



# San Gabriel Valley Council of Governments

## AGENDA AND NOTICE

### OF THE JOINT MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Wednesday, November 15, 2017, 10:00 AM

Upper San Gabriel Valley Municipal Water District – 602 E. Huntington Dr., Monrovia, CA

#### Water Policy Committee

**Chair: Diana Mahmud**  
City of South Pasadena

**Vice-Chair: Judy Nelson**  
City of Glendora

#### Members

Claremont  
Diamond Bar  
Glendora  
Monrovia  
Rosemead  
Sierra Madre  
South Pasadena  
West Covina

#### Water TAC

**Chair: David Dolphin**  
City of Alhambra

**Vice Chair:  
Fran Delach**

Upper San Gabriel Valley  
Municipal Water District

#### Members

Alhambra  
Arcadia  
Covina  
Monrovia  
Sierra Madre  
LA County DPW  
San Gabriel Valley  
Municipal Water District

Upper San Gabriel Valley  
MWD

#### Ex-Officio Members

Foothill MWD  
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 third Wednesday 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.sgvco.org](http://www.sgvco.org). Copies are available via email upon request ([sgv@sgvco.org](mailto:sgv@sgvco.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.

**CITIZEN 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 WRWG Committee 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.



**Preliminary Business**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)

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

4. Water Committee/TAC Meeting Minutes – 10/18/2017 Page 1  
*Recommended Action: Approve.*

**PRESENTATION**

5. Individual Industrial Permits/Industrial General Permits: Presentation by David Dolphin, Alhambra  
*Recommended Action: for information.*

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

6. SGVCOG Comments on Definition and Jurisdictional Reach of Waters of the United States Page 5  
*Recommended Action: recommend that the Governing Board approve the comments for submittal to the Federal Registry*

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

7. Waters of the United States
  - Stormwater Listening Session: Nov 14<sup>th</sup>
  - Written Comments Due by November 28<sup>th</sup>*Recommended Action: for discussion*

**INFORMATION ITEMS**

8. Legislative Updates: SGVCOG 2018 Proposed State Legislation Page 11  
*Recommended Action: discuss and provide direction to staff*
9. Regulatory Updates: SWRCB Water Conservation/Prohibited Uses Page 19  
*Recommended Action: for information.*
10. Water Boards Update
  - State Board
  - Regional Board*Recommended Action: for information.*
11. LA County Water Update Page 23
  - SAC appointments
  - SAC meeting recap*Recommended Action: for information.*
12. Water Supply Update  
*Recommended Action: for information.*
13. Litigation Update
  - San Diego County Water Authority v. MWD*Recommended Action: for information.*
14. Stormwater Outreach Updates  
*Recommended Action: for information.*
15. E/WMP Updates  
*Recommended Action: for information.*

**EXECUTIVE DIRECTOR'S COMMENTS**

**CHAIR'S REPORT**

Discussion of *Inflatable Dams and a Water Wheel* article

Page 29

**ANNOUNCEMENTS**

- LA Water Board meeting: Dec 7, 2017

**ADJOURN**





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

Date: October 18, 2017  
Time: 10:00 AM  
Location: Upper San Gabriel Valley Municipal Water District  
602 E. Huntington Drive, Monrovia, CA

### **PRELIMINARY BUSINESS**

1. Call to Order: The meeting was called to order at 10:06 AM.
2. Roll Call

#### **Water Policy Committee Members Present**

S. Pedroza, Claremont  
G. Crudgington, Monrovia  
M. Clark, Rosemead  
J. Capoccia, Sierra Madre  
D. Mahmud, South Pasadena

#### **Water Policy Committee Members Absent**

Diamond Bar  
Glendora  
West Covina

#### **Water TAC Members Present**

D. Dolphin, Alhambra  
V. Hevener, Arcadia  
B. Lathrop, S. Santos, Bradbury  
S. Costandi, Covina  
A. Tachiki, Monrovia  
J. Carlson, Sierra Madre  
G. Osmena, LACDPW

#### **Water TAC Members Absent**

South Pasadena  
USGVMWD

#### **Ex Officio Members Present**

S. Green, LA County Sanitation District  
A. Jimenez, Watermaster

#### **Ex Officio Members Absent**

#### **Guests**

M. Cansino, J. Carver, Pomona  
A. Mena, B. Ruiz-Hoffmann, J. Smith, LA County Parks  
E. Reyes, SGV Municipal Water District  
B. Pence, Congresswoman Napolitano  
M. Lyons, ASM Holden  
B. Jensen, SGV Economic Partnership  
G. Fuderer, J. Goldstein, K. Anderson, D. Van Dorpe, K. Bedolla, USACE  
M. Lutz  
D. Enos, WCA

#### **SGVCOG Staff**

E. Wolf

3. Public Comment. There were no public comments.

### **CONSENT CALENDAR**

4. Water Committee/TAC Meeting Minutes – 9/20/2017  
**There was a motion to approve the minutes. (M/S: J. Capoccia/G. Crudgington).**  
**[MOTION PASSED]**

<b>AYES:</b>	Claremont, Monrovia, Rosemead, Sierra Madre, South Pasadena, Alhambra, Arcadia, Bradbury, Covina, LACDPW, SGVMWD
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Diamond Bar, Glendora, USGVMWD

## PRESENTATION

5. Water Resilience: Presentation by Russ Bryden, LA County Department of Public Works  
 Bryden first discussed H2O4LA, the County’s water conservation education campaign. Next, he went over the outreach effort, which will consist of one-on-one interviews with key stakeholders, public workshops, surveys, and town hall-style meetings. Additionally, the County is forming a Stakeholders Advisory Group (SAC) that will include a representative from each COG, and reps from other key groups such as business, non-profit, and labor. This group will meet to give input on the ballot measure, a parcel tax to fund an “increase in water supply and quality.”  
 In the County’s resolution establishing the proposed tax, the Board of Supervisors set the following guidelines for developing the ballot measure: planning must be collaborative, the measure must include job training, and projects must be multi-benefit. The process for developing the measure will start with County writing the first draft for review and comment by the SAC when they first meet on Nov 8<sup>th</sup>. The timeline for completion of the draft parcel tax measure for approval by the Board of Supervisors is March 2018. This allows enough time for the measure to be placed on the November 2018 ballot. Because this is a tax, government parcels are exempt and there is the option of exempting churches, private schools, hospitals, and colleges.  
 Bryden was invited to come back to the committee for quarterly updates.
6. Whittier Narrows Dam Safety: Presentation by Ms. Kathy Anderson, Project Manager for the Dam Safety Study, USACE, and Kristen Bedolla, Program Manager for Dam Safety, USACE.  
 Bedolla began by reviewing the Army Corps’ risk management framework and then applying that to Whittier Narrows Dam, resulting in a classification category of 1, the highest risk ranking. The reason for the high assessment is due to three possibly risks: overtopping, gate failure, and piping (water seeping under the dam). During a 200-year rain event, these failures could result in 20 times greater flow from the dam than the capacity of the downstream channel, resulting in flooding in the surrounding community. Next, Anderson discussed what the USACE is doing to mitigate the risk. Interim measures have been put in place to address a spillway gate failure, with a final solution due to be installed by November of this year. Additionally, USACE has established remote monitoring, an inspection and monitoring program, has pre-positioning materials, and has updated its Emergency Action Plan. Finally, Anderson stressed that downstream communities should take action on their own to plan for evacuations.  
 USACE was invited to return and give a follow up presentation once their study is complete.

