



San Gabriel Valley Council of Governments

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

Tuesday, March 8, 2022, 10:00 AM

Zoom Link: <https://us06web.zoom.us/j/89388464599>

Livestream Link: https://youtu.be/Ga7uiN6kL_0

Water Policy Chair
Gloria Crudginton
City of Monrovia
Vice-Chair
Jennifer Stark
City of Claremont

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
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.sgvkog.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 EMERGENCY RESULTING FROM THE THREAT OF COVID-19:

AB 361 (Rivas), signed by California Governor Gavin Newsom on September 16, 2021, authorizes local agencies 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 emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new provisions in AB 361 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 TAC meeting scheduled for March 8, 2022 will not be allowed. To allow for public participation, the Water Policy 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://us06web.zoom.us/j/89388464599>. You may also access the meeting via the livestream link on the front of the agenda page.

Instructions for Public Comments: For those wishing to make public comments on agenda and non-agenda items, but within the SGVCOG's subject matter jurisdiction, you may submit written comments via email or provide a verbal comment by participating through Zoom.

- Written Comments (Email): If you wish to submit written public comments to be distributed to the committee members prior to or during the meeting, please submit these materials via email to Brienne Logasa at blogasa@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 read into the record and will be part of the recorded meeting minutes. Written public comments may include, but are not limited to letters, reports, and presentations. While there is no page or word count limit for written comments, the time for reading written public comments into the record will be limited to three minutes, which is the same time allotted for verbal comments.
- Verbal Comments (Zoom): Through Zoom, you may provide a verbal comment 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 reasonable accommodation to participate in this meeting should contact Brienne Logasa at least 48 hours prior to the meeting at (626) 457-1800 or at blogasa@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 Policy Committee/TAC Meeting Minutes – 2/8/2022 **(Page 5)**
Recommended Action: Approve
6. Adoption of Resolution 22-03-WC Enabling the Water Policy Committee and Water Technical Advisory Committee (TAC) to Continue Holding Meetings via Teleconferencing **(Page 8)**
Recommended Action: Adopt Resolution 22-03-WC making specified findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in person thereby necessitating an ability to continue holding meetings via teleconferencing.

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

7. Upper LA River and Rio Hondo Scientific Studies Updates – Brianna Datti, Craftwater Engineering, and Dawn Petschauer, Los Angeles City Sanitation & Environment **(Page 10)**
8. Sanitary Sewer System Waste Discharge Requirements Reissuance Process Updates –Sharon Green, LA County Sanitation Districts **(Page 12)**

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

9. PreSIP Scientific Study Application for Upper San Gabriel River WASC - Brianna Datti, Craftwater Engineering **(Page 14)**
10. Proposed 2022 Clean Water Act Financial Capability Assessment Guidance **(Page 16)**

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

11. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit Implementation
12. Safe Clean Water Program **(Page 18)**
13. Federal and State Budgets and Legislative Updates **(Page 20)**
14. Federal and State Water Funding Opportunities **(Page 23)**
15. Water Supply Update
16. Water TAC Chair Report
17. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



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

Date: February 8, 2022
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: G. Crudginton called the meeting to order at 10:01 A.M.
2. Roll Call

Water Policy Committee Members Present

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

Water Policy Committee Members Absent

San Gabriel
USGVMWD

Water TAC Members Present

D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Gallant; Covina
A. Tachiki; Monrovia
J. Carver; Pomona
T. Gerber; South Pasadena
T. Love; USGVMWD
R. Wang/C. Lee; LA County Public Works

Water TAC Members Absent

Sierra Madre
SGVMWD

Ex Officio Members Present

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

Ex Officio Members Absent

Guests

S. Armenta; Office of Senator Rubio
C. Griffin; Office of Assemblymember Rubio
B. Pence; Office of Congresswoman Napolitano
R. Tahir; Member of the Public
D. Ready; Council for Watershed Health
A. Sanchez; Member of the Public
J. Millett; Richard Watson & Associates
M. Litchfield; TVMWD
C. Goytia; TVMWD
S. Lee; TVMWD

SGVCOG Staff

- C. Sims
- B. Logasa
- P. Hubler
- T. Egan
- A. Fung

3. Public Comment

- R. Tahir provided feedback on Upper Los Angeles River Watershed Management Group (ULAR WMG) Load Reduction Strategy and their stormwater management decisions. R. Tahir’s full written public comment can be found by [clicking here](#).

