



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE **SPECIAL** MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, June 29, 2021, 10:00 AM

Zoom Link: <https://zoom.us/j/98271995441>

Livestream Link: <https://youtu.be/6cS5exMM4 E>

Water Policy

Chair

Gloria Crudgington
City of Monrovia

Vice-Chair

Diana Mahmud
City of South Pasadena

MEMBERS

Claremont
Glendora
Monrovia
Rosemead
San Gabriel
Sierra Madre
South Pasadena

Water TAC

Chair

Alex Tachiki
City of Monrovia

Vice Chair

Tom Love
Upper San Gabriel Valley
Municipal Water District

MEMBERS

Alhambra
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 Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Policy Committee and Technical Advisory Committee (TAC) meeting scheduled for June 29, 2021 at 10:00 a.m. will not be allowed. To allow for public participation, the Water Police Committee and TAC will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://zoom.us/j/98271995441>. You may also access the meeting via the livestream link on the front of the agenda page.

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.
- Zoom: Through Zoom, you may speak by using the web interface “Raise Hand” feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

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 May 11, 2021 Water Committee/TAC meeting minutes.
6. Water Committee Election
Recommended Action: Appoint the following SGVCOG Water Committee Officers for FY 21-22 (effective July 1, 2021):
 - *Chair: Gloria Crudgington*
 - *Vice Chair: Jennifer Stark*

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

7. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit – Page 5
Recommended Action: For discussion.

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

8. Los Angeles County Water Plan Development
9. State Water Resources Control Board Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP)
10. Safe Clean Water Program – Page 35
11. Federal and State Budget and Legislative Updates – Page 49
12. Litigation Updates
13. E/WMP Updates
14. Water TAC Chair Report
15. Water Supply Update
16. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



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

Date: May 11, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:01 A.M.
2. Roll Call

Water Policy Committee Members Present

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

Water Policy Committee Members Absent

Sierra Madre

Water TAC Members Present

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

Water TAC Members Absent

Bradbury
Duarte
Glendora
Sierra Madre

Ex Officio Members Present

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

Ex Officio Members Absent

LA County Sanitation Districts

Guests

C. Helmle; Craftwater
B. Wardynski; Craftwater
B. Datti; Craftwater
D. Amaya; Rubio's Staff

SGVCOG Staff

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

3. Public Comment
There was no public comment.
4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC April Meeting Minutes
**There was a motion to approve the Water Committee/TAC April meeting minutes.
(M/S: D. Mahmud/G. Boyer)**

[MOTION PASSED]

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

6. Water TAC April Meeting Minutes
**There was a motion to approve the Water TAC April special meeting minutes.
(M/S: A. Tachiki/D. Dolphin)**

[MOTION PASSED]

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

PRESENTATIONS

7. Maximizing Impact of Minimum Controls Scientific Study
C. Helmle, B. Wardynski, and B. Datti provided a presentation on a scientific study that would provide a robust, scientific approach to track data on municipal MCM efforts, including street sweeping, removing catch basins, and removing trash. Municipalities use MCM programs to comply with the Municipal Separate Storm Sewer System (MS4) Permit. However, there is limited data on the quantitative impacts of these programs. The Study would aim to begin to quantify and optimize the impacts of these MCM programs and prepare municipalities to comply with upcoming State and Regional Water Board requirements. Committee members expressed support of the study. Staff announced that the SGVCOG intends to submit the study to the Safe, Clean Water Program’s Round 3 call for projects.

UPDATE ITEMS

8. State Water Resources Control Board Second Proposed Order on Approval of Watershed

Management Programs and an Enhanced Watershed Management Program

A. Tachiki announced that the Regional Board sent an update on the recently finalized State Board order and the Tentative MS4 Permit.

9. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit

A. Tachiki announced that the Regional Board sent an update on the State Board order and the Tentative MS4 Permit and that the Regional Board should have a June or July adoption of the Permit which would include the language from the recently finalized State Board order. A. Tachiki announced the regular Regional Board meeting will be held on Thursday, May 13 and will include an MS4 Permit item and recommends attending that meeting.

10. Safe Clean Water Program

S. Matthews provided an update on the municipal transfers. 70% of municipalities have received payments. Delays are related to annual plan submissions and transfer agreements. Second annual plans are expected to be provided to cities by August 2021. For watershed coordinators, 7 of the 12 contracts have been executed. District released interim Nature Based Solutions (NBS) guidance which aims to clarify how WASCs are to include NBS when developing SIPs and how applicants are to include NBS in project applications. D. Mahmud asked for context of the interim guidance and next steps. A. Tachiki answered that the interim guidance are administrative updates that do not require Board of Supervisor approval or resolutions to implement. G. Crudgington asked about strategy to coordinate on these issues. A. Tachiki suggested that elected officials participate in calls with the County

11. State Budget and Legislative Updates

a. Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

b. S. 914 Safe Drinking Water and Wastewater Infrastructure Act of 2021

P. Hubler presented on the Senate Bill S.914 which passed the Senate with strong bipartisan support. The bill would provide \$35 billion for drinking water and the State revolving fund. The intention in the House is to take up own version of bill which would be more robustly funded, at \$50 billion. In terms of state legislation, SB 45 would place bond on the ballot in 2022 for a \$5.5 billion bond. Current language authorizes stormwater projects but no specific funding carving. Staff discussed with Senator Rubio's staff the need to provide funding for stormwater mitigation. For SB 426, Financial Capability Assessment (FCA) bill, staff met with State Board and Senator Rubio's staff to discuss the use of FCA by the State Board. AB 377 cleared its policy committee by 1 vote. There was significant discussion in this bill. Staff has re-emphasized to Assemblymember Holden's staff the SGVCOG's opposite to the bill.

T. Egan provided updates on the. Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance. This package will be included in a soon to be introduced Senate Budget Trailer bill to be voted on by the Senate. The plan includes \$3.41 billion in one-time state and federal funds (Federal "American Rescue Plan"), one-time state General Fund, and appropriation of general obligation bonds (Propositions 1 and 68). D. Mahmud asked a clarification question on county declaration

of drought emergency. T. Egan responded that it makes a county eligible State and Federal relief funding and puts certain regulations on hiatus during the emergency order. D. Mahmud noted that Southern California has invested heavily in water storage which has affected our region not incurring a declaration of drought emergency.

12. Litigation Update

G. Crudgington provided an update that the California Supreme Court denied Petitions for Review filed in the cases of Duarte/Gardena vs State Water Resources Control Board and the cases are effectively concluded.

13. E/WMP Updates

E/WMPs are working on RAA updates by June 30 deadline.

14. Water TAC Chair Report

A. Tachiki announced the bi-monthly call with the Safe Clean Water staff and told TAC members to let him know if they have questions or issues with programming, annual plan submissions, and transfer agreements.

15. Water Supply Update

T. Love announced the drought emergency orders around the State. Southern California is well prepared to handle current year of drought due to enhanced conservation measures and investment in water storage, however a multi-year drought will put serious strain on system. Key well is down to 194.4 feet. Historic low was in 2018 at 169 feet, so above that but below ideal level.

16. Water Boards Update

No updates.

CHAIR'S REPORT

No report.

ANNOUNCEMENTS

No announcements.

ADJOURN

Meeting adjourned at 11:56 A.M.

DATE: June 29, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

RECOMMENDED ACTION

For discussion.

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) National Pollutant Discharge Elimination System (NPDES) 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. In 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.

On November 10, 2020, the Water Policy Committee and TAC discussed the final draft of a 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. 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, included as Attachment A, to Regional Board staff ahead of the December 7, 2020 public comment deadline.

REVISED TENTATIVE PERMIT

On June 4, the Regional Board released the Revised Tentative Permit and a notice of public hearings for the issuance of the Permit scheduled for July 8, 9, 16, and 23. That notice is included as Attachment B. The Permit and an overview of all comments received can be found [here](#).

[This link](#) also includes responses from the Regional Board on each comment. For each SGVCOG comment, the Regional Board has indicated whether a change was made in relation to that comment. Per these response to comments documents, changes were made in response to the SGVCOG's comments in the following categories: Discharge Prohibition, TMDLs, Monitoring and Reporting, Minimum Control Measures, Watershed Management Program, Compliance Determination, Unfunded State Mandates, and Other. Changes were not made in the Trash Provision category.

The SGVCOG comment letter included as Attachment B includes Appendix A, a table of detailed comments and recommendations. Staff has updated that appendix to include the Regional Board's response of whether a change was made in relation to that comment. The Regional Board's responses to the SGVCOG's key areas of comments (included in the body of the comment letter) are included as Attachment C.

In general, the SGVCOG's key comments were not included in the Revised Tentative Permit. While the Regional Board may have noted that changes were made, those changes may not include the actual SGVCOG-requested change. The change may have been to clarify intent or to update the Fact Sheet. The Regional Board's responses to our comments generally note that no change was needed. For example, in response to our comments on the need to better define compliance attainment, the lack of available funding, and the need for flexibility, the Regional Board has indicated that no change is needed because a time schedule order (TSO) can be issued.

