



**SGVCOG Joint Water Policy Committee/TAC Meeting
Approved Minutes**

Date: March 9, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:02 A.M.
2. Roll Call

Water Policy Committee Members Present

J. Stark; Claremont
G. Boyer; Glendora
G. Crudgington; Monrovia
M. Clark; Rosemead
D. Mahmud; South Pasadena

Water Policy Committee Members Absent

Sierra Madre

Water TAC Members Present

D. Dolphin; Alhambra
S. Constandi; Covina
A. Sweet; Glendora
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
T. Love; USGVMWD

Water TAC Members Absent

Bradbury
Duarte
South Pasadena
SGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts

Ex Officio Members Absent

Guests

K. Cowan; CASQA
H. Gest; Burhenn & Gest LLP
B. Pence; Napolitano Staff
D. Amaya; Rubio's Staff

SGVCOG Staff

S. Matthews
C. Sims
P. Hubler
T. Egan

3. Public Comment
There was no public comment.
4. Changes to Agenda Order.

No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC February Meeting Minutes

There was a motion to approve the Water Committee/TAC February meeting minutes.

(M/S: G. Boyer /D. Dolphin)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead TAC – Alhambra; Covina; LA County Public Works; Monrovia; Pomona; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	Committee – Sierra Madre; South Pasadena TAC – Bradbury; Duarte; Glendora; Sierra Madre; South Pasadena; SGVMWD

PRESENTATIONS

6. Appellate Court Decision in Department of Finance v. Commission of State Mandates

H. Gest presented on the Case, which challenged whether two requirements included in the 2001 Municipal Separate Storm Sewer System (MS4) Permit - requiring trash receptacles at transit stations and completing stormwater permit business inspections - were eligible for cost reimbursements under the California Constitution. The Court held that local governments were entitled to subvention for these trash receptacle requirements because they were mandatory programs that exceeded federal requirements, and local governments could not levy fees to cover these costs. Agencies were not entitled to subvention for stormwater permit inspection requirements because the agencies have the authority to levy fees to pay for those permit conditions. This ruling could have positive implications for local governments' cases cost reimbursement claims in later stormwater permits. There were questions on whether this case decision would affect the upcoming MS4 Permit and other litigation and H. Gest responded that future litigation will focus on voluntary vs. mandatory programs and whether a city has ability to assess fees to pay for stormwater programs.

ACTION ITEMS

7. AB 377 (Rivas/Hertzberg)

P. Hubler and K. Cowan presented on AB 377, which would prescribe that all California surface waters must be fishable, swimmable, and drinkable by 2050, with no additional funding provided. The Bill would also place strict limits on what the State Water Resources Control Board (State Board) and the regional water quality control boards (regional boards) could allow in future stormwater permits and requirements, including prohibiting compliance schedules and any discharges or best management practices that exceed water quality standards. This bill would also require development of an Impaired Waterways Enforcement Program to enforce all water quality standards violations. This Bill would significantly reduce the regulatory authority of the water boards and would likely result in permit violations.

**There was a motion to recommend the SGVCOG Governing Board oppose AB 377 (Rivas/Hertzberg).
(M/S: J. Stark/G. Boyer)**

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead TAC – Alhambra; Glendora; Monrovia; Pomona; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre; South Pasadena TAC – Bradbury; Covina; Duarte; South Pasadena; SGVMWD

8. Financial Capability Assessment (FCA) State Legislation

P. Hubler presented on the FECA legislation, SB 426 (Rubio), which would require the State Board to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). The state guidelines would be modeled on federal guidelines developed by the U.S. EPA over the past 20 years to achieve CWA compliance without in any way altering or waiving clean water standards but instead allowing elongated timeframes to avoid unacceptable cost burdens on communities. FCAs consider a wide range of financial capacity factors, including residential capability (e.g. median household income) and the financial strength of the permittee organization, such as bond ratings, debt, unemployment rate, tax revenue, and property tax rate.

There was a motion to recommend the SGVCOG Governing Board support and sponsor SB 426 (Rubio).

(M/S: D. Mahmud/J. Stark)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena TAC – Alhambra; Glendora; Monrovia; Pomona; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre TAC – Bradbury; Covina; Duarte; South Pasadena; SGVMWD

UPDATE ITEMS

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program
No updates.

10. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
No updates.

11. Safe Clean Water Program

A. Tachiki provided an update on the Safe Clean Water program, that District staff and the Regional Oversight Committee (ROC) are working on new program guidelines. A coalition of NGOs and OWLA have provided suggestions as to what scoring guidance should be

changed, particularly around nature-based solutions, disadvantaged communities (DACs), and community engagement. The ROC discussed the OWLA comments at length and are looking to adopt. However, with the passage of Measure W, there was already an extensive process on how projects would be scored and this process included in-depth negotiation between cities, the County, and other entities. The SGVCOG should submit a comment letter outlining this process that already occurred and that hasty changes to the program should not be made.

12. Legislative Updates
No updates.

13. Litigation Update
No updates.

14. E/WMP Updates
Permittees are waiting on RAA update guidance from Regional Board. The Upper LA River Group started work on the Pre-SIP and Bacteria LRS studies.

15. Water TAC Chair Report
A. Tachiki announced that he and Water Committee Chair and Vice Chair participated in a bi-monthly call with Safe Clean Water Program staff and invited other elected officials to participate on this call moving forward.

16. Water Supply Update
T. Love announced that statewide precipitation/snowpack is 65% of average. The State Water Project allocation is at 10%, whereas last year was at 20%. Colorado River supply is at 85%, but runoff has declined in recent years because of early warm spring. At the end of 2020, Metropolitan Water District ended the year with new record amount in storage with 3.2 million AF above emergency storage levels.

T. Love also announced that Upper District has moved educational and outreach materials online and hosts several popular landscaping and gardening classes that focus on conservation efforts.

K. Gardner announced that locally we are at 30% of average rainfall, so very little local replenishment expected. This week is Groundwater Awareness Week and focus is on how groundwater is dependent on rainfall and snowpack.

17. Water Boards Update
No updates.

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 11:56 A.M.