## ACTION ITEMS

### DISCUSSION ITEMS

7. Waters of the United States
  - Small Government Listening Session: Sept 19<sup>th</sup>  
 E. Wolf reported that he participated in the session and provided comments. His comments consisted of explaining the unique circumstances of the flood control system

in the LA area and concerns that applying WOTUS jurisdiction over the system could restrict its use for the purpose for which it was constructed.

- Stormwater Listening Session: Nov 14<sup>th</sup>  
Wolf also mentioned the Stormwater Listening Session on November 14<sup>th</sup>, in which he will participate as the COG's representative.
- Written Comments Due by November 28<sup>th</sup>  
The agenda packet included draft written comments for submission to the federal record. Wolf invited committee members to send feedback.

## **INFORMATION ITEMS**

### **8. Legislative Updates**

- State Legislation:
  - o SB 231 (Hertzberg), SB 541 (Allen), AB 1180 (Holden), SB 5 (DeLeon), AB 1668 (Friedman), SB 589 (Hernandez), SB 633 (Portantino)  
D. Mahmud went through the status of each bill paying special attention to SB 589 and SB 633. Regarding SB 589, Sen Hernandez is running for Lieutenant Governor so the COG will need to work with his staff to see if they still want to carry this bill. The COG will approach SB 633 by first working with the County to ensure we agree on the bill's language.  
D. Mahmud discussed a webinar hosted by Senator Hertzberg to review how an agency might implement SB 231. Webinar speakers admitted that an agency that first tries to establish property-related stormwater fees using SB 231 as justification, will likely face lawsuit. The League of California Cities and Sen Hertzberg both said that they would help that first agency.
  - o LA County Area Legislative Staff Water Group  
E. Wolf updated the committee on this meeting at which he introduced the COG's 2018 legislative ideas to more than 30 San Gabriel Valley legislative staffers.
- Federal Legislation:
  - o H.R. 465/2355, H.R. 2510  
S. Green discussed H.R. 2510, noting that its companion bill S. 692, passed the Senate and is in the House Subcommittee on Environment for reconciliation. The bill includes integrated planning and financial capability assessment.
  - o House Committee on Transportation and Infrastructure  
S. Green discussed this subcommittee hearing. She noted that Southern California was well represented and that committee members asked good, probing questions.

### **9. Regulatory Updates:**

There was no discussion on this item.

### **10. Water Boards Update**

- State Board: 303(d) List: Public Hearing Oct 3<sup>rd</sup>  
There was no report on this item.
- Regional Board: October 5<sup>th</sup> meeting  
G. Crudginton reported on the IIP Workshop that the Regional Board held in conjunction with its October 5<sup>th</sup> meeting.

### **11. LA County Water Update**

D. Mahmud followed up on R. Bryden's presentation by stating that she would recommend to the Executive Committee that the Governing Board appoint Judy Nelson as the SGVCOG representative to the Stakeholder Advisory Committee (SAC).

### **12. Water Supply Update**

A. Jimenez reported that the State Water Project certified that its system is free of quagga muscles.

**13. Litigation Update**

D. Mahmud reported that the Cities of Duarte and Gardena have a hearing date set for November 13, 2017.

**14. Stormwater Outreach Updates**

G. Crudgington reported on her interaction with OurWaterLA where she sits on the Policy Committee. The group discussed recommending to the FCD that 50% of the money from the Water Resilience fee be returned as rebates to property owners who implement water savings and stormwater capture projects. Crudgington informed OurWaterLA about the Rio Hondo/San Gabriel River EWMP's proposed regional project.

**15. E/WMP Updates**

D. Dolphin reported that the EWMPs are working on their Annual Reports.

A. Tachiki reported that the Rio Hondo/San Gabriel Rivers EWMP has submitted a request to the Regional Board to modify its watershed management plan to include the proposed Peck Lake Park regional project.

**EXECUTIVE DIRECTOR'S COMMENTS**

**CHAIR'S REPORT**

D. Mahmud discussed her MS4/Stormwater presentation to the Public Works Association luncheon.

**ANNOUNCEMENTS**

- LA Water Board meeting: Nov 2, 2017

**ADJOURN**

The meeting adjourned at 12:14.

DATE: November 16, 2017

TO: Governing Board Delegates and Alternates

FROM: Marisa Creter, Interim Executive Director

**RE: SGVCOG COMMENTS ON DEFINITION AND JURISDICTIONAL REACH OF WATERS OF THE UNITED STATES**

### **RECOMMENDED ACTION**

Recommended Action: Receive and file.

### **BACKGROUND**

The Clean Water Act (CWA) of 1972 gave the Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) (the agencies) jurisdiction over Waters of the United States (WOTUS). Congress enacted the CWA “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”<sup>1</sup> Prior to this, the definition of WOTUS had been limited to waterways that were navigable “in fact” but with the passage of the CWA, that definition began to expand to include non-navigable and non-permanent waterways and tributaries. Since then, the reach and extent of federal jurisdiction has been challenged in court numerous times.

