



San Gabriel Valley Council of Governments
AGENDA AND NOTICE OF THE JOINT MEETING OF THE WATER
POLICY COMMITTEE & WATER TECHNICAL ADVISORY
COMMITTEE (TAC)

Tuesday, January 12, 2021, 10:00 AM

Teleconference Meeting: Livestream available via sgvcog.org

**Water Policy
Chair**

Gloria Crudgington
City of Monrovia

Vice-Chair

Diana Mahmud
City of South Pasadena

MEMBERS

*Claremont
Glendora
Monrovia
Rosemead
Sierra Madre
South Pasadena
LA County District 1*

Water TAC

Chair
Alex Tachiki
City of Monrovia

Vice Chair

Tom Love
Upper San Gabriel Valley
Municipal Water District

MEMBERS

*Alhambra
Arcadia
Bradbury
Covina
Duarte
Glendora
Monrovia
Pomona
Sierra Madre
LA County DPW
Upper San Gabriel Valley
MWD*

EX-OFFICIO

*LA County Sanitation
Districts
SG Basin Watermaster*

Thank you for participating in today’s meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government’s (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Board Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Committee/TAC meeting scheduled for Tuesday, January 12, 2021 at 10:00 a.m. will not be allowed. Members of the public may view the meeting live at <https://youtu.be/3lxVxNII9fE>.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Phone: Please email your name and phone number to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time for the specific agenda item you wish to provide public comment on. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” You will be called on the phone number provided at the appropriate time, either during general public comment or specific agenda item. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email smatthews@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

CONSENT CALENDAR (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes – Page 1
Recommended Action: Approve November 10, 2020 Water Committee/TAC meeting minutes.

PRESENTATIONS

6. Metropolitan Water District Stormwater Capture Pilot Program – Noosha Razavian, Assistant Resource Specialist II & Areeba Syed, Associate Resource Specialist, Metropolitan Water District of Southern California – Page 5
Recommended Action: For information only.

UPDATE ITEMS (*It is anticipated that the Water Committee/TAC may act on the following matters*)

7. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP) – Page 7
8. Tentative 2020 Municipal Separate Storm Sewer System (MS4) Permit – Page 9
9. Safe Clean Water Program – Page 26
10. Legislative Updates – Page 31
 - a. Water Resources Development Act (WRDA) of 2020 – Rep. Napolitano Staff
11. Litigation Updates
12. E/WMP Updates
13. Water TAC Chair Report
14. Water Supply Update
15. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



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

Date: November 10, 2020
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
D. Mahmud; South Pasadena

Water TAC Members Present

D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Costandi, S. Gallant; Covina
A. Hamilton; Duarte
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Lee; South Pasadena
E. Reyes; SGVMWD
T. Love, P. Cortez; USGVMWD

Ex Officio Members Present

K. Gardner, L. Augino; SG Basin Watermaster

Guests

B. Datti; Craftwater Engineering
C. Helme; Craftwater Engineering
R. Soni; Metropolitan Water District
E. Baul; LA Coutny DPW

SGVCOG Staff

S. Matthews
C. Sims
P. Hubler

3. Public Comment
No public comment at this point in the agenda.
4. Changes to Agenda Order.
No changes to agenda order.

Water Policy Committee Members Absent

LA County District #1
Rosemead
Sierra Madre

Water TAC Members Absent

Arcadia
Glendora
Sierra Madre

Ex Officio Members Absent

LA County Sanitation Districts

CONSENT CALENDAR

5. Water Committee/TAC September Meeting Minutes

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

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

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; South Pasadena TAC – Alhambra; Bradbury; Covina; Monrovia; Pomona; LA County Public Works; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – South Pasadena; SGVMWD
ABSENT:	Committee – Rosemead, Sierra Madre; LA County District 1 TAC – Arcadia; Duarte; Glendora; Sierra Madre

PRESENTATIONS

6. San Gabriel Valley Greenway Network Strategic Implementation Plan – Enrique Baul Jr., PE, Civil Engineer, Stormwater Planning Division, Los Angeles County Flood Control District

E. Paul provided a presentation on the plan which is to be finalized in fall 2021. There were clarification questions on the channel capacity analysis results, concerns with trash in waterways, and suggestion to work with Watermasters to get water level data.

7. Metropolitan Water District Regional Recycled Water Program – Rupam Soni, Principal Public Affairs Representative, Metropolitan Water District of Southern California

R. Soni provided a presentation on the RRWP which would purify wastewater to produce up to 150 million gallons per day of high-quality water to refill groundwater basins and deliver drinking water. The program will prioritize the Main San Gabriel Basin in its delivery of water. There was a clarification questions on the phases of the program and costs of construction.

ACTION ITEMS

8. Tentative 2020 Municipal Separate Storm Sewer System (MS4) Permit

R. Tahir provided the following public comment on the MS4 Permit comment letter:

- The tentative order includes requirements that were not mentioned in the proposed order issued in December. Among them is the elimination of individual WMPs. According to the tentative, cities that do not participate in a WMP or an EWMP cannot continue to implement an individual WMP or be allowed to continue to implement a stormwater management program governed by an iterative process – though it is federal requirement. E/WMPs, by the way are not federally authorized. Further, the tentative permit says that permittees must re-commit to participation in a WMP or EWMP by submitting an NOI (notice of intent). NOIs do not apply to MS4 permits; only general and individual permits. The valid permit application is the ROWD.
- Reach 2 of the Rio Hondo has been identified as not being on the 303(d) list for metals but is still included in the current and proposed MS4 Permit. However, other reaches are also not listed for metals, including San Gabriel River Reach 3 and above, San Jose Creek Reaches 1 and 2, and Arroyo Seco Reaches 1, 2, and 3. In

effect, every city if the San Gabriel Valley should not be required to comply with the metals TMDL.

- All permittees that drain to engineered channels during storm events are exempt from the bacteria TMDL pursuant to the California Code of Regulations (§ 3939.5. Suspension of Recreational Beneficial Uses in Engineered Channels During Unsafe Wet Weather). Norwalk and Rosemead have raised this is an issue.
- Compliance schedules are not required for MS4 Permits; only permits subject to Clean Water Act Section 301. This was affirmed by a letter from Sam Unger, former Regional Board Executive Office and USEPA. Federal regulations only require the implementation of plans, containing BMPs, to address TMDLs during the five-year term of the permit.
- Per a USEPA letter issued to all water boards in the state, all MS4 Permits must require the SWMP/iterative process pursuant to Clean Water Action Section 402(p)(3)(B)(iii), as implemented by 40 CFR 122.26(d)(i-v). The letter made clear that any water board, state or regional board, that does not comply with this federal mandate is subject to USEPA’s permit objection authority. Some cities have already ready asked their congressional representatives to invite USEPA intervention. The letter was specifically directed at the L.A. board because it was the only board to ignore this mandate. Also note that MS4 Permit also requires the SWMP and iterative process under Part V.A 1-4.

The Committees discussed the final draft of the comment letter on the MS4 Permit, discussed the RAA analysis implications, and Gardena/Duarte case. The Committees suggested small wording changes and clarified the Safe, Clean Water Program integration approach.

There was a motion to recommend the Governing Board direct staff to submit the comment letter to the Regional Board reflecting the changes and additions as discussed.

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

[MOTION PASSED]

AYES:	Policy Committee – Claremont; Glendora; Monrovia; South Pasadena TAC – Alhambra; Bradbury; Covina; Monrovia; Pomona; LA County Public Works; SGVMWDa; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	Committee – Rosemead, Sierra Madre, LA County District 1 TAC – Arcadia; Duarte; Glendora; Sierra Madre

9. 2021 Legislative Priorities

The Committees discussed 2021 legislative priorities, made small wording changes, and added a priority on calibrating applicable water quality funding requirements in light of available funding and explore other policy options to bring this concept to the forefront.

There was a motion to recommend proposed 2021 Legislative Priorities to the Governing Board for approval reflecting the changes and additions as discussed.

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

[MOTION PASSED]

AYES:	Policy Committee – Claremont; Glendora; Monrovia; South Pasadena TAC – Alhambra; Covina; Monrovia; South Pasadena; LA County PW
NOES:	
ABSTAIN:	LA County PW; SGVMWD; USGVMWD
ABSENT:	Policy Committee – Rosemead; Sierra Madre; LA County District 1 TAC Arcadia; Bradbury; Duarte; Glendora; Pomona; Sierra Madre

UPDATE ITEMS

10. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program
Tabled for next meeting.
11. Safe Clean Water Program
Tabled for next meeting.
12. Legislative Updates
Tabled for next meeting.
13. Litigation Update
Tabled for next meeting.
14. E/WMP Updates
Tabled for next meeting.
15. Water TAC Chair Report
Tabled for next meeting.
16. Water Supply Update
T. Love provided a water supply update, announcing a 10,000-acre foot (AF) delivery on November 11, 2020 and that key well is just above 200 feet.
17. Water Boards Update
Tabled for next meeting.
18. Southern California Regional Energy Network (SoCalREN) Public Agency Programs
Tabled for next meeting.

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 12:04 P.M.

DATE: January 12, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **MWD STORMWATER CAPTURE PILOT PROGRAM**

RECOMMENDED ACTION

For information only.

BACKGROUND

The Metropolitan Water District of Southern California (MWD) is the largest wholesaler of water in the United States and serves over 19 million residents across 6 counties. MWD imports water from Northern Sierra and the Colorado River and distributes the water through 830 miles of large diameter pipelines and tunnels. The District strives to provide its service areas with adequate and reliable supplies of high-quality water to meet present and future needs in environmentally and economically responsible manners.

Metropolitan's Stormwater Pilot Programs provide up to \$12.5 million for the development and monitoring of stormwater recharge and direct use projects. The purpose of the Stormwater Pilot Programs is to gain a better understanding of the actual costs and potential water supply benefits associated with stormwater recharge and use by increasing monitoring data collection for new and existing stormwater projects in the region. Funding is open to public and private (non-residential) locations within Metropolitan's service area. Ultimately, these studies will provide a basis for potential future funding approaches for stormwater.