DISCUSSION

The SGVCOG Water TAC met on Monday, June 21 to develop a strategy for developing comments and talking points. TAC members volunteered to review sections of the Revised Tentative Permit and to develop 4 to 5 priority comments. There was also a discussion on the need to coordinate with other cities in LA County and with the League of California Cities.


The Regional Board held a public workshop on Tuesday, June 22 to discuss Permittee and stakeholder comments. LA County spoke in support of trying to align the available fiscal resources in the Safe Clean Water Program and available resources mentioned in the permit. Alex Tachiki, Water TAC Chair, spoke on behalf of the SGVCOG and provided the following comments:

- Support LA County on the alignment of Safe Clean Water Program language and available fiscal resources;
- Grant programs mentioned in the response to comments are all competitive and are not guaranteed which must be kept in mind when thinking of implementation schedules. In addition, these grants are very time intensive and either require staff to invest heavily or hire consultants; and
- Cities are struggling financially in the short term due to COVID and we do not know the long-term impacts of COVID on municipal budgets.

The Regional Board will consider adoption of the Permit during public hearings scheduled for July 8, 9, 16, and 23. SGVCOG staff is working to engage a consultant to assist in identifying areas to emphasize during the public hearings of the Regional Board, preparing talking points to be used by city council members, city managers, and other non-technical staff, and providing technical support at the public hearings.

REPORT

At this meeting, the Water Policy Committee and TAC will discuss priority comments and talking points for the Regional Board public hearings.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

- Attachment A – Final Submitted MS4 Permit Comment Letter with Updated Appendix
- Attachment B – Regional Board Notice of Revised Tentative Permit and Public Hearings
- Attachment C – Regional Board Responses to SGVCOG Key Comments



December 3, 2020

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

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 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.**

Sincerely,



Marisa Creter
Executive Director
San Gabriel Valley Council of Governments

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	Regional Board Response
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.	No change.
III. Discharge Prohibitions		
III.A; Page 12	Specify this prohibition should not apply to any invasive animal or plant life.	Change made.
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."	No change.
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.	Change made.
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.	No change.
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.	Change made.
III.B.9; Page 16	Recommend modifying the end of this sentence to include: "...source of pollutants to receiving waters "	No change.
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.	No change.
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.	Change made.
IV. Effluent Limitations and Discharge Specifications		

Tentative Permit Section; Page	Comment	Regional Board Response
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.	No change.
IV.B.3; Page 28	Refer to area of concern regarding the zero trash effluent limitation for the Trash TMDLs.	No change.
VI. Standard Provisions		
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 do not meet what is estimated for full implementation.	No change.
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.	No change.
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.	No change.
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	No change.

Tentative Permit Section; Page	Comment	Regional Board Response
	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.	No change.
VIII.E.2.a.ii.(c); Page 46	Recommend providing a footnote that provides a hyperlink to the online database of such industrial facilities.	Change made.
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.	No change.
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 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).	No change.
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.)	No change.
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.	No change.
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.	Change made.
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.	No change.
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.	No change.

Tentative Permit Section; Page	Comment	Regional Board Response
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.	No change.
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.	No change.
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.)	Change made.
VIII; Page 40-80	For all minimum control measures note development of recommendations/guidance for appropriate metrics for measuring effectiveness will be needed.	No change.
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?	Change made.
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.	Change made.
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.	No change.
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.	Change made.

Tentative Permit Section; Page	Comment	Regional Board Response
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.	Change made.
IX.B.5.b; Page 84	Recommend adding back in the retrofitting of existing developed areas to the list of potential control measures.	No change.
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.	No change.
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.	No change.
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.	Change made.
IX.B.7.g; Page 86	The RAA will be dependent upon the availability of data. Recommend some language that acknowledges this limitation.	No change.
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.	No change.
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.	No change.
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.	Change made.
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.	No change.
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.	No change.
IX.C.3; Page 87	Permittees should be able to request an extension of final compliance deadlines with TMDLs.	No change.
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.	Change made.
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.	No change.

Tentative Permit Section; Page	Comment	Regional Board Response
IX.E.1; Page 87-88	Recommend including re-evaluation of identified control measures in the program and costs of implementation.	Change made.
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	No change.
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.	Change made.
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.	No change.
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.	No change.
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?	No change.
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?	No change.
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."	Change made.
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 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."	No change.

Tentative Permit Section; Page	Comment	Regional Board Response
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.	No change.
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)	Change made.
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.	No change.
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.	Change made.
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.	No change.
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.	No change.
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.	No change.

Tentative Permit Section; Page	Comment	Regional Board Response
Attachment F – Fact Sheet		
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?	No change.
Att.F.XIII; Page F-283	What is considered "appropriate"?	No change.
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.	No change.
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.)	No change.
Att.H	Recommend considering any and all methods of avoiding redundancies. For example, consider maintaining WMP level reporting, enhanced by individual City-specific details.	No change.



Los Angeles Regional Water Quality Control Board

June 4, 2021

NOTICE OF PUBLIC HEARING FOR PROPOSED ISSUANCE OF REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004)

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) will hold a public hearing to receive public comments, and consider issuance of, the proposed Regional Phase I MS4 NPDES Permit for the Los Angeles Region (Revised Tentative Regional MS4 Permit). This notice also sets forth the procedures and processes the Los Angeles Water Board will use at this hearing and contains important deadlines.

The public hearing is scheduled as follows:

DATE: July 8, 9, 16, and 23, 2021
 TIME: 9:00 a.m. each day
 PLACE: No Physical Meeting Location - Video and Teleconference Meeting Only
 Authorized by and in furtherance of Executive Orders N-29-20 and N-33-20
 Live video and audio webcast: <https://cal-span.org> (for those that are solely interested in watching and not participating in the hearing)

If there is not a quorum on the scheduled date of this hearing, this matter will be automatically continued to the next scheduled hearing date. A continuance of this item will not automatically extend any deadlines set forth herein.

For those who wish to provide oral comments to the Los Angeles Water Board at the public hearing, please see Section VI.B. below for important information and instructions for participating remotely via the online platform. Advanced Zoom registration is required to participate telephonically or by computer.

As of the date of this public notice, the Los Angeles Water Board intends to hold this hearing in a virtual/teleconference environment only. In the event orders from the Governor of California change prior to the scheduled date of the hearing, the format of this meeting may change to also allow for in-person attendance at a physical meeting location (300 South Spring Street, Los Angeles, CA 90013). If this were to occur, an amended public notice will be promptly issued reflecting the change to the format of the meeting. Persons desiring to receive notice about changes to the date, time, location, or format of the public hearing should sign up for the Lyris e-mail list, as described in Section X. below.

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

320 West 4th Street, Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

I. BACKGROUND

The federal Clean Water Act requires discharges of pollutants from MS4s (also called storm drain systems) to waters of the United States to be regulated by an NPDES permit.

The Los Angeles County Flood Control District, Ventura County Watershed Protection District, Counties of Los Angeles and Ventura, and 95 incorporated cities therein¹ (Permittees) discharge pollutants from their MS4s to waters of the United States. Stormwater and non-stormwater enter and are conveyed through the MS4 and discharge to surface water bodies within the Los Angeles Region. These discharges are currently regulated by the following NPDES permits - Order Nos. R4-2010-0108 (for the Ventura County Watershed Protection District, Ventura County, and incorporated cities therein), R4-2012-0175 (for the Los Angeles County Flood Control District, Los Angeles County, and incorporated cities therein except the City of Long Beach), and R4-2014-0024 (for the City of Long Beach). Each of these existing permits has expired but has been administratively extended until the effective date of a new permit regulating the MS4 discharges. The Los Angeles Water Board proposes to issue a single Regional MS4 Permit for 99 Permittees within the Los Angeles Region, which would supersede (except for enforcement purposes) the three existing MS4 permits. The proposed Regional MS4 Permit would continue to include requirements to effectively prohibit non-stormwater discharges through the MS4s, receiving water limitations, provisions implementing waste load allocations assigned to MS4 discharges in existing total maximum daily loads (TMDLs) established for impaired waterbodies in the Los Angeles Region, stormwater management programs, including “minimum control measures,” and monitoring and reporting requirements. The proposed Regional MS4 Permit would also extend the existing watershed management program framework currently in Order Nos. R4-2012-0175 and R4-2014-0024 to permittees in Ventura County.

The Los Angeles Water Board notified all Permittees in the Los Angeles Region that it intended to issue a region-wide Phase I MS4 permit in the Fall of 2017. In December 2019, Board staff released a staff working proposal of the draft permit to Permittees and key stakeholders for discussion purposes and allowed informal written comments.

The Board has held eight public workshops to consider and respond to Permittee and stakeholder comments and concerns and has also provided specific opportunities at eighteen other Board meetings and a number of Listening Sessions for Permittees and stakeholders to provide comments and feedback on permit development. Board staff has also held numerous focused meetings with Permittees and interested persons. In August 2020, Board staff released a Tentative Regional MS4 Permit for public review and comment. Permittees and interested persons were provided 105 days (from August 24, 2020 to December 7, 2020) to submit written comments. Board staff has considered all informal and formal comments in the development of the proposed permit.