A Supreme Court decision in 2006, *Rapanos v. United States*, attempted to define the jurisdictional reach of the CWA, specifically by determining whether a wetland or tributary is a WOTUS. The justices issued five separate opinions (one plurality, two concurring, and two dissenting), with no single opinion commanding a majority of the Court. When there is no majority opinion, controlling legal principles may be derived from those espoused by five or more justices. Four justices, in a plurality opinion authored by Justice Scalia, rejected the argument that the term WOTUS is limited to only those waters that are navigable in the traditional sense. However, the plurality concluded that the agencies’ regulatory authority should extend only to “relatively permanent, standing or continuously flowing bodies of water” connected to traditional navigable water. Justice Kennedy wrote a concurring opinion arguing that the CWA defines navigable waters as a water or wetland that possesses a “significant nexus” to waters that are navigable in fact. He argued that a nexus exists where the wetland or waterbody, either by itself or in combination with other similar sites, significantly affects the physical, biological, and chemical integrity of the downstream navigable waterway. Thus, the legal principles governing the agencies’ jurisdiction were derived from the plurality opinion plus Justice Kennedy’s concurring opinion.

In 2008, the EPA issued a *Rapanos* interpretation memorandum to provide guidance to the agencies in the application of the plurality opinion and “significant nexus” test. In 2015, the EPA opened a docket in the Federal Registry to formalize the principles of the *Rapanos* case. This resulted in the Clean Water Rule of 2105. Many stakeholders expressed concerns with the Rule

<sup>1</sup> 33 U.S.C. 1251(a).

and it was immediately challenged in court. A stay was issued causing the agencies to revert back to the use of the 2008 *Rapanos* interpretation memorandum for guidance on how to determine jurisdiction over waters. The agencies are now embarking on another effort to provide clarity and predictability regarding the extent of the agencies' jurisdiction over waterways.

**PRESIDENTIAL EXECUTIVE ORDER**

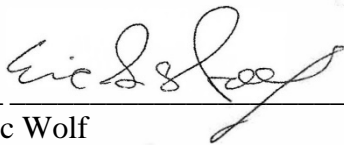
On February 28, 2017, President Trump signed the “Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The E.O. calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the 2015 Clean Water Rule interpretation of “Waters of the United States” and “publish for notice and comment a proposed rule rescinding or revising the rule...” The E.O. directs that the agencies “shall consider interpreting the term ‘navigable waters’” in a manner “consistent with Justice Scalia’s opinion” in *Rapanos*.

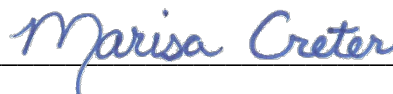
The agencies are implementing the Executive Order in two steps.

1. In July 2017, the agencies acted to withdraw the 2015 Clean Water Rule. Under this step, the agencies reverted to the definition of WOTUS in place before the Clean Water Rule. This definition will remain in place until a revised rule with a new definition can be promulgated.
2. Under step two, the agencies are soliciting oral and written comments from a variety of stakeholders including small business, local government, agriculture, construction, environmental, mining, academic, and stormwater/water interests.

**RECOMMENDATION**

The SGVCOG has participated in two stakeholder teleconferences: Small Business/Small Government and Stormwater/Water. Additionally, the Water Policy Committee is proposing that written comments outlining our ideas for how WOTUS be redefined be submitted to the federal registry. The attached comments are our prior comments on WOTUS submitted in June 2017 in response to an earlier EPA call for informal comments. On Monday, November 6<sup>th</sup>, EPA sent out a series of questions very similar to the questions posed for the informal call for comment but formatted differently. The SGVCOG response will be reworked and supplemented to respond to the EPA’s current Q&A format but, in any case, the response will be in accordance with our Stormwater Policy.

Prepared by:   
Eric Wolf  
Senior Management Analyst

Approved by: 

Marisa Creter  
Interim Executive Director

**ATTACHMENT**

Attachment A – SGVCOG Informal Comments on Definitions and Jurisdictional Reach of  
“Waters of the United States”

## San Gabriel Valley Council of Governments

### Response to the Environmental Protection Agency (EPA) Informal Call for Comments on Redefining Waters of the United States (WOTUS)

1. How would you like to see the concepts of “relatively permanent” and “continuous surface connection” defined and implemented?
  - “Relatively permanent” and “continuous surface connection” should be defined according to Justice Scalia’s statement in *Rapanos*, without further applying the “significant nexus” test. Scalia stated that relatively permanent waters do not include tributaries “whose flow is ‘coming and going at intervals... broken, fitful.’”<sup>1</sup>

Engineered waterways within the San Gabriel Valley consist of various under-street storm drains, open boxed-shaped concrete channels, and trapezoidal concrete rivers. They were designed to capture, contain, divert, and/or rapidly convey urban runoff and stormwater either downstream or into spreading grounds. The entire system is under continuous control of the Los Angeles County Flood Control District and subject to release of upstream water and urban runoff at times set by them and to destinations of their choosing. These engineered channels do have a continuous surface connection to both upstream and downstream navigable waters but the highly engineered nature of the system subjects water flows to the discretion of the Flood Control District. For this reason, the flow is ‘coming and going at intervals... broken, fitful.’”
2. How would you like to see the agencies interpret “consistent with” Scalia?
  - The agencies should interpret Scalia strictly, without applying the “significant nexus” test.
3. Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the Step 2 proposed rule?
  - As the agencies develop the proposed rule they should consider how application of WOTUS jurisdiction to flood control systems impacts the intended use of those systems.
4. What opportunities and challenges exist for your state or locality with taking a Scalia approach?
  - Strictly defining jurisdictional waters according to Scalia, as relatively permanent waters which do not include tributaries “whose flow is ‘coming and going at intervals... broken, fitful,’ provides the opportunity to repeal regulatory control over the flood control system. Declassifying this system as WOTUS removes the requirement to establish and meet CWA standards.
5. Do you anticipate any changes to the scope of your state or local programs (e.g., regulations, statutes or emergency response scope) regarding CWA jurisdiction?
  - The application of WOTUS jurisdiction to flood control infrastructure has already brought about the requirement to control upstream non-point source pollution (stormwater and urban runoff) at the source. In order to do this, the existing flood control infrastructure must, to some extent, be replicated at the city level. It is

<sup>1</sup> 547 U.S. 715 (2006)

hoped that by rescinding CWA jurisdiction over flood control infrastructure, those facilities may continue to be used for the efficient conveyance of stormwater and urban runoff.



DATE: November 15, 2017  
TO: Water Policy/TAC  
FROM: Eric Wolf, Senior Management Analyst  
RE: **2018 STORMWATER LEGISLATIVE IDEAS**

### **RECOMMENDED ACTION**

Discuss and provide direction to staff.