The Recharge Pilot is open to new and existing projects that capture stormwater for groundwater recharge. Examples of stormwater recharge projects include capture and recharge through spreading basins, dry wells, or subsurface infiltration galleries. These projects increase groundwater levels and storage in the groundwater basin. The stormwater recharge projects included in this study are designed to benefit the regional water supply by increasing local groundwater production or reducing Metropolitan replenishment demands. The Direct Use Pilot Program focuses on projects that capture and directly use stormwater on-site, often through an underground cistern. These projects must meter both captured and used stormwater. New construction or retrofit projects can apply for participation in the Direct Use Pilot. These direct use projects will be used to offset non-potable demands.

Noosha Razavian, Assistant Resource Specialist II and Areeba Syed, Associate Resource Specialist from Metropolitan will present on the project.

REPORT

Prepared by:

S-Matth

Samantha Matthews
Management Analyst

Approved by:

Marisa Creter

Marisa Creter
Executive Director

DATE: January 12, 2021
TO: Water Policy Committee/Water TAC
FROM: Marisa Creter, Executive Director
RE: **STATE WATER RESOURCES CONTROL BOARD ORDER**

RECOMMENDED ACTION

For information only.

BACKGROUND

On December 6, 2019, the State Water Resources Control Board (State Board) released a Draft Order in the Matter of Review of “Approval of Watershed Management Programs and an Enhanced Watershed Management Program Submitted Pursuant to Los Angeles Regional Water Quality Control Board Order R4-2012-0175.” The Draft Order addressed the petitions that the State Board received challenging the Los Angeles Regional Water Quality Control Board’s (Regional Board) approval of nine watershed management plans (WMPs) and one enhanced watershed management plan (EWMP). The Draft Order outlined the requirements for these WMPs and EWMP to undertake in order to comply the 2012 Municipal Separate Storm Sewer (MS4) Permit.

The Water Policy Committee and TAC expressed concerns regarding the State Board’s Draft Order and its potential implications for Permittees and directed staff to submit the comment letter to the State Board. Key concerns raised in that letter included the bacteria TMDL level of analysis, existing mechanisms for adaptive management in the permit, and the timing of the order.

On September 4, 2020, the State Board released a second proposed order, which included many of the Committees’ initial concerns and indicated that the existing Reasonable Assurance Analysis (RAA) strategy and basis of using the limiting pollutant for RAA is flawed.

FINAL PROPOSED ORDER

On November 4, 2020, the State Board released the final proposed order. The final proposed order and a comparison document showing the changes between the second and final proposed order can be found at the link below.

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.html

The final proposed order clarifies that the State Board “is supportive of the limiting-pollutant approach conceptually and [is] supportive of its use in the plans here so long as it is appropriately justified.” Guidance on providing further justification and proof of rigor on utilizing the leading pollutant strategy and justification of pollutant combinations has not yet been provided.


The final proposed order also confirms that Permittees would only need to update their RAA once, however there is additional burden on the watershed management groups that have been named in the State Board Order to demonstrate deemed compliance. By submitting an updated RAA by June 2021, these groups will be given a one-year “extension” while the Regional Board reviews and requests any revisions to approve the update. Those not named in the challenge will still need to update their RAA by June 2021 per the 2012 MS4 permit requirements.

BOARD MEETING AND ORDER ADOPTION

On November 17, 2020, the State Board met and approved adoption of the final proposed order with modifications as discussed during the meeting. Based on Regional Board staff’s public comment at the meeting, the State Board recognized the evolving nature of the RAA guidelines and added language to provide a mechanism for guideline revisions.

Also based on Regional Board staff’s comments, the State Board removed reference to the East San Gabriel River Group’s need to demonstrate retroactive milestones in pollutant reduction to be deemed in compliance. This language was inconsistent with changes made from the initial draft order. The following was removed from page 111 of the final proposed order: “The ESGV Group will not be deemed in compliance for any water body pollutant combination for which it cannot demonstrate at least a 10% reduction in pollutant leading as required by its first milestone as well as implementation of all actions required by its 2020 milestone.”

Staff and Water TAC Chair will provide an update on the State Board order at this meeting.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

DATE: January 12, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **TENTATIVE 2020 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT**

BACKGROUND

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the “Working Proposal” of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) Permit. The SGVCOG Water Policy Committee and Water Technical Advisory Committee (TAC) reviewed that Working Proposal and, in February 2020, submitted a comment letter to the Regional Board. By August 2020, the Regional Board released the draft Tentative MS4 Permit (Tentative Permit).

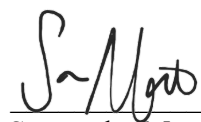
In September 2020, the SGVCOG engaged a consultant to provide technical and negotiation support for the MS4 Permit. At the October 2020 Water Policy Committee/TAC meeting, the consultant team led by Craftwater Engineering reviewed and received feedback on the SGVCOG’s previously-submitted comments on the Working Proposal, detailed comments and recommendations on the Tentative Permit, additional areas of concern around the State Water Resources Control Board Order on Watershed Management Programs (WMPs), and recommendations on how to better integrate the Safe Clean Water Program into the Permit.

FINAL COMMENT LETTER

On November 10, 2020, the Water Policy Committee and TAC discussed the final draft of the comment letter and voted to recommend the SGVCOG Governing Board direct staff to submit the comment letter to the Regional Board.

On November 19, 2020, the Governing Board met and held a robust discussion on the comment letter. Ultimately, the Board voted to submit the comment letter as approved by the Water Policy Committee and TAC with the removal of a reference to a 2002 University of Southern California study, “An Economic Impact Evaluation of Proposed Storm Water Treatment for Los Angeles County,” as it was considered outdated. SGVCOG staff submitted the comment letter to Regional Board staff ahead of the December 7, 2020 public comment deadline.

Prepared by:



Samantha Matthews
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Final Submitted MS4 Permit Comment Letter



December 3, 2020

Renee Purdy, Executive Director
 Los Angeles Regional Water Quality Control Board
 320 West Fourth Street, Suite 200
 Los Angeles, CA 90013

OFFICERS

President
 Margaret Clark

1st Vice President
 Becky Shevlin

2nd Vice President
 Tim Hepburn

3rd Vice President
 Ed Reece

MEMBERS

Alhambra
Arcadia
Azusa
Baldwin Park
Bradbury
Claremont
Covina
Diamond Bar
Duarte
El Monte
Glendora
Industry
Irwindale
La Cañada Flintridge
La Puente
La Verne
Monrovia
Montebello
Monterey Park
Pomona
Rosemead
San Dimas
San Gabriel
San Marino
Sierra Madre
South El Monte
South Pasadena
Temple City
Walnut
West Covina
First District, LA County
Unincorporated Communities
Fourth District, LA County
Unincorporated Communities
Fifth District, LA County
Unincorporated Communities
 SGV Water Districts

RE: COMMENTS ON THE TENTATIVE ORDER OF THE REGIONAL PHASE 1 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER R4-2020-XXXX)

Dear Ms. Renee Purdy and Regional Board Staff:

On December 10, 2019, the Executive Officer of the Los Angeles Regional Water Quality Control Board (LARWQCB) released a staff working proposal for the draft Regional Phase 1 MS4 NPDES Permit (*Staff Working Proposal of the Regional Phase 1 MS4 NPDES Permit Order No. <R4-2020-XXXX>, NPDES Permit No. <CASXXXXXX>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*) (Working Proposal). After receiving many comments across stakeholders on the Working Proposal, including from the San Gabriel Valley Council of Governments (SGVCOG), the LARWQCB updated and released the Tentative Order for the Regional Phase 1 MS4 NPDES Permit (*Tentative Regional Phase 1 MS4 Permit Order No. <R4-20XX-XXXX>, NPDES Permit No. <CAS004004>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*) (Tentative Permit) on August 24, 2020.

When finalized and adopted, this Permit will supersede the current 2012 MS4 Permit (subsequently amended) and will dictate the activities and requirements of the Permittees, including SGVCOG member agencies, over the next permit cycle. The SGVCOG member agencies include 30 incorporated cities, unincorporated communities in Los Angeles County Supervisorial Districts 1, 4, and 5, and three San Gabriel Valley Municipal Water Districts. The following summarizes the SGVCOG's comments in response to the *Tentative Regional Phase 1 MS4 Permit Order*, dated August 24, 2020.

The SGVCOG appreciates the opportunity to provide these comments and looks forward to continuing supporting the LARWQCB to develop a Final Permit that includes provisions that are technically and financially feasible, while achieving environmental benefits within our communities.

The following summarizes the SGVCOG's key areas of concern on the Tentative Permit. Detailed comments and recommendations regarding specific sections in the Tentative Permit are provided in Appendix A.

Summary

The following discussion highlights the SGVCOG's key areas of concern and proposed recommendations, including comments that were previously submitted and were not addressed in the current Tentative Permit. The proposed recommendations are bolded within each area of concern. These comments support the overall goal to improve water quality conditions in the Los Angeles region following a cost-effective and efficient approach. This goal can be achieved through the development of regulations and permit requirements that are aligned with real-world circumstances faced by the Permittees.

Timing of Permit Adoption and State Board Order Implications:

Concurrent with the Permit reissuance effort, it is important to consider the related State Water Resources Control Board (State Water Board) Tentative Order (*State of California State Water Resources Control Board Tentative Order WQ 2020-XXXX In the Matter of Review of Approval of Watershed Management Programs and an Enhanced Watershed Management Program Submitted Pursuant to Los Angeles Regional Water Quality Control Board Order R4-2012-0175*) reviewing the LARWQCB's approval of various Watershed Management Programs (WMPs) and Enhanced WMPs (EWMPs) (State Water Board Order). The initial Order was released on December 6, 2019 and was revised based on comments received through early April and redistributed on September 4, 2020. This Order addresses specific requirements of the Permit that are important to consider as part of the Permit review. While some of the key issues identified by the State Water Board have already been integrated into the Tentative Permit, the State Water Board Order has not been finalized and further revisions of the Tentative Permit may be incorporated by the LARWQCB to comply with the State Water Board Order. The details of the State Water Board Order, which impact the Permit provisions and analyses Permittees will be required to complete, will not be finalized until its adoption.