¹ Excluding Lancaster, Palmdale, and Avalon.

II. DOCUMENT AVAILABILITY

The Revised Tentative Regional MS4 Permit and responses to timely written comments received are available on the Los Angeles Water Board's website:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.html

Written comments received on the Tentative Regional MS4 Permit are available on the Los Angeles Water Board's FTP site using the following address and log-in credentials:

<https://ftp.waterboards.ca.gov/>

Username: rb4_ms4

Password: a9u1sN

III. NATURE OF HEARING

This proceeding will be a formal adjudicatory proceeding pursuant to section 648 *et seq.* of Title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Los Angeles Water Board, except as otherwise specified in the above-referenced regulations.

IV. SCOPE OF HEARING

As this matter concerns issuance of a Regional MS4 Permit, parties and interested persons may comment on any portion of the Revised Tentative Regional MS4 Permit (i.e., Order and Attachments A through S).

As previously noted, the proposed Regional MS4 Permit continues to incorporate provisions implementing numerous TMDLs. These TMDLs are either duly adopted regulations of the Los Angeles Water Board or TMDLs established by the United States Environmental Protection Agency. The validity of these TMDLs are not an issue before the Los Angeles Water Board in this proceeding. As such, any comments or evidence attempting to challenge the validity of these TMDLs are outside the scope of this hearing and will not be considered. Comments and/or evidence concerning whether and how the Los Angeles Water Board incorporates the TMDL provisions into the proposed permit are appropriate and within the scope of this proceeding.

V. PARTICIPANTS TO THIS HEARING

Participants in this proceeding are identified as either "Parties" or "Interested Persons." Designation as a Party is not necessary to participate in this proceeding. Both Interested Persons and Parties will have the opportunity to present oral comments about the issuance of the Regional MS4 Permit. Both Interested Persons and Parties may be asked to respond to clarifying questions from the Los Angeles Water Board members, counsel, or staff, or others, at the discretion of the Board.

A. Interested Persons

Interested persons include any person or organization that is interested in the outcome of the hearing, but who has not been designated as a party. Interested persons may present oral comments at the hearing, but they may not present evidence. Oral comments include policy statements and/or arguments about the appropriateness, wisdom, or utility of the proposal before the Los Angeles Water Board. Interested persons are not subject to cross-examination and may not cross-examine witnesses.

B. Parties

Parties are those persons or organizations anticipated to have the greatest interest in the outcome of the hearing. They are generally expected to take a leadership role in presenting any evidence or argument about the nature of the matter under consideration. Parties to the hearing may present evidence, or cross-examine other parties' witnesses (if any are called). Parties are subject to cross-examination about any evidence they present.

The following entities are parties to this proceeding:

1. Ventura County Watershed Protection District
2. County of Ventura
3. Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura.
4. Los Angeles County Flood Control District
5. County of Los Angeles
6. Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bell Gardens, Bellflower, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, La Mirada, La Puente, La Verne, Lakewood, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

Any other persons or organizations who wish to participate in the hearing as a party shall request party status by submitting a written request to the Los Angeles Water Board via

email to MS4StormwaterRB4@waterboards.ca.gov with a copy to Ivar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 21, 2021**. All requests for designation as a party shall include the name, phone number, and email address of the person who is designated to receive notices about this proceeding. The request shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the Los Angeles Water Board affect the person or organization), and a statement explaining why the parties designated above do not adequately represent their interest. Determinations will be based on whether their participation as a party will further the development of the issues before the Los Angeles Water Board. Those submitting requests for party status will be notified before the hearing whether the request is granted or denied. All parties will be notified if other parties are designated.

C. Los Angeles Water Board Staff

Los Angeles Water Board staff is not a party to this proceeding. This is a proceeding to consider adoption of a permit, which does not involve investigative, prosecutorial, or advocacy functions. Staff's proposals, recommendations, and their participation in this proceeding exist for the purpose of advising and assisting the Los Angeles Water Board. Likewise, attorneys for the Los Angeles Water Board will advise and assist the Los Angeles Water Board, which includes the board members and its entire staff. Given the nature of this proceeding and the limited facts in dispute, assigning separate staff to "advocate" on behalf of a particular position would not further the development of the issues before the Los Angeles Water Board.

VI. PUBLIC COMMENTS

A. Written Comments

The written public comment period closed at 5:00 p.m. on December 7, 2020. The Los Angeles Water Board is not accepting any additional written comments or evidence after the written comment deadline.

B. Oral Comments

Parties and interested persons are invited to present oral comments at the public hearing for the Los Angeles Water Board to consider. All persons who want to speak at the public hearing must register to participate in the public hearing no later than **5:00 p.m. on July 1, 2021** via the following Zoom registration link:

https://us02web.zoom.us/webinar/register/WN_XS33odi_QOOXSCLpSkN6Kw

To ensure a productive and efficient hearing in which all participants have an opportunity to participate, time limits will be imposed. Oral comments may be limited to **3 minutes** for each Party or interested person, depending on the number of persons wishing to speak. Parties and interested persons seeking more than 3 minutes to present oral comments must submit a request in writing and received by email to

MS4StormwaterRB4@waterboards.ca.gov with a copy to
Ivar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 25, 2021**.

Parties and interested persons will be notified in writing prior to the date of the hearing of the amount of time they have been allocated for their oral comments. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, the opportunity to submit written comments that are part of the administrative record, the extent to which the parties and interested persons have identified unique interests, and the time available for the hearing. It is the Los Angeles Water Board's intent that reasonable requests be accommodated. Parties and interested persons with similar concerns or opinions are encouraged to choose one representative to speak and are encouraged to coordinate their presentations with each other. Repetitive comments are discouraged. At the conclusion of oral comments, the Los Angeles Water Board will close public comments.

Participants intending to use a PowerPoint presentation during the public hearing must email the file, in .ppt format, to Gerardo.Rabelo@waterboards.ca.gov with a copy to Ivar.Ridgeway@waterboards.ca.gov, and be received no later than **12:00 p.m. (Noon) on July 6, 2021**. Please indicate in the subject line "PowerPoint Presentation – Regional MS4 Permit Public Hearing."

VII. ORDER OF PROCEEDINGS

Adjudicative proceedings before the Los Angeles Water Board generally will be conducted in the following order:

1. Opening statement by the Chair summarizing the subject matter and purpose of the hearing
2. Administration of oath to persons who intend to testify
3. Los Angeles Water Board staff presentation
4. Designated parties' presentations
5. Interested persons' comments
6. Questions from the Los Angeles Water Board members, counsel, or staff to designated parties or interested persons
7. Questions from the Los Angeles Water Board members to staff or counsel
8. Deliberations
9. Los Angeles Water Board decision

While this is a formal adjudicatory proceeding, the Los Angeles Water Board does not generally require the cross examination of witnesses, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom. Parties may use their allocated time in any way they see fit, which could, for example, include witness testimony and/or cross examination of other parties.

Questions from the Los Angeles Water Board members, counsel, or staff and the time to answer them will not be charged against the party or interested person's allocated time.

The Chair of the Los Angeles Water Board will issue an Order of Proceedings on or before July 2, 2021, specifying the time allocated to each party and interested person, as well as the order of speakers.

VIII. OBJECTIONS TO MANNER OF HEARING

Objections to: (a) any procedure to be used or not used during the hearing, (b) any document or evidence referenced in the Revised Tentative Regional MS4 Permit, a written comment, or response to comment, or (c) any other matter set forth in this notice, must be submitted in writing and received by email to MS4StormwaterRB4@waterboards.ca.gov with a copy to lvar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 21, 2021**.

Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will be addressed prior to, and will not be entertained at, the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.

IX. EX PARTE COMMUNICATIONS PROHIBITED

Parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Los Angeles Water Board. An *ex parte* communication is a communication not authorized in the California Government Code, to a Los Angeles Water Board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for the parties to respond. The California Government Code generally prohibits the board members from engaging in *ex parte* communications during permitting, enforcement, or other "quasi-adjudicatory" matters. As a permitting proceeding, Los Angeles Water Board members may not discuss the subject of this hearing with any person, except during the public hearing itself or other publicly noticed workshops or meetings.

X. FUTURE NOTICES

Any person desiring to receive future notices regarding the proposed Regional MS4 Permit issuance, including any changes to the date, time, format, or location of the public hearing, must sign up for the Lyrus e-mail list for this matter. To sign up for the Lyrus e-mail list, access the E-mail List Subscription form, check the box for "Region 4 SW Regional Phase I MS4 Permit", fill in the required information, and press the "Subscribe" button. The E-mail List Subscription Form is located at: https://www.waterboards.ca.gov/losangeles/resources/email_subscriptions/

XI. LOS ANGELES WATER BOARD STAFF CONTACT

Please direct questions to Mr. Ivar Ridgeway, Municipal Stormwater Permitting - Unit Chief, at Ivar.Ridgeway@waterboards.ca.gov or (213) 620-2150.