### **BACKGROUND**

In 2017, the San Gabriel Valley Council of Governments (SGVCOG) experienced great success in introducing four stormwater-related bills, each addressing various challenges our cities experience in their efforts to comply with Clean Water Act standards and the requirements of their Municipal Separate Sewer Storm System (MS4) permits. Below are proposed legislative goals for 2018, which include continuation/revisions of legislation pursued in 2017 as well as new concepts. All proposed legislation is consistent with the SGVCOG's adopted stormwater policy and legislative platform.

### **CONTINUED AND REVISED LEGISLATION FROM 2017**

- **SB 589 (Hernandez):** This bill would codify Financial Capability Assessment (FCA) in state law, requiring water regulators to consider the total cost of water/stormwater on cities and residents when establishing regulations. It would not remove the requirement to comply, but could allow more time to come into compliance. The bill passed the policy committee but did not come out of Senate Appropriations. In order to move the concept of FCA in 2018, the SGVCOG should consider building a coalition with environmental justice groups in order to highlight the high burden water-related costs place on disadvantaged communities. Given that Senator Hernandez is terming out, staff is working with his office to see about moving this legislation to another sponsor.
- **SB 633 (Portantino):** This bill would require the Los Angeles Regional Water Quality Control Board (Regional Board) to consider opportunities to convey stormwater to a regional site within the watershed in which the stormwater is captured for the purpose of improving water quality and enhancing local water supply. The Regional Board must consider and balance the opportunity to cost-effectively enhance local water supply through stormwater capture when determining past and probable future beneficial uses of water. SB 633 passed through policy committee but did not make it out of Senate Appropriations. The State Water Resources Control Board (State Board), in analyzing the bill, set the cost of implementation very high, which likely was the reason the bill did not move on. SGVCOG staff is currently working with Senator Portantino's office and the LA County Department of Public Works to consider options for reworking the bill. Our approach is to argue for "harmonizing" the State Board's conflicting policy goals regarding

water augmentation and water quality.

- **Source Control of Pollutants:** In 2017, the SGVCOG introduced AB 1180 (Holden) to address the source of zinc, a major contributor to stormwater pollution, by applying a \$1.50 fee for each new tire. This bill did not make it out of Assembly Appropriations. Staff heard that Assembly leadership was hesitant to promote another fee, in addition to other major new funding initiatives including SB 1. In order to readdress source control in 2018, the committee should consider how this subject can be tied to disadvantaged communities and environmental justice and seek to build a coalition with those groups, as well as environmental groups.

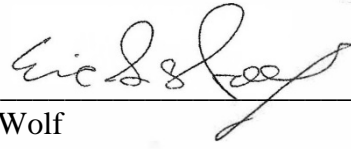
## **NEW LEGISLATIVE PROPOSALS**

- **Municipal Ombudsman:** The water boards currently have a small business ombudsman to help them understand the potential impact of their decisions on small businesses. The SGVCOG is proposing that there be a local government ombudsman to fill this same role. Given that this would apply statewide, the SGVCOG would need to build state-level and State Board support for the idea.
- **Los Angeles Regional Water Quality Control Board Composition:** Currently the State Board has requirements for its membership that include specific qualifications such as a water lawyer, a civil engineer with experience in water supply, a professional engineer with experience in water sanitation, and a water quality professional. The SGVCOG believes that having these types of qualifications at the regional board level would serve our cities. The problem is that in the past, finding people with these qualities who are willing to serve on the Regional Board, has proven to be difficult. In fact, it was just a few years ago, within Governor Brown's term, that these same requirements were relaxed. A lessor, simpler approach is to lobby to recapture the seat on the LA Regional Water Board that is supposed to be set aside as representing local and regional government.
- **Indemnification for Local Agencies:** Considering the potential for future liability from groundwater polluted as a result of following the current MS4 practices of stormwater capture and infiltration, SGVCOG is considering options for local indemnity. These could include establishing either a statewide fund or local stormwater liability insurance.
- **Incentives for Stormwater Capture:** Many residents and businesses have already installed stormwater capture features that exceed current requirements. The SGVCOG is considering how these entities can/should receive credit for their efforts. This is an attempt to incentivize responsible consumer behavior. These incentives could include a stormwater fee discount or credit toward meeting MS4 goals.

## **RECOMMENDATION**

Discuss and provide direction to staff.

Prepared by: \_\_\_\_\_



Eric Wolf  
Senior Management Analyst

Approved by: \_\_\_\_\_



Marisa Creter  
Interim Executive Director

**ATTACHMENTS**

**Attachment A – SGVCOG Stormwater Policy**

**Attachment B – SGVCOG 2017 Stormwater Legislative Platform**

# San Gabriel Valley Council of Governments Stormwater Policy

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NOVEMBER 17, 2016

## Policy Statement

The San Gabriel Valley Council of Governments (SGVCOG) seeks to promote quality of life for all residents by preserving and protecting the watershed and natural environment from polluted stormwater and to capture it and dry weather runoff to augment local water supplies. We support compliance with water quality standards and strive to comply in a reasonable, practical, feasible and affordable manner.

## Summary

While most cities in LA County, including the SGVCOG member cities, agreed to join E/WMPs to achieve MS4 permit compliance, the capital costs of stormwater infiltration projects are much higher than originally anticipated. In the San Gabriel Valley, these costs are estimated at \$6 billion and cannot be funded without jeopardy to our cities' ability to continue to provide requisite life, health and safety services to our residents. Beyond these costs, there are other challenges which frustrate MS4 permit implementation and compliance. Among these are:

- Regulatory and legal restrictions that impede the use of existing regional stormwater infrastructure to access preferred infiltration sites, which would result in economies of scale and greatly reduced costs;
- Inadequate funding and unrealistically short timelines for SGV city permit compliance;
- Uncertainty over "ownership" of captured stormwater to permit monetization of augmented groundwater supplies;
- Potential future liability resulting from unintended dispersion of pollutants through stormwater infiltration;
- Disagreement over the scientific evidence supporting some numerical Total Maximum Daily Load (TMDL) pollutant targets, which may necessitate costly studies; and
- Concern that funded projects may fail to remove pollutants.

## Policy Objectives

To overcome these constraints, the SGVCOG will assist member cities in their efforts to comply with water quality standards by coordinating efforts and supporting relevant programs and legislation. Specifically, the SGVCOG will pursue strategies that include, but are not limited to:

### How are water quality standards implemented in California?

Statewide, nine regional water boards, whose members are appointed by the governor, issue local Municipal Separate Stormwater Sewer System (MS4) permits for operation of local stormwater infrastructure. In 2012, the Los Angeles Regional Board issued a new MS4 permit which strongly favors attaining water quality standards through Enhanced/Watershed Management Programs (E/WMPs) by capture and infiltration of stormwater and dry weather runoff.