Given the potential impacts of the State Water Board Order on the Permit and additional requirements for the Permittees implementing a WMP or EWMP, **it is assumed that the State Water Board Order will be finalized prior to the adoption of a new Permit.** This sequence is necessary to ensure the Permit would not have to be further revised to comply with the State Water Board Order, as well as to prevent a duplication of effort by the Permittees to address the new Permit and the State Water Board Order. For the same reason, **the new Permit should also delay adoption as needed to ensure the proposed Basin Plan Amendment(s) that will modify TMDL final deadlines can be included as the revised dates in the new Permit. In addition, sufficient time (recommend at least 6 months) will be needed once the new Permit is formally adopted to allow the Permittees to incorporate the required updates through the Reasonable Assurance Analysis (RAA) revisions. Depending on the timing of the State Water Board Order adoption and subsequent Permit adoption this may require extending the current deadline of June 30, 2021 for completion of the revised RAAs.** This extension is necessary to prevent an unnecessary and costly duplication of effort to ensure the appropriate analyses are included in the revised RAAs to satisfy regulatory requirements. The SGVCOG encourages the LARWQCB to support the sequence of events and the recommended time extension, as any other order or insufficient time between these regulatory adoptions and the required RAA revisions may result in inefficiencies and the need to go back and redo one of these efforts. The timing outlined above is to ensure the most appropriate policy is set in place and thorough, informative analyses, that fully satisfy the current tentative regulatory orders, are completed through the upcoming RAA revisions. The Permittees are already planning for the RAA revisions which are significant investments, ranging around \$75,000 to \$350,000 each. If the State Water Board Order and resulting additions to the Permit require additional analyses as part of the RAA revisions, this will potentially double the cost and further emphasizes the importance of having sufficient time from Permit adoption to conduct the technical updates and additions.

Furthermore, the Regional and State Boards' appeal of the decision in favor of the City of Duarte in the matter of *City of Duarte v. State Water Resources Control Board, et al.* (Case No. 30-2016-00833722) is still pending, with oral arguments having been conducted before the Court of Appeal on November 19, 2020. The findings and analysis associated with that final decision will further impact the Tentative Permit.

Fiscal Resources:

In general, the economic considerations included in the Tentative Permit are lacking in detail. This is an extremely important aspect to consider when assessing the Permittees ability to satisfy regulatory requirements. The Permittees will have the most success improving water quality conditions if we are able to focus the available resources on regulations with achievable goals, which requires a realistic discussion regarding the cost of compliance versus available funding.

Attachment F, the Fact Sheet in the Tentative Permit, includes economic considerations that estimate the 20-year cost of compliance at \$21.3 to \$31.4 Billion. The first method used to calculate this cost was based on TMDL Staff Reports that are now outdated and did not include the cost of implementing minimum control measures, monitoring costs, costs to address TMDLs if the Staff Report did not have a cost estimate, and only included the cost of addressing trash if there was a specific TMDL, not the overarching requirements of the statewide trash amendment. While the second method used the more recent cost estimates to fully implement the WMPs and EWMPs in the region, both methods still rely on the cost of stormwater management programs based on annual expenditures and budget data self-reported, which has not been consistent across the Permittees. Further, many of the cost estimates in the WMPs and EWMPs did not include additional costs such as acquiring property necessary for some structural BMPs, the full cost associated with operation and maintenance of BMPs, or the costs associated with implementation of the adaptive management program. Other cost estimates of compliance estimated in the past have been significantly higher. For example, the County of Los Angeles has recognized that the cost of complying could be as high as \$120 Billion. Likewise, a recent study on Stormwater Funding Options recognizes that the cost of complying could be as high as in the tens of Billions over the next 20 years.

The Fact Sheet also potentially overstates the available funding sources, with reference to Measures H, A, and M, that are not dedicated stormwater funds and Permittees have minimal or no access to use to address the requirements of the MS4 Permit. Other available funding sources are generally referenced, as well as a brief discussion on the potential impacts from COVID-19; however, a sufficient analysis to demonstrate that the cost of compliance is feasible based on available funding has not been completed. Even prior to completing a sufficient financial analysis, it is clear the cost estimates to fully implement the Permit are greater than the funding available. **The SGVCOG recommends that the Permit include a provision that allows Permittees to conduct a financial capability assessment that would be used to help determine an effective and feasible implementation schedule and associated compliance deadlines.**

In addition, it should be noted that the primary dedicated source of funding that most cities currently have for Permit compliance is through their upcoming Local Return through the Safe, Clean Water (SCW) Program. The SGVCOG member agencies do not anticipate any available funding beyond the SCW Program funds. In addition, the regional allocations to each watershed will be awarded competitively. The SGVCOG is concerned that the regional allocations coupled with the Local Return will not provide enough funding to complete all the projects required to comply with the Permit requirements, especially within the current designated timeframes. **Given that Measure W is the only dedicated stormwater funding source, we recommend that the Permit have more explicit integration with the SCW Program, as discussed further in the comments below.**

Integration of the Safe, Clean Water Program:

The SCW Program and passage of Measure W was a major success for the Los Angeles Region and should be further leveraged knowing the available funds that can be used towards meaningful implementation and compliance. The SCW Program is the primary source of dedicated funding for the LA County Permittees. The municipal and regional programs are expected to significantly support implementation of Permittees' WMPs and implementation of these infrastructure projects will be the primary factor in achieving TMDL compliance. The SCW Program establishes multiple goals, including in addition to water quality benefits also water supply, cost efficiency, nature-based solutions, and community investment benefits. Therefore, the funds will not be exclusively spent on compliance, though this will be a significant portion, and additional time is required to ensure optimization across these benefits. To improve the certainty that actions taken will ultimately result in attainment of beneficial uses, the Permit should provide flexibility such as alternative compliance pathways and extended time to implement appropriate actions utilizing scientific advancements and best available information/data. Given the success securing this funding measure, which helps enable the commitment towards implementation of approved WMPs, **we recommend that the Permit integrate the fundamental aspects of the program to help align regulatory compliance with realistic and achievable implementation.** Initial recommendations to integrate the program include the following:

- **Allow WMPs to incorporate schedule adjustments to projects based on the Local Return and regional program support identified in the Stormwater Investment Plans (SIPs) through the adaptive management process.**
- **Coordinate with the Los Angeles County Flood Control District and the Watershed Area Steering Committee to evaluate anticipated SCW Program funding in relation to planned and proposed infrastructure projects and TMDL deadlines.**
- **Provide credit to cities and agencies contributing funds through the regional program to projects outside their jurisdiction through extensions on their milestones. This recognizes the competitive aspect of the regional program, which should prioritize projects with the greatest watershed benefit but could result in certain jurisdictional projects being pushed to later fiscal years. This would not necessarily impact the number of projects to be implemented but provided flexibility to the schedule.**
- **Allow for extensions to compliance deadlines based on the available funding, with sufficient justification that the updated deadline can be met with the known funding.**
- **Tie permit compliance requirements to the availability of funding, and the Permittee's agreement that such requirements are appropriate.**
- **Align SCW Program reporting requirements in terms of format and schedule to satisfy the Permit required reporting.**

If these recommendations are incorporated in the Permit, this will also help facilitate the selection of projects under the SCW Program that are best aligned with Permit compliance.

Better Define Compliance Attainment:

The compliance pathway through approved WMPs should clarify receiving credit for local pollutant load reductions with pre- and post-implementation monitoring versus an observed response in receiving waters. This is related to final compliance attainment. **If an approved WMP is properly implemented and all project milestones are met, but final WQBELs or RWLs are still exceeded, we recommend that the Permit provide coverage for the Permittees through deemed compliance to address through the adaptive management process, rather than being at risk of an immediate violation.** The whole concept of the adaptive management process is to continue improving the program towards attainment of environmental objectives and this coverage will further encourage Permittees to fully embrace adaptive management. **In addition, we recommend establishing a clear policy and guidelines for Permittees to demonstrate that all work associated with prior and current milestones was completed.** This will help

assure all stakeholders that established milestones are being met and further justifies coverage under final compliance with the use of adaptive management as needed.

Regarding the alternative compliance pathway to address the 85th percentile, 24-hour event, it is important to recognize that volume capture may not provide a viable compliance strategy for certain pollutants (e.g., bacteria) and other types of water quality impairments (e.g., habitat-related impacts). **The Permit should allow flexibility in determining an alternative compliance pathway that can be used to demonstrate final compliance.** This flexibility will allow for greater compliance certainty and aligns with recent scientific studies and the development of innovative approaches and tools that can be used to enhance water quality improvement.

Reporting:

The Tentative Permit reporting requirements are expanded from the existing 2012 MS4 Permit (which the SGVCOG is concerned ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits) and will take significant time and resources to complete. The following recommendations aim to streamline these efforts so the information gathered provides meaningful feedback and available funding can be better spent on implementation efforts. **Additional reporting requirements include the annual report forms that require significant additional financial reporting, but do not provide adequate guidance. Additional clarity is needed regarding the LARWQCB's expectations.** The additional requirement for Permittees participating in a Coordinated Integrated Monitoring Program (CIMP) to submit a Monitoring Report twice a year doubles the annual reporting effort. This additional reporting would result in additional reporting costs for Permittees, which could more effectively be used to support implementation.

We recommend updating the reporting periods to better align with the schedules in program plans, to increase the utility of the data collected to help guide implementation. The Permit should provide flexibility for the LARWQCB to coordinate with the Permittees on a more appropriate reporting schedule. In addition, individual Permittee reporting requirements should be limited to avoid redundant efforts where the watershed reports provide the overall progress of the program. Overall, the extensive cost to comply with the reporting requirements is not proportionate with the usefulness of these reports. Prior to much of the program's implementation (during planning and design phases), the reporting could be further spaced apart, then once implementation occurs an annual frequency may be more reasonable and useful.

Moreover, including the reporting forms in the Permit does not allow flexibility to modify the forms as may be necessary or desired in the future. To allow for the opportunity to adjust reporting to better meet the needs of all stakeholders, **the SGVCOG recommends that the reporting forms be removed from the Permit.** Instead, the Permit should allow for the LARWQCB to amend and adopt the annual report forms on a regular basis to make improvements to these forms and the annual reporting process.