4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

- 5.** Water Policy Committee/TAC Meeting Minutes – 1/11/2022
- 6.** Adoption of Resolution 22-02-WC Enabling the Water Policy Committee and Water Technical Advisory Committee (TAC) to Continue Holding Meetings via Teleconferencing

There was a motion to approve the Consent Calendar items.
(M/S: J. Stark/D. Mahmud)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; San Gabriel; South Pasadena TAC – Alhambra; Covina; Glendora; Monrovia; Pomona; South Pasadena; USGVMWD; LA County Public Works
NOES:	
ABSTAIN:	
NO VOTE GIVEN:	Committee – Rosemead TAC – Bradbury
ABSENT:	Committee – USGVMWD TAC – Sierra Madre; SGVMWD

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

- 7.** State Water Resources Control Board Emergency Water Conservation Mandates
B. Logasa, Management Analyst provided a presentation on this item. In early January 2022, the State Water Resource Control Board approved emergency water conservation mandates in place for cities, individual property owners, and residents restricting the water activities they can conduct. These statewide rules are put forth in an effort to prevent wasteful water use and promote water conservation. There was a discussion on local and regional efforts to educate the public and promote water conservation.

UPDATE ITEMS

- 8.** Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
There were no updates on this item.
- 9.** Safe Clean Water Program
B. Logasa, SGVCOG Management Analyst, provided an update on the Safe Clean Water Program.
- 10.** Federal and State Budget and Legislative Updates
B. Logasa, SGVCOG Management Analyst, provided information on several pieces of legislation, including SB 5 (Portantino, Allen, Hurtado, and Stern), SB 230 (Portantino), SB 426 (Rubio), and AB 377 (Rivas).
- 11.** Federal and State Water Funding Opportunities
B. Logasa, SGVCOG Management Analyst, provided information on this item. SGVCOG staff has been working on a database of state and federal grants and technical assistance programs for projects related to water.
- 12.** Water Supply Update
T. Love, General Manager at USGVMWD and K. Gardner of Watermaster, provided an update on this item.
- 13.** Water TAC Chair Report
There were no updates on this item.
- 14.** Water Boards Update
B. Logasa, SGVCOG Management Analyst, provided an update on two recent appointments to the Los Angeles Regional Water Quality Control Board.

CHAIR'S REPORT

G. Crudgington had no report.

ANNOUNCEMENTS

B. Logasa, SGVCOG Management Analyst, welcomed two new representatives from Three Valley Municipal Water District - Director Carlos Goytia and Sylvie Lee –to the Water Policy Committee and Water TAC.

ADJOURN

G. Crudgington adjourned the meeting at 11:26 A.M.

DATE: March 8, 2021

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **ADOPT RESOLUTION 22-03-WC MAKING SPECIFIED FINDINGS TO ENABLE THE WATER POLICY COMMITTEE AND TAC TO CONTINUE TO HOLD MEETINGS VIA TELECONFERENCING**

RECOMMENDED ACTION

Adopt Resolution 22-03-WC making certain findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in person thereby necessitating an ability to continue holding meetings via teleconferencing.

BACKGROUND

Introduced by Assemblymember Robert Rivas (D-Hollister) on February 1, 2021, AB 361 codifies portions of Governor Gavin Newsom's existing Ralph M. Brown Act exemptions pertaining to teleconferencing if a local agency issues an emergency finding, and reissues it every 30 days, that it is unsafe to meet in person. Specifically, the Brown Act exemptions include requirements to provide a public teleconference location, to maintain a member quorum within the agency's jurisdiction and to provide for public comment at each teleconference location, such as a private residence. The legislation expires in December 2024. On September 16, 2021, California Governor Gavin Newsom signed AB 361 into law, effective immediately.

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

1. The local agency holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. The local holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The local agency holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.


On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19 and shortly thereafter issued Executive Order N-29-20 suspending certain Brown Act provisions relating to teleconferencing as public meetings began to be held online.¹ However, this Executive Order expired on September 30, 2021, despite the State of Emergency remaining in place.


The threat that COVID-19 has presented continues to directly impact the ability of the SGVCOG to conduct Governing Board/committee meetings safely in person. Updated guidelines issued by

REPORT

the Centers for Disease Control and Los Angeles Department of Public Health in July and August 2021 advise governmental entities to refrain from conducting indoor meetings and consider moving operations outdoors, where feasible, to prevent transmission. SGVCOG staff finds it has been unable to find a suitable outdoor space with the requisite audio/visual capabilities at which the monthly Committee meetings can be held safely. Similarly, an indoor space with sufficient capacity to accommodate safe social distance practices among members, staff, and the public could not be identified

In order to continue to conduct meetings in a safe manner and to prevent unnecessary COVID-19 exposure to members, staff and the public, staff is recommending that Water Policy Committee and TAC adopt Resolution 22-03-WC making certain findings in order to be able to continue teleconferencing for its meetings.