The Regional Board's responses to the SGVCOG's key areas of comments (included in the body of the comment letter) are copied below as follows:

- **Timing of Permit Adoption and State Board Order Implications: Changes made.**
 - Adoption of the MS4 Permit per the current schedule ensures that Permittees are subject to the most updated federal and state regulations in a timely manner.
 - The revised TMDL Basin Plan Amendments adopted by the Regional Board on March 11, 2021 extend final compliance dates of select TMDLs. Language has been added to Attachment O to incorporate the revised final compliance deadlines.
 - The State Board Order is now final. The Tentative Order has been revised in accordance.
 - The City of Duarte v. State Water Resources Control Board, et al. case has been resolved at the Court of Appeal on January 28, 2021. The Tentative Fact Sheet has been revised accordingly.

- **Fiscal Resources: Change made to Fact Sheet.**
 - Costs of implementing Minimum Control Measures and monitoring costs were accounted for in the estimation of Stormwater Management Program (SWMP) costs. The annual expenditure data self-reported by Permittees to estimate SWMP costs have limitations but are reliable and current. Staff has revised the analysis of SWMP costs in response to other commenters to only include data from FY16/17-FY18/19 for Permittees in LA County, when the cost reporting format of Annual Reports was more consistent across Permittees.
 - As for cost estimates from E/WMPs in Method 2, staff noted in the Economic Considerations where it was not possible to ascertain capital and O&M costs over 20 years due to insufficient information in the E/WMPs. While estimates from other parties have been higher, costs as presented in Method 2 are reported by the Permittees and are more recent than other studies, and therefore represent better estimates. The Revised Fact Sheet notes that Permittees need not incur land acquisition costs as assumed in EWMPs, which range from about \$5-\$6 million per acre, if they engage in public-private partnerships when implementing BMPs on private land.
 - Costs of implementing the adaptive management program were accounted for in the analysis of Permittees' Annual Reports for SWMP costs.
 - Revised Fact Sheet notes other sources of funding besides Measure W and incorporating stormwater BMPs into other projects to increase cost-effectiveness and opportunities for funding.
 - Regarding the cost of the statewide trash amendments, the 2012 LA County MS4 Permit already included a requirement for additional trash management practices in areas not subject to a trash TMDL, which largely mirrors the statewide trash amendments by requiring that Permittees install trash excluders on or in catch basins or outfalls to prevent the discharge of trash to the MS4 or receiving water no later than December 28, 2016 in areas defined as Priority A. The Revised Fact Sheet notes the costs of implementing the Order included the cost estimates developed by the State Water Board when adopted the statewide trash amendments.
 - While the Regional Board is not obligated to use the Financial Capability Assessment (FCA) developed by U.S. EPA, it is a useful tool for assessing and communicating a community's financial capability to carry out Clean Water Act (CWA) requirements. The EPA's expectation is that communities will develop plans and schedules to

achieve compliance with the CWA as soon as practicable, and that financial capability is only one of the factors considered when developing these schedules. It should be noted that a regional board cannot use compliance costs to justify the failure to impose pollutant restrictions that it otherwise has found necessary and appropriate to restrict pollution, thereby evading federal CWA requirements. However, Permittees can request more time to comply with certain deadlines based in part on economic feasibility.

- **Integration of the Safe, Clean Water Program: Change made to Fact Sheet.**
 - Revised Fact Sheet notes other sources of funding besides Measure W and incorporating stormwater BMPs into other projects to increase cost effectiveness and opportunities for funding. Fact Sheet notes pursuing public-private partnerships to increase cost-effectiveness.
 - While providing credit to municipalities for contributing funds to projects outside their jurisdictions may assist watershed groups in completing projects at the watershed level, a crediting program may also exacerbate inequities at the municipal level. Municipalities with fewer resources would be likelier to contribute funds to municipalities with more resources, who are likelier to secure funding and implement projects faster. This would subject residents in municipalities with fewer resources to longer periods of time with diminished water quality and fewer multi-benefit projects. Revised Fact Sheet notes there are a number funding sources that give preference to disadvantaged communities.

- **Better Define Compliance Attainment: No changes.**
 - Permittees that implement the retention approach may still be deemed in compliance with final Water Quality-based Effluent Limitations (WQBELs) and Receiving Water Limitations (RWLs) provided Permittees are implementing all actions and schedules in an approved WMP. Permittees implementing other strategies in their WMP to attain WQBELs and RWLs generally are not afforded deemed in compliance with final deadlines that have passed.
 - The purpose of the Reasonable Assurance Analysis (RAA) is to demonstrate the ability of the WMP to ensure that Permittees' MS4 discharges achieve applicable WQBELs and do not cause or contribute to exceedances of RWLs. If through the adaptive management process, Permittees determine that the current WMP will not achieve the WQBELs and RWLs, Permittees may propose modifications, including new compliance deadlines, or request a TSO for final compliance deadlines.
 - Regarding the comment requesting clear guidelines for Permittees to demonstrate that all work associated with prior and current milestones was completed, no change is necessary. The Monitoring and Reporting Program (MRP) has been updated from the MRPs of the existing MS4 permits to include clearer requirements for reporting implementation of WMP milestones.
 - Regarding the comment about the retention-based alternative compliance pathway and its efficacy in addressing certain pollutants/impairments, the commenter has not submitted evidence or proposed alternatives.

- **Reporting: No changes.**
 - Many of the reporting requirements for this group of Permittees have not been changed substantively from the 2012 LA County MS4 Permit. The current 2012 LA County MS4 Permit also requires semi-annual monitoring data submittals. The same

information is required for the most part, but it is required to be organized and reported differently on forms provided for Permittees' use.

- There are some additional reporting requirements pursuant to the State Water Board's Trash Policy, the Trash TMDLs, the State Auditor's March 2018 Report 2017-18, and the State Board's August 2020 "Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs."
- **Monitoring: No changes.**
 - The permit provides flexibility via development of the integrated monitoring programs (IMPs)/coordinated integrated monitoring programs (CIMPs). Each IMP/CIMP is designed for each watershed area specific to the water quality issues, including TMDLs, which may apply to that watershed area. Permittees can propose alternative monitoring frequencies and locations through phased approaches in IMP/CIMPs, which may be cost effective and better correlated with implementation status. The monitoring and reporting requirements have in fact been streamlined and made consistent among all Permittees.
 - While proxies for monitoring required in the Tentative Order are generally disallowed, Permittees have the ability to propose a reduced monitoring frequency and, in some cases, propose no monitoring for certain constituents provided that the Permittees give adequate justification for the changes.
- **Compliance Schedules: Change made.**
 - There is no requirement of 90 days to meet compliance deadlines. Compliance deadlines for WQBELs are based on the TMDL-specific implementation schedules and allows Permittees up to three months to submit a final WMP in response to comments received from the Regional Board.
- **Consistency Across Permits: No change.**
 - Tentative Order was written to effectively regulate MS4 discharges in the LA region and the WMP provisions effectively allow collaboration with non-MS4 Permittees and others.
- **Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking: No change.**
 - Each permittee has unique land uses and water quality issues and therefore should come up with the best metrics for effectiveness of non-structural strategies for its jurisdiction. Therefore, each permittee is required to propose its own metrics for effectiveness and report on them in its Annual Report.
- **Industrial General Permit (IGP) Training and Inspections: No change.**
 - Inspection is not the only activity in this program that requires basic knowledge of the IGP. While a Permittee may outsource inspection work, there will still need to be a responsible municipal staff person whose primary job duties include overseeing the contractor's work

DATE: June 29, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **SAFE CLEAN WATER PROGRAM**

RECOMMENDED ACTION

For information only.

COMMITTEE AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES

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

Regional Oversight Committee (ROC)

- Did not meet.

Scoring Committee

- Did not meet.

Upper Los Angeles River (ULAR) WASC

- Met on May 20, 2021 to discuss the interim Disadvantaged Community (DAC) guidance and to discuss project prioritization for populating the Fiscal Year (FY) 2021-2022 Stormwater Investment Plan (SIP).
- Met on June 2, 2021 to discuss and vote on the FY 21-22 SIP. The motion to approve the full SIP did not pass. The WASC approved a motion to include the Technical Resource Program projects and Scientific Studies in the SIP, and approved a motion to partially fund the three LADWP projects (David M. Gonzalez Park, Valley Plaza Park, and North Hollywood Park) at 70% and cap the O&M at \$5 million for Metro Orange Line project. The District will send the partial funding form to the LA County applicant who will have the opportunity to return the completed form to the WASC to review and vote on at the next meeting.