Furthermore, the Permittees will be required to provide financial reporting to Los Angeles County regarding their use of SCW Program funds. **We encourage LARWQCB staff to closely coordinate with Los Angeles County in the development of financial forms to avoid redundant reporting.**

Overall, the SGVCOG and its member cities have significant concerns with the current and increased reporting responsibilities and the financial burden associated with the more stringent requirements that could be better prioritized.

Monitoring:

As stated above on the reporting requirements, the SGVCOGs recommendations aim to streamline the monitoring efforts so the data gathered still provides meaningful feedback and available funding can be better spent on implementation efforts. **The monitoring requirements could be better correlated with implementation status (e.g., monitor less frequently in the early stages of the program and then more frequently after watershed control measures have been more widely implemented).** Costs to Permittees to complete this monitoring in preliminary years where much of the program is still in the planning and design phases, could be better spent on implementation. **Monitoring could also be more strategically employed through a tiered approach that focuses first on downstream conditions, and only moves upstream if needed. Overall, given the extensive costs to comply and the disproportionate value in the data at this time, we are requesting a more critical look at these requirements.**

The additional aquatic toxicity monitoring requirements will require time to fully review. While the costs of monitoring these four freshwater species will be extremely high, without additional analysis, permittees will not be able to estimate the actual compliance costs. Since Permittees cannot evaluate the cost of compliance, the LARWQCB cannot evaluate the financial impacts of this new requirement. **We recommend that the Permit acknowledge this gap and provide a pathway for potential adaptations to the aquatic toxicity monitoring requirements once sufficient cost analyses are complete.**

In addition, we recommend that the Permit provides flexibility to streamline monitoring efforts where appropriate. The current monitoring requirements select a limited number of events to sample over the year for all identified pollutants, which is expensive for each sampling event. However, these are only a handful of events and only tell us so much about the overall conditions in the watershed. **A more streamlined and informative approach would be to sample more events but measure inexpensive proxies (supported by statistically significant data), such as sediment, in place of more expensive pollutant sampling and analysis.** This could be set up to be equivalent or less expensive than the current monitoring efforts and provide much more information to the Permittees and stakeholders on the state of the watershed. **Permittees should be able to justify reducing monitoring requirements for select constituents if they can demonstrate associated trends and progress in reducing pollutants.** The Permittee would measure these surrogate parameters, as appropriate, on a consistent basis, then include validation at selected times that would explicitly sample the specific pollutants of concern to further support the approach.

Compliance Schedules:

The Tentative Permit specifies that Permittees must comply with water-quality based effluent limitations immediately. Previously in the 2012 MS4 Permit, Permittees had 90 days to meet compliance deadlines. The SGVCOG has concerns that the requirement for immediate compliance ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits. Regardless, as the LARWQCB develops the Permit, **a WMP being developed and implemented in good faith by the Permittees that is determined to be "inadequate" by the LARWQCB should be allowed a grace period to correct inadequacies.** This would still allow for the LARWQCB to address gross non-compliance while providing a path for WMPs with very minor and easily correctable flaws to continue addressing water quality goals.

Many of the original TMDLs have optimistic compliance schedules, which have previously been recognized as such by Board staff. There is flexibility in the Tentative Permit for Permittees to request extensions, in addition to the knowledge that the Board staff are currently working on a TMDL extension Basin Plan Amendment. **As an initial alternative, we recommend that the Board withhold adopting the new Permit until after the TMDL extension Basin Plan Amendment(s) have been approved and can be incorporated into the Permit. Alternatively, we recommend that the current schedules, at a**

minimum, recognize the anticipated TMDL deadline extensions from the Basin Plan Amendment(s) and ultimately the revised schedules will automatically be incorporated in the Final Permit. The amendment is currently focused on specific TMDLs identified with near term deadlines. **We recommend the TMDL extension Basin Plan Amendment effort be extended to include other TMDLs where appropriate, particularly those with final deadlines prior to 2030.** Even with these extensions, there are remaining recommendations for better integration of the SCW Program regarding alignment of compliance schedules, which is further detailed in the comments above.

The process of planning, designing, constructing, testing and operating projects to implement best management practices takes longer than five years. In addition, the SCW Program funding schedule could exceed this timeframe. Instead, **if compliance within five years is not feasible for a Permittee, then the Permittee should be able to demonstrate a plan towards compliance that it will implement as funding becomes available.**

In addition, regarding the Bacteria TMDLs, the current timeframe for compliance is particularly unreasonable given recent scientific studies that indicate the need to reduce sources of human waste in order to meet recreational beneficial uses. Implementation is shifting to provide greater focus on source control efforts rather than structural project implementation and volume control which can be ineffective in reducing pathogens and recreational health risks. A longer schedule is needed to adapt current implementation programs, as is currently underway in the Upper Los Angeles River watershed with the Load Reduction Strategy Adaptation Plan.

Overall, this area of concern emphasizes that it is more important to implement the right programs and strategies to achieve the environmental and water quality goals driving the Permit than meeting a set milestone to complete a specified action. We do not want to rush forward in order to meet a set deadline that is unreasonable and potentially sacrifice a more thoughtful and effective approach. Some of the critical water quality objectives in older TMDLs are no longer aligned with the best available science. Examples of this include the Bacteria objectives that should be adjusted to focus more directly on allowable risk and move away from the use of Fecal Indicator Bacteria, as well as shifting towards the use of site-specific methods for metals (e.g., Biotic Ligand Model, Water Effect Ratio studies) to identify potential impacts to aquatic life. Necessary updates to water quality objectives can be used to clearly identify where beneficial uses (e.g. recreational use in relation to bacteria and aquatic life in relation to metals) are impaired and require action. **The main recommendation is for flexibility in the Permit to incorporate new information and advancements and, when necessary, provide the appropriate additional time to successfully do so.**

Consistency Across Permits:

We recommend eliminating redundancy or contradictions across permits and ensure requirements for Phase I, Phase II, Industrial General Permit, Agricultural Order, etc., encourage collaboration across responsible parties. Water quality impairments are due to a number of influences which is why a watershed-wide approach is valuable to coordinate on the most cost-effective solutions. However, **the MS4 Permit should only contain requirements within the Permittees control and while collaboration is encouraged, compliance should not be reliant on it.** Permittees need only comply with permit conditions relating to discharges from the MS4 for which they are owners or operators. As currently drafted, the Tentative Permit purports to make the Phase I MS4 Permittees liable for the actions of other discharges, which is unlawful. **In addition, RAAs should be given flexibility to quantify Phase I MS4 responsibilities (e.g., load reductions) in order to encourage compliance as well as promote shared responsibility with other Permittees.**

Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking:

The appropriate metrics for non-structural/non-modeled strategies still require further development to assess the effectiveness of these strategies and how to link to monitoring data. The assessments should be done in a clear and concise manner that provide meaningful feedback on progress and effectiveness to best support management decisions. **We recommend general guidelines be developed by a technical team, which will require time, to ensure consistency across Permittees.**

The current tracking requirements across Permittees programs for non-structural strategies are often time consuming and the data is not in a useful format to assess progress. **We recommend one consolidated tracking system that houses the information relevant to the Permit and helps succinctly assess effectiveness and streamlines Annual Reporting, providing more valuable information to the LARWQCB, as well as the Permittee to better manage its programs.**

Industrial General Permit (IGP) Training and Inspections:

The Tentative Permit clarified from the Working Proposal that training requirements can continue utilizing existing resources. However, **additional clarity is still requested on which employees are required to take the training, as the current language of “pertinent staff” is vague and would benefit from more specificity.** It is not clear whether Permittees would be exempt from this training if the inspection work is outsourced to contractors, a point which requires clarification. **The SGVCOG believes that the IGP training should only be required for those individuals who actually perform the inspections.**

Permit Contradictions:

The Board should clarify with a statement (in the appropriate section of the Permit) as to why Permittees in Reach 2 and Reach 3 of the Rio Hondo river are included for the Los Angeles River Metals TMDL. Permittees are listed within the approved TMDL and current MS4 permit; however, Reaches 2 and 3 are not included in the 303(d) lists. **The SGVCOG is requesting an explanation and justification for this apparent contradiction.**

Clear Language:

Tentative Permit language in places allows for multiple interpretations, in some cases out of line with the original intent. Specific comments are provided in Table A-1 where this has been identified. Overall, **recommend including additional clarity while maintaining flexibility to allow for scientific advancements and better information/data regarding protection of beneficial uses and MS4 responsibilities in the future.**

Appendix A: Detailed Comments and Recommendations

In addition to the key areas of concern summarized in the comment letter, Table A-1 provides detailed comments on the Tentative Permit. Previous comments submitted by the SGVCOG on the Working Proposal that are still applicable in the updated Tentative Permit are included in Table A-1.

Table A-1. Comments on the Tentative Permit

Tentative Permit Section; Page	Comment
Table 4; Page 7	Consider setting the effective date as July 1, 2021 (rather than 50 days from adoption date) to align with the Reporting Period.
III. Discharge Prohibitions	
III.A; Page 12	Specify this prohibition should not apply to any invasive animal or plant life.
III.B.3.a; Page 13	Recommend adding discharges from recycled water systems as a conditionally exempt discharge. Definition of recycled water discharge could be: "Discharges from recycled water systems includes sources of flows from recycled water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and pump stations."
III.B.5.a.i; Page 14	The requirement for all conditionally exempt non-stormwater discharges to notify the Permittee in advance is excessive given the range of exempt discharges (includes landscape irrigation, car washing, etc.). Recommend distinguish this requirement for specific discharge categories relative to the potential impacts.
III.B.5.b; Page 15	For discharges greater than 100,000 gallons, recommend continue to coordinate with County/Water Purveyors releases of this size for safety reasons downstream.
III.B.8; Page 16	Clarify if notifying the Board within 30 days is from the time when the discharge occurred or when the Permittee determines the discharge contributed to an exceedance.
III.B.9; Page 16	Recommend modifying the end of this sentence to include: "...source of pollutants to receiving waters "
III.C.2.d.ii; Page 24	Consider not including limit of time schedules throughout. Any proposed timeframe can be denied by the Regional Board but there may be some exceptions that warrant an extended period.
III.D; Page 25	Please clarify why this prohibition for insecticides, fungicide and rodenticides are not applicable to products used for lawn and agricultural purposes.
IV. Effluent Limitations and Discharge Specifications	
IV.B.2.c.iv; Page 28	Recommend adding language that Permittees will have the opportunity to revise a Watershed Management Program if it is initially found to be inadequate. A grace period should be provided to correct any inadequacies.
IV.B.3; Page 28	Refer to area of concern regarding the zero trash effluent limitation for the Trash TMDLs.
VI. Standard Provisions	

