Industry Coalition on Water Quality (CICWQ)

Joe Mouwad, P.E., General Manager Eastern Municipal Water District

Monica Garcia-Diaz, Chair South Bay Association of Chambers of Commerce

Chisom Obeolu, Assistant General Manager -- Water **Glendale Water and Power**

Joe Cina, President & CEO Glendora Chamber of Commerce

Danielle Borja, President & CEO Greater Conejo Valley Chamber of Commerce

Peggi Hazlett, President & CEO Greater Ontario Business Council

Zeb Welborn, President & CEO Chino Valley Chamber of Commerce

Bobby Spiegel, President & CEO Corona Chamber of Commerce

Erin Sasse, Chair Southwest California Legislative Council

Nina Jazmadarian, General Manager Foothill Municipal Water District

Claudette J. Baldemor, President & CEO Garden Grove Chamber of Commerce Rev. Jonathan Mosely, Director National Action Network – Western Region

Stuart Waldman, President Valley Industry & Commerce Association

Matthew Stone, General Manager Santa Clarita Valley Water Agency

Paul Granillo, President & CEO Inland Empire Economic Partnership

Carlos A. Singer, SVP & Chief Policy Officer Los Angeles Area Chamber of Commerce

Julie B. Michaels, Executive Director Inland Action

Shivaji Deshmukh, P.E., General Manager Inland Empire Utilities Agency

Luis Portillo, President & CEO San Gabriel Valley Economic Partnership

Charlie Nobles, Executive Director Southern California Contractors Association

Gus Flores, Director of Government Affairs **United Contractors**

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Kristine McCaffrey, General Manager Calleguas Municipal Water District

David Pedersen, General Manager Las Virgenes Municipal Water District

Henry Rogers, Executive Director Harbor Association of Industry and Commerce

Joanne McClasky, Executive Director Industry Business Council







MUNICIPAL WATER DISTRICT



PASADENA Water&Power

















Matthew Hargrove, President & CEO California Business Properties Association

Harvey De La Torre, General Manager Municipal Water District of Orange County

Adam Eventov, President Murietta Temecula Group

John Kennedy, General Manager Orange County Water District

Eileen Hupp, President & CEO Palos Verdes Peninsula Chamber of Commerce

Jason Martin, General Manager Rancho California Water District

Mara Santos, President & CEO Redondo Beach Chamber of Commerce

Marisa Creter, Executive Director San Gabriel Valley Council of Governments

Robb Grantham, General Manager Santa Margarita Water District

Dennis Cafferty, General Manager El Toro Water District

Mandip Samra, General Manager Burbank Water and Power

Pete Martinez, General Manager Channel Islands Beach Community Services District

Dennis D. LaMoreaux, CEO/General Manager Palmdale Water District

Darin Kasamoto, General Manager San Gabriel Valley Municipal Water District

Heather Dyer, General Manager San Bernardino Valley MWD



Pat Fong Kushida, President & CEO California Asian Pacific Chamber of Commerce

Rob Lapsley, President California Business Roundtable

Lance Eckhart, General Manager San Gorgonio Pass Water Agency

Aldo E. Schindler, City Manager City of Tustin

Monica Farias, President & CEO Greater West Covina Business Association

Randall Reed, Board President Cucamonga Valley Water District

Victoria Hernandez, Executive Director South Orange County Economic Coalition

Matthew Litchfield, General Manager Three Valleys Municipal Water District

Donna Duperron, President & CEO Torrance Area Chamber of Commerce

Paul Shoenberger, General Manager Mesa Water District

Justin M. Scott-Coe, General Manager Monte Vista Water District

Tom Love, General Manager Upper San Gabriel Valley Municipal Water District (Upper Water)

Louise Lamparra, Executive Director Ventura County Coalition of Labor, Agriculture and Business (CoLAB)

Edward J. Caldwell, General Manager West Basin Municipal Water District

Jim Barrett, General Manager Coachella Valley Water District





California Domestic Water Company















Municipal Water District



Steve L. Johnson, P.E., General Manager **Desert Water Agency**

Adnan Anabtawi, General Manager Mojave Water Agency

Marsha Hansen, President & CEO El Segundo Chamber of Commerce

John Thiel, General Manager West Valley Water District

Andy Conli, President & CEO West Ventura County Business Alliance

Councilman Brian Tisdale, City of Lake Elsinore Chair, Advocacy Committee Western Riverside Council of Governments

Craig D. Miller, General Manager Western Water District

James Lee, General Manager Crescenta Valley Water District

Mary Leslie, President Los Angeles Business Council

Roberto C. Arnold, Chairman & Founder Multicultural Business Alliance

Ethan Smith, Chairman INVEST Fresno

Chris Thorne, Chief Executive Officer North San Diego Business Chamber

Brian Brennan, Executive Director 21st Century Alliance

Kelly Gardner, Executive Secretary Central Basin Water Association

Carlos Solórzano-Cuadra, CEO Hispanic Chambers of Commerce of San Francisco

SUMMERHILL HOMES^{®®}

Alma Quezada, P.G., General Manager Ventura River Water District

Paul A. Cook, General Manager Irvine Ranch Water District

Jennifer Spindler, General Manager Crestline-Lake Arrowhead Water Agency

Caren Spilsbury, Executive Director Gateway Chamber Alliance

James Lee, General Manager Crescenta Valley Water District (CVWD)

Greg Thomas, General Manager Elsinore Valley Municipal Water District

David Youngblood, P.E., General Manager East Orange County Water District

David Reyes, General Manager Pasadena Water & Power

Gail Delihant, Sr. Director, CA Government Affairs Western Growers Association

Will Oliver, President & CEO Fresno County Economic Development Corporation

Norman Huff, General Manager Camrosa Water District

Lacy Schoen, President & CEO Brea Chamber of Commerce

Amy Valdiva, Chairman of the Board Upland Chamber of Commerce

Gary Arant, General Manager Valley Center Municipal Water District Monica Garcia-Diaz, Executive Director Wilmington Chamber of Commerce

Lynda Noriega, President California Domestic Water Company

Chris Neighbor, President & CEO SummerHill Homes David Ellis, President Delta Ventures, Inc

Kimberly A. Thorner, General Manager **Olivehain Municipal Water District**

Caren Spilsbury, Executive Director Norwalk Chamber of Commerce

CC: Members of the Assembly Members of the Senate



STAFF REPORT

To: Board of Directors

Meeting Date: June 26, 2025

From: Sherri Seitz, Public Affairs Manager

Subject: Public Education and Outreach Report

Laguna Woods Village Television (LWVT)

President Gaskins is scheduled for a LWVT "This Day" interview on June 24, 2025. President Gaskins interview topic will be ETWD's 2025/26 Budget.

ETWD Website

The development of the new ETWD website is progressing. A draft version of the new ETWD website has been delayed and will be presented to the Board during the July Board meeting. This demonstration will provide an opportunity for Board members to preview the site's updated design, navigation structure, and key features prior to the website's final launch.

ETWD Water Quality Report

ETWD's 2025 Water Quality Report has been mailed to all ETWD customers including apartments, mobile estate parks and homeowner associations including all of Laguna Woods residents. Distribution was required by July 1, 2025. The PDF report is following the Americans with Disabilities Act (ADA) and the Web Content Accessibility Guidelines (WCAG) 2.1, Level AA. The report is also translated into Spanish and will be available on the ETWD website. A copy of the report follows this report.

OCFA Partnering Meeting

Dennis, Hannah, Scott, Vinnie and I will meet with OCFA Staff for a Water Agency Partnering meeting to discuss new projects/facilities, hydrants, interties, water meters and emergency contacts.

Community/Speaking Engagement Events

Laguna Woods Village – Third Mutual Gate 11 Meeting – June 18, 2025

ETWD Staff Vu Cu and Sherri Seitz hosted a booth at the Third Mutual Gate 11 Meeting in Clubhouse 1 on June 18, 2025.

2025 DRINKING WATER QUALITY REPORT

Colorado River



El Toro Water District



El Toro Reservoir

Diamond Valley Lake near Hemet, California ETWD is committed to delivering safe and reliable water to our customers and the communities we serve 24/7.

Your 2025 Water Quality Report



Since 1990, California public water utilities have been providing an annual Water Quality Report to their customers. This year's report covers drinking water quality testing and reporting for 2024. El Toro Water District (ETWD) vigilantly safeguards its water supply, and as in years past, the water delivered to your home meets or exceeds the quality standards required by federal and state regulatory agencies. The U.S. Environmental Protection Agency (U.S. EPA) and the State Water Resources Control Board (SWRCB), Division of

Drinking Water (DDW) are the agencies responsible for establishing and enforcing drinking water quality standards.

In some cases, ETWD goes beyond what is required by testing for unregulated chemicals that may have known health risks but do not have drinking water standards. For example, the Irvine Ranch Water District (IRWD) and the Metropolitan Water District of Southern California (MWDSC), both of which supply treated surface water to ETWD, test for unregulated chemicals in our water supply. Unregulated chemical monitoring helps U.S. EPA and DDW determine where certain chemicals occur and whether new standards need to be established for those chemicals to protect public health.

Through drinking water quality testing programs carried out by IRWD and MWDSC for treated surface water and ETWD for the distribution system, your drinking water is continually monitored from source to tap for both regulated and unregulated constituents. The state allows us to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of the data, though representative, is more than a year old.

Sources of Supply

Your drinking water consists of imported treated surface water from MWDSC and treated surface water from IRWD's Baker Water Treatment Plant, which treats surface water from MWDSC and the Santiago Reservoir (Irvine Lake). MWDSC's imported water sources are the Colorado River and the State Water Project, which draws water from the Sacramento-San Joaquin River Delta.

Important Health Information

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their healthcare providers.

U.S. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

For more information about the health effects of the listed contaminants in the report tables, call the U.S. EPA hotline at (800) 426-4791. The U.S. EPA also maintains a water related website at www.epa.gov/safewater.



Hoover Dam, on the Colorado River (Lake Mead behind it)

Questions About Your Water?

For information about this report, or your water quality in general, please contact **Customer Service** at:

- district@etwd.com
- (949) 837-0660

A copy of this report is also posted on the ETWD. com website under the Governance tab, Water Quality Report.

El Toro Water District has two regular board meetings each month. Meeting details can be found on the district's website at etwd.com/meetings. We welcome participation in these meetings.



Constant Monitoring Ensures Continued Excellence

Drinking Water Contaminants

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- Microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- Inorganic contaminants, such as salts and metals, that can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- Pesticides and herbicides that may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
- Organic chemical contaminants, including synthetic and volatile organic chemicals, that are by-products of industrial processes and petroleum production and can also come from gas stations, urban stormwater runoff, agricultural application, and septic systems.
- Radioactive contaminants that can be naturally occurring or the result of oil and gas production and mining activities.

To ensure that tap water is safe to drink, the U.S. EPA and the SWRCB prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Water treatment process systems and distribution system monitoring programs are designed to ensure tap water remains within regulatory requirements. U.S. Food and Drug Administration regulations and California law also establish limits for contaminants in bottled water that provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the U.S. EPA's Safe Drinking Water Hotline (1-800-426-4791) or online at www.epa.gov/safewater.

Cryptosporidium

Cryptosporidium is a microscopic organism that originates from animal and human waste and may be present in surface water. When ingested, it can cause diarrhea, fever, and other gastrointestinal symptoms. In 2024, MWDSC and IRWD tested for Cryptosporidium and did not detect its presence in any water after it had been treated. If Cryptosporidium is ever detected in drinking water, it is effectively removed through a combination of sedimentation, filtration, and disinfection.

The U.S. EPA and the Centers for Disease Control and Prevention (CDC) provide guidelines on how to reduce the risk of infection from Cryptosporidium and other microbial contaminants. For more information, contact the U.S. EPA's Safe Drinking Water Hotline at (800) 426-4791 or visit epa.gov/ safewater.

Chloramines

Imported and locally produced drinking water is treated with chloramines, a combination of chlorine and ammonia, as a disinfectant. Chloramines effectively eliminate bacteria and other microorganisms that may cause disease. Compared to chlorine alone, chloramines last longer in the distribution system, produce fewer disinfection by-products, and have little to no odor when used properly.

Precautions

Kidney dialysis patients: Individuals using kidney dialysis machines may want to consult their health-care provider regarding appropriate water treatment.

Fish and aquatic life: Chloramines are toxic to fish and other aquatic organisms. Customers maintaining fish ponds, tanks, or aquariums should adjust water treatment methods accordingly. For questions regarding Chloramines, please call ETWD Customer Service at (949) 837-0660.



Drinking Water Fluoridation

Fluoride has been added to U.S. drinking water supplies since 1945 to help prevent tooth decay. As of today, the majority of public water suppliers in the country, including the MWDSC, fluoridate their water. MWDSC began adding fluoride in December 2007, complying with all provisions of California's fluoridation system requirements. Fluoride levels in drinking water are regulated in California and limited to a maximum of 2 parts per million (ppm). MWDSC dosage rates are less than 1 part per million (ppm). Some local groundwater supplies naturally contain fluoride, but they are not supplemented with additional fluoride.

Additional Information

For more details on water fluoridation, please visit:

- U.S. Centers for Disease Control and Prevention (CDC): cdc.gov/fluoridation or (800) 232-4636
- State Water Resources Control Board, Division of Drinking Water: waterboards.ca.gov/drinking_ water/certlic/drinkingwater/Fluoridation.html
- American Dental Association: ada.org
- American Water Works Association: awwa.org
- For specific inquiries about MWDSC's fluoridation program, please contact MWDSC directly at (800) 225-5693.

Cross Connections

The SWRCB updated the Cross-Connection Control Policy Handbook (CCCPH) on July 1, 2024. In cooperation with the SWRCB, ETWD's major goal is to ensure the distribution of a safe potable water supply to all domestic water users. For ETWD to achieve this goal, enhancing long standing existing Cross Connection Control policies and procedures, a Cross Connection Control Management Plan (CCCMP) is being developed with an effective date of July 1, 2025. ETWD's CCCMP was developed pursuant to the requirements set forth in the Cross-Connection Control Policy Handbook (CCCPH), which replaced California Administrative Code Title 17, Sections 7583 through 7605 and applies to all California public water systems, as defined in California's Health and Safety Code (CHSC, Section 116275(h)). The ETWD's CCCMP will be available at https://etwd.com/ doing-business/about-cross-connection/.

About Lead In Tap Water

Lead Service Line Inventory

ETWD has completed the Lead Service Line Inventory required by U.S. EPA's Lead and Copper Rule Revisions deadline of October 6, 2024. Through completing a historical records review and



field investigations, ETWD has determined it has no lead or galvanized service lines in its distribution system. This includes any privately or customer-owned service lines. Please visit https://etwd.com/governance/water-qualityreport or contact ETWD at (949) 837-0660 if you would like more information regarding the lead sampling that has been completed.

Lead in Tap Water

Lead can cause serious health effects in people of all ages, especially pregnant people, infants (both formulafed and breastfed), and young children. Lead in drinking water is primarily from materials and parts used in service lines and home plumbing. ETWD is responsible for providing high-quality drinking water and removing lead pipes but cannot control the variety of materials used in the plumbing in your home. Because lead levels may vary over time, lead exposure is possible even when your tap sampling results do not detect lead at one point in time. You can help protect yourself and your family by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Using a filter certified by an American National Standards Institute-accredited certifier to reduce lead is effective in reducing lead exposures. Follow the instructions provided with the filter to ensure it is used properly. Use only cold water for drinking, cooking, and making baby formula. Boiling does not remove lead from water.

Before using tap water for drinking, cooking, or making baby formula, flush your pipes for several minutes. You can do this by running your tap, taking a shower, or doing laundry or a load of dishes. If you have a lead or galvanized service line requiring replacement, you may need to flush your pipes for a longer period. If you are concerned about lead and wish to have your water tested, contact ETWD at (949) 837-0660. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at https://www.epa.gov/safewater/lead.

2024 METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA TREATED SURFACE WATER

CHEMICAL	MCL	PHG (MCLG)	AVERAGE AMOUNT	RANGE OF DETECTIONS		TYPICAL SOURCE IN DRINKING WATER
Radiologicals - Tested in 2023 and 2024	MCL	(MCLO)	AWOONT	DETECTIONS	VIOLATION:	
Gross Alpha Particle Activity (pCi/L)	15	(0)	ND	ND - 5	No	Erosion of Natural Deposits
Gross Beta Particle Activity (pCi/L)	50	(0)	4	ND - 5	No	Decay of Natural and Man-made Deposits
Uranium (pCi/L)	20	0.43	1	ND - 3	No	Erosion of Natural Deposits
Inorganic Chemicals - Tested in 2024						
Aluminum (ppm)	1	0.6	ND	ND - 0.11	No	Treatment Process Residue, Natural Deposits
Barium (ppm)	1	2	0.124	0.124	No	Refinery Discharge, Erosion of Natural Deposits
Bromate (ppb)	10	0.1	ND	ND - 1.6	No	Byproduct of Drinking Water Ozonation
Fluoride (ppm)	2	1	0.7	0.6 - 0.8	No	Water Additive for Dental Health
Secondary Standards* - Tested in 2024						
Aluminum (ppb)	200*	600	ND	ND - 110	No	Treatment Process Residue, Natural Deposits
Chloride (ppm)	500*	n/a	104	93 - 116	No	Runoff or Leaching from Natural Deposits
Color (color units)	15*	n/a	2	1 - 2	No	Naturally-occurring Organic Materials
Odor (threshold odor number)	3*	n/a	1	1	No	Naturally-occurring Organic Materials
Specific Conductance (µmho/cm)	1,600*	n/a	979	888 - 1,070	No	Substances that Form lons in Water
Sulfate (ppm)	500*	n/a	224	196 - 253	No	Runoff or Leaching from Natural Deposits
Total Dissolved Solids (ppm)	1,000*	n/a	621	556 - 686	No	Runoff or Leaching from Natural Deposits
Unregulated Chemicals - Tested in 2024						
Alkalinity, total as CaCO3 (ppm)	Not Regulated	n/a	114	105 - 123	n/a	Runoff or Leaching from Natural Deposits
Boron (ppm)	NL=1	n/a	0.14	0.14	n/a	Runoff or Leaching from Natural Deposits
Calcium (ppm)	Not Regulated	n/a	68	58 - 78	n/a	Runoff or Leaching from Natural Deposits
Hardness, total as CaCO3 (ppm)	Not Regulated	n/a	270	235 - 305	n/a	Runoff or Leaching from Natural Deposits
Hardness, total (grains/gal)	Not Regulated	n/a	16	14 - 18	n/a	Runoff or Leaching from Natural Deposits
Magnesium (ppm)	Not Regulated	n/a	26	22 - 29	n/a	Runoff or Leaching from Natural Deposits
pH (units)	Not Regulated	n/a	8.2	8.2	n/a	Hydrogen Ion Concentration
Potassium (ppm)	Not Regulated	n/a	4.9	4.4 - 5.4	n/a	Runoff or Leaching from Natural Deposits
Sodium (ppm)	Not Regulated	n/a	103	90 - 116	n/a	Runoff or Leaching from Natural Deposits
Total Organic Carbon (ppm)	TT	n/a	2.4	2 - 2.5	n/a	Various Natural and Man-made Sources

ppb = parts per billion; ppm = parts per million; pCi/L = picoCuries per liter; µmho/cm = micromhos per centimeter; ND = not detected; MCL = Maximum Contaminant Level; (MCLG) = federal MCL Goal; PHG = California Public Health Goal; NL = Notification Level; n/a = not applicable; TT = treatment technique. * Chemical is regulated by a secondary standard.

METROPOLITAN WATER DISTRICT DIEMER FILTRATION PLANT	TREATMENT TECHNIQUE	TURBIDITY MEASUREMENTS	TT VIOLATION?	TYPICAL SOURCE IN DRINKING WATER
Turbidity - combined filter effluent				
1) Highest single turbidity measurement (NTU)	0.3	0.06	No	Soil Runoff
2) Percentage of samples less than or equal to 0.3 NTU	95%	100%	No	Soil Runoff

Turbidity is a measure of the cloudiness of the water, an indication of particulate matter, some of which might include harmful microorganisms. Low turbidity in Metropolitan's treated water is a good indicator of effective filtration. Filtration is called a "treatment technique" (TT). A treatment technique is a required process intended to reduce the level of chemicals in drinking water that are difficult and sometimes impossible to measure directly. NTU = nephelometric turbidity units

UNREGULATED CHEMICALS REQUIRIN		١G			
CHEMICAL	NL	PHG	AVERAGE AMOUNT	RANGE OF DETECTIONS	MOST RECENT SAMPLING DATE
Lithium (ppb)	n/a	n/a	45	44 - 45	2024

Drinking Water Definitions

What are water quality standards?

Drinking water standards established by U.S. EPA and DDW set limits for substances that may affect consumer health or aesthetic qualities of drinking water. The tables in this report show the following types of water quality standards:

- Maximum contaminant level (MCL): The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible.
- Maximum residual disinfectant level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- Secondary MCLs are set to protect the odor, taste, and appearance of drinking water.
- Primary drinking water standard: MCLs for contaminants that affect health, along with their monitoring and reporting requirements and water treatment requirements.
- Regulatory action level (AL): The concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system must follow.

What is a water quality goal?

In addition to mandatory water quality standards, U.S. EPA and DDW have set voluntary water quality goals for some contaminants. Water quality goals are often set at such low levels that they are not achievable in practice and are not directly measurable. Nevertheless, these goals provide useful guideposts and direction for water management practices. The tables in this report include three types of water quality goals:

- Maximum contaminant level goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by U.S. EPA.
- Maximum residual disinfectant level goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- **Public health goal (PHG):** The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California EPA.

How are contaminants measured?