- Advocate for regulatory and legislative changes as follows:
  - Seek Regional Board support for comparatively cost-effective regional, multiagency projects that use existing regional infrastructure, such as LAFCD facilities;
  - Develop funding source and extend E/WMP compliance timelines;
  - Modify Porter-Cologne to adopt Financial Capability Assessment (FCA) guidance issued by US EPA in November 2014 in consideration of MS4 permits;
  - Clarify ownership of captured stormwater;
  - Indemnify local public agencies from liability for infiltration;
  - Undertake scientific studies when there are disagreements over the scientific evidence supporting TMDL targets;
  - Support cost recovery from manufacturers for products that contribute pollutants to stormwater;
  - Modify criteria for appointment of Regional Board membership to more fully represent the diverse views of stakeholders appearing before the respective Boards;
  - Create a Municipal Ombudsman position at the Regional Board to represent the interest of residents and the public;
  - Seek state funding for MS4 permit compliance requirements in excess of Clean Water Act requirements; and
  - Seek state tax credit or other financial incentives for residential and commercial projects that capture and infiltrate stormwater.
- Regularly engage with Regional and State Boards to ensure they are aware of local concerns;
- Coordinate and disseminate information among member cities and other regional COGs; and
- Continually educate local elected officials and residents regarding efforts to meet water quality standards and the challenges thereof.

DATE: January 19, 2017

TO: SGVCOG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **STORMWATER POLICY LEGISLATIVE PRIORITIES FOR 2017**

**RECOMMENDED ACTION**

Adopt Resolution 16-31 identifying stormwater legislative priorities for 2017 and direct the Water Policy Committee to engage with State and Federal legislators to support these priorities.

**BACKGROUND**

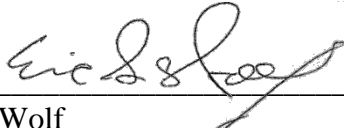
On November 22, 2016, the Governing Board approved the San Gabriel Valley Stormwater Policy, including a set of regulatory and legislative changes the SGVCOG will pursue in support of our member cities. Several of those changes are only broadly defined in the Stormwater Policy document, requiring further detail as the Water Policy Committee acts to implement them.

In furtherance of the SGVCOG's goal of assisting its communities in complying with their MS4 stormwater permit requirements, the Water Policy Committee has established a legislative agenda for 2017. These legislation priorities address several of the regulatory, funding, and structural challenges faced by cities. Examples include the following:

- Tying the cost of stormwater capture and infiltration to industries that contribute to stormwater pollutants;
- Indemnifying municipalities from potential future liability associated with capture and infiltration of stormwater;
- Clarifying water rights to captured stormwater;
- Ensuring that municipality interests are represented on regional and state water boards; and
- Including stormwater capture infrastructure in state-funded projects, when feasible.

At its January 18<sup>th</sup> Water Policy Committee meeting, members approved one change to the list based on discussions with state legislators suggesting that REDIRECTING tire fees is not as viable as ESTABLISHING A NEW tire fee. Accordingly, the attached resolution has been changed from its original form to include this update.

This resolution clarifies those legislative policies the SGVCOG will pursue in 2017 with the support of our State and Federal legislators. If approved, staff will coordinate with State and Federal representatives to pursue legislation that supports these concepts.

Prepared by:  \_\_\_\_\_  
Eric Wolf  
Senior Management Analyst

Approved by: Marisa Creter  
Marisa Creter  
Assistant Executive Director

**ATTACHMENTS**

Attachment A – Resolution 16-31



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State Water Resources Control Board

## NOTICE OF PUBLIC WORKSHOP & NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

### Water Conservation/Prohibited Water Uses

Tuesday November 21, 2017

Joe Serna Jr. - CalEPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) will receive public comments on the proposed regulation to permanently prohibit certain wasteful water uses, and will consider all comments, objections, and recommendations regarding the proposed action. This will be an informational workshop only and the State Water Board will take no formal action.

#### **BACKGROUND ON PROPOSED REGULATORY ACTION**

California droughts are becoming longer and more severe as warmer winter temperatures, driven by climate change, reduce water held in the Sierra Nevada snowpack and result in drier soil conditions. The state is adapting to climate change through implementation of the [California Water Action Plan](#), which includes making conservation a [California Way of Life](#).

After severe drought experienced in winter of 2013-14, Governor Edmund G. Brown Jr. issued a proclamation on January 17, 2014, declaring a drought State of Emergency to exist in California. On April 25, 2014, Governor Brown issued an executive order (EO) to strengthen the State's ability to manage water and habitat effectively in drought conditions, directing the State Water Board to adopt emergency regulations. On July 16, 2014, the State Water Board adopted [Resolution No. 2014-0038](#), adding to the Board's regulations, through the emergency rulemaking process, requirements for monthly reporting of urban water use and prohibiting certain wasteful water use practices during the drought. As the drought progressed and later lessened, the Board modified and readopted the emergency water conservation regulation several times, most recently in February 2017. Governor Brown ended the drought State of Emergency in April 2017. In response, the Board eliminated most of the drought emergency water conservation rules that had applied during the drought emergency. However, several provisions of the February 2017 emergency regulation, specifically those prohibiting certain wasteful water practices and urban water supplier reporting, continue until the emergency regulation expires on November 25, 2017.

On May 9, 2016 Governor Edmund G. Brown Jr issued EO B-37-16 to *Make Conservation a California Way of Life*. EO B-37-16 sets forth actions designed to ensure water is used more wisely, eliminate water waste, strengthen local drought resilience, and improve agricultural water use efficiency and drought planning. To eliminate water waste, it directs the Board to permanently prohibit practices that waste potable water, such as:

- *Hosing off sidewalks, driveways and other hardscapes;*
- *Washing automobiles with hoses not equipped with a shut-off nozzle;*
- *Using non-recirculated water in a fountain or other decorative water feature;*
- *Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and*
- *Irrigating ornamental turf on public street medians.*

The proposed regulation would establish in California Code of Regulations, title 23, division 3, a new chapter 3.5 on Conservation and the Prevention of Waste and Unreasonable Use; and within chapter 3.5, a new article 2 pertaining to Wasteful and Unreasonable Water Uses. The proposed regulation would make permanent, with some minor modifications and clarifications, the prohibitions adopted by the Board during the drought emergency, specifically those identified in California Code of Regulations, title 23, section 864 that is expiring November 25, 2017.