Tentative Permit Section; Page	Comment
VI.C; Page 38	Please clarify how the Regional Board will ensure that information collected in the Annual Reports will be utilized to complete fiscal analysis as required by the State Auditors. Will specific instructions be provided in the Annual Report to prevent any discrepancies between Permittees when financial data is provided. Please consider re-wording or expanding on this requirement. It can be interpreted that permittees must enumerate and describe all funds necessary to meet all requirements for implementation for the future year. There will undoubtedly be occasions when all funding sources anticipated for the upcoming year simply to do not meet what is estimated for full implementation.
VI.G.4.b; Page 40	Requiring more frequent monitoring or reporting may not be considered a minor modification if it has significant implications to a Permittees cost of compliance and therefore likely impact a Permittees ability to comply with other requirements of the Permit.
VIII. Storm Water Management Program Minimum Control Measures	
VIII.A.3.b; Page 41	If any of the requirements of this section (VIII.A.3.b) are redundant with training held by the Department of Pesticide Regulation or other agencies, it would be good to have such training referenced in this section as qualifying for satisfying the training requirement.
VIII.B.1.d-e; Page 42-43	Regarding facilities/sites that require an NOI or NEC: Recommend allowing a Permittee to skip the process of one inspection and one written notice prior to referral. Once identified by the Permittee, it would seem efficacious to notify the Board. Versus waiting for a Permittee's attempts to compel IGP/CGP enrollment. So that Board staff can begin the process of compelling IGP/CGP coverage from the operator. In addition, for certain light industrial operations, IGP coverage can be a matter of interpretation of the SIC Manual. In these instance it would be best for the Regional Board to make the determination from the start. In addition, recommend setting up a recommended frequency for notification of potential IGP non-filers. Context: After the issuance of the 2012 LA/2014 LB MS4 Permits, the 2015 IGP added a large swath of light industries to its coverage. Many of these businesses are small in both size and operations and as such 1) are much more common than heavy industries, and 2) start and cease operations much more frequently than heavy industries. This means that Permittees may come across new potential non-filers on a regular basis, primarily through business license and MS4 NPDES inspections. Taking this into consideration, a regular frequency of notification may streamline the process for both Permittees and Regional Board staff. (For example, under the North Orange County MS4 NPDES Permit, there is a quarterly notification process in place.)
VIII.D.4.a; Page 45	Recommend providing additional guidance on the metrics for measuring effectiveness of public education efforts, which otherwise could take many forms and vary significantly across Permittees.
VIII.E.2.a.ii.(c); Page 46	Recommend providing a footnote that provides a hyperlink to the online database of such industrial facilities.
VIII.E.2.a.iii; Page 46	Recommend listing the corresponding SIC codes for these facilities, and/or referring to the Attachment A definitions. Also for consistency with the industrial element of the Industrial/commercial Facilities Program, recommend defining these facilities in Attachment A using the SIC Code manual definition.
VIII.E.3; Page 47-48	This Tentative Permit updated the Working Proposal section on Requirements for Industrial Sources (VIII.E.4) to include in the Business Assistance Program that Permittees could refer businesses to the LA Regional Water Quality

Tentative Permit Section; Page	Comment
	Control Board or State Board for further technical assistance and also updated the inspection frequency for sites that do not have exposure to stormwater to every 5 years. Recommend the same updates be made to the Requirements for Commercial Sources (VIII.E.3).
VIII.E.5; Page 49 VIII.G.5.a; Page 67 VIII.G.6.b.ii.(c); Page 69 VIII.H.3.a; Page 71	Recommend referencing a resource for Permittees to consider for applicable source control BMPs. (Such as the CASQA Handbooks.)
VIII.F.2.b; Page 54	In addition to the specific projects listed, exemptions to hydromodification controls should include an option for Permittees to prove no adverse hydromodification effects occur to beneficial uses in the Natural Drainage System.
VIII.F.4-5; Page 58-66	May consider integrating aspects of the Priority Development Project Structural BMP Performance Requirements for Ventura County Permittees (VIII.F.4) to integrate options for Los Angeles County Permittees (VIII.F.5) and vice-versa.
VIII.G.4.b.ix; Page 67	Recommend removing the post-construction BMP description as it is already logged through the tracking requirements of VIII.F.3.c.i. Also, consider moving the "comparison of pre-storm water runoff volume to post-construction runoff volume" tracking to VIII.F.3.c.i.
VIII.G.5.b; Page 68	Currently construction sites are inspected once a month during rainy season, unless a follow-up inspection is required due to a deficiency. Please clarify what "inspect as needed" means.
VIII.H.5.a; Page 74	If any of the requirements of VI.D.8.e.ii and VI.D.8.e.iii are equivalent to requirements of CCR Chapter 4, Subchapters 3, 4, and 5, recommend identifying them as such. So that it is clear which requirements are specific to the MS4 Permit.
VIII.H.5.b-c; Page 74-85	If any of the requirements of VIII.H.5.b and VIII.H.5.c are equivalent to requirements of CCR Chapter 4, Subchapters 3, 4, and 5, recommend identifying them as such. So that it is clear which requirements are specific to the MS4 Permit.
VIII.I.8.b; Page 80	Recommend exemption of tracking for discharges of negligible impact that do not enter a storm drain inlet. For example, the standard could be, "Tracking is not required for discharges of less than X gallons that do not reach a storm drain inlet." The reason for this requested exemption is that the administrative cost of this tracking outweighs the value of the data recorded. (The time could be better spent addressing other MS4 Permit requirements.)
VIII; Page 40-80	For all minimum control measures note development of recommendations/guidance for appropriate metrics for measuring effectiveness will be needed.
IX. Watershed Management Programs	
IX.A; Page 81	Please consider if Safe, Clean Water Program Stormwater Investment Plans (SIPs) are to be included into the Permit as mentioned by the County at the first workshop, how will those projects that remain unfunded be able to achieve compliance through alternative funding?

Tentative Permit Section; Page	Comment
IX.A.4.d; Page 81	Recommend updating to reflect that modifications to the strategies, control measures, and BMPs may also be based on information gathered outside of the MRP.
IX.A.4.e; Page 81	Recommend providing more detailed description on the “appropriate opportunity for meaningful stakeholder and community input”. This could potentially take many forms and would be helpful to understand what the Board deems as appropriate.
IX.A.4.k; Page 82	Strategies, control measures, and BMPs should be designed to achieve applicable WQBELs and RWLs, which can be demonstrated through an RAA. Reference to retaining the volume of the 85th percentile, 24-hour storm event should be reserved for later discussion that this option provides deemed-compliance for the associated drainage area without requiring an RAA. In many cases, building such control measures is infeasible in most areas and exceeds necessary controls to attain the water quality objectives, where costs could have been better spent in other areas to address the variable and spatial extent of WQBELs and RWLs. Increasing project size to capture the 85th percentile, 24-hour storm event may result in the misapplication of limited funding resources. Watershed Management is complex and requires optimum target investments and appropriate water quality standards.
IX.B.4.a; Page 83	Recommend also considering the severity of impaired beneficial uses and the relative level of exceedance of WQBELs and Receiving Water Limitations when sequencing the water quality priorities for TMDLs, rather than solely based on the compliance schedules.
IX.B.5.b; Page 84	Recommend adding back in the retrofitting of existing developed areas to the list of potential control measures.
IX.B.5.b.i.(a); Page 84	Recommended removing “Vegetated” before nature-based solutions. There are nature-based solutions that aim to restore/promote natural processes that do not necessarily rely on vegetation.
IX.B.5.b.ii.(b); Page 84	Please clarify if Permittees are required to adopt plastic bag, straw and styrofoam bans as proposed as non-structural controls regarding human source management.
IX.B.7.a; Page 85	Requiring legal authority to implement the identified control measures could potentially limit beneficial collaboration across parties that are not direct Permittees.
IX.B.7.g; Page 86	The RAA will be dependent upon the availability of data. Recommend some language that acknowledges this limitation.
IX.B.7.g.ii; Page 86	Recommend noting that the calibration of models should also be consistent with the applicable critical conditions for the pollutants of concern.
IX.B.7.g.iii; Page 86	Given the extent of available data, recommend noting that validation should be performed, if relevant independent data not required for calibration are available.
IX.B.7.g.iv; Page 86	Recommend providing additional guidance/recommendations on the quantitative reasoning required to demonstrate a WBPC being addressed by the limiting pollutant approach.
IX.B.7.g.v; Page 86	Please clarify if the use of a modified WMMS model calibrated for a particular watershed still satisfies the QA/QC requirements.