- Water is sampled and tested throughout the year. Contaminants are measured in:
 - Parts per million (ppm) or milligrams per liter (mg/L)
 - Parts per billion (ppb) or micrograms per liter (µg/L)
 - Parts per trillion (ppt) or nanograms per liter (ng/L)

2024 IRVINE RANCH WAT						
CHEMICAL	MCL	PHG	AVERAGE AMOUNT	RANGE OF DETECTIONS	MCL VIOLATION?	TYPICAL SOURCE OF CONTAMINATION
Radiologicals - Tested in 2024	IVICL	PHG	AWOUNT	DETECTIONS	VIOLATION?	TYPICAL SOURCE OF CONTAMINATION
Gross Alpha Particle Activity (pCi/L)	15	MCLG = 0	3.8	3.8	No	Erosion of Natural Deposits
Gross Beta Particle Activity (pCi/L)	50	MCLG = 0	4.6	4.6	No	Decay of Natural and Man-made Deposits
Uranium (pCi/L)	20	0.43	2.2	2.2	No	Erosion of Natural Deposits
Inorganic Chemicals - Tested in 2024						
Arsenic (ppb)	10	0.004	2	2 - 2.27	No	Erosion of Natural Deposits
Barium (ppm)	1	2	0.129	0.113 - 0.141	No	Refinery Discharge, Erosion of Natural Deposits
Chlorine Dioxide (ppb)	MRDL = 800	MRDLG = 800	98.5	ND - 680	No	Drinking Water Disinfectant Added for Treatment
Chlorite (ppm)	1.0	0.05	ND	ND - 0.09	No	Byproduct of Drinking Water Chlorination
Fluoride (ppm)	2.0	1	0.35	0.31 - 0.38	No	Erosion of Natural Deposits; Water Additive for Dental Health
Secondary Standards* - Tested in 20	24					
Chloride (ppm)	500*	n/a	112	98.4 - 119	No	Runoff or Leaching from Natural Deposits
Color (color units)	15*	n/a	ND	ND - 8	No	Naturally-occurring Organic Materials
Manganese (ppb)	50*	n/a	1.44	ND - 47	No	Leaching from Natural Deposits
Odor (threshold odor number)	3*	n/a	2	ND - 4	No	Naturally-occurring Organic Materials
Specific Conductance (µmho/cm)	1,600*	n/a	1,065	1,008 - 1,126	No	Substances that Form Ions in Water
Sulfate (ppm)	500*	n/a	237	228 - 243	No	Runoff or Leaching from Natural Deposits
Total Dissolved Solids (ppm)	1,000*	n/a	642	588 - 712	No	Runoff or Leaching from Natural Deposits
Turbidity (ntu)	5*	n/a	ND	ND - 0.3	No	Soil Runoff
Unregulated Chemicals - Tested in 2	024					
Alkalinity, total as CaCO3 (ppm)	Not Regulated	n/a	124	115 - 144	n/a	Runoff or Leaching from Natural Deposits
Boron (ppm)	NL = 1	n/a	0.138	0.127 - 0.153	n/a	Runoff or Leaching from Natural Deposits
Calcium (ppm)	Not Regulated	n/a	72.7	67.2 - 79.5	n/a	Runoff or Leaching from Natural Deposits
Hardness, total as CaCO3 (ppm)	Not Regulated	n/a	295	281 - 313	n/a	Runoff or Leaching from Natural Deposits
Hardness, total (grains per gallon)	Not Regulated	n/a	17	16 - 18	n/a	Runoff or Leaching from Natural Deposits
Magnesium (ppm)	Not Regulated	n/a	27.9	26.2 - 29.8	n/a	Runoff or Leaching from Natural Deposits
pH (pH unit)	Not Regulated	n/a	7.9	7.4 - 8.6	n/a	Hydrogen Ion Concentration
Potassium (ppm)	Not Regulated	n/a	5.9	4.83 - 21.2	n/a	Runoff or Leaching from Natural Deposits
Sodium (ppm)	Not Regulated	n/a	105	90.3 - 114	n/a	Runoff or Leaching from Natural Deposits
Total Organic Carbon (ppm)	TT	n/a	1.9	1.9	n/a	Various Natural and Man-made Sources

ppb = parts per billion; ppm = parts per million; pCi/L = picoCuries per liter; µmho/cm = micromhos per centimeter; NTU = nephelometric turbidity units MCL = Maximum Contaminant Level; PHG = California Public Health Goal; MCLG = federal MCL Goal; MRDL = Maximum Residual Disinfectant Level; MRDLG = Maximum Residual Disinfectant Level Goal; NL = Notification Level; n/a = not applicable; TT = treatment technique. * Chemical is regulated by a secondary standard.

IRVINE RANCH WATER DISTRICT BAKER WATER TREATMENT PLANT	TREATMENT TECHNIQUE	TURBIDITY MEASUREMENTS	TT VIOLATION?	TYPICAL SOURCE IN DRINKING WATER
Turbidity - combined filter effluent				
1) Highest single turbidity measurement (NTU)	0.1	0.043	No	Soil Runoff
2) Percentage of samples less than or equal to 0.3 NTU	95%	100%	No	Soil Runoff

Turbidity is a measure of the cloudiness of the water, an indication of particulate matter, some of which might include harmful microorganisms. Low turbidity in the treated water is a good indicator of effective filtration. Filtration is called a "treatment technique" (TT). A treatment technique is a required process intended to reduce the level of chemicals in drinking water that are difficult and sometimes impossible to measure directly. NTU = nephelometric turbidity units

Source Water Assessment

Every five years, MWDSC is required by DDW to examine possible sources of drinking water contamination in its State Water Project and Colorado River source waters. The most recent surveys for MWDSC's source waters are the Colorado River Watershed Sanitary Survey—2020 Update and the State Water Project Watershed Sanitary Survey—2021 Update. The IRWD watershed sanitary survey for Santiago Reservoir (Irvine Lake) was updated in 2019. Water from the Colorado River is considered to be most vulnerable to contamination from recreation, urban/stormwater runoff, increasing urbanization in the watershed, and wastewater. Water supplies from Northern California's State Water Project are most vulnerable to contamination from urban/stormwater runoff, wildlife, agriculture, recreation, and wastewater. Water supplies from the Santiago Reservoir are most vulnerable to contamination from septic systems and wildfires.

U.S. EPA also requires MWDSC to complete a source water assessment (SWA) that uses information collected in the watershed sanitary surveys. MWDSC completed its SWA in December 2002. The most recent SWA for Santiago Reservoir was completed in 2001. The SWA is used to evaluate the vulnerability of water sources to contamination and helps determine whether more protective measures are needed. A copy of the most recent summary of the Watershed Sanitary Surveys or the SWA can be obtained by calling MWDSC at (800) CALL-MWD (800-225-5693). For additional information on the Watershed Sanitary Surveys or the SWA, please call the district at (949) 837-0660.

2024 El Toro Water District Drinking Water Quality

The tables in this report list all the drinking water contaminants detected by ETWD in 2024. The presence of these contaminants in the water does not necessarily indicate that the water poses a health risk. Unless otherwise noted, the data presented in this table is from testing done from January 1 through December 31, 2024.

2024 EL TORO WATER DISTRICT DISTRIBUTION SYSTEM WATER QUALITY							
	MCL (MRDL/ MRDLG)	AVERAGE AMOUNT	RANGE OF DETECTIONS	MCL VIOLATION	TYPICAL SOURCE OF CONTAMINANT		
Disinfection Byproducts							
Total Trihalomethanes (ppb)	80	56	23 - 56	No	Byproducts of Chlorine Disinfection		
Haloacetic Acids (ppb)	60	20	6.0 - 33	No	Byproducts of Chlorine Disinfection		
Chlorine Residual (ppm)	(4 / 4)	1.68	0.3 - 3.78	No	Disinfectant Added for Treatment		
Aesthetic Quality							
Turbidity (ntu)	5*	0.06	ND - 0.22	No	Erosion of Natural Deposits		

Eight locations in the distribution system are tested quarterly for total trihalomethanes and haloacetic acids; and nineteen locations monthly for color, odor and turbidity. Color and odor were not detected in 2024. MRDL = Maximum Resdiual Disnfectant Level; MRDLG = Maximum Residual Disnfectant Level Goal; *Contaminant is regulated by a secondary standard to maintain aesthetic qualities (taste, odor, color).

LEAD AND COPPER ACTION LEVELS AT RESIDENTIAL TAPS							
	ACTION LEVEL (AL)	PUBLIC HEALTH GOAL	90TH PERCENTILE VALUE	SITES EXCEEDING AL / NUMBER OF SITES	AL VIOLATION?	TYPICAL SOURCE OF CONTAMINANT	
Lead (ppb)	15	0.2	ND	0/34	No	Corrosion of Household Plumbing	
Copper (ppm)	1.3	0.3	0.082	0/34	No	Corrosion of Household Plumbing	

Every three years, the District collects samples that are tested for lead and copper at-the-customers-tap. The most recent set of samples was collected in 2023. Lead was not detected in any samples. The 90th percentile value for lead did not exceed the Action Level. Copper was detected in 9 samples; none exceeded the Action Level. A regulatory Action Level is the concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

Disinfectants and Disinfection By-Products in Drinking Water

Disinfection of drinking water was one of the greatest public health advancements of the 20th century, significantly reducing the spread of waterborne diseases caused by bacteria and viruses. Today chlorine and chloramines are commonly used disinfectants to ensure safe drinking water.

How Disinfection Works

- Chlorine is added at the water source (groundwater wells or treatment plants) to kill harmful microorganisms.
- Residual chlorine remains in the distribution system to prevent bacterial growth in the pipes that carry water to homes and businesses.
- Chloramines, a combination of chlorine and ammonia, are also used as a disinfectant and help reduce certain by-products.

Disinfection By-Products and Regulations

While effective, chlorine and chloramines can react with naturally occurring materials in water, forming disinfection by-products (DBPs), which may pose health risks. The most common DBPs are trihalomethanes (THMs) and haloacetic acids (HAAs).

To protect public health, the U.S. EPA regulates DBPs under the Safe Drinking Water Act:

- In 1979 the U.S. EPA set the maximum allowable total THM level at 100 parts per billion (ppb).
- In 2002 the Stage 1 Disinfectants/Disinfection Byproducts Rule lowered the limit to 80 ppb and added HAAs to the list of regulated chemicals.
- In 2006 the Stage 2 Disinfectants/Disinfection Byproducts Rule introduced further monitoring and control measures.
- Full compliance began in 2012.

Your drinking water meets or exceeds all state and federal standards, with rigorous monitoring in place. We regularly test for DBPs and adjust treatment methods to maintain a safe balance between disinfection and by-product control.





Your 2025 Water Quality Report

The Knowledge You Need for Continued Consumer Confidence

Look inside to see how our water quality is equal to or better than what is required to safeguard public health.





El Toro Water District 24251 Los Alisos Boulevard Lake Forest, California 92630



POSTAL CUSTOMER



Water Quality is Our Number One Priority

Turn the tap and the water flows. Delivering high-quality drinking water to our customers is a scientific and engineering feat that requires considerable effort and talent to ensure the water is always available to drink. Because tap water is highly regulated by state and federal laws, water treatment and distribution operators must be licensed and are required to complete on-the-job training and technical education before becoming a state certified operator.

Our licensed water professionals have an understanding of a wide range of subjects, including mathematics, biology, chemistry, physics, and engineering. Some of the tasks they complete on a regular basis include:

- Monitoring and inspecting machinery, meters, gauges, and operating conditions;
- Conducting tests and inspections on water and evaluating the results;
- Documenting and reporting test results and system operations to regulatory agencies; and
- Serving our community through customer support, education, and outreach.

So the next time you turn on your faucet, think of the skilled professionals who stand behind every drop. ETWD is committed to safeguarding its water supply and ensuring that your tap water is safe to drink 24 hours a day, 7 days a week.



This report contains important information about your drinking water. Translate it, or speak with someone who understands it.

このレポートには、飲料 水に関する重要な情報が 含まれています。それを翻 訳して、またはそれを理 解している人に相談して ください Este informe contiene información importante sobre su agua potable. Traducirlo, o hablar con alguien que lo entienda.

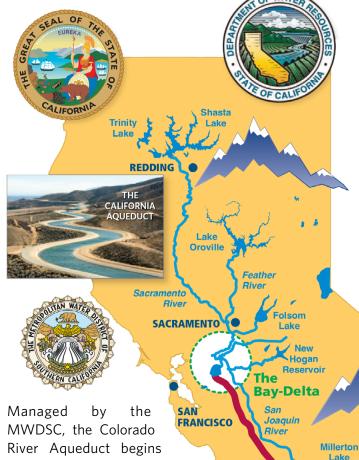
> 该报告包含有关您的 饮用水的重要信息。翻 译一下,或与理解它 的人交谈

Dieser Bericht enthält wichtige Informationen zu Ihrem Trinkwasser. Übersetze es, oder sprechen Sie mit jemandem, der es versteht Ce rapport contient des informations importantes sur votre eau potable. Traduisez-le, ou parlez à quelqu'un qui comprend

Questo rapporto contiene informazioni importanti sull'acqua potabile. Traducilo, o parlare con qualcuno che lo capisce

이 보고서에는 식수에 관 한 중요한 정보가 포함되 어 있습니다. 번역해 보세 요, 아니면 이해해주는 사 람이랑 얘기해봐

Where Does Our Water Comes From? And How Does it Get to Us?



River Aqueduct begins near Parker Dam on the Colorado River. There, the Gene Pumping Station lifts the water over 300 feet as it begins its 242mile journey to Lake Mathews, just outside the City of Corona. Along the way, the water passes through two reservoirs, five pumping stations, 62 miles of

canals, and 176 miles of tunnels, buried conduits, and siphons. All told, the water is lifted four times, for a total of more than 1,300 feet.

After its journey across the Mojave Desert, the water descends into the Coachella Valley and through the San Gorgonio Pass. Near Cabazon, the aqueduct flows underground, passing beneath the San Jacinto Mountains and continuing until it reaches its terminus at Lake Mathews. From there, 156 miles of distribution lines, along with eight more tunnels and five drinking water treatment plants, deliver treated water throughout Southern California.

THE GENE PUMPING STATION

ON THE COLORADO AQUEDUCT

Have you ever wondered where your water comes from? Our water is imported from Northern California and the Colorado River. Water from Northern California travels to us through a complex delivery system known as the California State Water Project. Designed and built in the 1960s, the State Water Project is one of the largest public water and power utilities in the world, providing drinking water for more than 25 million people statewide. Managed by the California Department of Water Resources, the project stretches over 700 miles from Lake Oroville in the north to Lake Perris in the south. Water stored in Lake Oroville, Folsom Lake, and other tributaries and fed by snowmelt from the Sierra Nevada Mountains flows into the Sacramento and San Joaquin Rivers, and from there into reservoirs in the Bay-Delta region.

From the Bay-Delta, giant pumps lift the water into the 444-mile-long California Aqueduct to flow southward to cities and farms in Central and Southern California. Composed mainly of concrete-lined canals, the aqueduct includes over 20 miles of tunnels, over 130 miles of pipelines, and 27 miles of siphons. Along the way, the water is pumped 2,882 feet over the Tehachapi Mountains. The Edmonston Pumping Plant alone lifts millions of gallons a day up 1,926 feet, the highest single water lift in the world. Is it any wonder the State Water Project is the largest single consumer of power in California?

California Aqueduct

BAKERSFIELD Lake Isabella Chrisman Pumping Plant Edmonstor Pumping

Pyramid

Lake

Castaio

LOS ANGELES Silverwood Lake Aqueduct Lake Perris

THE CHRISMAN PUMPING PLANT ON THE CALIFORNIA AQUEDUCT

> Gene Pumping Station

> > Colorado

River

Lake Mathews ORANGE COUNTY



STAFF REPORT

To: Board of Directors

Meeting Date: June 26, 2025

From: Vu Chu, Water Use Efficiency Analyst

Subject: Water Use Efficiency Report

Rebate Programs:

The SoCal WaterSmart regional rebate program is available to ETWD customers through the collaboration of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, and ETWD.

Eligible device purchases may qualify for rebates, contingent on meeting eligibility criteria and subject to fund availability. Detailed residential and commercial rebate information is accessible at:

www.etwd.com/conservation/rebates www.etwd.com/commercial-rebates

Actual Customer Rebates Analysis:

The following ETWD residential customer and commercial customer device rebates were approved by the Metropolitan Water District and the Municipal Water District of Orange County in May 2025.

The table below also shows the ETWD residential and commercial rebates approved between July 1, 2024, and June 30, 2025.

Rebate Program	May 2025	FY 2024/25
Turf Replacement – Commercial		40,749 sq. ft.
Turf Replacement – Residential		1,270 sq. ft.

High Efficiency Clothes Washer	1	18
Irrigation Controller (Commercial)		58
Irrigation Controller (Residential)	3	8
Hose Bib Irrigation Controller		1
Faucet Aerators		2
Low-flow Showerheads	2	12

Water Use Efficiency Plan Update:

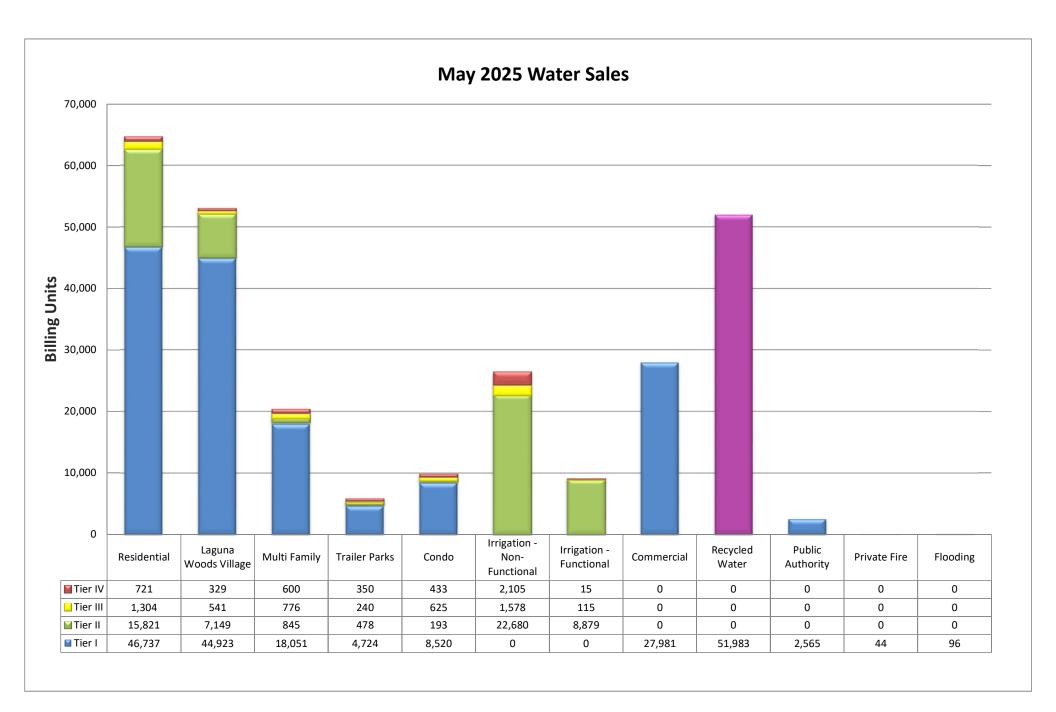
The District Water Budget-Based Tiered Conservation Rate Structure (WBBTCRS) pricing structure is the primary plan that gives customers the incentive needed to be efficient. The Plan efforts initially will concentrate on those customers continually in the Inefficient and Excessive Tiers (Tiers 3 and 4). During May 2025, residential customers accounted for 67.3% of Tier 3 usage and dedicated irrigation accounted for 32.7%. For Tier 4, residential customers accounted for 53.4% and dedicated irrigation accounted for 46.6% during the same period.

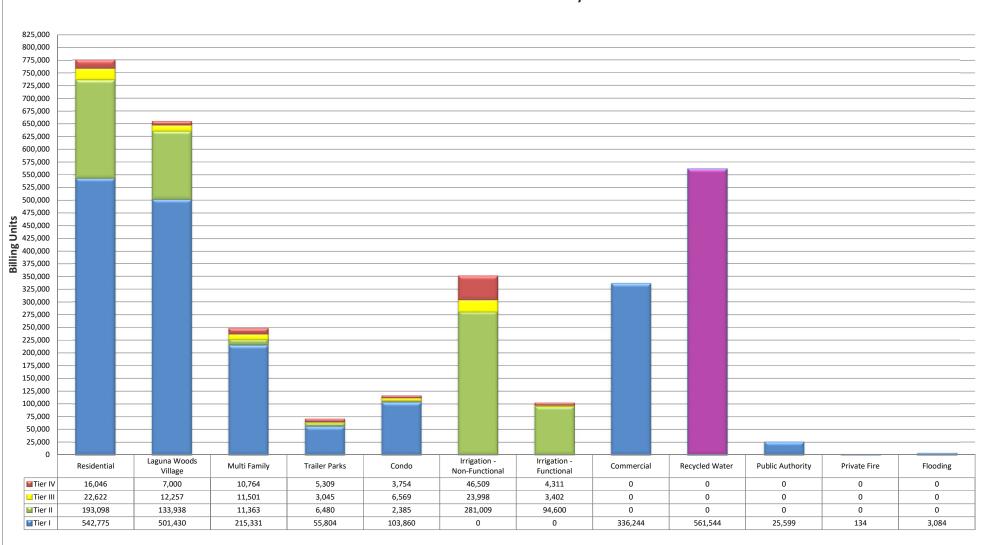
Total Consumption Comparison to Evapotranspiration (ET) Factor:

Included in this month's Water Use Efficiency Report is a chart comparing the current fiscal year consumption and ET factor to the fiscal 2023/24 consumption and ET factor. Total potable water consumption increased by 12.46% in May 2025 versus May 2024. On a year-to-date basis, total potable water consumption increased 12.46% over the same period in FY 2023-2024. The ET factor increased from 4.62 to 5.43 during the same period.

ETWD Tier Consumption Information and Usage Information Compared to Previous Years:

The following graphs highlight ETWD year-to-date consumption and consumption by tier for the current fiscal year compared to the 2023-2024 fiscal year. ETWD water consumption compared to 2013 and 2020 are also included.