## **DISCUSSION**

To promote water conservation and prevent the waste and unreasonable use of water, the proposed regulation would prohibit several activities and practices, with exemptions to address immediate health and safety needs or to comply with a term or condition in a permit issued by a state or federal agency.

The proposed regulation prohibits the following wasteful water use practices:

- The application of water to outdoor landscapes in a manner that causes runoff;
- The use of a hose to wash an automobile except where the hose is equipped with a shut-off nozzle;
- The application of potable water to hardscapes;
- The use of potable water in non-recirculating ornamental fountains or other decorative water features;
- The application of water to outdoor landscapes during or within 48-hours after measurable rainfall; and
- The irrigation of turf on public street medians and verges unless the turf serves a community or neighborhood function.

The proposed regulation also prohibits serving water except when requested in restaurants and bars, and requires the operators of hotels and motels to offer patrons the option of not having their towels and linens washed daily. Finally, the regulation authorizes penalties for homeowners' associations that block, stifle, or threaten homeowners from reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, or installing or being forced to reverse or remove water-efficient landscaping, in violation of existing law. The proposed regulation similarly prevents any city, county, or city and county from imposing fines as prohibited by section 8627.7 of the Government Code.

## **WORKSHOP OVERVIEW**

The workshop will be informational only. While a quorum of the State Water Board may be present, the Board will not take formal action at the workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, and provide all commenters with an opportunity to participate, oral comments may be limited to three (3) minutes or otherwise limited at the discretion of the Board Chair or any Board member present.

As part of the workshop, participants are encouraged to consider and comment on the following questions:

- *Are there additional wasteful and unreasonable uses the State Water Board should consider prohibiting?*
- The drought emergency conservation regulations and the proposed regulation include a prohibition against “the serving of drinking water other than upon request in eating or drinking establishments...” and a requirement that “hotels and motels...provide guests with the option of having towels and linens laundered.” - Are the hospitality prohibitions still necessary--or are they more effective during a drought, when used as both a conservation and messaging tool?
- The drought emergency water conservation regulations and the proposed regulation restrict “the irrigation of turf on public street medians....” The proposed regulation would exempt turf that “...serves a community or neighborhood function.” - *Are there other ways this particular prohibition could be phrased so that it would minimize the irrigation of turf-only medians; avoid unintended consequences (e.g., dust and tree mortality); allow for well planned landscape transformations; and encourage the irrigation of turf that provides social, recreational and/or environmental benefits? Is turf in these areas a good candidate for recycled water and should the regulation be limited to potable water?*

Examples of turf that provide social, recreational and/or environmental benefits include large medians, such as Sacramento’s capitol mall, which effectively function as mini-parks, or medians/verges where turf is commonly used for picnicking, sports, etc.

Watering trees should continue. The proposed regulation is aimed at unnecessary turf and every effort should be made to maintain trees and the multiple benefits they provide.

## **DOCUMENT AVAILABILITY**

The draft proposed regulation is available on the State Water Board’s website at the following address:

[https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/regs/wasteful\\_water\\_uses.html](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/wasteful_water_uses.html)

## **PROCEDURAL MATTERS**

The workshop will be informational only. While a quorum of the State Water Board may be present, the Board will not take formal action at the workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, oral comments may be limited to three (3) minutes or otherwise limited at the discretion of the Board Chair or any Board member

present. So that all commenters have an opportunity to participate, presentations and questions may be time-limited.

### **SUBMISSION OF WRITTEN COMMENTS**

Interested persons must submit written comments by **12 noon on Tuesday, December 26, 2017**. Please indicate in the subject line **“Comment Letter – Prohibiting Wasteful Water Use Practices.”**

Written comment letters must be submitted to the attention of:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th floor  
Sacramento, CA 95814

Comment letters may be submitted to the Clerk of the Board via email at: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (15 megabytes, or less, in size) or by fax at (916) 341-5620.

Comments may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the CalEPA Building at the above address. Questions on comment submittals may be directed to Ms. Townsend, at (916) 341-5600.

### **NOTIFICATIONS**

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, you may subscribe to the listserv for **“Water Conservation Regulations”** by going to [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) (look under “General Interests”, select “Water Conservation Regulations”).


For directions to CalEPA, visit: <https://calepa.ca.gov/headquarters-sacramento/location/>

Notices and submittals are available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

All visitors must check-in upon arrival to CalEPA and then proceed to the meeting room. Individuals who require special accommodations are requested to contact the Clerk to the Board at (916) 341-5600.

Please direct other questions about this notice to Kathy Frevert at (916) 322-5274 or [kathy.frevert@waterboards.ca.gov](mailto:kathy.frevert@waterboards.ca.gov).

\_\_\_\_\_  
November 1, 2017  
Date

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

# SAFE, CLEAN WATER PROGRAM

## Stakeholder Advisory Committee

November 8, 2017  
2:00-4:00pm  
Kenneth Hahn Hall of Administration  
Room 372

### Purpose:

Kickoff meeting of the Stakeholder Advisory Committee for the Safe, Clean, Water Program.  
Meeting objectives include:

1. Provide overview of Stakeholder Advisory Committee purpose and roles
2. Provide context for Stormwater Funding Measure development
3. Share program purpose and process, and hear stakeholder input

### Agenda:

1. Welcome
  - a. Opening Remarks
  - b. Introductions
2. Stakeholder Advisory Committee
  - a. Charter
    - i. Purpose & Roles
    - ii. Ground Rules
3. Stormwater Funding Measure
  - a. Background & Process
  - b. Program Introduction
4. Discussion: Program Purpose
5. Next Steps
6. Closing Remarks
7. Public Comments

## Standard Meeting Guidelines

- **Electronic courtesy.** Please turn off cell phones, or any other communication item with an on/off switch to “silent.” We understand you have demanding responsibilities outside of the meeting room. We ask that these responsibilities be left at the door. Your attention is needed for the full meeting.
- **Be comfortable.** Help yourself to refreshments or take personal breaks.
- **Humor is welcome and important.** However, humor should never be at someone else's expense.
- **Stay focused on the charter and meeting goals and objectives.** There are many related topics that people care about. The SAC cannot address all of these. The facilitator will help the group stay focused on the deliverables.
- **Use common conversational courtesy.** Don't interrupt others. Use appropriate language. Avoid third party discussions.
- **Share the air.** Let us ensure as many people as possible can participate in discussions.
- **All ideas and points have value.** You may hear something you do not agree with. You are not required to defend or promote your perspective, but you are asked to share it. All ideas have value in this setting. If you believe another approach is better, offer it as a constructive alternative.
- **Avoid editorials.** Avoid ascribing motives to or judging the actions of others. Tell us what is important to you, and what you would like to see.
- **Honor time.** In order to achieve meeting objectives it will be important to follow the time guidelines provided by the facilitator.