Tentative Permit Section; Page	Comment
IX.B.7.g.vi; Page 86	Recommend noting that the assessment of control measure performance will be an iterative process as more of this type of data is gathered in the WMA as control measures are implemented.
IX.C.3; Page 87	Permittees should be able to request an extension of final compliance deadlines with TMDLs.
IX.E.1.c; Page 88	Consideration of the achievement of requirements for storm water volume addressed in adaptive management should include an “as applicable”, given not all WMPs have set targets based on the volume addressed.
IX.E.1.e; Page 88	Recommend reassessment of sources of pollutants not be limited to MS4 discharges, as modifications may also be warranted if significant sources outside of the MS4 are identified to be impacting receiving waters.
IX.E.1; Page 87-88	Recommend including re-evaluation of identified control measures in the program and costs of implementation.
IX.E.4.f; Page 88	Recommend adding a note that comparison of control measures completed to date with control measures projected to be completed to date pursuant to the WMP should include additional control measures implemented outside of the existing WMP
IX.E.5; Page 89	Please consider the impacts of additional costs incurred when implementing measures as part of adaptive management are considered and the time to secure such funding.
X. Compliance Determination for WQBELs and Receiving Water Limitations	
X.B.1.b; Page 94	Necessary deviations from an approved WMP may justify adjustments to the final deadlines for project completion or program implementation, under approval of the Executive Officer and appropriately incorporated in the WMP through the adaptive management process. Recommend removing this circumstance from allowing minor deviations in an approved WMP.
XI. Enforcement	
XI.B.1; Page 99	Recommend where reference the zero trash effluent limitation to include a qualifying statement with the acceptable compliance pathways that result in attainment of this object.
Attachment A - Definitions	
Att.A - Illicit Discharge; Page A-9	Recommend clarifying definition to answer the question: Does an illicit discharge include a discharge of pollutants in storm water that has not been reduced to the maximum extent practicable?
Att.A - Non-Storm Water Discharge; Page A-13	Recommend clarifying definition to answer the question: Do non-storm water discharges include discharges of pollutants in storm water that have not been reduced to the maximum extent practicable?
Att.A – Restaurant; Page A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend defining restaurants by the SIC Code manual: "Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this industry."
Att.A - Retail Gasoline Outlet; Page A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend referring to Retail Gasoline Outlets as Gasoline Service Stations and defining by the SIC Code manual: "Establishments

Tentative Permit Section; Page	Comment
	primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise, such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to the primary activity."
Att.A – Vehicle Maintenance/Material Storage Facilities/Corporation Yards; Page A-20	Note Corporate Yards are referred to as a Public Works Yard in Section VI.D.8.b Table 11. Recommend using one term.
Attachment E – Monitoring and Reporting Program	
Att.E.II.H.8; Page E-5	Requiring to incorporate new MDLs in the monitoring program should also consider the financial burden of implementing (in addition to analytical methods improving and becoming more environmentally relevant)
Att.E.V.A.2.a.ii; Page E-17	The new provision for subsequent wet weather events could be interpreted to modify the current provision to target wet weather events greater than 0.25 inches of rain to greater than 0.1 inches of rain. If this is the case, the new minimum wet weather target would increase the risk of a false start, decrease the amount of runoff represented in the sample, and cause other event pacing issues. Recommend that the minimum wet weather target remain the same.
Att.E.V.A.3; Page E-18	The new requirement to conduct receiving water wet weather monitoring within 6 hours of stormwater outfall-based monitoring may be infeasible for marine receiving water sites. Please provide guidance language for wet-weather monitoring at marine receiving water sites.
Att.E.VI.A.5.b.i.(a); Page E-25	The new requirement for flow-weighted composite samples to have a minimum of 3 samples per hour that are separate by at least 15 minutes is infeasible due to rainfall variability. Generally, as flow increases, the sampling frequency increases. The beginning and ending of an event can sample at a rate less than three times per hour, and middle of an event can sample at a rate less than once every 15 minutes. Recommend that the minimum samples and rate serve more as guidelines and targets rates rather than requirements.
Att.E.IX.H.1-3; Page E-30 – E-31	The requirement to test four freshwater species will add substantial labor, cost and volume requirements for the first year of monitoring. Increased volume requirements will make it more difficult to collect sufficient volume of water through flow compositing. This will also likely result in adjacent watersheds evaluating different sensitive species and result in a lack of consistency with aquatic toxicity monitoring. Unclear how results of the test would be assessed if not consistent across test species. Please also consider the proposed Urban Pesticide Amendments' Statewide Coordinated Monitoring Program. Recommend including some language in the Permit to advise Permittees on the Board's stance on joining the Urban Pesticide Amendment and what the process would be for opting into this program. Please provide reasoning for the requirement to test four freshwater species.
Att.E.XIV.B; Page E-37	The new requirement for semi-annual monitoring reports doubles the annual reporting effort, which could potentially be better spent on implementation efforts.
Attachment F – Fact Sheet	

Tentative Permit Section; Page	Comment
Att.F.III.K; Page F-93	If Permittees were to consider climate change offsets in modeling or with BMPs, this would require changes to the WMPs through Adaptive Management. When would this be required by if included in the Permit? This would require Permittees to incur additional costs for analysis and modeling. Has the LARWQCB/SWB conducted a cost-benefit analysis to determine feasibility of considering climate change offsets?
Att.F.XIII; Page F-283	What is considered "appropriate"?
Attachment H - Annual Report Forms	
Att.H	Please clarify what is requested for cost for the Public Agency activities. This is where everyone reports differently with no clear format.
Att.H	Recommend that the Annual Report form not be included as an attachment. We anticipate continued improvements in the Annual Reporting process in the coming years, with a focus on reporting on key performance indicators and providing meaningful information. With an Annual Report form written into the Permit, this would prevent reporting improvements for a minimum of 5 years. (It seems unlikely that the Permit would be reopened for moderate improvements to the Annual Report forms.)
Att.H	Recommend considering any and all methods of avoiding redundancies. For example, consider maintaining WMP level reporting, enhanced by individual City-specific details.

DATE: January 12, 2021

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **SAFE CLEAN WATER PROGRAM UPDATES**

RECOMMENDED ACTION

For information only.

PROGRAM AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES

The following activities have happened since the last Water Committee/TAC meeting.

Regional Oversight Committee

- Met on December 10, 2020 to hear a presentation of next steps for staff's program guidelines.
- Selected Barbara Romero, City of Los Angeles and Shelley Luce, Heal the Bay, to be Co-Chairs and Lauren Ahkiam, Los Angeles Alliance for a New Economy (LAANE) to be Vice Chair.

Scoring Committee

- Scored all FY 2021-22 projects at meetings between December 1, 2020 and January 12, 2021. All Upper Los Angeles River (ULAR) projects were scored at a meeting on December 21, 2020, and all Rio Hondo and Upper San Gabriel River (USGR) projects were scored at a meeting on January 6, 2021. The FY21-22 Infrastructure Project (IP) List is included as Attachment A and the IP Project Scoring Schedule is included as Attachment B.

Upper Los Angeles River WASC

- Met on December 16, 2020 to interview Watershed Coordinator candidates, which included Day One, Fresh Coast Capital dba Greenprint Partners, Environmental Outreach Strategies, Council for Watershed Health, and EW Consulting.
- Selected Max Podemski, City of Los Angeles as Vice Chair.

Upper San Gabriel River WASC

- Met on December 9 and 10, 2020 to interview Watershed Coordinator candidates, which included Richard Watson & Associates, Environmental Outreach Strategies, CASC Engineers & Consulting, EW Consulting, Fresh Coast Capital dba Greenprint Partners, and Day One.

Rio Hondo WASC

REPORT

- Met on December 7, 2020 to interview Watershed Coordinator candidates, which included Fresh Coast Capital, Richard Watson & Associates, CASC Engineering & Consulting, Community Partners fbo ActiveSGV, and Construction Industry Coalition on Water Quality.

Staff and Water TAC Chair will provide an update on the Safe Clean Water program at this meeting.

UPCOMING MEETINGS

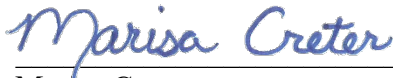
- Regional Oversight Committee – Thursday, January 28, 10am – 12pm and Thursday, February 25, 10am – 12pm
- Scoring Committee – Tuesday, January 12, 9am – 12pm
- Upper Los Angeles River WASC – Wednesday, January 13, 2 – 5pm and Wednesday, February 3, 2021, 2 – 4pm
- Upper San Gabriel River WASC – TBD
- Rio Hondo WASC – TBD

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – FY 2021-22 Infrastructure Program (IP) Project List
Attachment B – FY 2021-22 IP Project Scoring Schedule