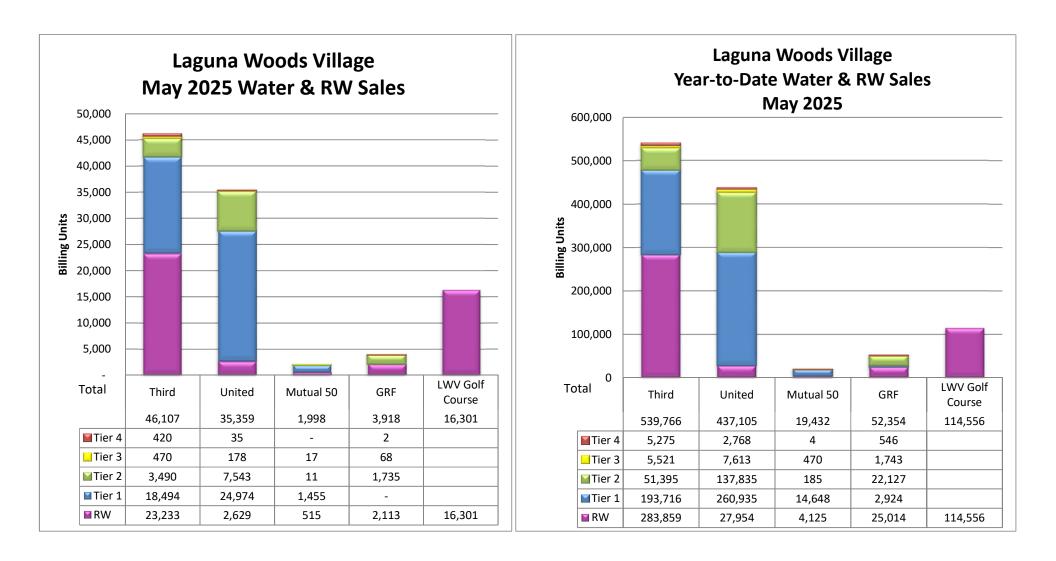


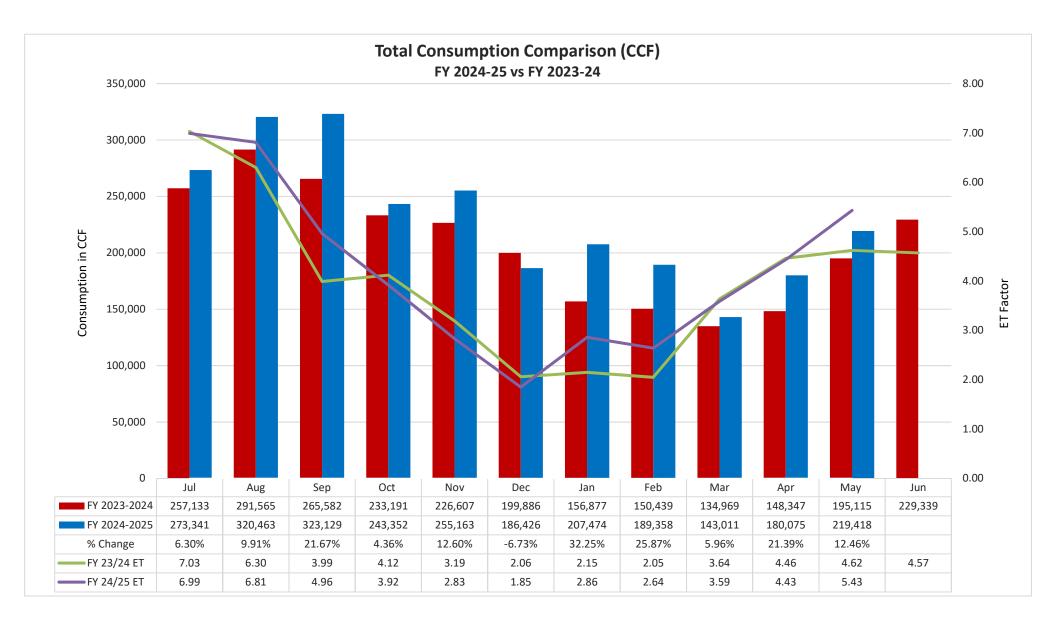


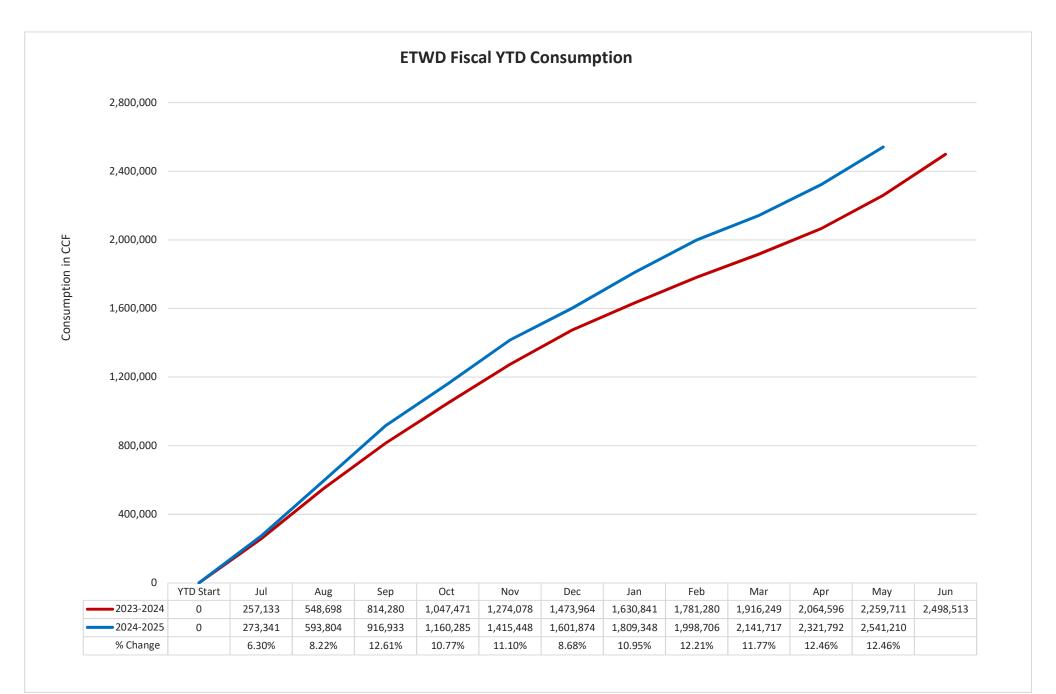
Year-to-Date Water Sales as of May 2025

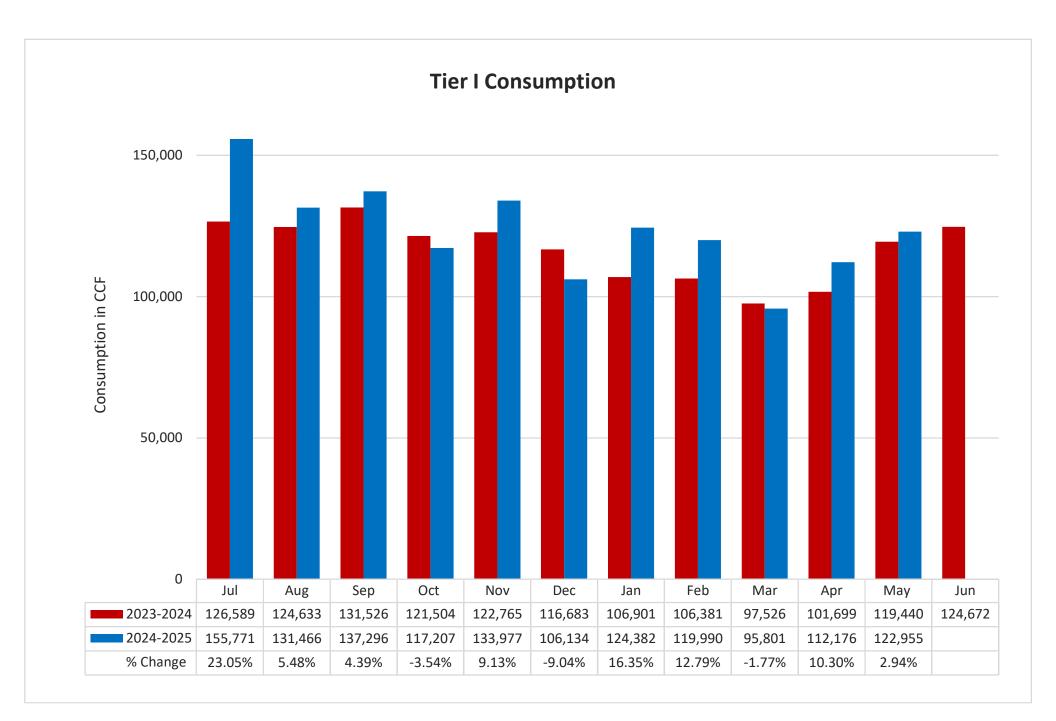


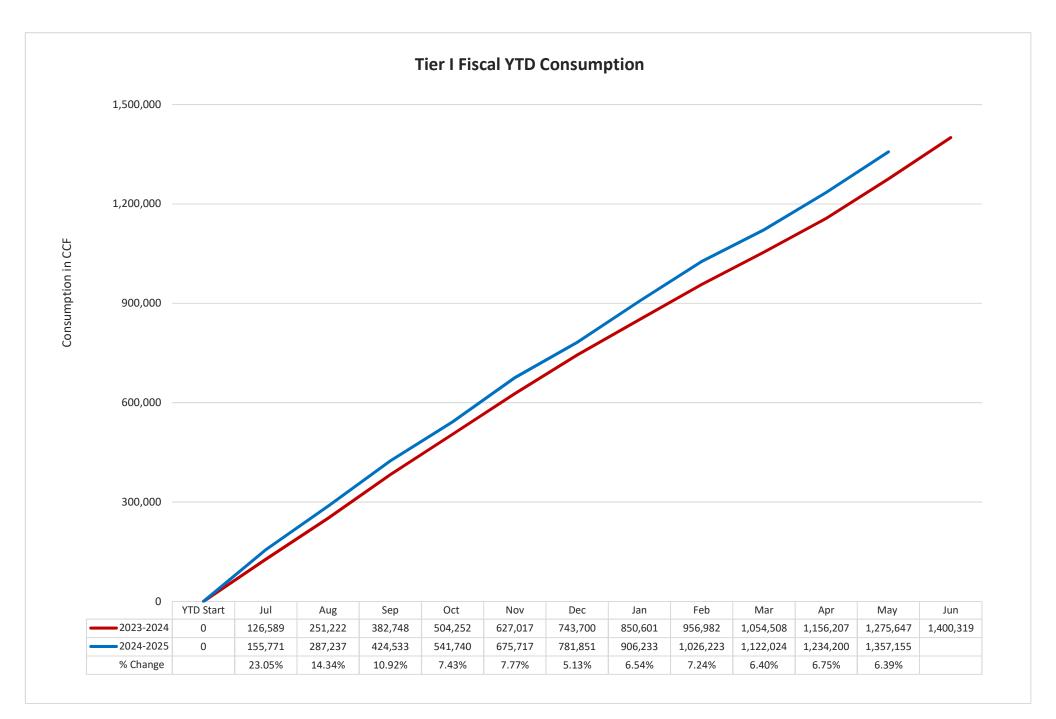


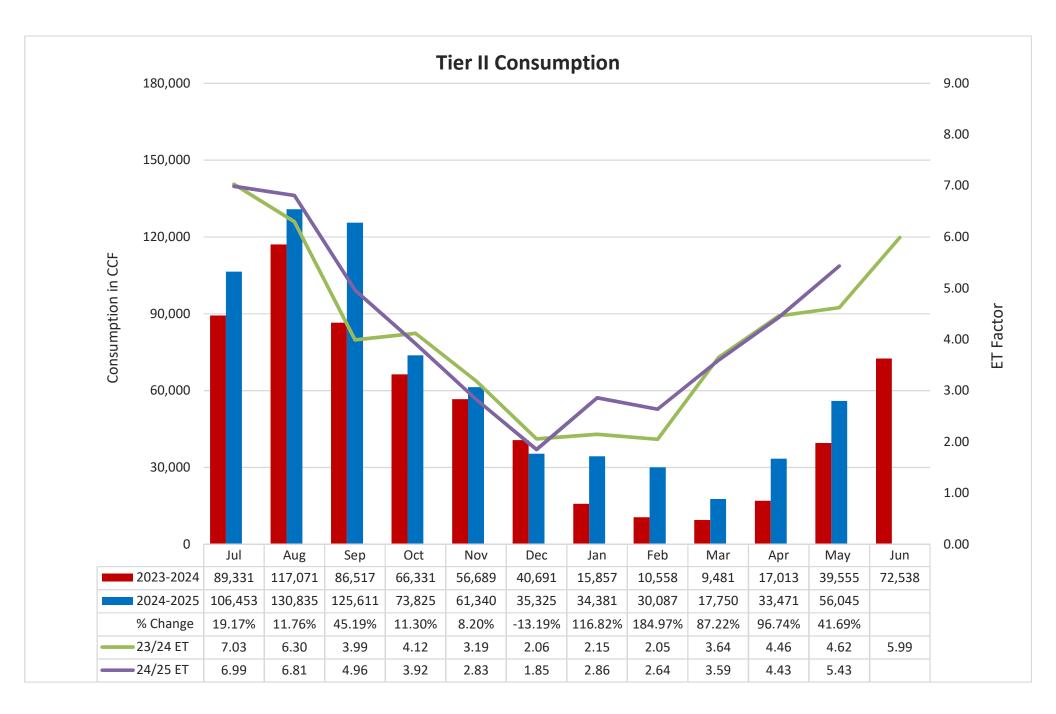


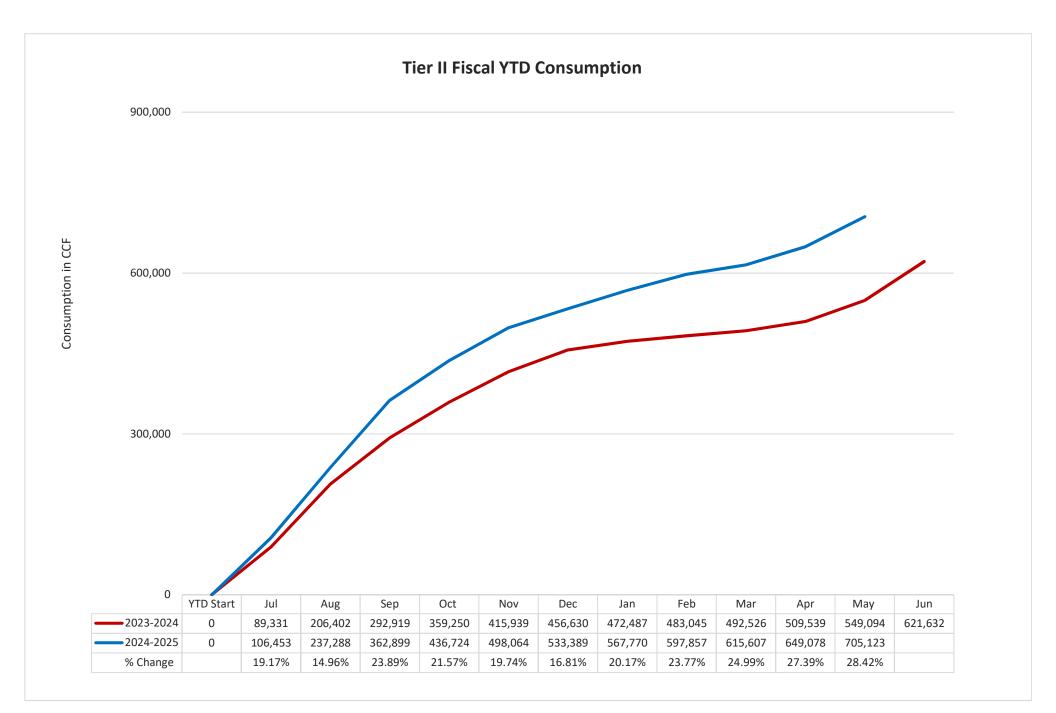


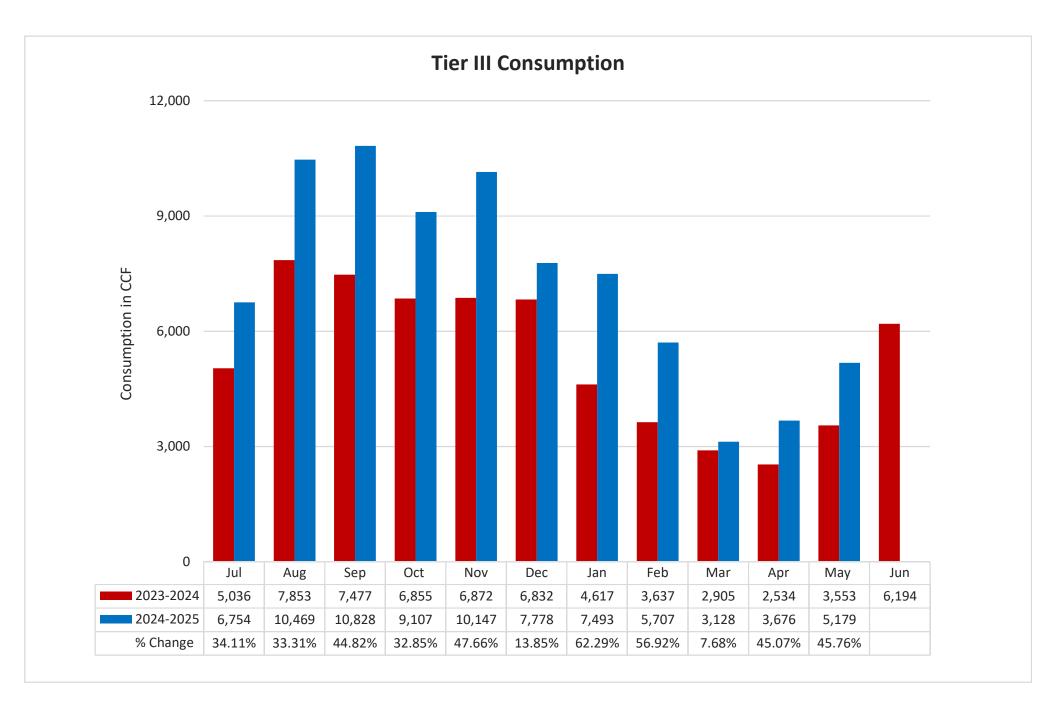


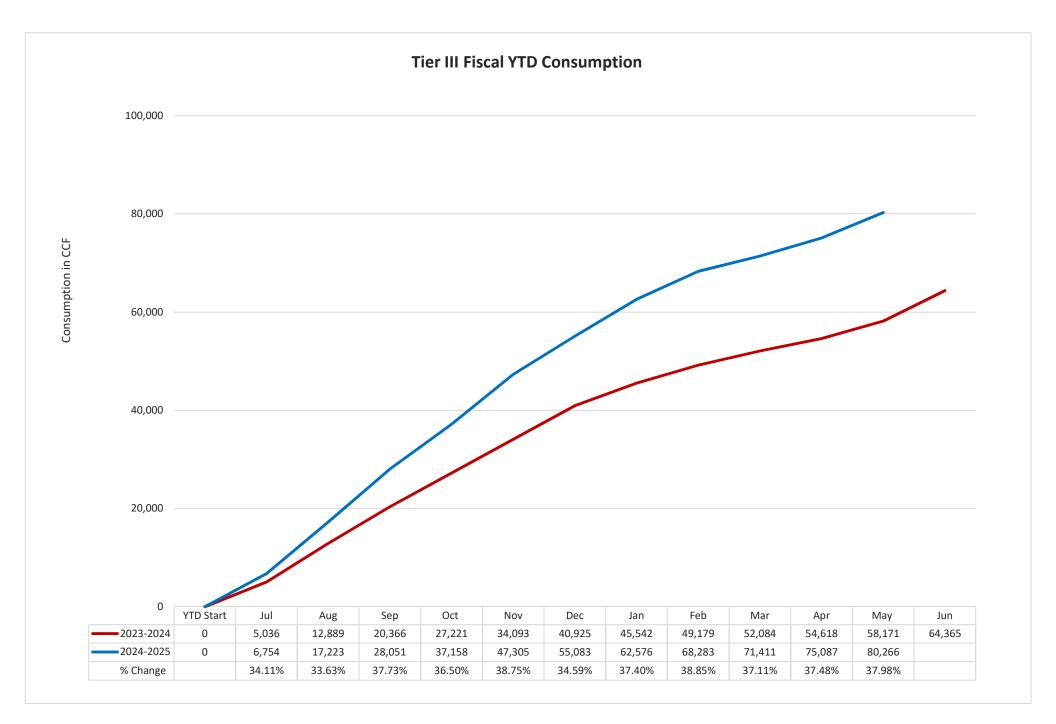


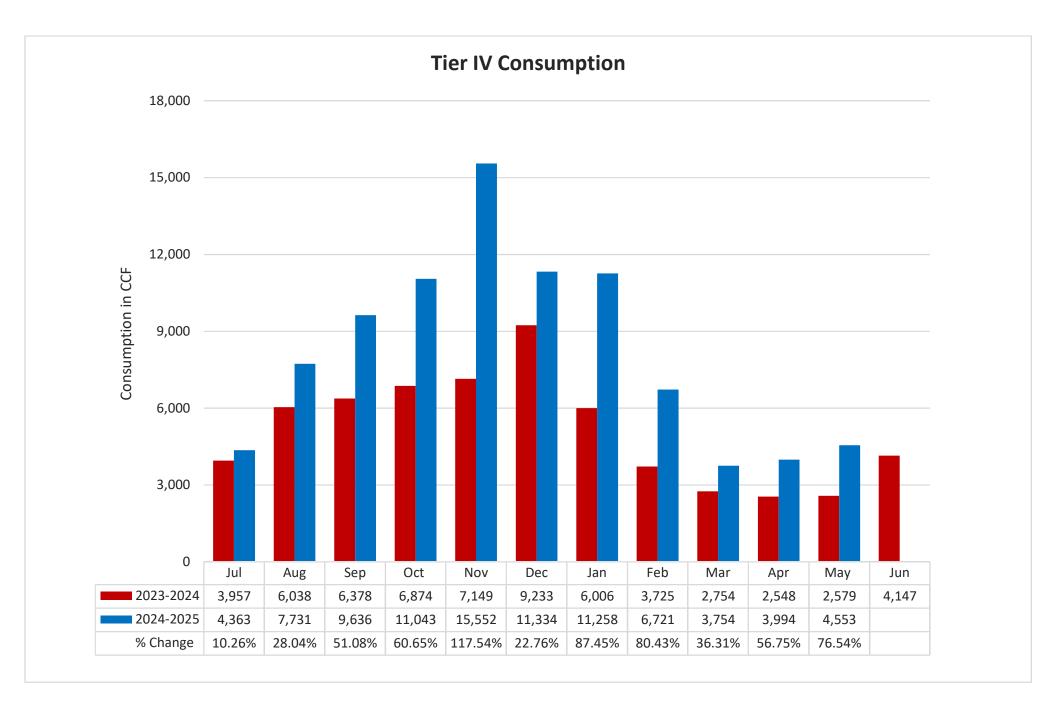


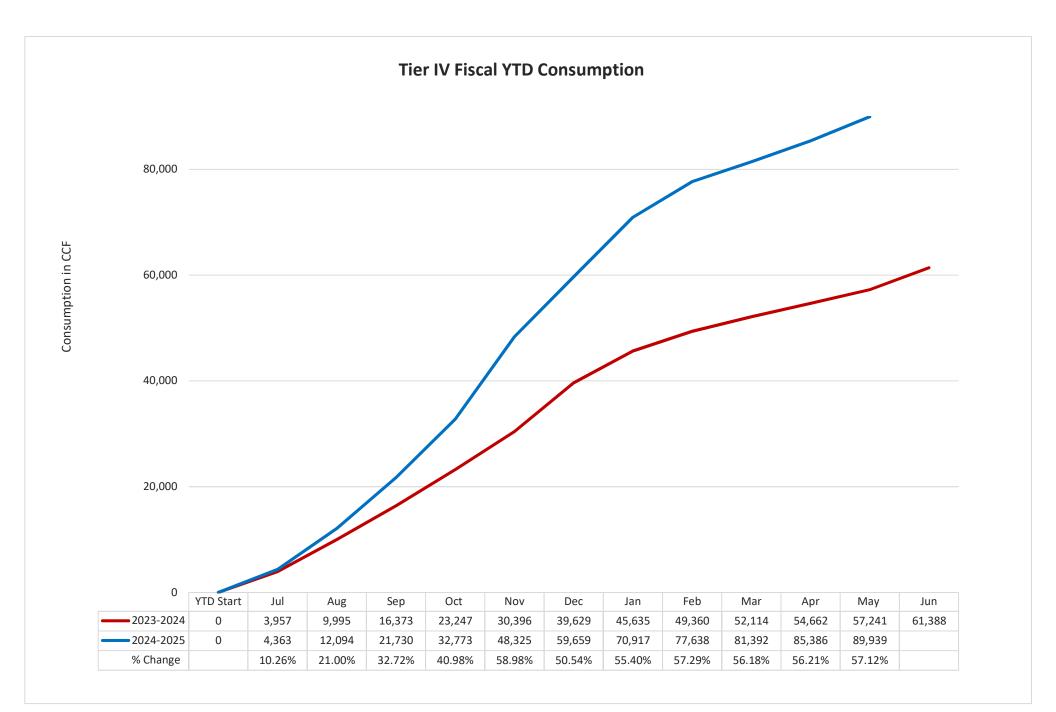


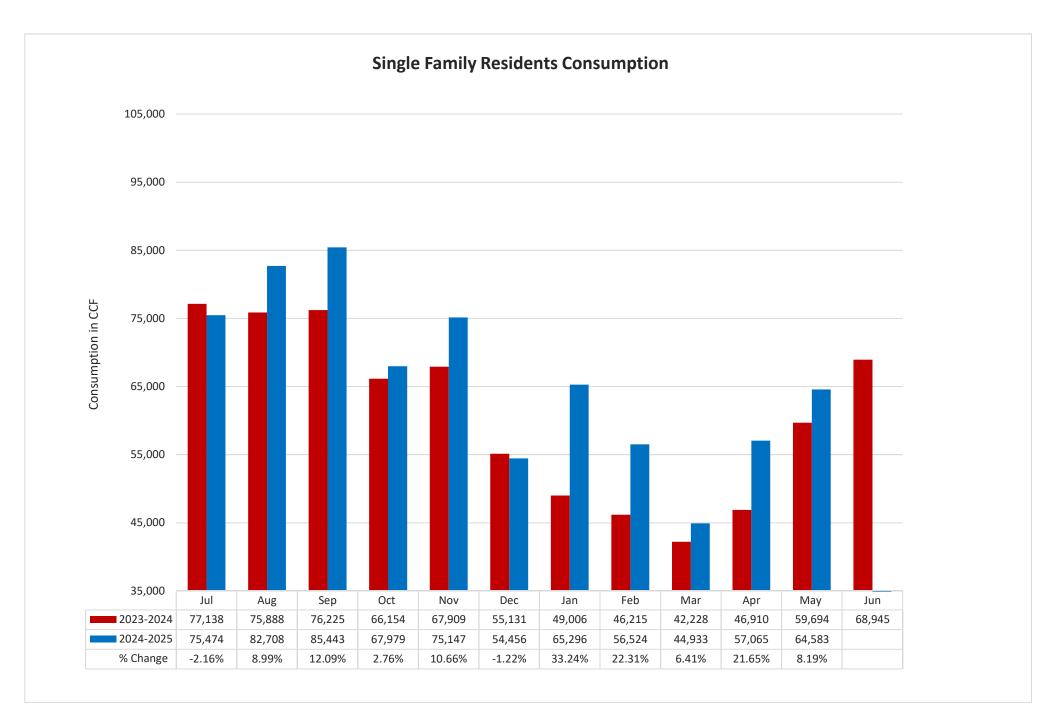


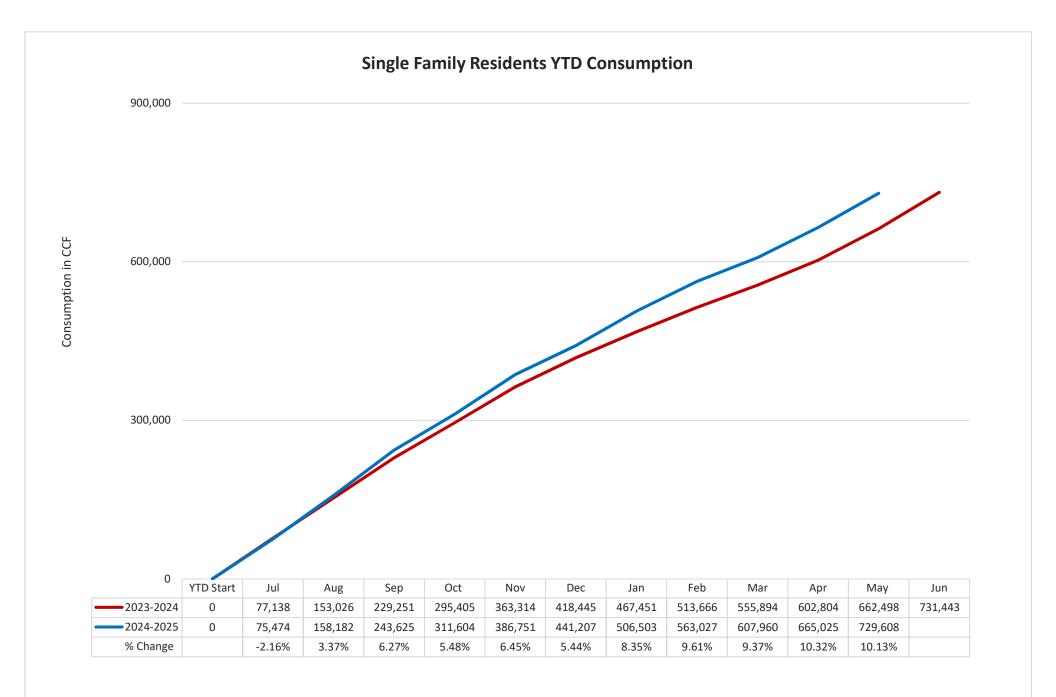


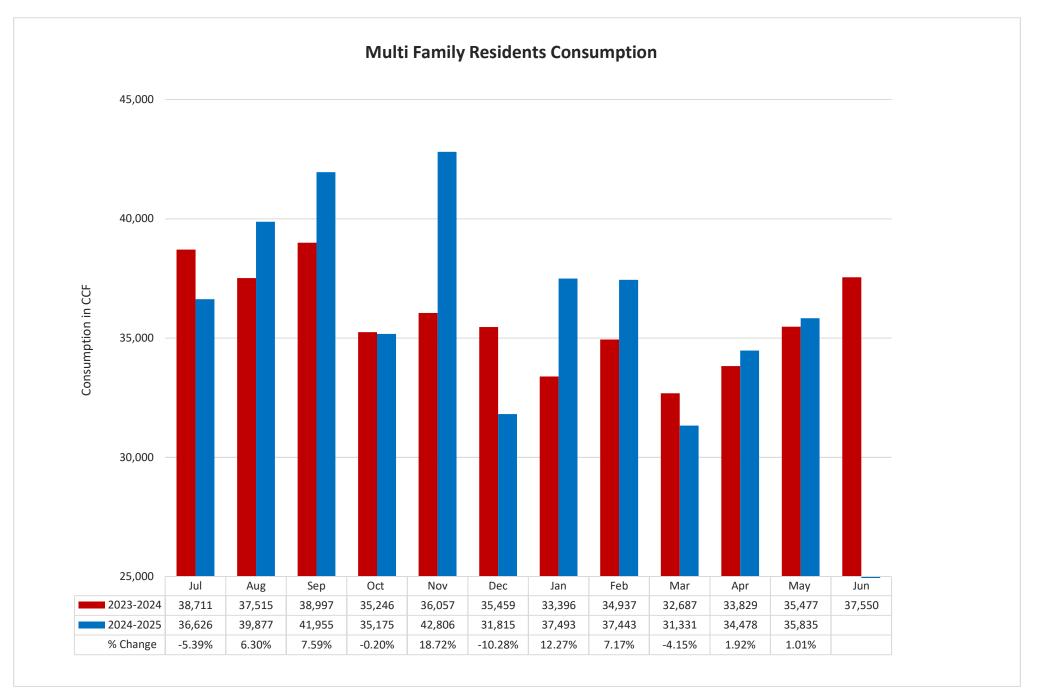


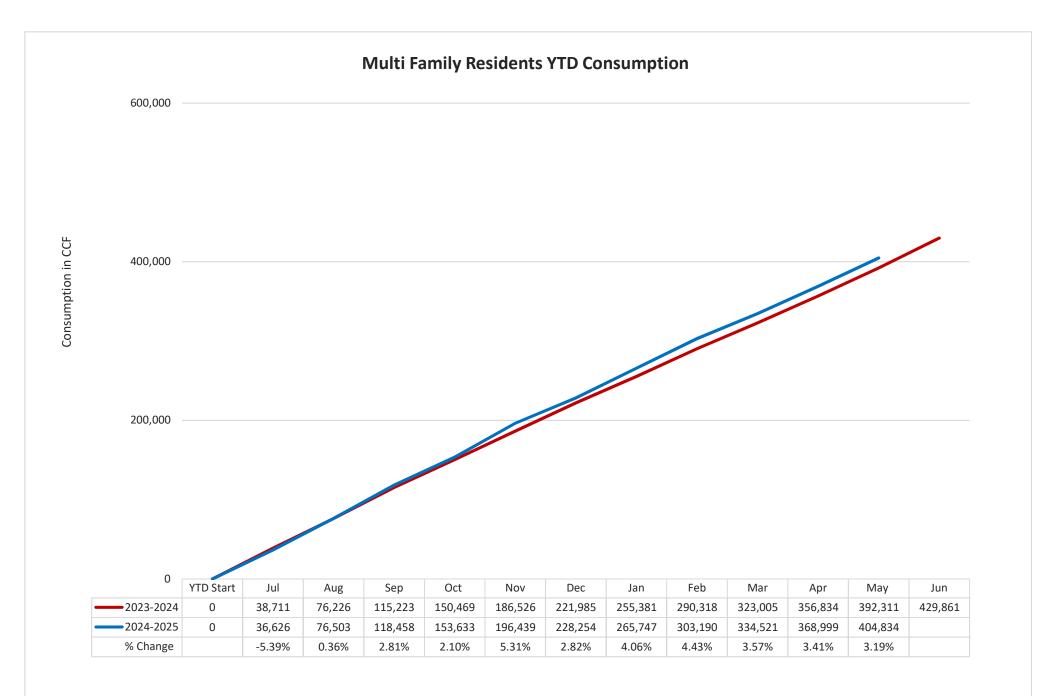


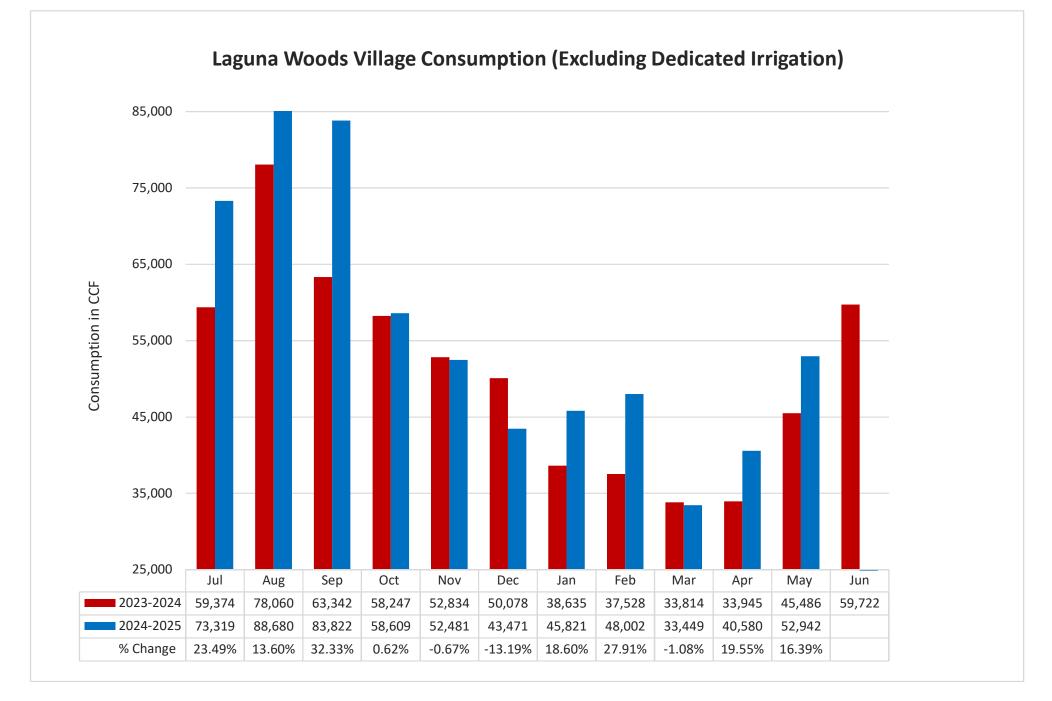


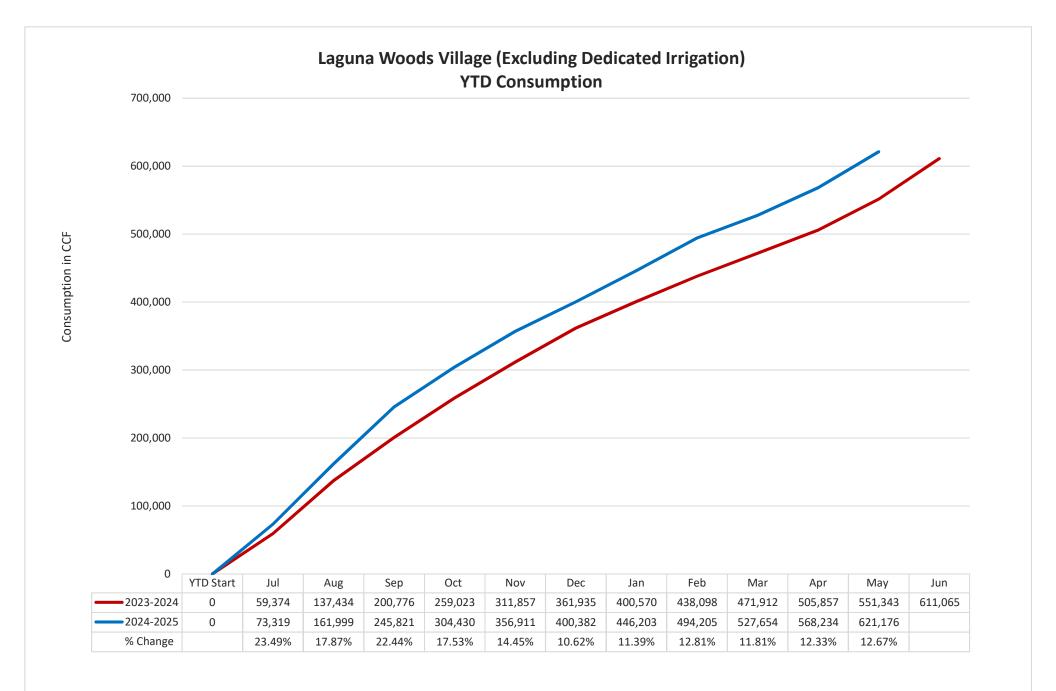


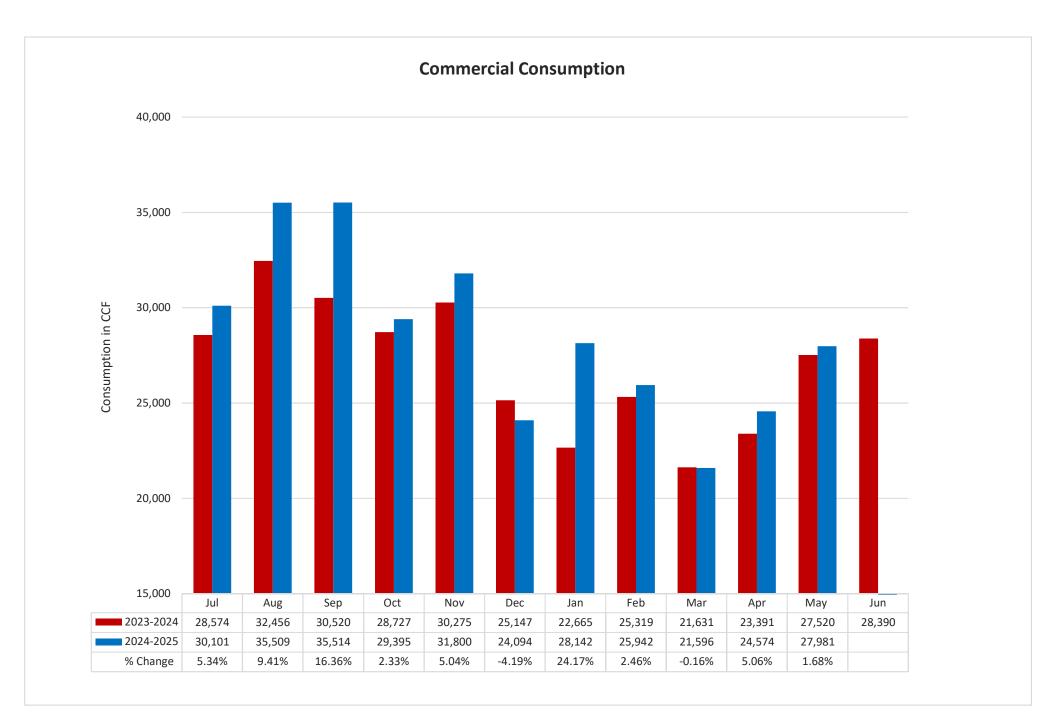


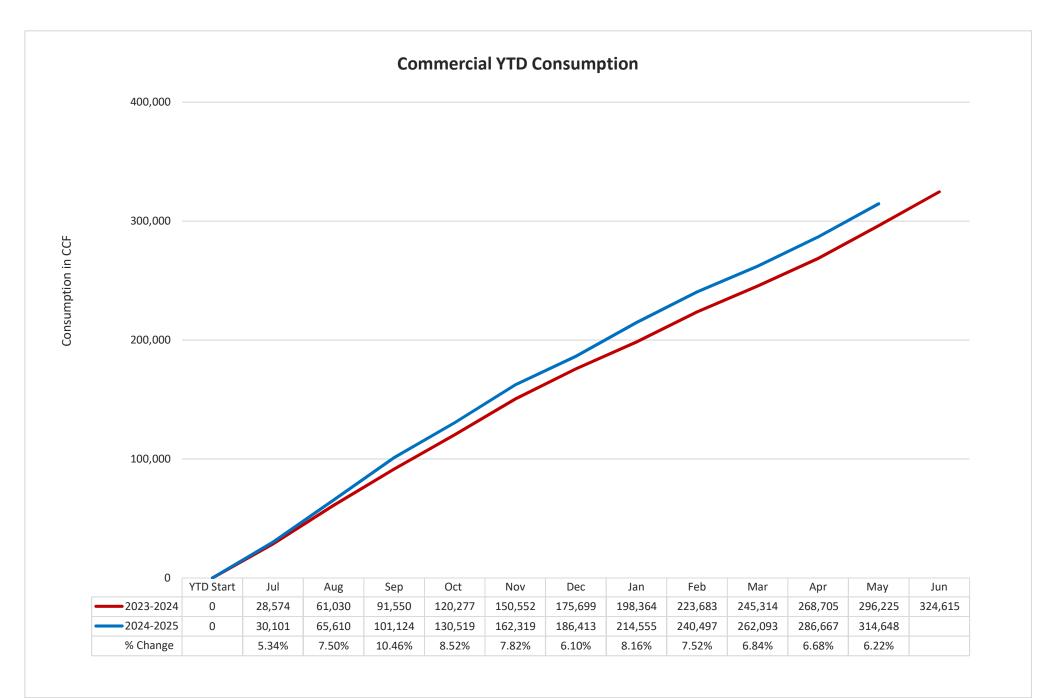


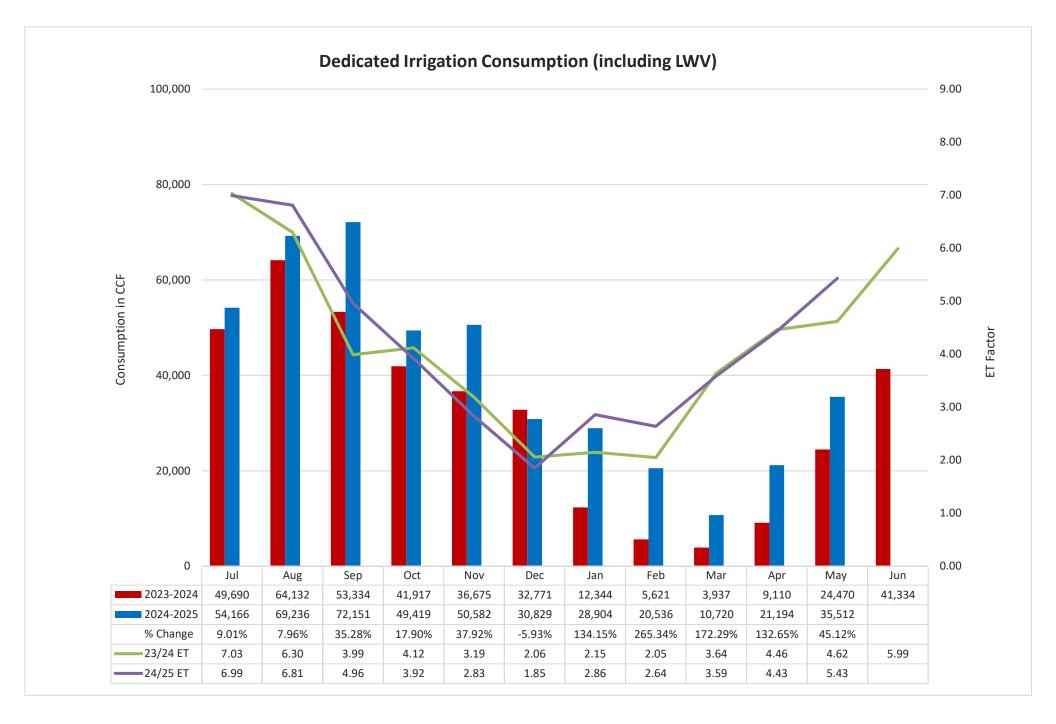


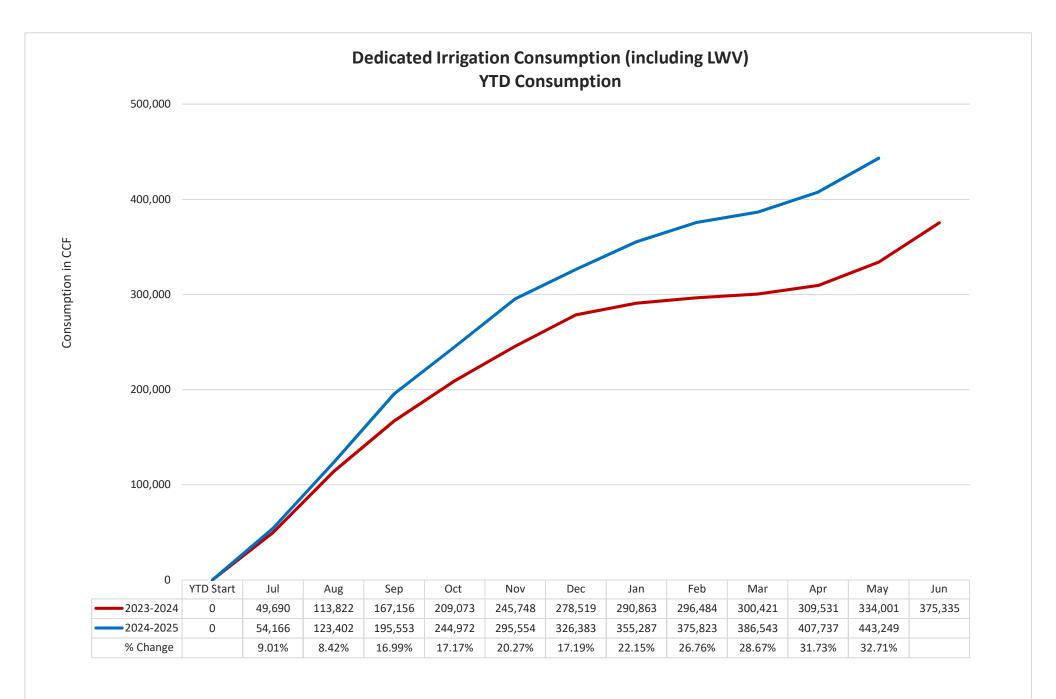


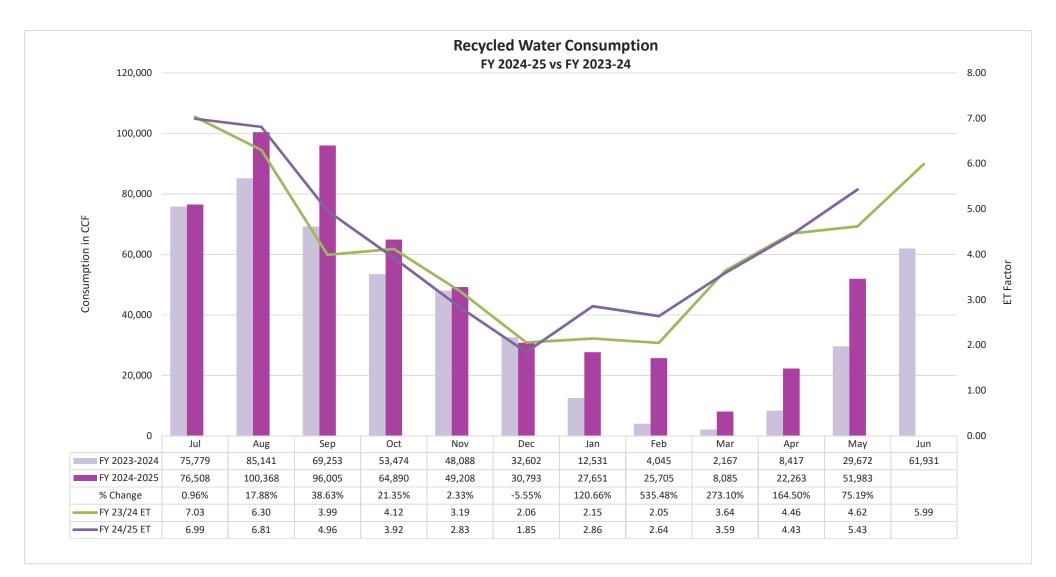


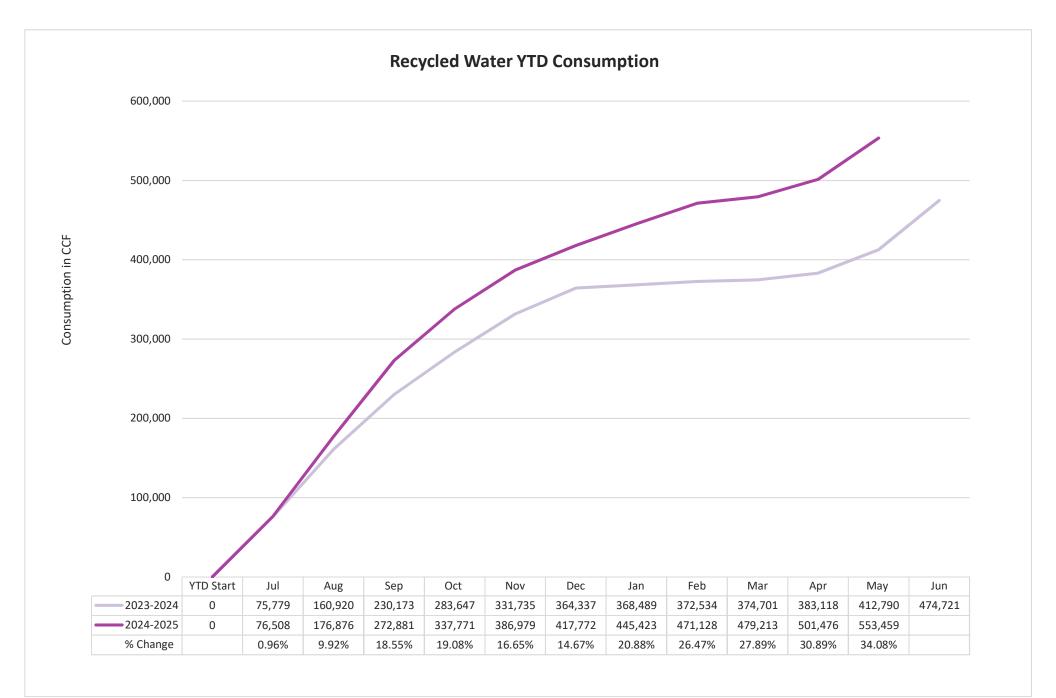


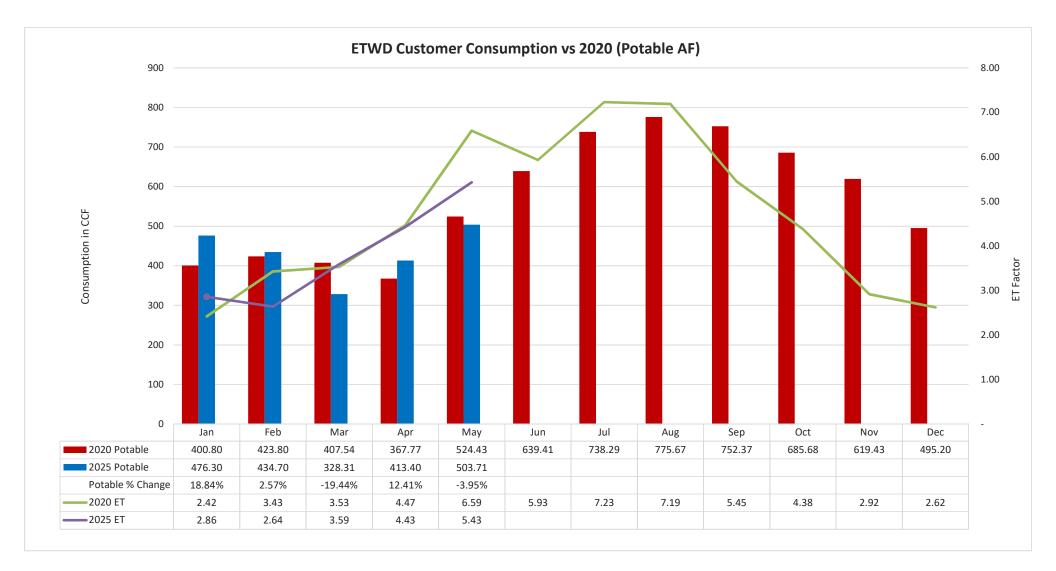


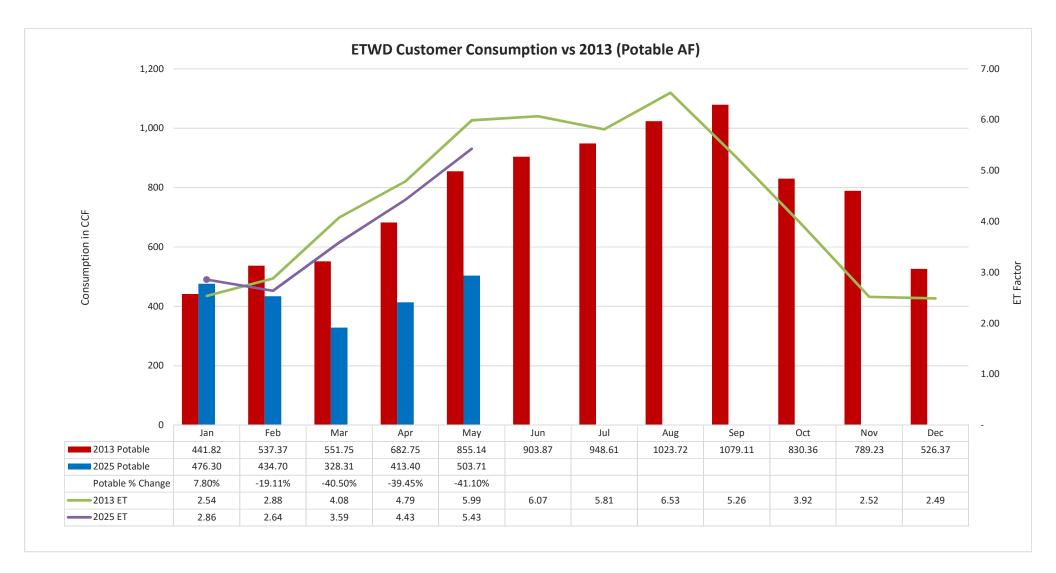




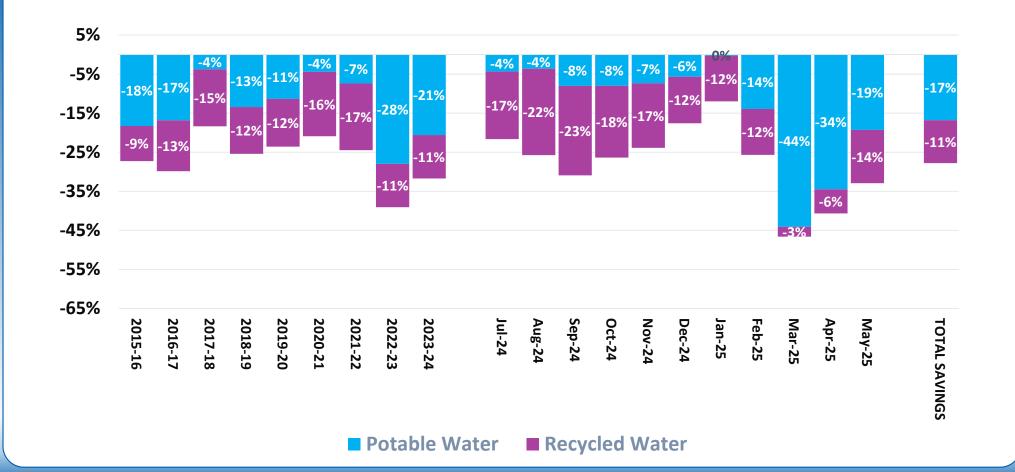








ETWD WATER USAGE COMPARED TO 2013



I hereby certify that the following Agenda was posted at least 72 hours prior to the time of the Board Meeting so noticed below at the usual agenda posting location of the South Orange County Wastewater Authority (SOCWA) and at www.socwa.com.

Danita Hirsh, Assistant Secretary SOCWA and the Board of Directors thereof

Regular Meeting of The South Orange County Wastewater Authority Board of Directors

> June 5, 2025 8:30 a.m.

PHYSICAL MEETING LOCATION:

South Orange County Wastewater Authority 34156 Del Obispo Street Dana Point, CA 92629

THE BOARD OF DIRECTORS MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS, PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5452 AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING TO REQUEST SUCH ACCOMMODATIONS. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING. MEMBERS OF THE PUBLIC HAVE THE OPTION TO PARTICIPATE IN AND MAY JOIN THE MEETING REMOTELY VIA VIDEO CONFERENCE FOR VISUAL INFORMATION ONLY (USE ZOOM LINK BELOW) AND BY TELECONFERENCE FOR AUDIO PARTICIPATION (USE PHONE NUMBERS BELOW). THIS IS A PHONE-CALL MEETING AND NOT A WEB-CAST MEETING, SO PLEASE REFER TO AGENDA MATERIALS AS POSTED ON THE WEBSITE AT WWW.SOCWA.COM. ON YOUR REQUEST, EVERY EFFORT WILL BE MADE TO ACCOMMODATE PARTICIPATION. FOR PARTIES PARTICIPATING REMOTELY, PUBLIC COMMENTS WILL BE TAKEN DURING THE MEETING FOR ORAL COMMUNICATION IN ADDITION TO PUBLIC COMMENTS RECEIVED BY PARTIES PARTICIPATING IN PERSON. COMMENTS MAY BE SUBMITTED PRIOR TO THE MEETING VIA EMAIL TO ASSISTANT SECRETARY DANITA HIRSH AT DHIRSH@SOCWA.COM WITH THE SUBJECT LINE "REQUEST TO PROVIDE PUBLIC COMMENT." IN THE EMAIL, PLEASE INCLUDE YOUR NAME, THE ITEM YOU WISH