

REPORT

DATE: November 17, 2016

TO: City Managers' Steering Committee
Executive Committee
SGVCOG Governing Board

FROM: Phil Hawkey, Executive Director

RE: SGVCOG STORMWATER POLICY

RECOMMENDED ACTION

Recommend Governing Board adopt Resolution 16-30 affirming the SGVCOG Stormwater Policy.

BACKGROUND

In 2012, the LA Regional Water Quality Control Board (LARWQCB) released new requirements for the collection and infiltration of stormwater and urban runoff under the Municipal Separate Stormwater Sewer System (MS4) permit. Cities were allowed to group together along congruent watersheds under compliance programs referred to as Enhanced/Watershed Management Programs (E/WMP) in order to pursue a regional approach yet at the municipality level, each city must capture 85% of the first 24-hours of stormwater, as well as routine street runoff, and treat for over 30 pollutant categories, referred to as Total Maximum Daily Load (TMDL). In order to meet the requirement, a twelve-year time horizon was established for construction of capture and infiltration infrastructure which may include green streets, dry wells, and bioswales. In addition to these structural measures, cities may also implement relatively low-cost best management practices (BMPs) such as street sweeping, trash and pet policies, residential and commercial rain capture, and monitoring for point-source polluters.

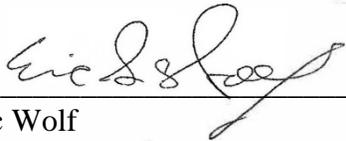
Recognizing that complying with MS4 permits involves numerous challenges, not the least of which is the cost, the Water Policy Committee decided to form a subgroup to identify the issues and set out an agenda addressing them. This subgroup included a majority of members of the Policy Committee itself, and included two City Managers which began meeting in July. In order to ensure Governing Board approval of future of the Water Policy Committee/TAC and the SGVCOG staff, the subgroup began by drafting an overarching policy.

As stated in paragraph one of the policy, the SGVCOG supports compliance with water quality standards but seeks to find a reasonable, practical, feasible, and affordable manner of achieving compliance. To that end, the policy is intended to be an affirmative, positive, and proactive opening to dialogue with state legislators, as well as the Regional Water Quality Control Board. Rather than callout disagreements with regulators, it seeks a constructive dialogue on those issues impeding compliance and where we see current or future compliance actions potentially bringing about liabilities, we raise the issue. Following are highlights of the policy:

- **Approaches to Stormwater Treatment:** There are multiple ways to treat stormwater at the local and regional level. At the E/WMP level, these methods are already defined and programed (to some degree). Beyond this, the SGVCOG plays an important role in the development, coordination, and implementation of a regional approach to treating stormwater. Because this approach involves multiple jurisdictions and stakeholders, including cities, LA County Sanitation District, Water Districts, and LA County Flood Control District, the SGVCOG can facilitate development, synchronization, and execution of this approach.
- **Legislative Initiatives:** There are a number of existing and proposed pieces of legislation dealing with stormwater. Some of these facilitate meeting MS4 permitting requirements, while others are a hindrance. The SGVCOG can work to identify gaps in existing, proposed, and future legislation and work with the San Gabriel Valley Legislative Caucus to craft favorable bills at the state level.
- **Funding Sources:** Options for funding include grants and parcel assessments. The SGVCOG can find various grant opportunities for planning and construction of stormwater related infrastructure at the municipality and regional level. Additionally, the SGVCOG can assist or take the lead in grant writing and application.
- **Strategic Education and Outreach:** Education and outreach can take many forms, from formal presentations, to sit downs with legislative staff. Furthermore, outreach must go beyond elected officials to include key stormwater stakeholders such as Water Districts, Sanitation District, Water Boards, and non-profit partners. The SGVCOG can serve an important role in education and outreach programs by organizing regional efforts that provide consistent messaging.

The policy has been vetted for technical correctness by the Water Policy and Public Works Technical Advisory Committees. The City Managers’ Steering Committee reviewed it as well. In all cases they made edits and recommendations.

Staff is recommending that the Governing Board adopt Resolution 16-30 establishing the Stormwater Policy as the SGVCOG overarching document guiding the actions of the Water Policy Committee and staff.

Prepared by: 
Eric Wolf
Senior Management Analyst

Approved by: 
Philip A. Hawkey
Executive Director

ATTACHMENTS

- Attachment A – SGVCOG Stormwater Policy
- Attachment B – Resolution 16-30

San Gabriel Valley Council of Governments Stormwater Policy

Policy Statement

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.

Summary

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.

Policy Objectives

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:

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 Angeles 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.

- 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.

RESOLUTION NO. 16-29

**RESOLUTION OF THE SAN GABRIEL VALLEY
COUNCIL OF GOVERNMENTS (SGVCOG) AFFIRMING PRIORITY AREAS FOR
STORMWATER**

WHEREAS, the SGVCOG supports compliance with water quality standards; and

WHEREAS, the SGVCOG seeks to find a reasonable, practical, feasible, and affordable manner of achieving compliance;

NOW THEREFORE, BE IT RESOLVED that the Governing Board does hereby adopt the SGVCOG Stormwater Policy as a guiding set of principles leading to compliance.

PASSED AND ADOPTED by the Governing Board of San Gabriel Valley Council of Governments, County of Los Angeles, in the County of Los Angeles, State of California, on the 17th day of November 2016.

San Gabriel Valley Council of Governments

Gene Murabito, President

Resolution 16-29
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Attest:

I, Philip A. Hawkey, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 16-29 was adopted at a regular meeting of the Governing Board held on the 17th day of November, 2016, by the following roll call vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	

Philip A. Hawkey, Secretary