Upper San Gabriel River (USGR) WASC

- Met on May 13, 2021 to discuss validation of DAC benefits, of which no amendments were requested. The WASC also discussed project prioritization for populating the FY 21-22 SIP, and completed the following preliminary ranking of projects:

Program	Project Name	Score	Program Place	Overall Place
TRP	Sunset Crossing Park Multi-Benefit Storm	64	1	1
IP	Finkbiner Park Stormwater Capture Projec	59	1	2
IP	Zamora Park Renovation Project	57	2	3
IP	Lone Hill Park	55	3	4
IP	Fairplex	47	4	5
IP	Larkin Park	44	5	6
IP	Washington Park	39	6	7
SS	Regional Pathogen Reduction Study	35	1	8

- Met on May 27, 2021 to continue discussions on project prioritization and populating the FY 21-22 SIP. The District confirmed that they received partial funding requests for the Lone Hill Park, Fairplex, and Larkin Projects. The vote to approve the SIP was postponed until the next meeting.

Rio Hondo WASC

- Met on May 18, 2021 to hear a Summary of Scientific Studies from the Southern California Coastal Water Research Project (SCCWRP), including the SGVCOG-submitted Fire Effects Study in the ULAR Watershed Management Area. The WASC also discussed validation of Disadvantaged Community (DAC) benefits and discussed project prioritization for populating the FY 21-22 SIP.

INTERIM PROGRAM GUIDANCE

In April, the District released Interim Nature-Based Solutions (NBS) Programming Guidelines as discussed at the May Water Committee meeting. In May, the District released interim Disadvantaged Communities (DACs) programming guidelines. This interim guidance is included as Attachment A. The guidance aims to provide a shared vocabulary and clarity for WASCs and project developers. Specifically, the guidance includes the following:

1. Clarification of how project proponents and WASCs can interpret and substantiate a project's ability to deliver Disadvantaged Community Benefits;
2. Policies for consistently accounting for the 110% investment provisions within Stormwater Investment Plans;
3. Considerations to inform deliberation and discussion about relationships between communities, municipalities, and census block groups.

In terms of project location, the guidelines clarify that the program goal of delivering DAC benefits is achieved by locating projects within a DAC or by providing a “direct benefit” to a DAC. The guidelines specify that a “direct benefit” will be determined by WASCs on a project-by-project basis, considering the benefits provided to the community by each project and the area within which those benefits will be felt. Decisions by WASCs should strongly rely on public support by members of that community or their elected officials, and should also rely on the lack of public support, or the presence of resistance from members of a community.

For project applicants, the guidelines specify that if two potential project locations provide relatively equal benefits to a DAC but one is physically located within that DAC, the prospective project developer should pursue the location within the DAC to the extent feasible.

In terms of accounting for the 110% investment requirement, the guidelines specify that if a project that provides DAC benefits is included in a SIP, the amount of funding provided by the regional program to that project is used to make the 110% investment calculation. To facilitate compliance with this requirement, the District will work with stakeholders and Watershed Coordinators to identify high-priority geographies for water-quality improvement projects and other projects that create DAC benefits to help inform WASCs as they consider project recommendations.

WATERSHED COORDINATORS

The District is currently onboarding watershed coordinators. 7 of 12 contracts have been executed. Richard Watson and Associates was selected for the Rio Hondo WASC. Day One was selected for the USGR WASC. The ULAR WASC will have three Coordinators, two from the Council of Watershed Health and one from Environmental Outreach Strategies. The District will develop a Watershed Coordinator strategic and outreach engagement plan for the WASCs review and approval.

UPCOMING MEETINGS

- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, July 6, 2021, 9:00 am – 12:00 pm and Tuesday, August 3, 2021, 9:00 am – 12:00 pm
- Upper Los Angeles River WASC – Wednesday, July 7, 2021, 2:00 – 4:00 pm
- Upper San Gabriel River WASC – Every 4th Thursday of the Month, 1:00 – 3:00 pm
- Rio Hondo WASC – Every 3rd Tuesday of the Month, 1:00 – 3:00 pm

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Interim Disadvantaged Community (DAC) Programming Guidelines



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

CONTENTS

Purpose	1
Disadvantaged Community Benefit Policies in the Safe, Clean Water Program	2
Key Definitions	2
Other Provisions.....	3
Regional Program Guidance for Interpreting “Disadvantaged Community Benefit”	3
Relevant information in the Project Module	4
Consideration for “Direct Benefit” Determination	5
Inglewood Example:.....	6
Community Support.....	7
WASC Tools and Strategies	8
Long Term Vision for Disadvantaged Community Benefits	9

Purpose

Experience to-date in the Regional Program reveals that aspects of Safe, Clean Water Program (SCWP) related to providing Disadvantaged Community Benefits require further guidance to better support achieving the outcomes sought. The SCWP emphasizes investments that produce benefits in or directly to disadvantaged communities. Complying with the Disadvantaged Community Benefit policy in the Program is complex, and asserting what benefits accrue to which communities is not easily quantified.

As of May 2021, the District Program is developing a study which, among many things, will review how other funding programs that direct investment in disadvantaged communities have worked to overcome the many challenges that remain when seeking to implement the SCWP policy. That study will inform future guidance, currently expected in the Spring of 2022, in support of Stormwater Investment Plan (SIP) development in the Regional Program for Year 4 (2022-23).

The following interim guidance is intended to support SIP programming for Year 3 (2021-22) by providing information to help Project proponents with application preparation and Watershed Area Steering Committees (WASCs) with consistent evaluation and decision-making during the development of SIP recommendations. As appropriate, this guidance may also be referenced during ongoing discussions at the WASCs for Year 2 (2020-21) recommendations.

Specifically, this guidance includes the following:

1. Clarification of how Project proponents and WASCs can interpret and substantiate a Project’s ability to deliver Disadvantaged Community Benefits;



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

2. Policies for consistently accounting for the 110% investment provisions within Stormwater Investment Plans;
3. Considerations to inform deliberation and discussion about relationships between communities, municipalities, and census block groups.

Disadvantaged Community Benefit Policies in the Safe, Clean Water Program

One goal of the SCWP, found in Los Angeles County Flood Control District (District) Code Section 18.04 (J), is to “provide Disadvantaged Community Benefits, including Regional Program infrastructure investments, that are not less than one hundred and ten percent (110%) of the ratio of the [disadvantaged community] population to the total population in each Watershed Area.”

Summarizing the ordinance sections and definitions below reveal that the **program goal of investing in disadvantaged communities is achieved by locating beneficial Projects within, or such that the benefits of a Project are directly provided to, census block groups where the median household income is less than 80% of the statewide median household income.**

When a Project has these qualities, and the WASC recommends it for funding, the value of regional SCWP funding that is allocated to the Project in the 5-year Stormwater Investment Plan will be used to calculate fulfillment of the 110% requirement.

Key Definitions

- Section 16.03(H): “Disadvantaged community” means a census block group that has an annual median household income of less than eighty percent (80%) of the Statewide annual median household income (as defined in Water Code section 79505.5).
- Section 16.03(I): “Disadvantaged Community Benefit” means a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a [disadvantaged community] or providing benefits directly to a [disadvantaged community] population.
- Section 16.03(Y): "Project" means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance, of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.
- Section 16.03(NN): "Water Quality Benefit" means a reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system.



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

- Section 16.03 (OO): "Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: reuse and conservation practices, diversion of Stormwater or Urban Runoff to a sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment or available yield, or offset of potable water use.
- Section 16.03(F): "Community Investment Benefit" means a benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit also includes a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect and increasing shade or planting of trees or other vegetation that increase carbon reduction/sequestration and improve air quality.

Other Provisions

- Section 18.07(B)2.c: Funding for Projects that provide DAC Benefits shall not be less than one hundred and ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area. To facilitate compliance with this requirement, the District will work with stakeholders and Watershed Coordinator(s) to utilize existing tools to identify high-priority geographies for water-quality improvement projects and other projects that create DAC Benefits within DACs, to help inform WASCs as they consider project recommendations.
- Section 18.07(B)2.d: Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated annually over a rolling five (5) year period.

Regional Program Guidance for Interpreting "Disadvantaged Community Benefit"

The following interim guidance supports ongoing decisions at the WASCs for Year 2 (2020-21), as appropriate, and for both Project proponents and WASCs in Year 3 (2021-22).

1. Projects that provide any of the benefits sought by the SCWP (Water Quality Benefit, Water Supply Benefit, or Community Investment Benefit) directly to a disadvantaged community will be considered as providing the Disadvantaged Community Benefit.
2. Projects where any of the construction effort is within a census block group designated as a disadvantaged community will be considered "within" a disadvantaged community, and therefore providing a Disadvantaged Community Benefit.

Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program



3. Projects where none of the construction effort is within a census block group designated as a disadvantaged community, but where the completed Project will provide a **direct benefit** inside a census block group designated as a disadvantaged community, will be considered as providing a Disadvantaged Community Benefit. If two potential project locations provide substantially equivalent benefits to a Disadvantaged Community but one is physically located within that Disadvantaged Community, the prospective Project developer(s) should pursue the location within the Disadvantaged Community to the extent otherwise feasible.
4. Whether a Project provides a “direct benefit” as used in SCWP policy and within #3 above will be a decision made by WASCs on a project-by-project basis, considering the goals of the SCWP, the benefits provided to the community by each Project, and the area within which those benefits will be felt. See section, “Consideration of Direct Benefit,” below, for additional guidance.
5. The WASC, in its determination of whether a Project provides “direct benefit” to members of a disadvantaged community, should strongly rely on documented public support by members of that community or their elected representatives. Similarly, decisions by the WASC can rely upon the lack of documented public support, or the presence of documented resistance from members of a community. See section, “Community Support,” below, for additional guidance.
6. The designation as to whether a Project is providing a Disadvantaged Community Benefit may be modified from the original application during an agenda discussion of a Project. Any voting WASC member may suggest adjusting the disadvantaged community benefit designation of a Project (in accordance with District Code Section 18.07.B.2.c) as part of a motion related to the formation of a SIP, either to say that a Project claiming a Disadvantaged Community Benefit does not provide one, or that a Project that did not claim to provide a Disadvantaged Community Benefit in the application does provide a benefit. In the latter case, the WASC would need to request additional information about the Disadvantaged Community Benefit from the Project developer, consistent with the questions in the Project Module. See sections titled “Relevant information in the Project Module” and “WASC Tools and Strategies,” below.
7. When a Project judged to be providing benefits to members of a disadvantaged community is included in a recommended 5-year SIP, the total amount of funding provided by the regional program towards the Project is used to make the 110% investment calculation.

Relevant information in the Project Module

All applicants seeking funding through the Regional Program must submit a Feasibility Study, or equivalent, for review by the Scoring Committee and one of nine WASCs. Feasibility Studies are submitted using the web-based Project Module.

The Project Module currently includes the following prompts related to Projects seeking to provide benefits to members of disadvantaged communities:



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

- Will the Project provide benefit to a disadvantaged community?
 - *Note that the questions below are posed within the Project Module only if the applicant answers “YES” to this first question.*
- Distance to nearest [disadvantaged community]?
- Describe how the Project will provide benefits to a [disadvantaged community].
- Describe how the Project will provide water quality benefits to a [disadvantaged community].
- Describe how the Project will provide water supply benefits to a [disadvantaged community].
- Describe how the Project will provide community investment benefits to a [disadvantaged community].
- Describe how the Project engaged the benefitting [disadvantaged community] to date.

By default, the Project’s Disadvantaged Community Benefit designation will be displayed as a YES or a NO based on the entries made by Project proponents.

Consideration for “Direct Benefit” Determination

California has two policy systems for identifying disadvantaged communities, one is CalEnviroScreen which is managed by the California Environmental Protection Agency (CalEPA), the other is within the State Water Code and uses a median household income statistical test. In both policy systems, census boundaries are used because the relevant socio-economic and demographic data is differentiated using those boundaries. However, both state policies do not define what a “community” means. The use of the census boundaries as community boundaries is a convention in these programs, not a formal policy. Because a “community” is undefined within the Water Code related policy system, any appropriate geographic boundary that supports the median household income statistical test can be deemed as a “disadvantaged community.”

Unlike the state policy, SCWP directs that Census Block Groups are communities, some of which are disadvantaged, and some of which are not. Functionally, Census Block Groups are rarely perceived as a community by any community members, the agencies that serve them, or the elected representatives at various levels. In fact, Census Tracts and Blocks rarely have any familiarity or utility outside the Census itself, and the use of the demographic data that is differentiated with those boundaries. Census Places, however, are another geographic unit used by the Census and are typically drawn to contain political or social geographies that have meaningfulness for the people who live and work there.

The California Department of Water Resources (DWR) maintains a Disadvantaged Community Mapping Tool for the use across many programs that it administers. The tool is found at the link below and includes both 2016 and 2018 US Census data for analyzing disadvantaged communities. The SCWP currently uses 2016 data to determine the targeted ratios of investment into Disadvantaged Communities but is expected to be updated for the 2022 guidance and roughly every five years. In the tool, Census Places, Tracts, and Block Groups can be viewed to understand their median household income and its relation to the statewide median household income.



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

- Link to DWR Disadvantaged Community Mapping Tool: <https://gis.water.ca.gov/app/dacs/>
- Link to CalEPA CalEnviroScreen: <https://oehha.ca.gov/calenviroscreen>

Inglewood Example:

If you calculate the median household income for the city of Inglewood as a Census Place (Figure 1), you find that the city has a median household income below 80% of the statewide median household income, and therefore can be considered a disadvantaged community. However, when you review the many Census Block Groups within the city of Inglewood (Figure 2), you find that some are considered disadvantaged, some severely disadvantaged (defined in the State Water Code as having a median household income below 60% of the statewide median household income), and some are neither.

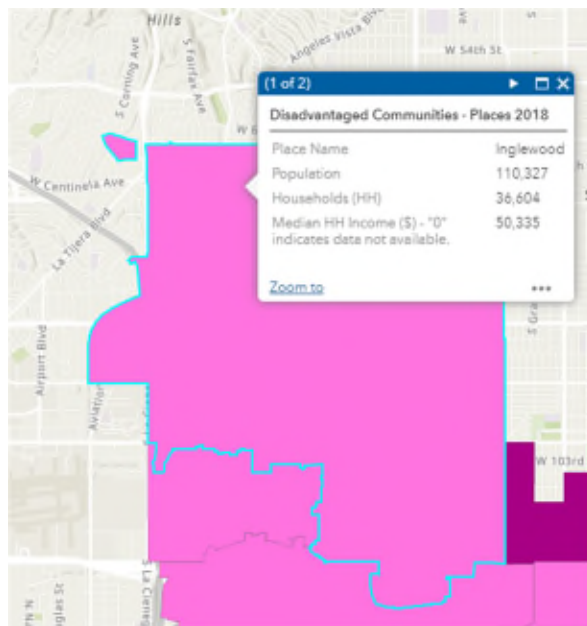


Figure 1 - Inglewood Census Place (DWR Disadvantaged Community Mapping Tool): Pink is disadvantaged, and purple is severely disadvantaged.

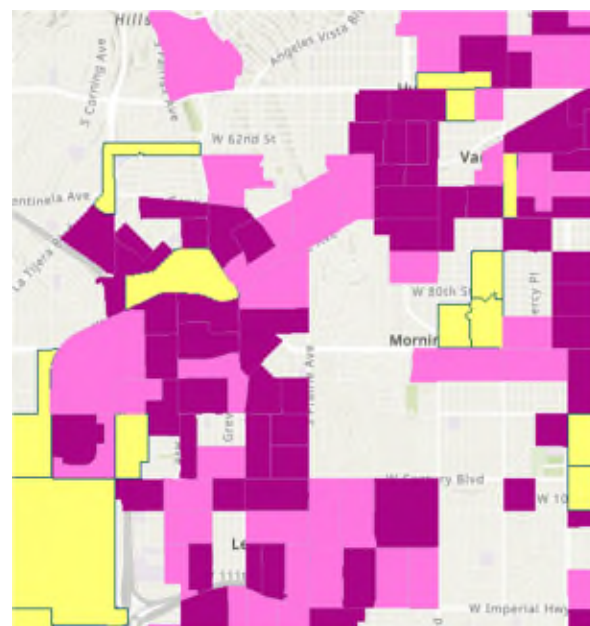


Figure 2 - Inglewood Census Block Groups (DWR Disadvantaged Community Mapping Tool): Pink is disadvantaged, purple is severely disadvantaged, and yellow is missing data.

This example is shared to reveal that a pure focus on Census Blocks may inadvertently omit Projects that are of critical importance to communities that collectively have unmet needs and are therefore intended to benefit from the disadvantaged community policies of the SCWP.

Benefits within a community boundary can be identified formally (like the city of Inglewood) or less formally (like the community of Pacoima, where the median household income calculation using that

Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program



boundary supports the designation of “disadvantaged community”), or when CalEnviroScreen suggests unjust cumulative impacts are experienced inside that boundary. In any such cases, a WASC would be justified considering that Project as providing benefits across the entire area within that boundary. This is reiterated in three steps, below:

1. Is there a formal or informal community boundary more appropriate than Census Block Group boundaries to consider for the benefit area of a particular Project? *If yes...*
2. Using that boundary as a community, does the median householder income statistic or the current CalEnviroScreen tool consider that community “disadvantaged?” *If yes...*
3. Does the WASC wish to recommend that the Project will provide benefits across the entire community boundary?

The following municipalities are within the SCWP boundaries, and are US Census places that have an MHI below 80% of the statewide MHI (2018 data), and therefore could be considered disadvantaged at the scale of the municipality (alphabetical):

- Bell
- Bellflower
- Bell Gardens
- Commerce
- Compton
- Cudahy
- El Monte
- Gardena
- Hawaiian Gardens
- Hawthorne
- Huntington Park
- Inglewood
- Lynwood
- Maywood
- Montebello
- Paramount
- Pomona
- Rosemead
- San Fernando
- South El Monte
- South Gate
- Walnut Park

Community Support

The SCWP places priority on developing community support for Projects that yield Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits. Within the scoring process for regional Projects, points are available for Projects that document community support.