TO SPEAK ABOUT, AND THE TELEPHONE NUMBER YOU WILL BE CALLING FROM SO THAT THE COORDINATOR CAN UN-MUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. THOSE MAKING PUBLIC COMMENT REQUESTS REMOTELY VIA TELEPHONE IN REAL-TIME WILL BE ASKED TO PROVIDE YOUR NAME. THE ITEM YOU WISH TO SPEAK ABOUT. AND THE TELEPHONE NUMBER THAT YOU ARE CALLING FROM SO THE COORDINATOR CAN UNMUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. ONCE THE MEETING HAS COMMENCED, THE CHAIR WILL INVITE YOU TO SPEAK AND ASK THE COORDINATOR TO UNMUTE YOUR LINE AT THE APPROPRIATE TIME.

AGENDA ATTACHMENTS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY BOARD OF DIRECTORS IN CONNECTION WITH A MATTER SUBJECT FOR DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE BOARD OF DIRECTORS ARE AVAILABLE FOR PUBLIC INSPECTION IN THE AUTHORITY ADMINISTRATIVE OFFICE LOCATED AT 34156 DEL OBISPO STREET, DANA POINT, CA ("AUTHORITY OFFICE") OR BY PHONE REQUEST MADE TO THE AUTHORITY OFFICE AT 949-234-5452. IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE BOARD OF DIRECTORS LESS THAN SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA OF THE AUTHORITY OFFICE AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE BOARD OF DIRECTORS AND SENT TO ANY REMOTE PARTICIPANTS REQUESTING EMAIL DELIVERY OR POSTED ON SOCWA'S WEBSITE. IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE MEETING ROOM OR IMMEDIATELY UPON VERBAL REQUEST TO BE DELIVERED VIA EMAIL TO REQUESTING PARTIES PARTICIPATING REMOTELY.

THE PUBLIC MAY PARTICIPATE REMOTELY BY VIRTUAL MEANS. FOR AUDIO OF MEETING USE THE CALL IN PHONE NUMBERS BELOW AND FOR VIDEO USE THE ZOOM LINK BELOW.

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Agenda

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

Members of the public may address the Board regarding an item on the agenda or may reserve this opportunity during the meeting at the time the item is discussed by the Board. There will be a three-minute limit for public comments.

4. APPROVAL OF BOARD MEMBER REQUEST FOR REMOTE PARTICIPATION

ACTION Board Discussion/Direction and Action.

5. CLOSED SESSION

A. Closed Session Conference with Labor Negotiator Pursuant to Government Code § 54957.6

Agency Designated Representatives:
Employee Organization:

Brad Neufeld, Labor Counsel Amber Boone, General Manager SOCWA Employee Association

- B. Closed Session Conference with Legal Counsel Anticipated Litigation Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code § 54956.9: One Potential Case.
- C. Report Out of Closed Session

PAGE NO.

6. CONSENT CALENDAR

<u>Agenda</u>

		PAGE NO.
D.	Minutes of Fi	nance Committee
		ce Committee Meeting of April 15, 2025 ce Committee Meeting of April 29, 2025
	ACTION	The Board will be requested to receive and file the subject Minutes.
E.	Financial Rep	ports for the Month of March 202520
	The reports i	ncluded are as follows:
	b. Budge > > >	al Schedule (Exhibit A) et vs. Actual Expenses: Operations and Environmental Summary (Exhibit B-1) Operations and Environmental by PC (B-1.2) Residual Engineering, after transfer to Capital (Exhibit B-2) Administration (Exhibit B-3) Information Technology (IT) (Exhibit B-4)
	ACTION	The Finance Committee recommends that the Board of Directors receive and file the March 2025 Financial Reports.
F.	1. Month 2. SOCV 3. Beach 4. Recyc	Derations Report
G.	• •	submitted. wement Construction Projects Progress and Change Order Report (May) mittees 2 and 15]74
	ACTION	Information Item.
<u>EN</u>	IGINEERING I	MATTERS
A.		Treatment Plant (JBL) Effluent Pump Station and Energy Building Upgrades Services During Construction Contract [Project Committee 2]
	ACTION	The Engineering Committee recommends that the PC 2 Board of Directors approve Change Order 1 to Carollo Engineers for \$119,316. This will result in a revised total contract amount of \$294,832 for the JBL Effluent Pump Station and Energy Building improvements Engineering Services during Construction.

7.

<u>Agenda</u>

	Β.		Treatment Plant (JBL) 2 Headworks Rehabilitation Engineering ing Construction Contract [Project Committee 2]	91	
		ACTION	The Engineering Committee recommends that the PC 2 Board of Directors approve Change Order 1 to Dudek for \$47,858. This will result in a revised total contract amount of \$255,958 for Engineering Services during Construction for the JBL Plant 2 Headworks Rehabilitation project.		
8.	GENERAL MANAGER'S REPORT				
	A.	Selection of (Officers for the Board of Directors for Fiscal Year (FY) 2025-26	99	
		ACTION	Staff recommends that the Board of Directors elect/appoint Officers to service the Authority during FY 2025-26.		
	В.	Waste Dispo	sal Agreement (WDA) Second Amendment	100	
		ACTION	Staff recommends that the Board of Directors authorize the General Manager to execute the Second Amendment of the Waste Disposal Agreement (WDA).		
	C.		Products 5.25%-12.5% Sodium Hypochlorite (Bleach) and 30%-50% roxide (Caustic Soda) Contract Award [Project Committees 2 and 15]	107	
		ACTION	Staff recommends that the Board of Directors authorize the General Manager to:		
			 Award a contract to JCI Jones Chemicals Inc. for sodium hypochlorite products for one (1) year with up to three (3) optional annual renewals; Award a contract to NorthStar Chemical, Inc. (a DBA of Pacific Star Chemical, LLC.) for sodium hydroxide products for one (1) year with up to three (3) optional annual renewals; and Initiate subsequent renewals with an increase of 10% or less. 		
	D.	Approval of F	FY 2025-26 Final Budget	113	
		the General Counsel will cover the vote requirements for each area at the ediately prior to the motion and vote on each item.			
		ACTION:	The Finance Committee recommends that the Board of Directors consider the FY 2025-26 Budget as proposed.		