Row Labels	Project Type	BMP Type	Phase(s)	Preliminary Score	Sum of Funding Requested
Central Santa Monica Bay					\$71,853,203.00
Ballona Creek Dry Weather Flow Treatment Project	Dry	Treatment Facility	Design, Construction, O & M	68	\$13,100,000.00
Ballona Creek Low Flow Diversion Project	Dry	Diversion to Sanitary Sewer	Design, Construction	79	\$14,951,000.00
Ballona Creek TMDL Project	Dry	Treatment Facility	Design, Construction, O & M	85	\$15,000,000.00
Blackwelder Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project	Wet	Biofiltration	N/A	61	\$5,848,773.76
Hayden Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project	Wet	Biofiltration	Design, Construction, O & M	74	\$5,120,579.00
Normandie Ave ES - DROPS and Paving	Wet	Bioretention	O & M, Construction	71	\$5,213,778.24
Slauson Connect Clean Water Project	Wet	Cistern	Design, Construction, O & M, Planning	62	\$4,898,440.00
Venice High School Comprehensive Modernization Project	Wet	Infiltration Facility	Construction, O & M	70	\$6,088,250.00
Webster MS - DROPS	Wet	Bioretention	Construction, O & M	65	\$1,632,382.00
Lower Los Angeles River					\$53,063,990.00
Compton Blvd Et. Al. Project	Wet	Infiltration Facility	N/A	67	\$600,000.00
Furman Park Stormwater Capture and Infiltration Project	Dry	Infiltration Facility	Design, Construction	62	\$12,325,670.00
Huntington Park High School Storm Water Management System	Wet	Infiltration Facility	Construction, O & M	74	\$1,401,707.00
Lynwood City Park Stormwater Capture Project	Dry	Infiltration Facility	Design	71	\$1,691,629.00
Rancho Los Cerritos: Looking Back to Advance Forward	Dry	Cistern	N/A	60	\$1,715,000.00
Salt Lake Park Infiltration Cistern	Wet	Cistern	Planning, Design, Construction	77	\$29,000,000.00
Spane Park	Wet	Infiltration Facility	Design	92	\$891,984.00
Urban Orchard Project	Dry	Treatment Facility	Construction, O & M	75	\$5,438,000.00
Lower San Gabriel River					\$8,199,165.00
Stormwater Treatment and Reuse System (STAR System) Hacienda Park	Wet	Biofiltration	Planning, Design, Construction, O & M	69	\$859,000.00
Artesia Park Stormwater Capture Project	Dry	Treatment Facility	Design	71	\$1,250,502.00
Bellflower Simms Park Stormwater Capture Project	Wet	Treatment Facility	Design	71	\$2,141,987.00
Cerritos Sports Complex	Dry	Treatment Facility	Design	84	\$2,408,000.00
Heartwell Park at Palo Verde Channel	Wet	Treatment Facility	Design	64	\$1,539,676.00
North Santa Monica Bay					\$5,474,650.00
Stormwater Treatment, Diversion, Water Supply Augmentation, and Bioremediation Project	Dry	Treatment Facility	Planning, Design, Construction	62	\$4,674,650.00
Viewridge Road Stormwater Improvements Project	Wet	Treatment Facility	Construction	60	\$800,000.00
Rio Hondo					\$16,046,219.00
Alhambra Wash Dry-Weather Diversion	Dry	Treatment Facility	Design, Construction, O & M	65	\$2,737,180.00
Arboretum Natural Treatment Wetland & Groundwater Recharge Facility	Wet	Treatment Facility	Design	86	\$981,890.00
East Los Angeles College Northeast Drainage Area and City of Monterey Park Biofiltration Project	Wet	Biofiltration	Design, Construction	61	\$532,618.00
Eaton Wash Dry-Weather Diversion	Dry	Treatment Facility	Design, Construction, O & M	65	\$1,894,220.00
Merced Ave Greenway (Phase I - South Residential Corridor)	Wet	Bioretention	Construction	61	\$3,234,694.00
Mt. Lowe Median Stormwater Capture Project	Wet	Infiltration Well	Design, Construction	66	\$800,000.00
Plymouth School Neighborhood Stormwater Capture Demonstration Project	Wet	Infiltration Facility	Planning, Design, Construction, O & M	73	\$559,162.00
Rio Hondo Ecosystem Restoration Project	Wet	Treatment Facility	Design	81	\$2,329,375.00
Rubio Wash Dry-Weather Diversion	Dry	Treatment Facility	Design, Construction, O & M	65	\$2,977,080.00
South Santa Monica Bay					\$51,815,530.00
Beach Cities Green Streets Project	Wet	Infiltration Facility	Construction	76	\$2,595,000.00
Carson Stormwater and Runoff Capture Project at Carriage Crest Park	Wet	Diversion to Sanitary Sewer	O & M	78	\$1,037,500.00
Portuguese Bend Landslide Complex Mitigation Project	Dry	Biofiltration	Design	66	\$1,875,000.00
South Santa Monica Bay Water Quality Enhancement: 28th Street Storm Drain Infiltration Project	Wet	Infiltration Well	Design, Construction, O & M	85	\$17,620,030.00
Stormwater Basin Expansion Project	Wet	Infiltration Facility	Construction	90	\$4,505,000.00
Torrance Airport Storm Water Basin Project, Phase 2 Construction	Wet	Diversion to Sanitary Sewer	Construction	74	\$12,000,000.00
Wilmington Neighborhood Greening Project	Wet	Cistern	Planning, Design, Construction, O & M	72	\$12,183,000.00
Upper Los Angeles River					\$223,068,643.03
Altadena - Lake Avenue Green Improvement	Wet	Infiltration Well	Design	76	\$500,000.00
Altadena Mariposa Green Street Demonstration Project	Wet	Infiltration Facility	Design, Construction	70	\$739,772.00
Arroyo Seco-San Rafael Treatment Wetlands	Wet	Treatment Facility	Design, Construction	74	\$4,771,357.00

Broadway-Manchester Multi-Modal Green Streets Project	Wet	Cistern	Construction	73	\$11,719,000.00
David M. Gonzales Recreation Center Stormwater Capture Project	Wet	Infiltration Facility	Design, Construction	97	\$19,363,000.00
Lincoln Park Neighborhood Green Street Network	Wet	Infiltration Well	Planning, Design, Construction, O & M	72	\$18,634,578.00
Los Angeles Pierce College Northeast Campus Stormwater Capture & Use and Biofiltration Project	Wet	Cistern	Design, Construction	82	\$5,243,675.00
Metro Orange Line a Water Infiltration and Quality Project	Wet	Infiltration Well	Construction, O & M, Planning, Design	77	\$34,515,458.00
North Hollywood High School	Wet	Infiltration Facility	Construction, O & M	74	\$3,154,945.03
North Hollywood Park Stormwater Capture Project	Dry	Infiltration Facility	Design, Construction	87	\$92,394,000.00
Northridge Middle School	Wet	Bioretention	Construction, O & M	73	\$1,920,084.00
Thomas Jefferson High School Comprehensive Modernization Project	Wet	Infiltration Facility	Construction, O & M	75	\$1,980,560.00
Valley Plaza Park Stormwater Capture Project	Wet	Infiltration Facility	Design, Construction	97	\$26,447,000.00
Victory ES - DROPS	Wet	Bioretention	Construction, O & M	75	\$178,585.00
Westmont - Vermont Avenue Green Improvement	Wet	Infiltration Well	Design	75	\$500,000.00
Woodlake ES - LID Project	Wet	Bioretention	Construction, O & M	70	\$1,006,629.00
Upper San Gabriel River					\$117,881,286.00
Fairplex	Wet	Infiltration Facility	Construction, Design	73	\$31,900,000.00
FINKBINER PARK STORMWATER CAPTURE PROJECT	Wet	Treatment Facility	Design	80	\$2,581,286.00
Larkin Park	Wet	Infiltration Facility	Design, Construction	75	\$23,100,000.00
Lone Hill Park	Wet	Infiltration Facility	Construction, Design	74	\$9,900,000.00
Washington Park	Wet	Infiltration Facility	Design, Construction	81	\$48,400,000.00
Zamora Park Renovation Project	Wet	Biofiltration	Construction, O & M	78	\$2,000,000.00
Grand Total					\$547,402,686.03

**Official Scoring Schedule
FY21-22 Infrastructure Projects**

Attachment B

SC Meeting	WASC	#	Project Name	Project Lead
Tuesday, 12/1/2020 9AM - 12PM	RH	1	Arboretum Natural Treatment Wetland & Groundwater Recharge Facility	City of Arcadia
	SSMB	2	Carson Stormwater and Runoff Capture Project at Carriage Crest Park	City of Carson
	ULAR	3	North Hollywood Park Stormwater Capture Project	City of Los Angeles, LADWP
Tuesday, 12/8/2020 9AM - 12PM	CSMB	1	Ballona Creek Dry Weather Flow Treatment Project	SEITec
		2	Ballona Creek Low Flow Diversion Project	SEITec
		3	Ballona Creek TMDL Project	City of Los Angeles, LASAN
		4	Blackwelder Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project	California Greenworks, Inc.
		5	Hayden Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project	California Greenworks, Inc.
		6	Normandie Ave ES - DROPS and Paving	LAUSD
		7	Slauson Connect Clean Water Project	Geosyntec
		8	Venice High School Comprehensive Modernization Project	LAUSD
		9	Webster MS - DROPS	LAUSD
	SSMB	10	Wilmington Neighborhood Greening Project	City of Los Angeles, LASAN
Monday, 12/21/2020 1PM - 5PM	ULAR	1	Altadena - Lake Avenue Green Improvement	LA County
		2	Altadena Mariposa Green Street Demonstration Project	Amigos de los Rios
		3	Arroyo Seco-San Rafael Treatment Wetlands	City of Pasadena
		4	Broadway-Manchester Multi-Modal Green Streets Project	City of Los Angeles, StreetsLA
		5	David M. Gonzales Recreation Center Stormwater Capture Project	City of Los Angeles, LADWP
		6	Lincoln Park Neighborhood Green Street Network	City of Los Angeles, LASAN
		7	Los Angeles Pierce College Northeast Campus Stormwater Capture & Use and Biofiltration Project	LACCD
		8	Metro Orange Line a Water Infiltration and Quality Project	LAC MTA
		9	North Hollywood High School	LAUSD
		10	Northridge Middle School	LAUSD
		11	Thomas Jefferson High School Comprehensive Modernization Project	LAUSD
		12	Valley Plaza Park Stormwater Capture Project	City of Los Angeles, LADWP
		13	Victory ES - DROPS	LAUSD
		14	Westmont - Vermont Avenue Green Improvement	LA County
		15	Woodlake ES - LID Project	LAUSD
Tuesday, 1/5/2021 9AM - 12PM	LLAR	1	Compton Blvd Et. Al. Project	LA County
		2	Furman Park Stormwater Capture and Infiltration Project	City of Downey
		3	Huntington Park High School Storm Water Management System	LAUSD
		4	Lynwood City Park Stormwater Capture Project	City of Lynwood
		5	Rancho Los Cerritos: Looking Back to Advance Forward	Rancho Los Cerritos
		6	Salt Lake Park Infiltration Cistern	City of Huntington Park
		7	Spane Park	City of Paramount
		8	Urban Orchard Project	City of South Gate
	NSMB	9	Stormwater Treatment, Diversion, Water Supply Augmentation, and Bioremediation Project	City of Agoura Hills
		10	Viewridge Road Stormwater Improvements Project	LA County
Wednesday, 1/6/2021 1PM - 5PM	RH	1	Alhambra Wash Dry-Weather Diversion	SGVCOG
		2	East Los Angeles College Northeast Drainage Area and City of Monterey Park Biofiltration Project	LACCD
		3	Eaton Wash Dry-Weather Diversion	SGVCOG
		4	Merced Ave Greenway (Phase I - South Residential Corridor)	City of South El Monte
		5	Mt. Lowe Median Stormwater Capture Project	LA County
		6	Plymouth School Neighborhood Stormwater Capture Demonstration Project	Amigos de los Rios
		7	Rio Hondo Ecosystem Restoration Project	City of Monrovia
		8	Rubio Wash Dry-Weather Diversion	SGVCOG
	USGR	9	Fairplex	ESGVWMG
		10	FINKBINER PARK STORMWATER CAPTURE PROJECT	City of Glendora
		11	Larkin Park	ESGVWMG
		12	Lone Hill Park	ESGVWMG
		13	Washington Park	ESGVWMG
		14	Zamora Park Renovation Project	City of El Monte
Tuesday, 1/12/2021 9AM - 12PM	LSGR	1	Stormwater Treatment and Reuse System (STAR System) Hacienda Park	City of La Habra Heights
		2	Artesia Park Stormwater Capture Project	City of Artesia
		3	Bellflower Simms Park Stormwater Capture Project	City of Bellflower
		4	Cerritos Sports Complex	City of Cerritos
		5	Heartwell Park at Palo Verde Channel	City of Long Beach
	SSMB	6	Beach Cities Green Streets Project	City of Torrance
		7	Portuguese Bend Landslide Complex Mitigation Project	City of Rancho Palos Verdes
		8	South Santa Monica Bay Water Quality Enhancement: 28th Street Storm Drain Infiltration Project	City of Manhattan Beach
		9	Stormwater Basin Expansion Project	City of Torrance
		10	Torrance Airport Storm Water Basin Project, Phase 2 Construction	City of Torrance

DATE: January 12, 2021

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **LEGISLATIVE UPDATES**

RECOMMENDED ACTION

For information only.

