



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

Date: October 13, 2020
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:03 A.M.
2. Roll Call

Water Policy Committee Members Present

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

Water Policy Committee Members Absent

LA County District #1
Sierra Madre

Water TAC Members Present

D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Costandi, S. Gallant; Covina
Y. Paez; Duarte
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
T. Love, P. Cortez; USGVMWD

Water TAC Members Absent

Arcadia
Glendora
SGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts
K. Gardner, L. Augino; SG Basin Watermaster

Ex Officio Members Absent

Guests

J. Lee; South Pasadena, Future Committee Member
C. Boschen; Tetra Tech
B. Datti; Craftwater Engineering
C. Helme; Craftwater Engineering
C. McCullough; JLHA

SGVCOG Staff

S. Matthews
C. Sims

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

Chair moved item 9 to before item 8.

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/D. Dolphin)

[MOTION PASSED]

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

6. Water TAC September Meeting Minutes

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

(M/S: D. Dolphin/A. Tachiki)

[MOTION PASSED]

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| AYES: | Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; LA County Public Works; Sierra Madre; USGVMWD |
| NOES: | |
| ABSTAIN: | |
| ABSENT: | Arcadia; Duarte; Glendora; SGVMWD |

ACTION ITEMS

7. Election of Chair and Vice Chair of TAC

Water TAC Chair asked for nominations.

There was a motion to elect Alex Tachiki as Chair and Tom Love as Vice Chair of the Water TAC.

(M/S: J. Carlson/D. Dolphin)

[MOTION PASSED]

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|-----------------|---|
| AYES: | Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; LA County Public Works; Sierra Madre; USGVMWD |
| NOES: | |
| ABSTAIN: | |
| ABSENT: | Arcadia; Duarte; Glendora; SGVMWD |

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program
C. Helme provided overview of the implications of the State Water Board Order which suggests that RAA requires justification. A. Tachiki noted that this would require additional work, money for consultants to do and there is no guidance as to when to do this. At the same time, the 2012 Permit directs RAA revision by June 2021 and Cities are

working on this now as it takes 6 to 9 months to complete. The State Board order would then direct a second RAA to be completed in 2021 which is highly unreasonable.

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

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

Part V.A-D, addresses compliance receiving water limitations (WQS/TMDLs), determined by measuring outfall discharges against numeric effluent limits establish for receiving waters for the protection of beneficial uses. Attachment F (Fact Sheet, Pages 171-172) makes clear that part V.A-D., which is the same language contained in the 2001 MS4 Permit does not provide a safe harbor as the following excerpts reveal:

- The State and Los Angeles Water Boards have stated that each of the three provisions are independently applicable, meaning that compliance with one provision does not provide a “safe harbor” where there is non-compliance with another provision (i.e., compliance with the third provision does not shield a Permittee who may have violated the first or second provision from an enforcement action).
- The Receiving Water Limitations provisions of the 2001 Los Angeles County MS4 permit (Order No. 01-182) have been litigated twice, and in both cases the courts have upheld the language and the State and Los Angeles Water Boards’ interpretation of it. Both courts ruled that the first two provisions are independently applicable from the third provision that establishes the “iterative process” requirements and no “safe harbor” exists.
- The provisions were first litigated in 2005 where the Los Angeles County Superior Court stated, “In sum, the Regional [Water] Board acted within its authority when it included Parts 2.1 and 2.2 in the Permit without a ‘safe harbor’
- The upshot of all this is that regional board is not required to provide a safe harbor in an MS4 permit. This includes a safe harbor for complying with an E/WMP. The E/WMP cannot provide safe harbor because there is no evidence that it can meet water quality standards by constructing infiltration controls. Nothing in the 2012 or its clone, mentions anything about E/WMPs providing safe harbor.

B. Datti reviewed our key comments and requested changes to the MS4 Permit related to fiscal resources, monitoring and reporting, and Measure W integration. The Committees also discussed strategy for outreach to NGOs, Supervisors, League of CA Cities, and other Permittees. There was also a discussion on the MS4 Permit adoption delay letter and the need to reflect the needed order of operations with regard to the State Board order and the RAA revisions.

There was a motion to bring back the Permit comments and approve the comment letter at the next meeting on November 10.

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

[MOTION PASSED]

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

There was a motion to recommend the Governing Board direct staff to work with the Water Policy Committee to submit a letter to the Regional Board reflecting the need to ensure that, in the adoption of the new MS4 Permit, Permittees are only required to complete a reasonable assurance analysis (RAA) once.

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

[MOTION PASSED]

| | |
|-----------------|---|
| AYES: | Claremont; Monrovia; Rosemead; South Pasadena |
| NOES: | |
| ABSTAIN: | |
| ABSENT: | Glendora, LA County District 1; Sierra Madre |

UPDATE ITEMS

10. EPA Proposed 2020 Financial Capability Assessment for Clean Water Act Obligations

COG staff will submit a comment letter on the FCA to the EPA.

11. Safe Clean Water Program

A. Tachiki announced that SIPs are being approved by Board of Supervisors on October 13.

12. Legislative Update

Legislative updates and priorities to be discussed at next meeting.

13. Litigation Updates

Chair provided updated on NRDC and LA Waterkeeper’s hearing on the 2012 MS4 Permit litigation.

14. E/WMP Updates

No updates.

15. Water TAC Chair Report

No updates.

16. Water Supply Update

T. Love provided update. There is no projection on rainfall in this fall. SGVCOG EENR meeting will feature presentation on Metropolitan Water District RRWP presentation. Key well hovering under 200 feet.

17. Water Boards Update

S. Green announced that MWD is offering virtual tours of RRWP and Committee should have presentation at a future meeting.

18. 2020 California Financing Coordinating Committee Virtual Funding Fair

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 12:19 P.M.