<u>Agenda</u>

PAGE NO

The FY 2025-26 Budget includes General Fund Expenses, Operating Expenses, and Capital Expenditures as proposed.

- 1. Project Committee Operating Budgets
 - a. Approval of the FY 2025-26 Administration Budget (inclusive of project committee administration expenses, residual engineering, and IT). Approval of the FY 2025-26 Administration Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
 - b. Approval of the Project Committee ("PC") 2 Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL and OPEB) as proposed and PC 2 Capital Expenditures Budget (inclusive of large capital, noncapital/misc. engineering and small capital). Approval of the Project Committee ("PC") 2 Operations and Maintenance Budget and PC 2 Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
 - c. Approval of the Laboratory Services provided to Moulton Niguel Water District (MNWD) Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL, and OPEB) and Capital Expenditures Budget (inclusive of large capital, non-capital/misc. engineering and small capital). Approval of the Laboratory Services provided to MNWD Operations and Maintenance Budget and Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.

d. Approval of the Project Committee ("PC") 15 Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL, and OPEB) and PC 15 Capital Expenditures Budget (inclusive of large capital, noncapital/misc. engineering and small capital). Approval of the Project Committee ("PC") 15 Operations and Maintenance Budget and PC 15 Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.

Agenda

PAGE NO

- e. Approval of the Project Committee ("PC") 5 Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL, and OPEB) and PC 5 Capital Expenditures Budget (inclusive of large capital and noncapital/misc. engineering). Approval of the Project Committee ("PC") 5 Operations and Maintenance Budget and PC 5 Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
- f. Approval of the Project Committee ("PC") 24 Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL, and OPEB) and PC 24 Capital Expenditures Budget (inclusive of large capital and noncapital/misc. engineering). Approval of the Project Committee ("PC") 24 Operations and Maintenance Budget and PC 24 Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
- g. Approval of the Project Committee ("PC") 21 (ETM) Operations and Maintenance Budget, UAL and OPEB, and PC 21 Capital Expenditures Budget (inclusive of large capital and non-capital/misc. engineering). Approval of the Project Committee ("PC") 21 (ETM) Operations and Maintenance Budget and PC 21 Capital Expenditures Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
- h. Approval of the Project Committee ("PC") 8 (Pretreatment) Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, UAL and OPEB). Approval of the Project Committee ("PC") 8 (Pretreatment) Operations and Maintenance Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action; the Board approves the allocation of expenses with approval of the Budget.
- i. Approval of the Project Committee ("PC") 2SO (PC12) Operations and Maintenance Budget (inclusive of Environmental Compliance, Safety, IT, UAL and OPEB). Approval of the Project Committee ("PC") 2SO (PC12) Operations and Maintenance Budget authorizes the General Manager to expend up to and not more than the total budget funds per the purchasing and/or emergency services policy; funding in excess of the authorized budget requires additional Board action. Authorization includes the redistribution of the costs of PC 2SO (PC 12) among the member agencies to exclude El Toro Water District); the Board approves the allocation of expenses with approval of the Budget.

<u>Agenda</u>

PAGE NO

- j. The Board directs staff to prepare and electronically distribute a final budget consistent with any additional changes presented and approved at the June 5, 2025, meeting.
- E. General Counsel's Update.....

ACTION Board Discussion/Direction and Action.

- - ACTION Board Discussion/Direction and Action.
- G. Upcoming Meetings Schedule:
 - June 5, 2025 Board of Directors Regular Meeting
 - June 12, 2025 Engineering Committee Meeting
 - June 17, 2025 Finance Committee Meeting
 - July 10, 2025 Board of Directors Regular Meeting

ACTION Information Item.

9. OTHER MATTERS

Determine the need to take action on the following item(s) introduced by the General Manager, which arose after the posted agenda. [Adoption of this action requires a two-thirds vote of the Board, or if less than two-thirds are present, a unanimous vote.]

10. ADJOURNMENT

THE NEXT SOCWA BOARD MEETING July 10, 2025

NOTICE OF REGULAR MEETING OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY ENGINEERING COMMITTEE

June 12, 2025 8:30 a.m.

NOTICE IS HEREBY GIVEN that a Regular Meeting of the South Orange County Wastewater Authority (SOCWA) Engineering Committee was called to be held on **June 12**, **2025**, **at 8:30 a.m.** SOCWA staff will be present and conducting the meeting at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

THE SOCWA MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS, PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5452 AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING TO REQUEST SUCH ACCOMMODATIONS. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING. MEMBERS OF THE PUBLIC HAVE THE OPTION TO PARTICIPATE IN AND MAY JOIN THE MEETING REMOTELY VIA VIDEO CONFERENCE FOR VISUAL INFORMATION ONLY (USE ZOOM LINK BELOW) AND BY TELECONFERENCE FOR AUDIO PARTICIPATION (USE PHONE NUMBERS BELOW). THIS IS A PHONE-CALL MEETING AND NOT A WEB-CAST MEETING, SO PLEASE REFER TO AGENDA MATERIALS AS POSTED ON THE WEBSITE AT WWW.SOCWA.COM. ON YOUR REQUEST, EVERY EFFORT WILL BE MADE TO ACCOMMODATE PARTICIPATION. FOR PARTIES PARTICIPATING REMOTELY, PUBLIC COMMENTS WILL BE TAKEN DURING THE MEETING FOR ORAL COMMUNICATION IN ADDITION TO PUBLIC COMMENTS RECEIVED BY PARTIES PARTICIPATING IN PERSON. COMMENTS MAY BE SUBMITTED PRIOR TO THE MEETING VIA EMAIL TO ASSISTANT SECRETARY DANITA HIRSH AT DHIRSH@SOCWA.COM WITH THE SUBJECT LINE "REQUEST TO PROVIDE PUBLIC COMMENT." IN THE EMAIL, PLEASE INCLUDE YOUR NAME, THE ITEM YOU WISH TO SPEAK ABOUT, AND THE TELEPHONE NUMBER YOU WILL BE CALLING FROM SO THAT THE COORDINATOR CAN UN-MUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. THOSE MAKING PUBLIC COMMENT REQUESTS REMOTELY VIA TELEPHONE IN REAL-TIME WILL BE ASKED TO PROVIDE YOUR NAME. THE ITEM YOU WISH TO SPEAK ABOUT. AND THE TELEPHONE NUMBER THAT YOU ARE CALLING FROM SO THE COORDINATOR CAN UN-MUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. ONCE THE MEETING HAS COMMENCED, THE CHAIR WILL INVITE YOU TO SPEAK AND ASK THE COORDINATOR TO UN-MUTE YOUR LINE AT THE APPROPRIATE TIME.

AGENDA ATTACHMENTS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY ENGINEERING COMMITTEE IN CONNECTION WITH A MATTER SUBJECT FOR DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE ENGINEERING COMMITTEE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE AUTHORITY ADMINISTRATIVE OFFICE LOCATED AT 34156 DEL OBISPO STREET, DANA POINT, CA ("AUTHORITY OFFICE") OR BY PHONE REQUEST MADE TO THE AUTHORITY OFFICE AT 949-234-5452. IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE ENGINEERING COMMITTEE LESS THAN SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA OF THE AUTHORITY OFFICE AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE ENGINEERING COMMITTEE AND SENT TO ANY REMOTE PARTICIPANTS REQUESTING EMAIL DELIVERY OR POSTED ON SOCWA'S WEBSITE. IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA DISTRIBUTED TO MEMBERS IF. IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE MEETING ROOM OR IMMEDIATELY UPON VERBAL REQUEST TO BE DELIVERED VIA EMAIL TO REQUESTING PARTIES PARTICIPATING REMOTELY.

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[AGENDA

1. Call Meeting to Order

2. Public Comments

THOSE WISHING TO ADDRESS THE ENGINEERING COMMITTEE ON ANY ITEM <u>LISTED</u> ON THE AGENDA WILL BE REQUESTED TO IDENTIFY AT THE OPENING OF THE MEETING AND PRIOR TO THE CLOSE OF THE MEETING. THE AUTHORITY REQUESTS THAT YOU STATE YOUR NAME WHEN MAKING THE REQUEST IN ORDER THAT YOUR NAME MAY BE CALLED TO SPEAK ON THE ITEM OF INTEREST. THE CHAIR OF THE MEETING WILL RECOGNIZE SPEAKERS FOR COMMENT AND GENERAL MEETING DECORUM SHOULD BE OBSERVED IN ORDER THAT SPEAKERS ARE NOT TALKING OVER EACH OTHER DURING THE CALL.

3. Approval of Committee Member Request for Remote Participation (Standing Item)

<u>Recommended Action:</u> Committee Discussion/Direction and Action.

4.	<u>Approval of Minutes</u> 1
	Engineering Committee Minutes of May 8, 2025
	Recommended Action: Staff requests that the Engineering Committee approve the subject Minutes as submitted.
5.	General Manager's Report4
	Recommended Action: Information Item.
6.	Operations Report (Verbal)
	Recommended Action: Information Item.
7.	Capital Improvement Construction Projects Progress and Change Order Report (June) [Project Committees 2 and 15]6
	Recommended Action: Information Item.
8.	J.B. Latham Treatment Plant (JBL) and Coastal Treatment Plant (CTP) Master Plan Level of Services Facilitation [Project Committees 2 and 15]15
	Recommended Action: Committee Discussion/Direction and Action.
9.	Contract Award for Coastal Treatment Plant Personnel Building Phase 2 Upgrades [Project Committee 15]21
	Recommended Action: Staff recommends that the Engineering Committee recommend that the PC 15 Board of Directors:

- 1. Approve an increase of \$50,000 to the project budget, resulting in a revised total project budget of \$547,908;
- 2. Authorize the General Manager to execute a contract with T.E. Roberts in the amount of \$497,908 for the CTP Personnel Building Phase 2 Upgrades; and
- 3. Approve a construction contingency of \$49,971 to address any unforeseen conditions encountered during the work.

Recommended Action: Committee Discussion/Direction and Action.

11. Adjournment

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Engineering Committee at least 72 hours prior to the scheduled time of the Regular Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 72 hours prior to the time of the above-referenced Engineering Committee meeting at the usual agenda posting location of the South Orange County Wastewater Authority and at <u>www.socwa.com</u>.

Dated this 6th day of June 2025.

Danita Hirsh, Assistant Board Secretary SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

NOTICE OF SPECIAL MEETING OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY FINANCE COMMITTEE

June 17, 2025 10:30 a.m.

NOTICE IS HEREBY GIVEN that a Special Meeting of the South Orange County Wastewater Authority (SOCWA) Finance Committee was called to be held on **June 17**, **2025**, **at 10:30 a.m.** SOCWA staff will be present and conducting the meeting at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

THE SOCWA MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS, PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5452 AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING TO REQUEST SUCH ACCOMMODATIONS. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING. MEMBERS OF THE PUBLIC HAVE THE OPTION TO PARTICIPATE IN AND MAY JOIN THE MEETING REMOTELY VIA VIDEO CONFERENCE FOR VISUAL INFORMATION ONLY (USE ZOOM LINK BELOW) AND BY TELECONFERENCE FOR AUDIO PARTICIPATION (USE PHONE NUMBERS BELOW). THIS IS A PHONE-CALL MEETING AND NOT A WEB-CAST MEETING, SO PLEASE REFER TO AGENDA MATERIALS AS POSTED ON THE WEBSITE AT WWW.SOCWA.COM, ON YOUR REQUEST, EVERY EFFORT WILL BE MADE TO ACCOMMODATE PARTICIPATION. FOR PARTIES PARTICIPATING REMOTELY, PUBLIC COMMENTS WILL BE TAKEN DURING THE MEETING FOR ORAL COMMUNICATION IN ADDITION TO PUBLIC COMMENTS RECEIVED BY PARTIES PARTICIPATING IN PERSON. COMMENTS MAY BE SUBMITTED PRIOR TO THE MEETING VIA EMAIL TO ASSISTANT SECRETARY DANITA HIRSH AT DHIRSH@SOCWA.COM WITH THE SUBJECT LINE "REQUEST TO PROVIDE PUBLIC COMMENT." IN THE EMAIL, PLEASE INCLUDE YOUR NAME, THE ITEM YOU WISH TO SPEAK ABOUT, AND THE TELEPHONE NUMBER YOU WILL BE CALLING FROM SO THAT THE COORDINATOR CAN UN-MUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. THOSE MAKING PUBLIC COMMENT REQUESTS REMOTELY VIA TELEPHONE IN REAL-TIME WILL BE ASKED TO PROVIDE YOUR NAME, THE ITEM YOU WISH TO SPEAK ABOUT, AND THE TELEPHONE NUMBER THAT YOU ARE CALLING FROM SO THE COORDINATOR CAN UN-MUTE YOUR LINE WHEN YOU ARE CALLED UPON TO SPEAK. ONCE THE MEETING HAS COMMENCED, THE CHAIR WILL INVITE YOU TO SPEAK AND ASK THE COORDINATOR TO UN-MUTE YOUR LINE AT THE APPROPRIATE TIME.

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<u>AGENDA</u>

1. Call Meeting to Order

2. Public Comments

THOSE WISHING TO ADDRESS THE FINANCE COMMITTEE ON ANY ITEM <u>LISTED</u> ON THE AGENDA WILL BE REQUESTED TO IDENTIFY AT THE OPENING OF THE MEETING AND PRIOR TO THE CLOSE OF THE MEETING. THE AUTHORITY REQUESTS THAT YOU STATE YOUR NAME WHEN MAKING THE REQUEST IN ORDER THAT YOUR NAME MAY BE CALLED TO SPEAK ON THE ITEM OF INTEREST. THE CHAIR OF THE MEETING WILL RECOGNIZE SPEAKERS FOR COMMENT AND GENERAL MEETING DECORUM SHOULD BE OBSERVED IN ORDER THAT SPEAKERS ARE NOT TALKING OVER EACH OTHER DURING THE CALL.

3. Approval of Committee Member Request for Remote Participation (Standing Item)

Recommended Action: Committee Discussion/Direction and Action.

PAGE NO.

4.	Approval of Minutes1			
	Finance Committee Meeting of May 20, 2025			
	Recommended Action: Staff recommend that the Finance Committee approve the subject minutes as submitted.			
5.	5. <u>Financial Reports for the Month of April 2025</u> 4			
	The reports included are as follows:			
	 a. Budget vs. Actual Expenses: > Operations and Environmental Summary (Exhibit A-1) > Operations and Environmental by PC (A-1.2) > Residual Engineering, after transfer to Capital (Exhibit A-2) > Administration (Exhibit A-3) > Information Technology (IT) (Exhibit A-4) 			
	Recommended Action: Staff recommends that the Finance Committee recommend that the Board of Directors receive and file the April 2025 Financial Reports.			
6.	Cost Allocation Policy			
	Recommended Action: Committee Discussion, Direction, or Action.			
7.	Employee Reimbursement to Moulton Niguel Water District			
	Decommonded Actions. Claff manuals that the Finance Committee measured that the			

Recommended Action: Staff recommends that the Finance Committee recommend that the Board of Directors authorize the General Manager to execute the payment of \$274,371.93 to Moulton Niguel Water District for SOCWA terminated employees leave balances.

Recommended Action: Committee Discussion, Direction, or Action.

9. Adjournment

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Finance Committee at least 24 hours prior to the scheduled time of the Special Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 24 hours prior to the time of the above-referenced Finance Committee meeting at the usual agenda posting location of the South Orange County Wastewater Authority and at <u>www.socwa.com</u>.

Dated this 12th day of June 2025.

Danita Hirsh, Assistant Secretary SOUTH ORANGE COUNTY WASTEWATER AUTHORITY



South Orange County Watershed Management Area Executive Committee Meeting

June 5, 2025 2:30 – 4:30 p.m. Moulton Niguel Water District 26161 Gordon Rd Laguna Hills, CA 92653 <u>Map</u>

Kay Havens, Chair El Toro Water District **Debbie Neev** Laguna Beach County Water District Saundra Jacobs Santa Margarita Water District **Kelly Jennings** City of Laguna Niguel **Matthew Kunk** City of Dana Point **Natalie Palacio** Irvine Ranch Water District Sue Kempf City of Laguna Beach Don Caskey City of Laguna Hills **Cynthia Vasquez** City of Mission Viejo **Robert Pequeño** City of Lake Forest Howard Hart City of San Juan Capistrano

Carol Moore, Vice Chair City of Laguna Woods **Bill Moorhead Moulton Niguel Water District Randall Crane** Municipal Water District of OC **Katrina Foley** County of Orange Keri Lynn Baert City of Rancho Santa Margarita **Steve Knoblock** City of San Clemente **Norris Brandt** San Juan Basin Authority **Tiffany Ackley** City of Aliso Viejo **Doug Erdman** South Coast Water District **Kathryn Freshley** South OC Wastewater Authority **Ed Mandich Trabuco Canyon Water District**

The South Orange County Watershed Management Area Executive Committee welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any items not appearing in the following agenda. However, items may be taken up in a different sequence.

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Executive Committee less than seventy-two (72) hours prior to the meeting will be available on the South OC IRWM website at <u>www.southocirwm.org</u>.

In compliance with the American Disabilities Act, those requiring accommodations for this meeting should notify the SOCWMA Meeting Administrator 72 hours prior to the meeting at 714-955-0605 or Ryane.Gill@ocpw.ocgov.com.

REGULAR BUSINESS

CALL TO ORDER

WELCOME AND PLEDGE OF ALLEGIANCE

- ITEM #1 EXECUTIVE COMMITTEE ROLL CALL
- ITEM # 2 APPROVAL OF MEETING MINUTES

Recommended Action: Approve the minutes of the March 06, 2025, meeting.

- ITEM # 3 PUBLIC COMMENTS, NON-AGENDA ITEMS
- ITEM #4 COMMITTEE CHAIR AND VICE CHAIR NOMINATIONS
- **Recommended Action:** Elect Chair and Vice-Chair based upon recommendations presented by the nomination ad-hoc group. The two-year term starts July 1, 2025 and ends June 30, 2027.

PRESENTATIONS & DISCUSSION

ITEM # 5 COASTAL SEDIMENT SUPPLIES

DR. BRETT SANDERS, UNIVERSITY OF CALIFORNIA, IRVINE

Recommended Action: Receive and file.

ITEM # 6 CAPISTRANO BEACH LIVING SHORELINE PROJECT

SUSAN BRODEUR, SENIOR COASTAL ENGINEER, OC PARKS MAKANA NOVA, COASTAL RESOURCES MANAGER, OC PARKS

Recommended Action: Receive and file.

ITEM # 7 ROUNDTABLE OF REGIONS UPDATE

MICHAEL MORI, OC PUBLIC WORKS

Recommended Action: Receive and file.

ITEM # 8 FY 2025 – 27 PROPOSED WORK PLAN & COST-SHARE BUDGET

MICHAEL MORI, OC PUBLIC WORKS

Recommended Action: Approve proposed FY 2025-27 Cost-Share Budget.

EXECUTIVE OFFICER'S REPORT

EXECUTIVE COMMITTEE MEMBER COMMENTS

ADJOURNMENT - NEXT MEETING DATE: NOVEMBER 6, 2025



SANTIAGO AQUEDUCT COMMISSION QUARTERLY MEETING THURSDAY, JUNE 19, 2025

CALL TO ORDER: 8:30 a.m., IRWD Board Room, 15600 Sand Canyon Avenue, Irvine, CA

<u>ATTENDANCE</u>	Commissioner John Withers (IRWD) Commissioner Kay Havens (ETWD) Commissioner Sherry Wanninger (MNWD) Commissioner Jeffery Thomas (MWDOC) Commissioner Frank Ury (SMWD) Commissioner Ed Manich (TCWD)		
<u>ALSO PRESENT</u>	Paul Cook Malcolm Cortez Eileen Lin Christine Franchville	Kevin Burton Neveen Adly Diane Squyres Jessica Craig	

Legal Counsel: Allison Burns (SYC&R)

COMMUNICATIONS

- 1. Pledge of Allegiance
- 2. Public Comments
- 3. Determine the need to discuss and/or take action on item(s) introduced that came to the attention of the Commission subsequent to the agenda being posted.

ELECTION

4. <u>ELECTION OF OFFICERS - COOK</u>

Recommendation: That an election be conducted of the Chairman of the Santiago Aqueduct Commission.

PUBLIC HEARING

5. <u>ANNUAL NOTICE OF PUBLIC HEARING ON THE STATUS OF VACANCIES</u> <u>AND RECRUITMENT AND RETENTION EFFORTS OF THE SANTIAGO</u> <u>AQUEDUCT COMMISSION IN COMPLIANCE WITH AB 2561</u>

Recommendation: Conduct the hearing.

ACTION ITEMS

6. MINUTES OF REGULAR COMMISSION MEETING, DECEMBER 12, 2024

Recommendation: That the minutes of the December 12, 2024 meeting be approved as presented.

ACTION ITEMS (continued)

7. <u>2025 FINANCIAL REPORT – CRAIG / LIN / ADLY</u>

- A. Ratify Disbursement Resolution No. 726 dated February 2025.
- B. Ratify Disbursement Resolution No. 727 dated April 2025.
- C. Receive and file the Financial Statement dated May 31, 2025.

Recommendation: That the Commission ratify Disbursement Resolutions Nos. 726 and 727, and receive and file the Financial Statement dated May 31, 2025, for the Santiago Aqueduct Commission.

8. <u>PROPOSED FISCAL YEARS 2025-26 AND 2026-27 OPERATIONS,</u> <u>MAINTENANCE, AND RESTORATION PROJECT BUDGET –SMITHSON / ADLY</u>

Recommendation: That the Commission review and approve the proposed Fiscal Years 2025-26 and 2026-27 Operations, Maintenance and Restoration Project Budget as presented.