# SAFE, CLEAN WATER PROGRAM

## Stakeholder Advisory Committee:

### Draft Charter

#### 1. BACKGROUND:

- a. The LA County Flood Control District is developing a Safe, Clean Water Program, which would be funded by a potential parcel tax and pay for multi-benefit stormwater projects and programs to improve water quality, increase water supply, and provide community enhancements.

This effort is being led by the LA County Board of Supervisors as described in their Motion on May 30, 2017. In the summer of 2018, the Board will consider whether to put a Stormwater Funding Measure to fund the Safe, Clean Water Program on the November 2018 ballot.

Developing the Safe, Clean Water Program via a collaborative stakeholder process is a priority for the Board of Supervisors.

#### 2. PURPOSE AND COMPOSITION:

- a. The Stakeholder Advisory Committee (SAC) will meet to discuss development of the Safe, Clean Water Program, which will guide administration and allocation of revenue generated by the Stormwater Funding Measure. Topics of discussion may include project selection criteria, governance, allowance for credit or rebate for existing efforts, workforce development, or other topics of importance to the shaping of the measure. The SAC will serve in an advisory capacity as a critical forum for stakeholders to weigh in on program design and make recommendations.
- b. The SAC will be composed of 20-25 members, and will include representatives from all Councils of Government, several water agencies, and the business, labor, academic, environmental, and environmental justice communities, among others.

#### 3. OPERATING PROTOCOLS

- a. **General Principles of Collaboration**

Using the following general principals of collaboration, SAC members and staff:

- Commit to expending the time, energy, and organizational resources necessary to fulfill SAC roles and responsibilities as outlined above;
- Recognize the validity of and seek to understand different points of view and different interests;

- Seek to develop inclusive solutions that meet the range of interests around the table; and
- Regard disagreements as problems to be solved, not battles to be won.

**b. Standard Meeting Guidelines**

- Electronic courtesy. Please turn off cell phones, or any other communication item with an on/off switch to “silent.” We understand you have demanding responsibilities outside of the meeting room. We ask that these responsibilities be left at the door. Your attention is needed for the full meeting.
- Be comfortable. Help yourself to refreshments or take personal breaks.
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- Avoid editorials. Avoid ascribing motives to or judging the actions of others. Tell us what is important to you, and what you would like to see.
- Honor time. In order to achieve meeting objectives it will be important to follow the time guidelines provided by the facilitator.

**4. Meeting Schedule:**

- a. The Flood Control District plans to convene 8 to 10 meetings between November 2017 and June 2018. Most meetings will last 2 hours, but some may be expanded for more robust discussion. The proposed meeting dates are on Wednesdays as follows:
- November 8, 2017
  - December 13, 2017
  - January 10, 2018
  - February 14, 2018
  - March 14, 2018
  - April 18, 2018
  - May 9, 2018

- June 13, 2018

All meetings will be held from 2:00 pm to 4:00 pm at the Kenneth Hahn Hall of Administration, 500 W Temple St, Los Angeles, CA 90012, unless otherwise notified.

DRAFT



# Inflatable dams and a water wheel: Latest plan to revitalize the L.A. River



The rubber dam would be the first new major piece of infrastructure constructed on the 51-mile-long L.A. River since the late 1930s, when it was transformed into a concrete flood-control channel. Above, hydrologist Mark Hanna, who helped design the project. (Allen J. Schaben / Los Angeles Times)

By [Louis Sahagun](#)

October 30, 2017

Hydrologist Mark Hanna stood on the North Broadway Bridge recently and gazed out on an industrial vista of treated urban runoff flowing down the Los Angeles River channel between graffiti-marred concrete banks and train trestles strewn with broken glass.

The forlorn scene is in marked contrast to the vision city officials and environmentalists long imagined for the river: Reviving it from a concrete wasteland into a nature center and recreational area.

For Hanna, a big step in that epic transformation involves placing a giant inflatable dam near the historic bridge.

“We expect a final permit from the U.S. Army Corps of Engineers by year’s end,” said Hanna, who helped design the \$10-million project for Metabolic Studio, a direct charitable activity of the Annenberg Foundation. “Construction could begin in January.”

The dam would create an impoundment area that would drive a 70-foot water wheel with buckets designed to lift 80 gallons per minute, splashing their contents into a stream landscaped with cottonwood trees adjacent to the Los Angeles State Historic Park, just north of downtown. It would keep more water in the river, and reduce wastewater runoff into the ocean.

The rubber dam would be the first new major piece of infrastructure constructed on the 51-mile-long river since the late 1930s, when it was transformed into a concrete flood-control channel to prevent the epic flooding that occurred during wet years.



A prototype of an inflatable dam. Los Angeles Bureau of Sanitation

It might sound like futurist dream. But city officials say the dam also may serve as a template for installing the technology elsewhere along the river to capture some of the tens of millions of gallons of treated wastewater that otherwise drain away into the Pacific Ocean each day.

Selective ponding with rubber dams “is a good idea,” said Adel Hagekhalil, assistant director of the Los Angeles Bureau of Sanitation, which will operate the system for Metabolic Studio. “We can learn a lot from this project about the feasibility of using rubber dams for a variety of beneficial uses, such as water storage and recycling, recreation and habitat.”

As envisioned by city and county officials and advocates of river revitalization projects, inflatable dams would be raised to create impoundment areas on a short-term basis during low flows that would not be allowed to stagnate or interfere with flood capacity.

A “river revitalization master plan” funded by the Los Angeles Department of Water and Power and city Department of Public Works-Bureau of Engineering identified 10 potential sites for rubber dams — including three in the downtown area.

The county already uses rubber dams along the San Gabriel River to divert flows and recharge groundwater aquifers, and Orange County Water District has built them on the Santa Ana River. In Tempe, Ariz., a city of about 182,000 people, a complex system of inflatable dams constructed along a usually dry stretch of the Salt River has created a 2-mile-long lakeside district.

