

San Gabriel Valley COG STORMWATER POLICY

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What's Stormwater and MS4?

- Stormwater - water running over land during or immediately after a rainstorm.
 - Includes dry weather runoff (car washing, pool drainage, etc.)
 - Is typically captured through local drainage systems (storm drains) managed by municipalities
 - Such drainage systems a “municipal separate storm sewer system” (MS4), subject to Clean Water Act requirements
 - MS4 permit issued by LA Regional Water Quality Control Board

SGVCOG Background

- In the San Gabriel Valley
 - Stormwater mainly originates from paved surfaces (parking lots, playgrounds, streets, etc.)
 - Our storm drain systems typically connect to facilities owned and maintained by the LA County Flood Control District
 - c. 95% of San Gabriel and Rio Hondo River flow already captured
 - Western SGV cities ultimately drain to LA River

Estimated MS4 Capital Costs (2015)

- Total estimated capital cost for LA County exceeds **\$20 billion**
- Total estimated capital cost for SGVCOG cities exceeds **\$6 billion**
- More time for compliance the greater the cost
- Most cities in built environment, significant use of green streets

Group	Timeline	Estimated Cost
Upper LA River EWMP (19)	Majority implementation by 2028, full implementation by 2037	\$6,308,700,000
Rio Hondo/San Gabriel EWMP (8)	Full implementation by 2028	\$1,463,321,591
Upper San Gabriel River EWMP (9)	Full implementation by 2040	\$2,520,487,000
East San Gabriel River WMP (4)	Full implementation by 2026	\$646,479,000
Lower San Gabriel River WMP (14)	Full implementation by 2026	\$64,630,000

SGVCOG Background (cont.)

- 31 cities, 3 supervisorial districts, 3 water districts
- Substantial diversity in population, household income, and MS₄ cost:

City	Cost	Population	Per Capita Cost	Median Hshld Income
Arcadia	\$408M	56,000	\$7,286.00	\$76,000
Azusa	\$332M	46,000	\$7,217.00	\$53,000
Bradbury	\$67M	1000	\$67,000.00	\$124,000
Pomona	\$243M	149,000	\$1,631.00	\$54,000
San Marino	\$51M	13,000	\$3,923.00	\$159,000
So. El Monte	\$82M	20,000	\$4,100.00	\$47,000

How Did We Get Here?

- Kicked the can down the road/denial CWA
- Heavy reliance on consultants, few knowledgeable city staff
- Huge cost of E/WMPs unanticipated
- Actual/threatened litigation from enviros
 - Potential fines + atty's fee recovery
- Drought/threat of climate change?
 - MS4 permit now addresses water quality + water capture/water supply

Why Establish a Stormwater Policy?

- Current MS4 permit far too costly
- Need a “reasonable, practical, feasible and affordable” manner of achieving Clean Water Act compliance
- Provides a common understanding of SGVCOG stormwater objectives
- SGVCOG policy contains four major components:
 - Recommended approaches to stormwater treatment
 - Proposed legislative initiatives
 - Proposed funding sources
 - Strategic Education and Outreach

SGVCOG STORMWATER POLICY

- RECOGNIZE CHALLENGES
 - Regulatory & legal restrictions impede cost-effective use of existing infrastructure, access to preferred filtration sites
 - Inadequate funding – unrealistically short permit compliance timeline
 - Uncertainty over “ownership” of captured stormwater for monetization of augmented groundwater
 - Potential future liability from unintended dispersion of pollutants through infiltration
 - Disagreement re scientific evidence supporting TMDLs
 - Concern that funded projects may fail to completely remove pollutants

STORMWATER POLICY (cont.)

- **ADVOCATE FOR REGULATORY & LEGISLATIVE CHANGES**
 - **Support comparatively cost-effective regional, multi-agency projects that use existing infrastructure**
 - Develop funding sources and extend E/WMP compliance timelines
 - **Modify Porter-Cologne to adopt EPA Financial Capability Assessment**
 - **Clarify ownership of captured stormwater**
 - Insure/Indemnify cities from 3rd party liability for personal injury/property damage caused by dispersal of pollutants through infiltration
 - Seek state/federal funding for scientific studies where disagreement exists re pollutant standards (TMDLs)

STORMWATER POLICY (cont.)

- ADVOCATE FOR REGULATORY & LEGISLATIVE CHANGES (cont.)
 - Support cost recovery from manufacturers for products that contribute pollutants to stormwater (e.g., brake pad, tire fee)
 - Modify eligibility criteria for Regional Bd. Member appointments
 - Create a municipal ombudsman position at Regional Bd.
 - Seek state funding for MS4 permit compliance in excess of CWA requirements
 - Seek state tax credit/financial incentives for residential & commercial projects that capture & infiltrate stormwater

STORMWATER POLICY (cont.)

- REGULARLY ENGAGE w/REGIONAL BD. & SWRCB
- COORDINATE & DISSEMINATE INFO AMONG SGVCOG MEMBER CITIES, OTHER COGS & REGIONAL ENTITIES (e.g., Stormwater Funding Committee, County Drought Resilience)
- CONTINUALLY EDUCATE LOCAL ELECTEDS & RESIDENTS re MS₄ PERMIT CHALLENGES

LOOKING FORWARD

- Lots of Moving Parts
 - Cal. Supreme Ct. decision – Unfunded Mandates
 - Unfunded Mandates Test Claims pending re 2012 permit
 - SWRCB response to EPA inquiry
 - Gardena/Duarte writ (OC Superior Ct)
 - NRDC writ (LA Superior Ct)
 - 2012 permit expires end of year
- SGVCOG Stormwater Policy Will Be Adjusted as Appropriate to Changed Circumstances