9. <u>APPOINTMENT OF ACWA-JPIA DIRECTOR AND ALTERNATE DIRECTOR –</u> <u>COOK</u>

Recommendation: That the Commission appoint a Director and Alternate Director to represent the Santiago Aqueduct Commission on the Board of Directors of the ACWA-JPIA.

OTHER BUSINESS

- 10. <u>GENERAL MANAGER REPORT COOK</u>
- 11. <u>ENGINEER REPORT BURTON</u>
- 12. <u>MWDOC REPORT</u>
- 13. ATTORNEY REPORT
- 14. <u>COMMISSIONER COMMUNICATIONS</u>

Commissioners may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Commission's jurisdiction. There will be no voting or formal action taken.

15. <u>ADJOURN</u>

<u>Availability of agenda materials</u>: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Santiago Aqueduct Commission in connection with a matter subject to discussion or consideration at an open meeting of the Commission are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California. If such writings are distributed to members of the Commission less than 72 hours prior to the meeting, these writings will be available from the IRWD District Secretary at the same time as they are distributed to Commission members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance of the meeting room at the District Office. The IRWD Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in an alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

MEETING OF THE BOARD OF DIRECTORS OF THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY Jointly with the

PLANNING & OPERATIONS COMMITTEE

18700 Ward Street, Conf. Room 101, Fountain Valley, CA 92708

June 2, 2025, 8:30 a.m.

Teleconference Sites: 25652 Paseo De La Paz, San Juan Capistrano, CA 92675 17420 Walnut Street, Fountain Valley, CA 92708 2800 Keller #301, Tustin, CA 92782

This meeting will be held in person at 18700 Ward Street, Fountain Valley, California, 92708 (Conference Room 101). As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Computer Audio: You can join the Zoom meeting by clicking on the following link: https://zoom.us/j/8828665300

Telephone Audio: (669) 900 9128 fees may apply (877) 853 5247 Toll-free Webinar ID: 882 866 5300#

P&O Committee:

Director Seckel, Chair Director Yoo Schneider Director Dick Staff: H. De La Torre, J. Berg, V. Osborn,
T. Dubuque, D. Micalizzi, H. Baez,
M. Baum-Haley, C. Busslinger,
T. Baca, M. Goldsby, A. Crespi, K. Pham

Ex Officio Member: President McVicker

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors, and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

ROLL CALL

PUBLIC COMMENTS - Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee).

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING -- Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

DISCUSSION ITEMS

1. FLUME, INC. WATER USE EFFICIENCY RESEARCH UPDATE

INFORMATION ITEMS (The following items are for informational purposes only – background information is included in the packet. Discussion is not necessary unless requested by a Director.)

- 2. WATER POLICY FORUM UPDATE
- 3. PUBLIC AFFAIRS HIGHLIGHTS
- 4. DEPARTMENT ACTIVITIES REPORTS
 - a. Ongoing MWDOC Reliability and Engineering/Planning Projects
 - b. WEROC
 - c. Water Use Efficiency Projects
 - d. Public and Government Affairs
- 5. REVIEW OF ISSUES RELATED TO PLANNING OR ENGINEERING PROJECTS, WEROC, WATER USE EFFICIENCY, FACILITY AND EQUIPMENT MAINTENANCE, WATER STORAGE, WATER QUALITY, CONJUNCTIVE USE PROGRAMS, EDUCATION, PUBLIC AFFAIRS PROGRAMS AND EVENTS, PUBLIC INFORMATION PROJECTS, PUBLIC INFORMATION CONSULTANTS, DISTRICT FACILITIES, and MEMBER AGENCY RELATIONS

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

<u>Accommodations for the Disabled.</u> Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

WORKSHOP MEETING OF THE BOARD OF DIRECTORS WITH MET DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Conference Room 101, Fountain Valley, California June 4, 2025, 8:30 a.m.

Teleconference Sites: 25652 Paseo De La Paz, San Juan Capistrano, CA 92675 17420 Walnut Street, Fountain Valley, CA 92708 2800 Keller #301, Tustin, CA 92782

This meeting will be held in person at 18700 Ward Street, Fountain Valley, California, 92708 (Conference Room 101). As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

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Webinar ID:

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AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present a unanimous vote).

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code Section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Website, accessible at http://www.mwdoc.com.

NEXT RESOLUTION NO. 2158

PRESENTATION/DISCUSSION ITEMS

1. LEGISLATIVE ACTIVITIES

a. Federal Legislative Report (NRR)

- b. State Legislative Report (SDA)
- c. Legal and Regulatory Report (Ackerman)
- d. County Legislative Report (Whittingham)
- e. MWDOC Legislative Matrix
- f. MET Legislative Matrix

Recommendation: Review and discuss the information presented.

2. WHITTINGHAM PUBLIC AFFAIRS ADVISORS CONTRACT – HIGHLIGHTS FOR FISCAL YEAR 2024-25 AND OUTLOOK FOR 2025-26

Recommendation: Review and discuss the information presented.

3. ACKERMAN CONSULTING CONTRACT - HIGHLIGHTS FOR FISCAL 2024-25 AND OUTLOOK FOR 2025-26

Recommendation: Review and discuss the information presented.

4. METROPOLITAN WATER SUPPLY UPDATE AND POTENTIAL SALE OF WATER OUTSIDE THE SERVICE AREA

Recommendation: Review and discuss the information presented.

5. QUESTIONS OR INPUT ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Recommendation: Receive input and discuss the information presented.

ACTION ITEM

6. APPOINTMENT OF MWDOC DISTRICT SECRETARY

Recommendation: Adopt Resolution appointing Angela Crespi as the District Secretary, effective June 4, 2025.

7. H.R. 2766 (FALLON, R-TX) – THE SPECIAL DISTRICT GRANT AND ACESSIBILITY ACT

Recommendation: Adopt a Support position on H.R. 2766 (Fallon, R-TX).

INFORMATION ITEMS

- 8. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only a write-up on each item is included in the packet. Discussion is not necessary unless requested by a Director).
 - a. MET's Finance and Rate Issue
 - b. MET's Water Supply Condition Update
 - c. MET's Water Quality Update

- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

9. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

- a. Summary regarding May MET Board Meeting
- b. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

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MEETING OF THE BOARD OF DIRECTORS OF THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY Jointly with the ADMINISTRATION & FINANCE COMMITTEE

18700 Ward Street, Conf. Room 101, Fountain Valley, CA 92708

June 11, 2025, 8:30 a.m.

Teleconference Sites: 25652 Paseo De La Paz, San Juan Capistrano, CA 92675 17420 Walnut Street, Fountain Valley, CA 92708 2800 Keller #301, Tustin, CA 92782

This meeting will be held in person at 18700 Ward Street, Fountain Valley, California, 92708 (Conference Room 101). As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

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A&F Committee: Director Crane, Chair Director Thomas Director Nederhood Staff: H. De La Torre, H. Chumpitazi, M. Baum-Haley, K. Davanaugh, A. Crespi, K. Pham

Ex Officio Member: President McVicker

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ROLL CALL

PUBLIC COMMENTS - Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee).

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PROPOSED BOARD CONSENT CALENDAR ITEMS

- 1. TREASURER'S REPORT
 - a. Revenue/Cash Receipt Report May 2025
 - b. Disbursement Approval Report for the month of June 2025

- c. Disbursement Ratification Report for the month of May 2025
- d. GM Approved Disbursement Report for the month of May 2025
- e. Consolidated Summary of Cash and Investment April 2025
- f. OPEB and Pension Trust Fund statement
- 2. FINANCIAL REPORT
 - a. Combined Financial Statements and Budget Comparative for the Period Ending April 30, 2025

ACTION ITEMS

- 3. AWARD OF SOLE SOURCE CONSULTING CONTRACT WITH WHITTINGHAM PUBLIC AFFAIRS ADVISORS
- 4. AWARD OF SOLE SOURCE CONSULTING CONTRACT WITH ACKERMAN CONSULTING
- 5. SUPPORTING RESOLUTION CAROL LEE GONZALES-BRADY ACWA VICE PRESIDENT

INFORMATION ITEMS – (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

- 6. DEPARTMENT ACTIVITIES REPORTS
 - a. Administration
 - b. Finance and Information Technology
- 7. MONTHLY WATER USAGE DATA AND WATER SUPPLY INFORMATION
- 8. SELECTION OF CONSULTANT FOR OPEB ACTUARIAL SERVICES

OTHER ITEMS

9. REVIEW ISSUES REGARDING DISTRICT ORGANIZATION, PERSONNEL MATTERS, EMPLOYEE BENEFITS FINANCE AND INSURANCE

ADJOURNMENT

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REGULAR MEETING OF THE BOARD OF DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Conference Room 101, Fountain Valley, California June 18, 2025, 8:30 a.m.

Teleconference Sites: 25652 Paseo De La Paz, San Juan Capistrano, CA 62675 17420 Walnut Street, Fountain Valley, CA 92708 2800 Keller #301, Tustin, CA 92782

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

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AGENDA

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS

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The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

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NEXT RESOLUTION NO. 2159

EMPLOYEE SERVICE AWARD

CONSENT CALENDAR (Items 1 to 7)

(All matters under the Consent Calendar will be approved by one motion unless a Board member requests separate action on a specific item)

1. MINUTES

- a. May 7, 2025 Workshop Board Meeting
- b. May 21, 2025 Regular Board Meeting

Recommendation: Approve as presented.

2. COMMITTEE MEETING REPORTS

a.	Combined Planning & Operations and Administra	ation & Finance
	Committee Meeting:	May 5, 2025
b.	Executive Committee Meeting:	May 22, 2025

Recommendation: Receive and file as presented.

3. TREASURER'S REPORTS

- a. MWDOC Revenue/Cash Receipt Register as of May 31, 2025
- b. Disbursement Registers (May/June)

Recommendation: Ratify and approve as presented.

- c. Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of April 30, 2025
- d. PARS Monthly Statement (OPEB Trust)

Recommendation: Receive and file as presented.

4. FINANCIAL REPORT

a. Combined Financial Statements and Budget Comparative for the Period Ending April 30, 2025

Recommendation: Receive and file as presented.

5. AWARD OF SOLE SOURCE CONSULTING CONTRACT WITH WHITTINGHAM PUBLIC AFFAIRS ADVISORS

Recommendation: Authorize the General Manager to enter into a sole source consulting contract with Whittingham Public Affairs Advisors for specialized services for Fiscal Year 2025-26, effective July 1, 2025.

6. AWARD OF SOLE SOURCE CONSULTING CONTRACT WITH ACKERMAN CONSULTING

Recommendation: Authorize the General Manager to enter into a sole source consulting contract with Ackerman Consulting for specialized services for Fiscal Year 2025-26, effective July 1, 2025.

7. SUPPORTING RESOLUTION – CAROL LEE GONZALES-BRADY – ACWA VICE PRESIDENT

Recommendation: Adopt a resolution of support for Director Carol Lee Gonzales-Brady from Rancho California Water District (RCWD) to be a candidate for Vice President of the Association of California Water Agencies (ACWA).

End Consent Calendar

DISCUSSION ITEMS

8. MEMBER AGENCY SPOTLIGHT – MESA WATER DISTRICT

Recommendation: Receive and file presentation.

9. SDCWA V. METROPOLITAN, ET AL. SETTLEMENT TERMS

Recommendation: Receive and file as presented.

INFORMATION CALENDAR (All matters under the Information Calendar will be Received/Filed as presented following any discussion that may occur)

10. GENERAL MANAGER'S REPORT, JUNE (ORAL AND WRITTEN)

Recommendation: Receive and file report(s) as presented.

11. MWDOC GENERAL INFORMATION ITEMS

- a. Board of Directors Reports re: Conferences and Meetings
- b. Requests for Future Agenda Topics

Recommendation: Receive and file as presented.

CLOSED SESSION ITEMS

- **12. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** Title: General Manager
- **13. CONFERENCE WITH LABOR NEGOTIATORS** Agency designated representatives: General Counsel Unrepresented employee: General Manager

RECONVENE FROM CLOSED SESSION

14. ANNOUNCEMENT FROM CLOSED SESSION

15. CONSIDERATION OF AMENDMENTS TO GENERAL MANAGER CONTRACT

Recommendation: Discuss the General Manager's Employment Agreement and take action as appropriate.

ADJOURNMENT

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SOUTH ORANGE COUNTY AGENCIES GROUP JOINT MEETING THURSDAY, MAY 22, 2025 12:00 P.M. to 1:30 P.M. AGENDA

EL TORO WATER DISTRICT 24251 LOS ALISOS BLVD., LAKE FOREST, CA 92630

- 1. Welcome and Introductions
- 2. MWDOC Update/Discussion
 - a. MWDOC Current Issues
 - b. Other Matters
- 3. MET Update/Discussion
 - a. MET Current Issues
 - b. MET Business Model Discussion
 - c. AMP Repair Project
 - d. MET Water Supply Issues
 - e. Other Matters
- 4. OCWD Update/Discussion
 - a. A. Current Issues
 - b. Other Matters
- 5. Legislative/Regulatory Update
 - a. Local
 - i. OC-LAFCO Matters
 - b. State
 - c. Federal
- 6. Regional Project Interests/Updates
 - a. Regional Recycled Water Discussion
 - b. South County Emergency GW Supply Project
 - c. Doheny Ocean Desalination Project Update
 - d. San Juan Watershed Project
 - e. Other Project Interests/Updates
- 7. Any Agency/City Updates
- 8. Adjournment



LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY

REGULAR MEETING AGENDA

Wednesday, June 11, 2025 8:15 a.m.

County Administrative North (CAN) First Floor Multipurpose Room 101 400 W. Civic Center Drive, Santa Ana, CA 92701 Members of the public may access the audio/video live-streamed meeting at <u>https://youtube.com/live/zflox-aqZ5w?feature=share</u>

Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.

1. CALL THE MEETING TO ORDER

- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION (Communications received after agenda distribution for agendized items.)

5. PUBLIC COMMENT

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

6. CONSENT CALENDAR

a.) May 14, 2025 – Regular Commission Meeting Minutes

The Commission will consider approval of the May 14, 2025 meeting minutes.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

a.) OC LAFCO Accounting and Financial Policies Update

The Commission will consider proposed amendments to the Accounting and Financial Policies.

b.) OC LAFCO Personnel Policies and Procedures Update

The Commission will consider proposed amendments to the Personnel Policies and Procedures.

c.) Legislative Report (June 2025)

The Commission will receive a report on SB 777 and consider adopting a position on the bill.

d.) Selection Process and Appointment of OC LAFCO Alternate Public Member

The Commission will consider the appointment of the Alternate Public Member for term expiring on June 30, 2025.

9. COMMISSIONER COMMENTS

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

10. INTERIM EXECUTIVE OFFICER'S REPORT

Interim Executive Officer's announcement of upcoming events and brief report on activities of the Interim Executive Officer since the last meeting.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements.

12. CLOSED SESSION

No closed session items scheduled.

13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Next Regular Commission Meeting will be held on Wednesday, July 9, 2025, 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701

PUBLIC PARTICIPATION:

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- <u>In-person</u> comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) <u>Audio/Video Live Streaming:</u> The public may listen and view the meeting live on YouTube using the link provided on the website homepage (<u>www.oclafco.org</u>). However, LAFCO cannot guarantee that the public's access will be uninterrupted, and technical difficulties may occur from time to time. The meeting will continue despite technical difficulties for participants using audio/video live streaming unless otherwise prohibited by State open meeting laws.
- <u>Written</u> general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at <u>ccarter-benjamin@oclafco.org</u>. Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at <u>www.oclafco.org</u>.

"Pursuant to State law, a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year may be required to disclose the contribution. If you are affected, please notify the Commission's staff before the hearing in order to determine whether disclosure is warranted."

AMERICANS WITH DISABILITIES ACT (ADA)

All regular meeting agendas and associated reports are available at <u>www.oclafco.org</u>. Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

2025 MEETING AND EVENTS CALENDAR

Approved November 14, 2024



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OC LAFCO Regular Meeting (*begins at 8:15 a.m.*) Location: County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.

No Scheduled Regular Meeting.



Strategic Planning Workshop (9:00 *a.m. to* 1:00 *p.m.*) Location: City of Santa Ana, 60 Civic Center Plaza, Community Room, Santa Ana, CA 92701.

Office closure due to legal holidays and flexible work schedule.

2025 CALAFCO Annual Conference - October 22 - 24, San Diego, CA.

2025



Mailing Address

P.O. Box 20895 Fountain Valley, CA 92728

Meeting Location

MWDOC/OCWD 18700 Ward Street Fountain Valley, CA 92708

(714) 963-3058 (714) 964-5930 *fax*

www.isdoc.net

Executive Committee

President Hon. Bob McVicker Municipal Water District of Orange County

1st Vice President Hon. Paul Mesmer Surfside Colony Community Services District

2nd Vice President Hon. Marilyn Thoms East Orange County Water District

3rd Vice President Hon. Scott Nelson *Placentia Library District*

Secretary Vacant

Treasurer Hon. Saundra Jacobs Santa Margarita Water District

Immediate Past President Hon. Greg Mills Serrano Water District

Staff Administration

Heather Baez Municipal Water District of Orange County

Tina Dubuque *Municipal Water District of Orange County*

Executive Committee Meeting

Tuesday, June 3, 2025 7:30 a.m.

Join Zoom Meeting https://mwdoc.zoom.us/j/83420776167

> Dial by your location 669 900 9128 US (San Jose) 877 853 5247 US Toll-free 888 788 0099 US Toll-free

AGENDA

I. Welcome

II. Approval of Minutes

• Approval of Minutes: May 6, 2025

III. Public Comments on items not on the agenda

IV. New Business

• ACTION: H.R. 2766 (Fallon, R-TX) – The Special District Grant Accessibility Act

V. Old Business

• Bylaws – Review past bylaws changes and discuss any potential updates.

VI. Treasurer's Report – Director Jacobs

• Report of accounts

VII. CSDA Report – Director Arlene Schafer or Chris Palmer

• Receive, discuss and file the CSDA Report

VIII. LAFCO Report – Director Jim Fisler

• Receive, discuss and file the LAFCO report



Water Advisory Committee of Orange County (WACO) Virtual Meeting

> Friday, June 6, 2025 7:30 a.m. – 9:00 a.m.

Zoom Registration: Click here to register

AGENDA

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Welcome

• Greg Mills, Serrano Water District

Reports

- Metropolitan Water District of Southern California (MET)
- Association of California Water Agencies (ACWA)

Program: Wildfire Impacts and Lessons Learned

Speakers: David W. Pedersen, P.E., General Manager, Las Virgenes Municipal Water District

Brenda Caloca, Outreach Analyst, Community Relations and Outreach Branch, CA Dept. of Insurance

Agency Spotlight

South Orange County Wastewater Authority (SOCWA)

Agency Announcements

Adjourn

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Next WACO Meeting

Friday, July 11, 2025 at 7:30 a.m. via Zoom

Next WACO Planning Committee Meeting

Tuesday, June 17, 2025 at 7:30 a.m. via Zoom

Officers

Chair Hon. Greg Mills Serrano Water District

Vice Chair Hon. Karl Seckel Municipal Water District of Orange County

Staff Contacts

Crystal Nettles / Michelle Diaz Orange County Water District (OCWD) (714) 378-3200 www.ocwd.com/news-events/events/waco

Heather Baez / Pari Francisco Municipal Water District of Orange County (MWDOC) (714) 963-3058 www.mwdoc.com/waco

IX. ACWA Report – Director Jacobs

• Receive, discuss and file the ACWA report

X. OCCOG Report – Director Mike Scheafer

• Receive, discuss and file OCCOG report

XI. California Association of Sanitation Agencies (CASA) Report – SOCWA Representative

• Receive, discuss and file the CASA report

XII. Subcommittee Reports

- Programs Director Mesmer
 - o July Luncheon Update
- Membership Director Thoms
 - Update on website photo refresh
 - o Update on Associate Membership Renewals
- Legislative Trustee Nelson

XIII. Adjourn

DATES TO REMEMBER JUNE/JULY 2025

- 1. Jun 26 5:30 p.m. MWDOC Water Policy Forum & Dinner
- 2. Jun 27 DISTRICT OFFICE CLOSED
- 3. Jul 1 7:30 a.m. ISDOC Executive Meeting
- 4. Jul 2 8:30 a.m. MWDOC Met Directors Workshop
- 5. Jul 4 HOLIDAY DISTRICT OFFICE CLOSED
- 6. Jul 9 8:15 a.m. LAFCO
- 7. Jul 9 8:30 a.m. MWDOC Admin/Finance
- 8. Jul 11 DISTRICT OFFICE CLOSED
- 9. Jul 11 7:30 a.m. WACO
- 10. Jul 14 8:30 a.m. MWDOC P&O
- 11. Jul 14 10:00 a.m. Agenda Review Meeting
- 12. Jul 16 8:30 a.m. MWDOC Board Meeting
- 13. Jul 18 12:00 p.m. Pres/VP/GM Meeting
- 14. Jul 21 7:30 a.m. Regular Finance and Engineering Meeting
- 15. Jul 23 8:30 a.m. MWDOC/OCWD Joint Planning Meeting
- 16. Jul 24 7:30 a.m. Regular Board Meeting
- 17. Jul 24 12:00 p.m. SOCAG
- 18. Jul 25 DISTRICT OFFICE CLOSED
- 19. Jul 30 Aug 1 CASA Annual Conference San Diego
- 20. Jul 31 11:30 a.m. ISDOC Quarterly Luncheon

EL TORO WATER DISTRICT Glossary of Water Terms

<u>Accumulated overdraft</u>: The amount of water necessary to be replaced in the intake area of the groundwater basin to prevent the landward movement of ocean water into the fresh groundwater body.

<u>Acre-foot</u>, AF: A common water industry unit of measurement. An acre-foot is 325,851 gallons, or the amount of water needed to cover one acre with water one foot deep. An acre-foot serves annual needs of two typical California families.

<u>ACWA</u>: Association of California Water Agencies. A statewide group based in Sacramento that actively lobbies State and Federal Government on water issues.

<u>Advanced treatment</u>: Additional treatment processes used to clean wastewater even further following primary and secondary treatment. Also known as tertiary treatment.

AFY: Acre-foot per year.

Alluvium: A stratified bed of sand, gravel, silt, and clay deposited by flowing water.