BACKGROUND

Below is an overview of state and federal legislation that the Water Committee and Water TAC are currently tracking.

WATER RESOURCES DEVELOPMENT ACT (WRDA) OF 2020

On July 13, 2020, Transportation and Infrastructure Committee Chairman Peter A. DeFazio (D-OR), Ranking Member Sam Graves (R-MO), Water Resources & Environment Subcommittee Chairwoman Grace F. Napolitano (D-CA), and Ranking Member Bruce Westerman (R-AR) introduced H.R. 7575, the Water Resources Development Act (WRDA) of 2020. WRDA 2020 continues the bipartisan tradition of the Committee on Transportation and Infrastructure to move a new WRDA every two years to respond to local water resource needs and to ensure continued congressional oversight over the Army Corps of Engineers (Army Corps). The bill would authorize approximately \$9.9 billion in federal funds for 46 Army Corps flood control, environmental restoration, coastal protection, and other projects. A fact sheet on WRDA 2020 is included as Attachment A.

WRDA 2020 was passed unanimously by the House of Representatives on a voice vote on December 8, 2020 and will be referred to the Senate. Please contact Samantha Matthews at smatthews@sgvcog.org to receive a copy of the bill language and the bill section-by-section summary.

OTHER LEGISLATION

H.R. 7617 (Visclosky) – 2021 Appropriations Act

- **Summary:** The Fiscal Year 2021 Energy and Water Appropriations bill includes \$384,900,000 to fix the Whittier Narrows Dam as part of the U.S. Army Corps of Engineers' Dam Safety and Seepage Program.
- **Status:** Approved by the U.S. House of Representative on a 217-197 vote. Received in the Senate on August 12, 2020, read twice, and referred to the Committee on Appropriations. Bill must be funded within the next 6 months.
- **SGVCOG Position:** TBD

SB 45 (Portantino, Allen, Hurtado, and Stern) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

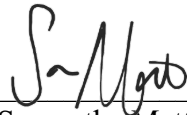
- **Summary:** This bill would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill would provide for the submission of these provisions to the voters at the November 8, 2022, statewide general election.
- **Status:** Introduced on December 7, 2020. May be acted upon on or after January 7.
- **SGVCOG Position:** TBD

SB 37 (Cortese) – Contaminated Sites: the Dominic Cortese “Cortese List” Act of 2021

- **Summary:** The bill would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers.
- **Status:** Introduced on December 7, 2020. May be acted upon on or after January 7.
- **SGVCOG Position:** TBD

AB 100 (Holden) – Drinking Water: Pipes and Fittings: Lead Content

- **Summary:** Bill amend Sections 25214.4.3 and 116875 of the Health and Safety Code, relating to drinking water. This bill would additionally define “lead free,” with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification. would require the department, when evaluating an endpoint device’s compliance with the above-specified definition of “lead free” The bill would also establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.
- **Status:** Introduced on December 11, 2020. May be heard in committee January 11.
- **SGVCOG Position:** TBD

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – WRDA 2020 Fact Sheet

WRDA 2020

WATER RESOURCES DEVELOPMENT ACT

Subcommittee on Water Resources and Environment | Prepared by T&I Democratic Staff

THE WATER RESOURCES DEVELOPMENT ACT OF 2020

The Water Resources Development Act (WRDA) is essential to everyday American life. Nearly 80 percent of traded goods that Americans rely on is moved through our Nation's ports, harbors, and inland waterways. Projects for flood damage reduction help protect both our rural and urban communities, thus benefiting millions of Americans. Ecosystem restoration projects restore and maintain our vital natural resources. This work, carried out by the U.S. Army Corps of Engineers (Corps), is made possible through the enactment of WRDA.

WRDA 2020 continues the bipartisan tradition of the Committee on Transportation and Infrastructure to move a new WRDA every two years to respond to local water resource needs and to ensure continued congressional oversight over the Corps.

Earlier this year, H.R. 7575, sponsored by Transportation and Infrastructure Committee Chairman Peter A. DeFazio (D-OR), Ranking Member Sam Graves (R-MO), Water Resources & Environment Subcommittee Chairwoman Grace F. Napolitano (D-CA), and Ranking Member Bruce Westerman (R-AR), was unanimously passed by the U.S. House of Representatives. The final conference report on WRDA 2020 builds on many of the important provisions from H.R. 7575.

IMPROVES U.S. WATER RESOURCES INFRASTRUCTURE

WRDA 2020 authorizes the study and construction of locally-driven projects that were developed in cooperation and consultation with the Corps. These projects are key to preserving our Nation's economy, to protecting our communities, and to maintaining our quality of life.

WRDA 2020:

- Authorizes the construction of all **46 pending Corps Chief's Reports** received since the enactment of WRDA 2018. Chief's Reports are the final recommendations to Congress by the Chief of the U.S. Army Corps of Engineers on rigorously-studied water resources infrastructure priorities.
- Authorizes **27 feasibility studies** for water resources development projects, including those identified through the public review process established by section 7001 of the Water Resources Reform and Development Act of 2014.
- Directs the Corps to complete **six comprehensive river basin studies** for the Great Lakes, the Lower Mississippi River, the Upper Mississippi River, the Lower Missouri River Basin, the Upper Missouri River, and the Sacramento River.

STRENGTHENS AMERICA'S COMPETITIVE EDGE BY INVESTING IN OUR PORTS, HARBORS AND INLAND WATERWAYS

- **Unlocks the Harbor Maintenance Trust Fund (HMTF)** by providing the authority to appropriate \$2 billion in additional funds annually for harbor maintenance needs from the existing balance in the Trust Fund. When combined with a previously enacted provision from the CARES Act, WRDA 2020 will provide for expenditures of approximately \$3.5 billion to \$4.0 billion in annual expenditures for port maintenance.
- **Directs the Secretary to equitably allocate harbor maintenance expenditures** to pay for U.S. harbor operation and maintenance needs, while addressing the ongoing needs of the nation's largest donor and energy-transfer ports, Great Lakes harbors, emerging harbors, and commercial strategic seaports.
- **Invests additional Federal resources for the construction of inland waterways projects** to fund projects prioritized by inland users, including the Upper Ohio River navigation system and the Navigation and Ecosystem Sustainability Program (NESP) for the Upper Mississippi River.

BUILDS MORE RESILIENT COMMUNITIES

- **Directs the Secretary to issue final agency procedures for its Principles, Requirements, and Guidelines (PR&G).** The PR&G ensures that future water resources development projects will maximize sustainable development, protect and restore the functions of natural systems, and affordably address the needs of economically disadvantaged communities.
- **Reaffirms the commitment to greater use of natural and nature-based projects** by ensuring natural alternatives are fully evaluated by the Corps and are provided the same cost-share as structural alternatives. WRDA 2020 also clarifies that natural and nature-based projects are eligible under the Corps' continuing authorities programs.
- **Allows for the calculation of sea level rise benefits for Corps projects,** and requires the Secretary to consider, when requested, whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise.
- **Authorizes the Corps to study, design and construct water resources projects for communities that have been subjected to repetitive flooding events** and have received emergency flood assistance, including construction of temporary barriers. This authority is directed at helping repetitive loss communities, especially those in economically-disadvantaged communities, obtain critical flood protection.
- **Renews Congressional support for water resources projects that promote the beneficial reuse of sediment** by establishing a national policy that recognizes the economic and environmental value in reusing clean dredged materials for ecosystem restoration or storm damage reduction projects.
- **Examines the Corps' important role in addressing the future water supply needs of communities,** especially those communities in the nation's arid regions.

INCREASES COORDINATION WITH ALL COMMUNITIES

- **Requires the Corps to complete its review on minority community and tribal consultation**, as well as update Corps' policies on **environmental justice** considerations and community engagement and consultation.
- **Expands the Corps' consultation requirements with Tribal and indigenous groups** when working on or adjacent to Tribal lands and areas.
- **Increases** the authorization for the Tribal Partnership Program per project limit to \$18.5 million.

ADDRESSES AFFORDABILITY CONCERNS FOR COMMUNITIES

- **Creates additional flexibility for the Corps to address the water resources needs of economically disadvantaged communities, minority communities, and rural communities.**
- Authorizes the Corps to **provide technical assistance for resiliency planning**, with priority given to economically disadvantaged communities and communities with repetitive flooding.
- Authorizes the Corps to **affordably study the flooding and storm damage reduction needs of economically disadvantaged communities**, including minority communities, rural communities, and Indian tribes.

ECONOMICALLY AND ENVIRONMENTALLY RESPONSIBLE

- Directs the Corps to **deauthorize up to \$10 billion in outdated and antiquated construction authorities**, which is equivalent to the expected cost of the projects and authorities contained in WRDA2020.
- Requires the Corps to **assess and update the economic and environmental impacts of antiquated projects** before they may be carried out.
- **Directs the Secretary to carry out a demonstration program** to assist in detecting, treating, and **preventing harmful algal blooms**.
- **Directs the Secretary to update the Corps' Invasive Species Policy Guidance** based on the most recent National Invasive Species Council Management Plan.

WRDA STILL WORKS

WRDA2020 continues the bipartisan tradition of addressing the local water resources needs of our nation, our communities, our economy, and our natural environment in a predictable and transparent process, as well as ensuring that Congress exercises its constitutional oversight of the U.S. Army Corps of Engineers.

Under the leadership of Committee Chairman DeFazio, Ranking Member Graves, Water Resources & Environment Subcommittee Chairwoman Napolitano, and Ranking Member Westerman, the Committee on Transportation and Infrastructure has again demonstrated its commitment to addressing the critical infrastructure needs of the nation, in a bipartisan manner, and shown that **WRDA still works**.