One of the most effective ways to document if a Project will provide benefit to a community is if the community itself says so and expresses support. Project proponents are encouraged to obtain letters of support documenting that communities who will benefit from the Project are, in fact, eager for those Project benefits and supportive of the effort. WASCs too, when considering which communities will benefit from regional Projects, can rely on assertions from communities and their representatives that the Project will provide them benefits. This underscores the importance of empowering community members to voice their perceived benefits through community education and engagement.

Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program



This approach can be very effective when Projects are anticipated to provide regional benefits, some of which will accrue to one or many disadvantaged communities. If a Project proponent engages with members of those communities and their representatives and has received their concurrence that the Project benefits will be felt by their community, this becomes strong evidence that the Project will provide a Disadvantaged Community Benefit.

WASCs can look towards the letters of support that are provided by a Project proponent, or to public engagement during the programming of the SIPs. Public testimony offered during public meetings that expresses how a Project will, or will not, provide benefits to a community can be part of the decision-making process of the WASC as the question of “direct benefit” is settled.

WASC Tools and Strategies

The following strategies are available to the members of WASCs to assist in determining the appropriateness of each Project’s claim of providing, or not providing, benefits to members of disadvantaged communities:

Tools and strategies to evaluate Disadvantaged Community Benefits that WASC members can use during Project evaluation:

- **The WASC can read the justification provided in the application and submitted Feasibility Study about Disadvantaged Community Benefits claimed for the Project.**
- **During presentations by Project proponents, the WASC members can ask questions about the Disadvantaged Community Benefits claimed for the Project.**
- **During the agendaized Project Discussion period, any voting WASC member may suggest modifying the Disadvantaged Community Benefit designation of a Project in accordance with 18.07.B.2.c and the recommended criteria described above as part of a motion related to the formation of a SIP.**
 - **When modifying a Disadvantaged Community Benefit designation from NO to YES, where justification was therefore not provided in the Project Module application and submitted Feasibility Study, the WASC may consider the recommended criteria described herein and seek equivalent information to that solicited in the Project Module and otherwise as necessary.**

Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program



Tools and strategies to evaluate Disadvantaged Community Benefits that WASC members can use at any time:

- **WASCs can ask their Watershed Coordinator(s) to evaluate and report to the WASC how the people, city and county agencies, and other stakeholders would describe the preferred Disadvantaged Community Benefits in the Watershed Area.**
- **WASCs can invite informational presentations from agencies, organizations, and other stakeholders to better understand potential Disadvantaged Community Benefits sought and challenges faced in the Watershed Area.**

Long Term Vision for Disadvantaged Community Benefits

The District recognizes that, long-term, additional tools and engagement are needed to enhance efforts across the SCWP to achieve benefits sought by those who live in, work in, and represent disadvantaged communities. While not appropriate to include within this interim guidance, the District anticipates pursuing additional activities and exploring further potential guidance within the following contexts by the year 2025.

- **Developing metrics for tracking and evaluating Disadvantaged Community Benefit:** As noted in the “Purpose” section, the District is facilitating the development of a study that will review how other funding programs that direct investment in disadvantaged communities have worked to overcome the many challenges that remain when seeking to implement the SCWP policy. That study will support future guidance, currently expected in the Spring of 2022, in support of Year 4 (2022-23).
- **Evaluating and sharing accomplishments of Watershed Coordinators:** Watershed Coordinators are a key element within the SCWP for ensuring communities are engaged and able to influence the Regional Program in each Watershed Area. Providing engagement opportunities, education, and technical assistance to members of disadvantaged communities will be fundamental to the watershed coordinators’ work. Future guidance will evaluate and share accomplishments from the watershed coordinators who are joining SCWP in Spring 2021.
- **Evaluating community support or opposition:** One element that is addressed generally in this interim guidance is how the WASCs, the Scoring Committee, and the Regional Oversight Committee can rely on representations of community support or opposition as part of their decision-making. It is expected that future guidance will further describe how community support can additionally influence the SCWP.
- **Assessment of “who benefits” from Projects in the Regional Program:** Both the disadvantaged community investment and the municipal return elements of the Regional Program require



Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program

information about how a Project's benefits are received by specified groups of people. The question of who benefits from a Project or its components is difficult to solve systematically because the characteristics of Projects are so varied. Within SCWP context, asserting whether members of a disadvantaged community ultimately benefit from a Project remains a decision for the Board of Supervisors when they consider adopting a SIP as recommended by the WASCs and ROC.

Work is underway within the District to develop more tools for making these judgments, to support engagement, Project development, WASC deliberation, and quantification of achievement of the SCWP ordinance goals and priorities around targeted funding and the accrual of benefits. The development of these tools includes further engagement opportunities and the resulting tools will support future guidance.

- **Further clarifying what constitutes a “community”:** The current policy, as described above, directs the consideration of Census Block Groups while acknowledging that the Regional Program is conceptually focused on Projects that provide regional benefits. This means that Projects can benefit multiple communities that are distant from the physical Project. When considering “disadvantaged communities” as the beneficiary of investments in the Regional Program, who and what constitutes a “community” requires additional guidance to be developed in collaboration across multiple interested parties in the SCWP. The alignment between scales – the scale of the Regional Program’s focus on Watershed Areas, the scale of community boundaries, and the scale of the benefit area of Projects – is expected to be explored further. Future guidance is intended to include efforts to bring more certainty for community members, elected leaders, municipal and county staff, Project proponents, and decision-making bodies inside SCWP about how to judge or quantify the beneficiaries of a Project.
- **Revisiting inclusive language:** Multiple policies at the state and regional levels, including the SCWP, use the term “disadvantaged community” to explain how aspects of the program are intended to provide enhanced or targeted support to communities that are low-income, pollution burdened, underserved, or historically and currently marginalized or underrepresented. Future guidance within the program may include incorporation of additional inclusive language that better captures the richness and complexity of these communities.
- **Strengthening anti-displacement policies:** The Regional Program Fund Transfer Agreement, when describing the Stakeholder and Community Outreach/Engagement Plan required of every signatory, refers to “activities and measures to mitigate against displacement and gentrification.” It also requires the plan to include commitments to comply with “any County-wide displacement policies” and “specific anti-displacement requirements associated with other funding sources.” The role of Projects in the SCWP Regional Program to support anti-displacement is one that could be strengthened in future guidance, as the County and cities

Safe, Clean Water Program

Implementing Disadvantaged Community Policies in the Regional Program



adopt additional practices and policies, and as additional policies are added to other funding programs.

- **Advancing workforce development:** The SCWP has explicit goals to support workforce development. Chiefly, this is being carried out within the District Program, as an element of the broader Education Program, and is still early in its development. Many WASCs have considered, and heard public comment regarding, the role of Projects within the Regional Program providing workforce development and jobs that benefit all communities, but also specifically members of disadvantaged communities. Future guidance is expected to discuss the relationship between elements of the Regional Program and the workforce development within the District Program, and how those SCWP elements could leverage benefits to members of disadvantaged communities.

DATE: June 29, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **FEDERAL AND STATE BUDGET AND LEGISLATIVE UPDATES**

RECOMMENDED ACTION

For information only.

DISCUSSION

2022 Appropriations Act – Whittier Narrows Funding

On June 1, President Biden included more than \$219 million in the 2022 budget for the Whittier Narrows Dam project. Allocations must now be approved by the U.S. House of Representatives and the Senate. Last year’s budget included approximately \$192.5 million for the project. At that time, the total cost was expected to be about \$385 million. Congressman Grace Napolitano, who has led the effort to make the Whittier Narrows Dam a top budget priority, sent a letter to the House Appropriations Subcommittee on Energy and Water Development requesting a \$219 million budget. That letter is included as Attachment A.

Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

On April 29, the State Senate Budget Subcommittee #2 met to consider the Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance. The plan includes \$3.41 billion in one-time state and federal funds (Federal “American Rescue Plan”) funds, one-time state General Fund, and appropriation of general obligation bonds (Propositions 1 and 68) for the following allocations:

- Immediate Community Assistance for Water and Drought Relief: \$500 million
- Emergency Drought Water-Use Efficiency: \$500 million
- Sustainable Groundwater Management: \$350 million
- Resilient Water Infrastructure Projects: \$200 million
- Recycled Water: \$200 million
- Stormwater Management: \$200 million
- Protecting Fish & Wildlife from Drought Impacts: \$285 million
- Water Quality: \$100 million
- Water Data and Forecast Improvement: \$75 million
- Helping Ratepayers, Community Water Systems, Wastewater Treatment Works, and Public Utilities Recover from COVID-19 Economic Impacts: \$1 billion

On June 14, two provisions for this funding were included in the budget bill AB 128. Further budget details will be included in a follow-up trailer bill later this summer.

