

LA Co. Division of the League of California Cities  
and the California Contract Cities Association

# Regional Stormwater Policy

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# The San Gabriel Valley Council of Government

The SGVCOG is made up of representatives from 31 cities, 3 LA Co. Supervisorial Districts, and 3 Municipal Water Districts located in the San Gabriel Valley.

The SGVCOG is a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.

# Water Quality and Stormwater was a 2016-2017 SGVCOG Strategic Plan Key Initiative

**Goal:** Assist cities in addressing stormwater MS4 permit requirements, with an emphasis on securing longterm funding and identifying regional solutions.

**Key Actions:** Educate elected officials, city staff and the public on MS4 permit requirements. Develop a policy position and advocate for regulatory and legislative solutions that assist cities in meeting requirements, including longterm funding, extended timing, and additional assistance and/or modifications to the permit.

# The 2012 LA Co. MS4 Permit Is Not Like Any Other

Differences in this permit from our 2001 LA County permit:

Cities are now permittees (before the county was the permittee)

We must monitor and mitigate for 33 Total Maximum Daily Loads (increased from 3 TMDLs in 2001)

We must capture 85% of the first 24 hours of a storm within our jurisdictional boundaries. (We can no longer allow stormwater to run through storm drains and into regional basins or out to the ocean).

The estimated cost of compliance is \$20 billion for LA County---to be spent on monitoring and building of new stormwater infrastructure---by 2025. This does not include ongoing Maintenance and Operations costs. This is an unfunded

## The COG Water Committee was tasked with developing:

- A Stormwater 101 power point presentation to be used to educate electeds and the citizenry and
- A Stormwater Policy

Both were completed in 2016.

Committee members are now reaching out to other organizations urging adoption of a Regional Stormwater Policy.

# Stormwater Funding Group Adoption

Recently, the SGVCOG's Stormwater Policy, with minor revisions, was adopted by the LA Co. Division of the League and the Contract Cities Stormwater Funding Group.

# Policy Statement

The Cities of Los Angeles County seek to promote quality of life for all residents by preserving and protecting the watershed and natural environment from polluted stormwater and dry-weather urban runoff and to capture it to augment local water supplies.

They support compliance with water quality standards and strive to comply in a **practical, feasible and affordable** manner.

# Summary

- While most cities agreed to join Enhanced/Watershed Management Programs (E/WMPs) to achieve MS4 compliance, the costs greatly exceed the ability of cities to pay for those programs in the absence of special dedicated revenue streams.
- The costs are estimated at \$20 billion and cannot be funded out of general funds without jeopardy to essential services.
- There are also other challenges.

## Those Challenges Are:

- Regulatory and legal restrictions on the use of existing regional stormwater infrastructure which would result in economies of scale and greatly reduced costs
- Unrealistically short timelines for Total Maximum Daily Load (TMDL) compliance
- Uncertainty over “ownership” of captured stormwater

## Challenges, cont.

- Potential future liability for groundwater contamination
- Disagreement over scientific evidence supporting some of the TMDL targets
- Concern that some projects may fail to remove pollutants before the captured water is added to the groundwater

# Policy Objectives

To overcome these objectives, the LA Co. Division of the League and the Contract Cities Assn., together with partnering COGs and related organizations, will assist cities in their efforts to comply with the MS4 permit.

Specifically, they will pursue strategies that include, but are not limited to:

## Policy Objectives. cont.

- Support legislative measures to prevent constituents of concern from entering the storm system
- Seek Regional Board support for multi-agency projects that use existing regional infrastructure such as LAFCD facilities
- Develop new dedicated funding sources including credit for existing local projects and programs
- Extend E/WMP compliance deadlines

# Policy Objectives, cont.

- Adopt Financial Capability Analysis
- Clarify ownership of captured stormwater
- Indemnify local public agencies from liability for infiltration
- Undertake scientific studies for TMDL targets
- Support cost recovery from manufacturers
- Modify criteria for appointment of Regional Board Members

## Policy Objectives, cont.

- Create a Municipal Ombudsman at Regional Boards
- Seek state funding for MS4 permit compliance in excess of Clean Water Act requirements
- Regularly engage with Regional and State Boards to ensure that they are aware of local concerns
- Coordinate and disseminate information among member cities and regional COGs
- Continually educate local elected officials and residents

# 2017 Stormwater Legislation Sponsored by the SGVCOG

- AB 1180 (Holden): Created a new tire fee to address stormwater pollution. Became a “gut and amend” to carry legislation which will allow LA Co. Flood Control to put a water resiliency parcel tax on the ballot in 2018
- SB 589 (Hernandez): Adopts Financial Capability .Analysis. Now a 2 year bill

## 2017 Stormwater Legislation, cont.

- SB 541 (Allen): Recommends best design practices for water capture at public school facilities. Moved to the Assembly 5/25.
- SB 633 (Portantino): Allows use of existing flood control infrastructure for stormwater conveyance. Now a 2 year bill. Estimated costs and time to implement \$4 to 5 million and at least 6 years.

## 2017 Stormwater Legislation, cont.

On June 30th, Assembly Member Murasutchi, Chair of the Joint Legislative Audit Committee, requested an audit of MS4 permit compliance.

The audit will look at permits issued in three regions of the State.

Many cities in LA Co. will be contacted for interviews by the Audit Committee.

# Federal Action

Congresswoman Grace Napolitano has introduced two bipartisan bills:

- HR 2355, Water Infrastructure Flexibility Act would provide regulatory flexibility and affordability assistance to cities with the implementation of Clean Water Act permits
- HR 2510, The Water Quality and Job Creation Act would provide funds to support cities in implementing the Los Angeles County Storm Water Permit, as well as improve water supply infrastructure to manage future droughts.

# We Need Your Help

- Adopt the Regional Stormwater Policy
- Educate SGCCPG member cities, council members and legislators regarding efforts to meet water quality standards and the challenges thereof.
- Actively support our state and federal legislative efforts--- advocate personally to your legislators and send letters of support from your cities.

# MS4 Industrial and Commercial Permit

- The 2012 LA Co. MS4 permit requires cities to identify Industrial/Commercial facilities and to complete inspection of the facilities twice during a 5 year period.
- Facility types include restaurants, automotive service facilities, gas stations, nurseries, and other.
- Many cities are not complying with this requirement.
- The Regional Board has developed a Task Force to educate cities on the benefits of compliance and effective ways to achieve compliance.

# Benefits of Compliance

- There is less polluted water runoff that the city will have to treat.
- Cities aren't in jeopardy of receiving fines from the Regional Board or lawsuits from environmental groups.

# Glendora's Solution

- Industrial/Commercial businesses in the city must prove that they have a MS4 permit before they are issued a business license.
- The city hired a professional consulting firm to perform 1st inspections and follow-up inspections for deficiencies.
- The consultant prepared a manual and handouts used to educate the business owners.

# Inspection Fees

The city implemented an inspection fee schedule to cover the cost of the consultant:

- Automotive Inspection \$240...each followup \$150
- Gas Station Inspection \$230...each followup \$150
- Industrial Inspection \$270...each followup \$150
- Restaurant Inspection \$140...each followup \$150