

San Gabriel Valley Council of Governments Stormwater Policy

Adopted XXXXXXXXX

The San Gabriel Valley Council of Governments (SGVCOG) seeks to promote quality of life for all residents by preserving and protecting the watershed and natural environment from polluted stormwater and to capture it and dry weather runoff to augment local water supplies. We support compliance with water quality standards and strive to comply in a reasonable, practical, feasible and affordable manner.

How are water quality standards implemented in California?

Statewide, nine regional water boards, whose members are appointed by the governor, issue local Municipal Separate Stormwater Sewer System (MS4) permits for operation of local stormwater infrastructure. In 2012, the Los Regional Board issued a new MS4 permit which strongly favors attaining water quality standards through Enhanced/Watershed Management Programs (E/WMPs) by capture and infiltration of stormwater and dry weather runoff.

While most cities in LA county, including the SGVCOG member cities, agreed to join E/WMPs to achieve MS4 permit compliance, the capital costs of stormwater infiltration projects are much higher than originally anticipated. In the San Gabriel Valley, these costs are estimated at \$6 billion and cannot be funded without jeopardy to our cities' ability to continue to provide requisite life, health and safety services to our residents. Beyond these costs, there are other challenges which frustrate MS4 permit implementation and compliance. Among these are:

- Regulatory and legal restrictions that impede the use of existing regional stormwater infrastructure to access preferred infiltration sites, which would result in economies of scale and greatly reduced costs;
- Inadequate funding and unrealistically short timelines for SGV city permit compliance;
- Uncertainty over "ownership" of captured stormwater to permit monetization of augmented groundwater supplies;
- Potential future liability resulting from unintended dispersion of pollutants through stormwater infiltration;
- Disagreement over the scientific evidence supporting some numerical Total Maximum Daily Load (TMDL) pollutant targets, which may necessitate costly studies; and
- Concern that funded projects may fail to remove pollutants.

To overcome these constraints, the SGVCOG will assist member cities in their efforts to comply with water quality standards by coordinating efforts and supporting relevant programs and legislation. Specifically, the SGVCOG will pursue strategies that include, but are not limited to:

- Advocate for regulatory and legislative changes as follows:
 - Seek Regional Board support for comparatively cost-effective regional, multiagency projects that use existing regional infrastructure, such as LAFCD facilities;
 - Develop funding source and extend E/WMP compliance timelines;
 - Modify Porter-Cologne to adopt Financial Capability Assessment (FCA) guidance issued by US EPA in November 2014 in consideration of MS4 permits;

- Clarify ownership of captured stormwater;
 - Indemnify local public agencies from liability for infiltration;
 - Undertake scientific studies when there are disagreements over the scientific evidence supporting TMDL targets;
 - Support cost recovery from manufacturers for products that contribute pollutants to stormwater;
 - Modify criteria for appointment of Regional Board membership to more fully represent the diverse views of stakeholders appearing before the respective Boards;
 - Create a Municipal Ombudsman position at the Regional Board to represent the interest of residents and the public;
 - Seek state funding for MS4 permit compliance requirements in excess of Clean Water Act requirements; and
 - Seek state tax credit or other financial incentives for residential and commercial projects that capture and infiltrate stormwater.
- Regularly engage with Regional and State Boards to ensure they are aware of local concerns;
 - Coordinate and disseminate information among member cities and other regional COGs; and
 - Continually educate local elected officials and residents regarding efforts to meet water quality standards and the challenges thereof.