



Regional Stormwater Policy

August 30, 2017

Policy Statement

Cities of Los Angeles County seek to promote quality of life for all residents by preserving and protecting waterways and the natural environment from polluted stormwater as well as polluted dry-weather urban runoff and capturing 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 in the portions of the County regulated by municipal separate storm sewer (MS4) permits joined Watershed Management Programs (WMPs) or Enhanced Watershed Management Programs (EWMPs), the capital and operation & maintenance costs associated with implementing these programs greatly exceed the ability of cities to pay for these programs in the absence of special dedicated revenue streams. The costs are estimated at \$20 billion over the next 20-25 years and cannot be funded out of general funds without jeopardizing cities' ability to continue providing quality of life, health, and safety services to their residents. In addition, there are other challenges that complicate MS4 permit implementation and compliance. Among these are:

- Regulatory and legal restrictions that impede the use of existing regional stormwater infrastructure sites, the use of which would result in economies of scale and greatly reduced costs;
- Unrealistically short timelines for total maximum daily load (TMDL) compliance in the absence of sufficient funding;
- 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 TMDL compliance pollutant targets, which may necessitate costly studies; and

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 that strongly favors attaining water quality standards through Enhanced/Watershed Management Programs (E/WMPs) by capture and infiltration of stormwater and dry weather runoff.

- Concern that some funded projects may fail to remove pollutants before captured stormwater and/or dry-weather runoff is added to the groundwater or discharged to receiving waters.

Policy Objectives

To overcome these constraints, the Los Angeles County Division of the League of California Cities and the California Contract Cities Association, together with partnering Councils of Governments and related organizations, will assist cities in their efforts to comply with water quality standards by coordinating efforts and supporting relevant progress and legislation. Specifically, the League and Contract Cities will pursue strategies that include, but are not limited to the following:

- Support legislative and other source control measures to prevent constituents of concern from entering the storm sewer system and the receiving waters;
- Seek Regional Board support for comparatively cost-effective regional, multiagency projects that use existing regional infrastructure, such as LAFCD facilities;
- Develop new dedicated funding sources, including credit for existing fees for local projects and programs;
- Extend WMP and EWMP compliance deadlines, possibly through water quality standards variances issued in accordance with 40 CFR 131.14;
- Modify Porter-Cologne to include a simplified version of the Financial Capability Assessment (FCA) guidance issued by US EPA in November 2014 for consideration in adoption of or amendments to 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 Regional Water Boards;
- Create a Municipal Ombudsman position at Regional Boards to represent the interests of residents and the public;
- Seek state funding for MS4 permit compliance requirements that exceed Clean Water Act requirements;
- Seek state tax credit or other financial incentives for private projects that capture and infiltrate stormwater;
- Regularly engage with Regional and State Water Boards to ensure that they are aware of local concerns, including the need for flexibility in implementing programs to comply with water quality requirements;
- Coordinate and disseminate information among member cities and regional COGs; and

- Continually educate local elected officials and residents regarding water quality standards and efforts to meet standards, including costs and potential trade-offs.