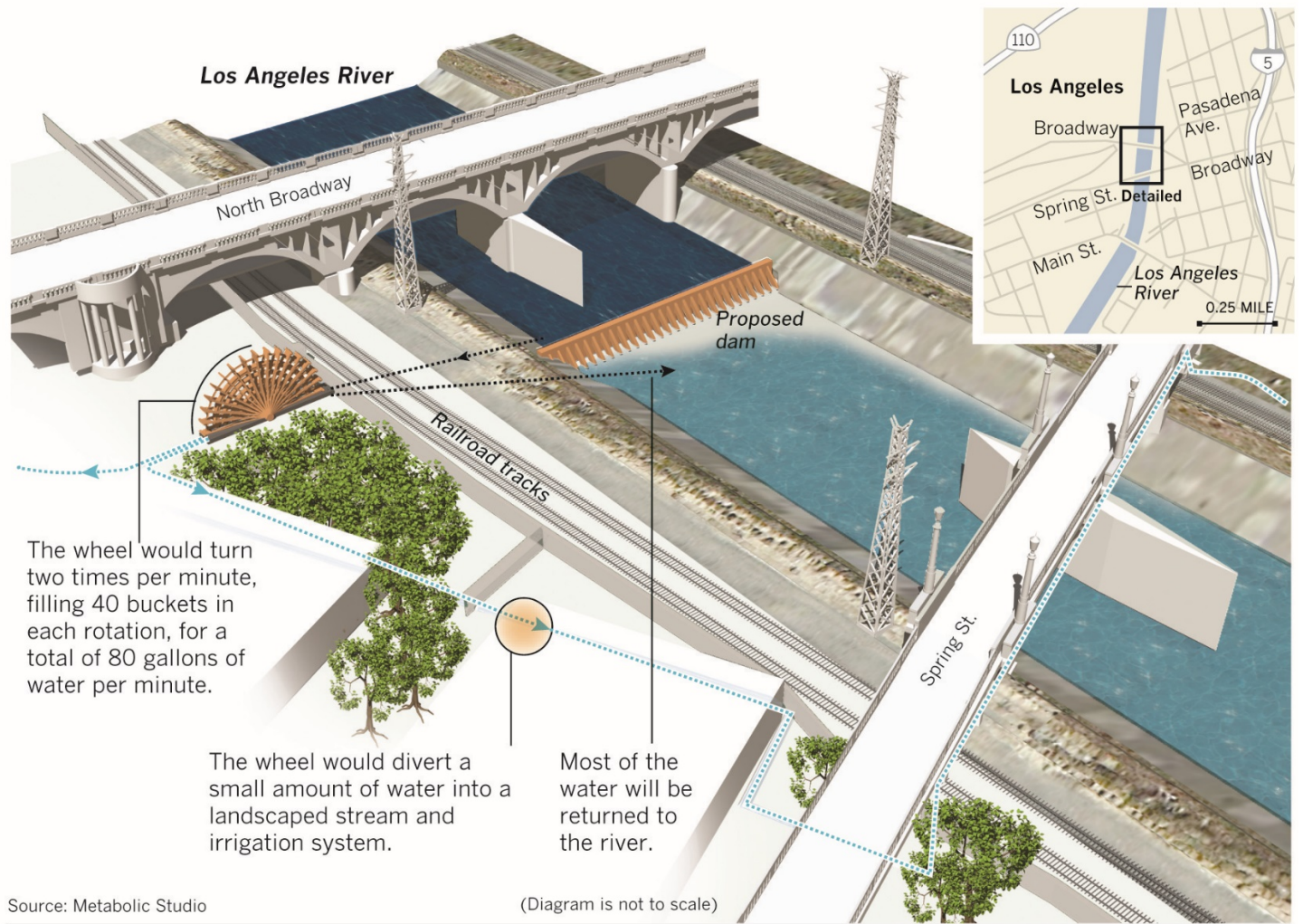
Critics, however, argue that a network of rubber dams in the Los Angeles River would encourage more development along a channel that U.S. Geological Survey scientists say is prone to catastrophic flooding every 100 to 200 years.

“The value of true ecosystem restoration along the L.A. River far exceeds the value of these heavy engineering projects,” said Melanie Winter, director of the River Project, a nonprofit organization dedicated to responsible management of watershed lands. “The benefits of rubber dams would primarily be aesthetic, recreational and economic, with moderate potential for groundwater recharge.”

Travis Longcore, a spatial scientist at USC, warns of unintended ecological consequences: “We could end up with the equivalent of inflatable beaver dams creating breeding grounds for bullfrogs.”

# A vision for the L.A. River

Artist Lauren Bon is proposing a 70-foot water wheel that would divert water from the Los Angeles River to create a stream and a shady, landscaped retreat for the public, as well as an irrigation system for area parks.



New water wheel Lorena Iniguez Elebee / Los Angeles Times

Lauren Bon, an artist and director of the Annenberg Foundation, says she designed the water wheel project to serve as a symbolic reminder that Los Angeles will always have to rely on limited water supplies delivered over long distance. She calls the idea “bending the river back into the city.”

With that goal in mind, the State Water Resources Control Board in 2014 awarded Bon the right to divert 106 acre-feet of water from the Los Angeles River each year. No other water right has been issued on the river since the city opened the Los Angeles Aqueduct in 1913.

The Broadway Bridge dam would result in an impoundment about 8 feet in depth and one-quarter-mile wide, creating enough pressure to propel 30 feet of water per second into a

42-inch, 160-foot-long tunnel drilled through the channel's concrete walls. An array of ultraviolet lamps would be used to kill viruses and bacteria in the runoff.

On the other side of the channel wall, the water would turn the steel and aluminum wheel. Most of the diverted water would be directed back into the river, Hanna said.

Now, as Metabolic Studio awaits approval of its application for a permit to install the dam across the 190-foot-wide channel, "a lot of people have their eyes on us," said Michael Gagan, a public affairs specialist who has already helped Bon obtain 40 permits from regulatory and municipal agencies, including the Los Angeles Bureau of Engineering, the State Water Resources Control Board, the Los Angeles County Flood Control District, the Southern California Regional Rail Authority, the U.S. Fish and Wildlife Service, Metro and the U.S. Army Corps of Engineers.

"A rubber dam can change the whole look and feel of riverfront communities that have been staring out at barren concrete for decades," Gagan said.

[Louis.Sahagun@latimes.com](mailto:Louis.Sahagun@latimes.com)