<u>AMP</u>: Allen McCulloch pipeline. Major pipeline transporting treated water to water districts between Yorba Linda, where it starts to El Toro Water District reservoir, where it terminates.

Annexation: The inclusion of land within a government agency's jurisdiction.

<u>Annual overdraft</u>: The quantity by which the production of water from the groundwater supplies during the water year exceeds the natural replenishment of such groundwater supplies during the same water year.

Aqueduct: A man-made canal or pipeline used to transport water.

<u>Aquifer</u>: An underground geologic formation of rock, soil or sediment that is naturally saturated with water; an aquifer stores groundwater.

Arid: Dry; deserts are arid places. Semi-arid places are almost as dry as a desert.

<u>Artesian</u>: An aquifer in which the water is under sufficient pressure to cause it to rise above the bottom of the overlying confining bed, if the opportunity is provided.

<u>Artificial recharge</u>: The addition of surface water to a groundwater reservoir by human activity, such as putting surface water into recharge basins. (See also: groundwater recharge and recharge basin.)

<u>AWWA</u>: American Water Works Association. Nationwide group of public and private water purveyors and related industrial suppliers.

<u>Base flow</u>: The portion of river surface flow which remains after deduction of storm flow and/or purchased imported water.

<u>Bay-Delta</u>: The Sacramento-San Joaquin Bay-Delta is a unique natural resource of local, state and national significance. The Delta is home to more then 500,000 people; contains 500,000 acres of agriculture; provides habitat for 700 native plant and animal species; provides water for more then 25 million Californians and 3 million acres of agriculture; is traversed by energy, communications and transportation facilities vital to the economic health of California; and supports a \$400 billion economy.

BIA: Building Industry Association

Biofouling: The formation of bacteria film (biofilm) on fragile reverse osmosis membrane surfaces.

<u>Biosolids</u>: Solid organic matter recovered from a sewage treatment process and used especially as fertilizer.

<u>BMP</u>: Best Management Practice. An engineered structure or management activity, or combination of these, that eliminates or reduces adverse environmental effects.

Brackish water: A mixture of freshwater and saltwater

<u>Brown Act</u>: Ralph M. Brown Act enacted by the State legislature governing all meetings of legislative bodies. Also known as Open Meeting Requirements.

<u>Canal</u>: A ditch used to move water from one location to another.

<u>CASA</u>: California Association of Sanitation Agencies. The sanitation equivalent of ACWA concerned solely with issues affecting the treatment and disposal of solid waste and wastewater.

CEQA: California Environmental Quality Act.

<u>CERCLA</u>: Comprehensive Environmental Response, Compensation and Liability Act. This federal law establishes the Superfund program for hazardous waste sites. It provides the legal basis for the United States EPA to regulate and clean up hazardous waste sites, and if appropriate, to seek financial compensation from entities responsible for the site.

CFS: Cubic feet per second.

<u>Chloramines</u>: A mixture of ammonia and chlorine use to purify water.

<u>Clarify</u>: To make clear or pure by separation and elimination of suspended solid material.

<u>Coagulation</u>: The clumping together of solids so they can more easily be settled out of filtered out of water. A chemical called aluminum sulfate (alum) is generally used to aid coagulation in water treatment and reclamation.

<u>Coastkeepers</u>: A non-profit organization dedicated to the protection and preservation of the marine habitats and watersheds of Orange County through programs of education, restoration, enforcement and advocacy.

<u>Colored Water</u>: Groundwater extracted from the basin that is unsuitable for domestic use without treatment due to high color and odor exceeding drinking water standards.

<u>Condensation</u>: The process of water vapor (gas) changing into liquid water. An example of condensation can be seen in the tiny water droplets that form on the outside of a glass of iced tea as warmer air touches the cooler glass.

<u>Confined aquifer</u>: An aquifer that is bound above and below by dense layers of rock and contains water under pressure.

<u>Conjunctive use</u>: Storing imported water in a local aquifer, in conjunction with groundwater, for later retrieval and use.

Contaminate: To make unclean or impure by the addition of harmful substances.

<u>CPCFA</u>: California Pollution Control Financing Authority. State agency providing funds for wastewater reclamation projects.

Crisis:

- A: The turning point for better or worse B. a paroxysmal attack of pain, distress, or disordered function C. an emotionally significant event or radical change of status in a person's life < a midlife crisis>
- 2. The decisive moment (as in a literary plot)
- A: An unstable or crucial time or state of affairs in which a decisive change is impending; especially one with the distinct possibility of a highly undesirable outcome < a financial crisis>
 B. a situation that has reached a critical phase

CTP: Coastal Treatment Plant

<u>CWPCA</u>: California Water Pollution Control Association. A 7000-member non-profit educational organization dedicated to water pollution control.

Dam: A barrier built across a river or stream to hold water.

Decompose: To separate into simpler compounds, substances or elements.

<u>Deep percolation</u>: The percolation of surface water through the ground beyond the lower limit of the root zone of plants into a groundwater aquifer.

<u>Degraded water</u>: Water within the groundwater basin that, in one characteristic or another, does not meet primary drinking water standards.

<u>Delta</u>: Where the rivers empty; an outlet from land to ocean, also where the rivers deposit sediment they carry forming landforms.

<u>Delta Vision</u>: Delta Vision is intended to identify a strategy for managing the Sacramento- San Joaquin Delta as a sustainable ecosystem that would continue to support environmental and economic functions that are critical to the people of California.

<u>Demineralize</u>: To reduce the concentrations of minerals from water by ion exchange, distillation, electro-dialysis, or reverse osmosis.

<u>De-nitrification</u>: The physical process of removing nitrate from water through reverse osmosis, microfiltration, or other means.

<u>Desalting (or desalination)</u>: Removing salts from salt water by evaporation or distillation. Specific treatment process, such as reverse osmosis or multi-stage flash distillation, to demineralize seawater or brackish (saline) waters for reuse. Also, sometimes used in wastewater treatment to remove salts other pollutants.

Desilting: The physical process of removing suspended particles from water.

Dilute: To lessen the amount of a substance in water by adding more water

Disinfection: Water treatment which destroys potentially harmful bacteria.

<u>Drainage basin</u>: The area of land from which water drains into a river, for example, the Sacramento River Basin, in which all land area drains into the Sacramento River. Also called catchment area, watershed, or river basin.

Drought: A prolonged period of below- average precipitation.

<u>DPHS</u>: California Department of Pubic Health Services. Regulates public water systems; oversees water recycling projects; permits water treatment devices; certifies drinking water treatment and distribution operators; supports and promotes water system security; provides support for small water systems and for improving technical, managerial, and financial (TMF) capacity; provides funding opportunities for water system improvements.

<u>DVL</u>: Diamond Valley Lake. Metropolitan's major reservoir near Hemet, in southwestern Riverside County.

<u>DWR</u>: California Department of Water Resources. Guides development/management of California's water resources; owns/operates State Water Project and other water facilities.

Endangered Species: A species of animal or plant threatened with extinction.

<u>Endangered Species Act of 1973</u> (ESA): The most wide-ranging of the dozens of United States environmental laws passed in the 1970's. As stated in section 2 of the act, it was designed to protect critically imperiled species from extinction as a "consequence of economic growth and development untendered by adequate concern and conservation.

Ecosystem: Where living and non-living things interact (coexist) in order to survive.

<u>Effluent</u>: Wastewater or other liquid, partially or completely treated or in its natural state, flowing from a treatment plant.

<u>Evaporation</u>: The process that changes water (liquid) into water vapor (gas). <u>Estuary</u>: Where fresh water meets salt water. <u>Evapotranspiration</u>: The quantity of water transpired (given off), retained in plant tissues, and evaporated from plant tissues and surrounding soil surface. Quantitively, it is expressed in terms of depth of water per unit area during a specified period of time.

FCH: Federal Clearing House – Environmental Review/Processing

FEMA: Federal Emergency Management Agency

<u>Filtration</u>: The process of allowing water to pass through layers of a porous material such as sand, gravel or charcoal to trap solid particles. Filtration occurs in nature when rain water soaks into the ground and it passes through hundreds of feet of sand and gravel. This same natural process of filtration is duplicated in water and wastewater treatment plants, generally using sand and coal as the filter media.

<u>Flocculation</u>: A chemical process involving addition of a coagulant to assist in the removal of turbidity in water.

<u>Forebay</u>: A reservoir or pond situated at the intake of a pumping plant or power plant to stabilize water level; also, a portion of a groundwater basin where large quantities of surface water can recharge the basin through infiltration.

<u>Gray water reuse</u>: Reuse, generally without treatment, of domestic type wastewater for toilet flushing, garden irrigation and other non-potable uses. Excludes water from toilets, kitchen sinks, dishwashers, or water used for washing diapers.

<u>Green Acres Project (GAP)</u>: A 7.5 million gallons per day (MGD) water reclamation project that serves tertiary treated recycled water to irrigation and industrial users in Costa Mesa, Fountain Valley, Huntington Beach, Newport Beach, and Satna Ana.

<u>God Squad</u>: A seven-member committee that is officially called the "Endangered Species Committee". Members consist of Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Council of Economic Advisers, the Administrator of the National Oceanic and Atmospheric Administration and one individual from the affected state. The squad was established in 1978 by an amendment to the 1973 Endangered Species Act (ESA). It has only been called into action three times to deal with proposed federal agency actions that have been determined to cause "jeopardy" to any listed species.

<u>Groundwater</u>: Water that has percolated into natural, underground aquifers; water in the ground, not water puddled on the ground.

<u>Groundwater basin</u>: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir. Boundaries of success-ively deeper aquifers may differ and make it difficult to define the limits of the basin.

<u>Groundwater mining</u>: The withdrawal of water from an aquifer in excess of recharge over a period of time. If continued, the underground supply would eventually be exhausted or the water table could drop below economically feasible pumping lifts.

<u>Groundwater overdraft</u>: The condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years during which water supply conditions approximate average.

<u>Groundwater recharge</u>: The action of increasing groundwater storage by natural conditions or by human activity. See also: Artificial recharge.

<u>Ground water replenishment system</u> (GWRS): A joint project of the Orange County Water District and the Orange County Sanitation District that will provide up to 1000,000 acre-feet of reclaimed water annually. The high-quality water will be used to expand an existing underground seawater intrusion barrier and to replenish the groundwater basin underlying north and central Orange County.

<u>Groundwater table</u>: The upper surface of the zone of saturation (all pores of subsoil filled with water), except where the surface if formed by an impermeable body.

<u>GPM</u>: Gallons per minute.

<u>Ground Water Replenishment System</u> (GWRS): Orange County Water District's state of the art, highly advanced, waste-water treatment facility.

<u>Hydrologic balance</u>: An accounting of all water inflow to, water outflow from, and changes in water storage within a hydrologic unit over a specified period.

<u>Hydrologic cycle</u>: The process of water constantly circulating from the ocean, to the atmosphere, to the earth in a form of precipitation, and finally returning to the ocean.

<u>Imported water</u>: Water that has originated from one hydrologic region and is transferred to another hydrologic region.

<u>Inflatable rubber dams</u>: Designed to replace temporary sand levees that wash out during heavy storm flow, the dams hold back high-volume river flows and divert the water into the off-river system for percolation.

<u>Influent</u>: Water or wastewater entering a treatment plant, or a particular stage of the treatment process.

Irrigation: Applying water to crops, lawns or other plants using pumps, pipes, hoses, sprinklers, etc.

<u>JPIA</u>: Joint Powers Insurance Authority. A group of water agencies providing self-insurance to member of the ACWA.

<u>LAIF</u>: Local Agency Investment Fund. Statewide pool of surplus public agency money managed by state treasurer.

Leach: to remove components from the soil by the action of water trickling through.

MAF: Million-acre feet.

<u>MCL</u>: Maximum contaminant level set by EPA for a regulated substance in drinking water. According to health agencies, the maximum amount of a substance that can be present in water that's safe to drink and which looks, tastes and smells good.

MET: Metropolitan Water District of Southern California.

MGD: Million gallons per day.

<u>Microfiltration</u>: A physical separation process where tiny, hollow filaments members separate particles from water.

Microorganism: An animal or plant of microscopic size.

<u>MWD</u>: Metropolitan Water District of Southern California.

<u>MWDOC</u>: Municipal Water District of Orange County. Intermediate wholesaler between MWD and 27member agencies including ETWD.

<u>Non-point source pollution</u>: Pollution that is so general or covers such a wide area that no single, localized source of the pollution can be identified.

NPDES: National Pollution Discharge Elimination System

OCBD: Orange County Business Council

OCEMA: Orange County Environmental Management Agency

OCWD: Orange County Water District

Opportunity:

- 1. A favorable juncture of circumstances
- 2. A good chance for advancement or progress

Organism: Any individual form of life, such as a plant, animal or bacterium

<u>PCM</u>: Professional Community Management, Inc. Property Management company providing services to Laguna Woods Village and other homeowners associations.

<u>Perched groundwater</u>: Groundwater supported by a zone of material of low permeability located above an underlying main body of groundwater with which it is not hydrostatically connected.

<u>Percolation</u>: The downward movement of water through the soil of alluvium to the groundwater table

Permeability: The capability of soil or other geologic formations to transmit water

<u>Point source</u>: A specific site from which waste or polluted water is discharged into a water body, the source of which is identified. See also: non-point source.

Potable water: Suitable and safe for drinking

PPB: Parts per billion

<u>Precipitation</u>: Water from the atmosphere that falls to the ground as a liquid (rain) or a solid (snow, sleet, hail).

<u>Primary treated water</u>: First major treatment in a wastewater treatment facility, usually sedimentation but not biological oxidation.

<u>Primary treatment</u>: Removing solids and floating matter from wastewater using screening, skimming and sedimentation (settling by gravity).

<u>Prior appropriation doctrine</u>: Allocates water rights to the first party who diverts water from its natural source and applies the water to beneficial use. If at some point the first appropriator fails to use the water beneficially, another person may appropriate the water and gain rights to the water. The central principle is beneficial use, not land ownership.

Pumping Plant: A facility that lifts water up and over hills.

<u>Recharge</u>: The physical process where water naturally percolates or sinks into a groundwater basin.

<u>Recharge basin</u>: A surface facility, often a large pond, used to increase the infiltration of surface water into a groundwater basin.

<u>Reclaimed wastewater</u>: Wastewater that becomes suitable for a specific beneficial use as a result of treatment. See also: wastewater reclamation.

<u>Reclamation project</u>: A project where water is obtained from a sanitary district or system and which undergoes additional treatment for a variety of uses, including landscape irrigation, industrial uses, and groundwater recharge.

<u>Recycling</u>: A type of reuse, usually involving running a supply of water through a closed system again and again. Legislation in 1991 legally equates the term "recycled water" to reclaimed water.

<u>Reservoir</u>: A place where water is stored until it is needed. A reservoir can be an open lake or an enclosed storage tank.

<u>Reverse osmosis</u>: (RO) A method of removing salts or other ions from water by forcing water through a semi-permeable membrane.

<u>RFP</u>: Request for Proposal

<u>Riparian</u>: Of or on the banks of a stream, river, or other body of water.

RO: Reverse osmosis. See the listing under "reverse osmosis."

R-O-W: Right-of-way

<u>Runoff</u>: Liquid water that travels over the surface of the Earth, moving downward due to gravity. Runoff is one way in which water that falls as precipitation returns to the ocean.

<u>RWQCB</u>: Regional Water Quality Control Board. State agency regulating discharge and use of recycled water.

Safe Drinking Water Act (SDWA): The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes reservoirs, springs, and ground water wells. (SDWA does not regulate private wells which serve fewer than 25 individuals.) SDWA authorizes the United States Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturallyoccurring and man-made contaminants that may be found in drinking water. US EPA, states, and water systems work together to make sure that these standards are met.

<u>Safe yield</u>: The maximum quantity of water that can be withdrawn from a groundwater basin over a long period of time without developing a condition of overdraft, sometimes referred to as sustained yield.

SAFRA: Santa Ana River Flood Protection Agency

<u>Salinity</u>: Generally, the concentration of mineral salts dissolved in water. Salinity may be measured by weight (total dissolved solids – TDS), electrical conductivity, or osmotic pressure. Where seawater is known to be the major source of salt, salinity is often used to refer to the concentration of chlorides in the water.

SAWPA: Santa Ana Watershed Project Authority.

SCADA: Supervisory Control and Data Acquisition

<u>SCAP</u>: Southern California Alliance of Publicity. Newly formed group of public agencies seeking reasonable regulation of sewer industry.

SCH: State Clearing House - Environmental Review/Processing

<u>Seasonal Storage</u>: A three-part program offered by Metropolitan Water District of Southern California:

<u>STSS</u> (Short Term Seasonal Storage): financially encourages agencies with local groundwater production capabilities to produce a higher percentage of their demand in the summer from their local groundwater supplies, thus shifting a portion of their demand on the MWD system from the summer to winter;

<u>LTSS</u> (Long Term Seasonal Storage): Financially encourages retail agencies to take and store additional amounts of MWD water above their normal annual demands for later use; Replenishment Water provides less expensive interruptible water that is generally available and used to increase the operating yield of groundwater basins.

<u>Seawater intrusion</u>: The movement of salt water into a body of fresh water. It can occur in either surface water or groundwater basins.

<u>Seawater barrier</u>: A physical facility or method of operation designed to prevent the intrusion of salt water into a body of freshwater.

<u>Secondary treatment</u>: The biological portion of wastewater treatment which uses the activated sludge process to further clean wastewater after primary treatment. Generally, a level of treatment that produces 85 percent removal efficiencies for biological oxygen demand and suspended solids. Usually carried out through the use of trickling filters or by the activated sludge process.

Sedimentation: The settling of solids in a body of water using gravity.

<u>Settle</u>: To clarify water by causing impurities/solid material to sink to a container's bottom.

<u>Sewer</u>: The system of pipes that carries wastewater from homes and businesses to a treatment plant or reclamation plant. Sewers are separate from storm drains, which is a system of drains and pipes that carry rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain water is not treated before it is discharged.

<u>SigAlert</u>: Any unplanned event that causes the closing of one lane of traffic for 30 minutes or more, as opposed to a planned event, like the road construction, which is planned.

SJBA: San Juan Basin Authority

<u>Sludge</u>: The solids that remain after wastewater treatment. This material is separated from the cleaned water, treated and composted into fertilizer. Also called biosolids.

<u>SOCWA</u>: South Orange County Wastewater Authority. Regional Joint Powers Authority form for collection and treatment of sewerage (previously known as AWMA/SERRA/SOCRA). SOCWA member agencies:

CSC – City of San Clemente CSJC – City of San Juan Capistrano CLB – City of Laguna Beach ETWD – El Toro Water District EBSD – Emerald Bay Service District IRWD – Irvine Ranch Water District MNWD – Moulton Niguel Water District SCWD – South Coast Water District SMWD – Santa Margarita Water District TCWD – Trabuco Canyon Water District

SRF: State Revolving Fund

<u>Storm Drain</u>: The system of pipes that carries rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain water is not treated before it is discharged. Storm drains are separate from sewers, which is a separate system of pipes to carry wastewater from homes and businesses to a treatment plant or reclamation plant for cleaning.

<u>Storm flow</u>: Surface flow originating from precipitation and run-off which has not percolated to an underground basin.

<u>SWP</u>: State Water Project. An aqueduct system that delivers water from Northern California to central and Southern California.

SWRCB: State Water Resources Control Board

<u>TDS</u>: Total dissolved solids. A quantitative measure of the residual minerals dissolved in water that remain after evaporation of a solution. Usually expressed in milligrams per liter.

<u>Tertiary treatment</u>: The treatment of wastewater beyond the secondary or biological stage. Normally implies the removal of nutrients, such as phosphorous and nitrogen, and a high percentage of suspended solids.

<u>THM</u>: Trihalomethanes. Any of several synthetic organic compounds formed when chlorine or bromine combine with organic materials in water.

TMA: Too many acronyms.

<u>TMDL</u>: Total maximum daily load; a quantitative assessment of water quality problems, contributing sources, and load reductions or control actions needed to restore and protect bodies of water.

<u>Transpiration</u>: The process in which plant tissues give off water vapor to the atmosphere as an essential physiological process.

Turbidity: Thick of opaque with matter in suspension; muddy water

<u>Ultraviolet light disinfection</u>: A disinfection method for water that has received either secondary or tertiary treatment used as an alternative to chlorination.

VE: Value Engineering

<u>VOC</u>: Volatile organic compound; a chemical compound that evaporates readily at room temperature and contains carbon.

<u>Wastewater</u>: Water that has been previously used by a municipality, industry or agriculture and has suffered a loss of quality as a result.

<u>Water Cycle</u>: The continuous process of surface water (puddles, lakes, oceans) evaporating from the sun's heat to become water vapor (gas) in the atmosphere. Water condenses into clouds and then falls back to earth as rain or snow (precipitation). Some precipitation soaks into the ground (percolation) to replenish groundwater supplies in underground aquifers.

<u>Water rights</u>: A legally protected right to take possession of water occurring in a natural waterway and to divert that water for beneficial use.

<u>Water-use Efficiency</u>: The water requirements of a particular device, fixture, appliance, process, piece of equipment, or activity.

<u>Water year (USGS)</u>: The period between October 1st of one calendar year to September 30th of the following calendar year.

<u>Watermaster</u>: A court appointed person(s) that has specific responsibilities to carry out court decisions pertaining to a river system or watershed.

<u>Water Reclamation</u>: The treatment of wastewater to make it suitable for a beneficial reuse, such as landscape irrigation. Also called water recycling.

<u>Watershed</u>: The total land area that from which water drains or flows to a river, stream, lake or other body of water.

Water table: The top level of water stored underground.

<u>WEF</u>: Water Environment Federation. Formerly – Water Pollution Control Federation (WPCF). International trade group advising members of sewage treatment techniques and their effect on the environment.

Weir box: A device to measure/control surface water flows in streams or between ponds.

<u>Wellhead treatment</u>: Water quality treatment of water being produced at the well site.

<u>Wetland</u>: Any area in which the water table stands near, at, or above the land surface for a portion of the year. Wetlands are characterized by plants adapted to wet soil conditions.

Xeriscape: Landscaping that requires minimal water.