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

S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021

- **Summary:** Would reauthorize many federal water infrastructure funding programs and includes several new programs that will help communities address water infrastructure challenges. The reauthorizations and changes include the following:
 - The Clean Water State Revolving Fund (SRF), which would get \$14.65 billion over the next five years and allow a greater percentage of loans to be forgiven or other favorable loan terms.
 - The Water Infrastructure Finance and Innovation Act, which would get \$250 million over the next five years and require only one ratings agency opinion letter instead of two.
 - EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program, which would get \$1.4 billion over the next five years.
 - The Alternative Source Water Pilot Program, which would get \$125 million over the next five years.

New programs include:

- The Rural and Low-Income Water Assistance Pilot Program, which would establish a new EPA program to provide 40 grants per year to utilities to assist low-income ratepayers.
- The Wastewater Energy Efficiency Grant Pilot Program, which would get \$100 million over the next five years.
- The Clean Water Infrastructure Resiliency and Sustainability Grant Program, which would get \$125 million over the next five years.
- The Small Publicly Owned Treatment Works Efficiency Grant Program, which would be established with funding levels to be determined.
- The Connection to Publicly Owned Treatment Works Grant Program, which would get \$200 million over the next five years.
- The Water Infrastructure and Workforce Investment Grant Program, which would get \$25 million over the next five years.
- The Stormwater Infrastructure Technology Program, which would get \$25 million to create five Stormwater Centers of Excellence and \$50 million for stormwater infrastructure planning/development and implementation grants.
- PFAS treatment grants
- **Status:** Passed in the U.S. Senate on April 29 and sent to the U.S House.

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

- **Summary:** 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:** Set for hearing May 10. On May 24, ordered to special consent calendar. On June 1, read third time, passed, and ordered to the Assembly. On June 10, referred to Committees

on Environmental Safety & Toxic Materials and Natural Resources. On June 16, passed and re-referred to Committee on Natural Resources.

- **SGVCOG Position:** Watch

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

- **Summary:** 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:** Set for hearing May 20. On May 20, passed, read second time, and ordered to third reading. On June 1, ordered to inactive file on request of Senator Portantino. bills are 2-year bills at the request of the authors. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Watch

SB 230 (Portantino) – Constituents of Emerging Concern Program

- **Summary:** Would require the State Water Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.
- **Status:** March 22 set for first hearing canceled at the request of author. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Support

SB 273 (Hertzberg) – Water quality: municipal wastewater agencies

- **Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs

mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provision.

- **Status:** On May 13, referred to Committees on L. Gov on Environmental Safety & Toxic Materials. On June 10, passed and re-referred to Committee. On June 21, amended and re-referred to Committee.
- **SGVCOG Position:** Watch

SB 351 (Caballero) – Water Innovation Act of 2021

- **Summary:** Would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. Would require the office to take specified measures to advance innovation in the water sector and would make findings and declarations regarding the need for water innovation. Would create the Water Innovation Fund, with all moneys available, upon appropriation, to the department, the state board, or other state agencies for the furtherance of water innovation.
- **Status:** Amended and re-referred to Committee on Appropriations on April 20. Set for hearing May 10. On May 10, placed on Appropriations suspense file. Set for hearing on May 20. On May 20, held in committee and under submission. Bill is dead.
- **SGVCOG Position:** Watch

SB 426 (Rubio) – Financial Capability Analysis

- **Summary:** Would require the State Water Resources Control Board (State Board) to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). FCA guidelines would provide a uniform, equitable and transparent methodology for assessing the financial capability of communities to afford the cost of compliance with municipal separate storm sewer system (MS4) permits.
- **Status:** Hearing on March 22 placed on Appropriations Committee suspense file. On June 1, Ordered to inactive file on request of Senator Rubio. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Sponsor and support

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

- **Summary:** Would 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:** On May 27, read third time, passed, and ordered to the Senate. On May 28, in Senate, read first time, and sent to Committee on Rules for assignment. On June 9, referred to Committee on Environmental Quality. On June 17, hearing postponed by committee.
- **SGVCOG Position:** Watch

AB 377 (Rivas) – Water quality: impaired waters

- **Summary:** Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021 and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement from being renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than those in the previous permit, requirement, or waiver. This bill would require, by January 1, 2030, the State Board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations that are causing or contributing to an exceedance of a water quality standard.
- **Status:** Re-referred to Committee on Appropriations on April 21. On May 19, referred to Appropriations suspense file. On May 20, hearing postponed by Committee. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Oppose.

AB 652 (Friedman) – Product Safety: PFAS

- **Summary:** Would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in the state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) at a detectable level above an unspecified amount. Would establish requirements for manufacturers when replacing PFAS chemicals in juvenile products.
- **Status:** On May 20, read third time, passed, and ordered to Senate. On May 20, in Senate, read first time, sent to Committee on Rules for assignment. On June 3, referred to Committee on Environmental Quality.
- **SGVCOG Position:** Watch

AB 818 (Bloom) – Solid Waste: Premoistened Nonwoven Disposable Wipes

- **Summary:** Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol. The bill would prohibit a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions. The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required to participate in a collection study conducted in collaboration with wastewater agencies for

the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state.

- **Status:** On May 13, read third time, passed, and ordered to the Senate. On May 13, in Senate, read first time and sent to Committee on Rules for assignment. On May 27, referred to Committees on Environmental Quality and Judiciary. On June 14, passed and re-referred to Committee on JUD with recommendation: To Consent Calendar.
- **SGVCOG Position:** Support

AB 1195 (Garcia) – Southern Los Angeles County Regional Water Agency

- **Summary:** Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency’s jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.
- **Status:** On May 28, in Senate, read first time and sent to Committee on Rules for assignment. On June 9, referred to Committees on Environmental Quality, Governance and Finance, and Natural Resource. On June 17, hearing cancelled at request of author. Bill must pass two policy committees, the Senate Environmental Quality and Senate Governance & Finance Committees, by July 14.
- **SGVCOG Position:** Watch

AB 1200 (Ting) – Plant-based food packaging

- **Summary:** Would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS. Would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define “food packaging,” in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.
- **Status:** On May 12, referred to Committees on Health and Environmental Quality. On June 14, amended and re-referred to Committee on Health.
- **SGVCOG Position:** Watch

AB 1428 (Quirk) – Safe Drinking Water Act: Applicability

- **Summary:** Under existing law, a water district existence prior to May 18, 1994, that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified

conditions, including the system certifying that it is providing alternative water for residential or similar uses for drinking water and cooking to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations. This bill would remove the provision authorizing those water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.

- **Status:** On May 28, in Senate, read first time and sent Committee on Rules for assignment. On June 9, referred to Committee on Environmental Quality. On June 14, passed and re-referred to Committee on Appropriations with recommendation: To Consent Calendar. On June 21, ordered to second reading file and ordered to Consent Calendar.
- **SGVCOG Position:** Watch

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Rep. Napolitano Funding Request for Whittier Narrows Dam Letter

Congress of the United States

Washington, DC 20515

June 4, 2021

The Honorable Marcy Kaptur
 Chairwoman
 House Appropriations Subcommittee on
 Energy and Water Development
 2186 Rayburn HOB
 Washington, D.C. 20515

The Honorable Michael K. Simpson
 Ranking Member
 House Appropriations Subcommittee
 on Energy and Water Development
 2084 Rayburn HOB
 Washington, D.C. 20515

Dear Chairwoman Kaptur and Ranking Member Simpson:


We write to respectfully request that the Subcommittee provide the Administration's budget proposal of \$219,591,000 for Whittier Narrows, CA (Dam Safety) in the U.S. Army Corps of Engineers, Construction Account. We thank the Subcommittee for appropriating the initial funding for this project in FY21. The Administration's request in FY22 will complete this important dam safety project.

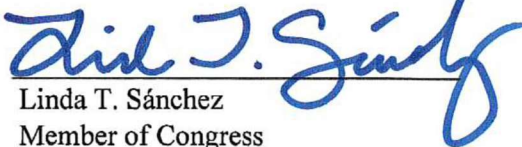
Whittier Narrows Dam, CA, has been recognized as one of the most critical dam safety projects in the nation. The Dam was downgraded five years ago to Dam Safety Action Classification-1 (DSAC-1) due to recently identified flood risk concerns and the large population of downstream residents. The human and economic impact of possible dam failure due to potential seepage and hydrologic issues is unacceptable. The FY21 appropriations are being used this year for utility relocation, environmental commitments, and the start of dam safety construction.

This funding request for FY22 will complete construction with critical repairs to provide much needed flood protection to protect human life, economic prosperity, and our natural resources. This will also allow local water agencies and cities to continue to successfully use the dam for water supply, recreation, and other important uses in our community.

We thank you again for your commitment to this project in FY21. We ask that the Subcommittee support the President's request to fully fund the dam safety project at Whittier Narrows, CA. Thank you for your consideration of our request.

Sincerely,


 Grace F. Napolitano
 Member of Congress


 Linda T. Sánchez
 Member of Congress

Lucille Roybal-Allard
 Member of Congress

Judy Chu
 Member of Congress

Alan S. Lowenthal
 Member of Congress

Nanette Diaz Barragán
 Member of Congress