Prepared by:  _____

Approved by:  _____
Marisa Creter
Executive Director

ATTACHMENTS

[Attachment A – Resolution 22-03-WC](#)

DATE: March 8, 2022

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **UPPER LA RIVER AND RIO HONDO SCIENTIFIC STUDY UPDATES**

BACKGROUND

The Safe Clean Water Program (SCWP) is a parcel tax measure (Measure W) passed by voters in 2018. It produces approximately \$285 million annually for stormwater projects. Forty percent of annually collected revenues are distributed directly to local governments to implement stormwater projects, and fifty percent are distributed through a regional program, which are allocated to each watershed. Cities, schools, regional agencies, and other organizations can submit applications for the regional funding. Each year, a committee of stakeholders from each region – made up of city staff, elected officials, non-government organization representatives, and other stakeholders – deliberates and determines what projects to fund.

Since 2018, the SGVCOG has served as the fiscal administrator for the Upper Los Angeles Watershed Management Group (ULAR WMG). The SGVCOG administratively manages the contracts – including procurement, contract execution, invoicing, and reconciliation – on behalf of the ULAR WMG, which manages its member cities’ MS4 Permit Annual Report and general monitoring services. As the fiscal administrator for the ULAR WMG, the SGVCOG has also applied for funding from the SCWP on behalf of the ULAR WMG. In the 2020-2021 fiscal year, the SGVCOG was awarded scientific study funding by the ULAR Watershed Area Steering Committee (WASC) and the Rio Hondo WASC through the Safe Clean Water Program to conduct two scientific studies for the Upper LA River Watershed Area Steering Committee (ULAR WASC) and the Rio Hondo Watershed Area Steering Committee (RH WASC):

- Pre-Stormwater Investment Plan (preSIP)
- Load Reduction Strategy (LRS) to Address the Los Angeles River Bacteria Total Maximum Daily Load (TMDL)

More detail on each of the studies is found below:

PreSIP

A preSIP is a precursor to the SIP—or Stormwater Investment Plan—which is a 5-year plan to allocate Regional Program funds for specific watershed programs and projects. The preSIP supports the WASCs by providing a platform to reconcile overlapping objectives and disparate project proposals into a cohesive, collaborative, and cost-effective plan. This scientific study builds the preSIP technical platform to (1) identify high-impact, multi-benefit projects throughout the Watershed Areas, (2) orient the projects into an actionable compliance pathway using the best watershed science, and (3) assess the watershed-scale co-benefits of candidate projects to design a defensible, adaptable SIP for the Rio Hondo and Upper Los Angeles River Watershed Areas.


LRS Adaptation to Address the LA River Bacteria TMDL

The ULAR WMG sought to improve the implementation of the Load Reduction Strategy (LRS) by creating the LRS Adaptation Plan to address the current recreational water quality and meet Los Angeles River Bacteria TMDL (Bacteria TMDL) requirements. This Plan will provide an effective foundation to address pathogen health risk and will help streamline efforts across agencies and other stakeholders. This Plan will help identify the most effective pathway towards improved public health and attainment of bacteria-related water quality objectives through an adaptive management process that incorporates significant advances in the state of the science. This scientific study will utilize a data-driven approach to identify efficient and effective implementation actions watershed-wide. A well-designed Plan is expected to inform the most effective bacteria-related implementation efforts not only in the ULAR but also across the region.

In the 2021-2022 fiscal year, the SGVCOG was awarded scientific study funding by the ULAR WASC to conduct a Fire Effects Study. This study will evaluate post-fire runoff and create BMP models to support water quality objectives and help meet impending TMDL deadlines. This study is in the very early stages, and will not be a part of the discussion at this Water Policy Committee/TAC meeting.

DISCUSSION

At this Water Policy Committee/TAC meeting, Brianna Datti from Craftwater Engineering and Dawn Petschauer from Los Angeles City Sanitation & Environment will provide information on the benefits, challenges, and status updates on these ongoing scientific studies.

Prepared by: 

Brianna Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

DATE: March 8, 2022

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **SANITARY SEWER SYSTEM WASTE DISCHARGE REQUIREMENTS REISSUANCE PROCESS UPDATES**

RECOMMENDED ACTION

For information only.

BACKGROUND

In 2006, the State Water Resources Control Board (State Water Board) adopted the first statewide Sanitary Sewer System General Waste Discharge Requirements (SSS WDR) for statewide regulation of sanitary sewers. This general permit applies to all public agencies that own and/or operate a sanitary sewer system with pipelines totaling more than one mile in length and requires public agencies to report spills, develop a Sewer System Management Plan, and conduct internal audits. The Regional Water Quality Control Boards (Regional Water Boards) enforce the General Order and conduct informal and formal enforcement in response to spills.

In February 2021, the State Water Board issued an informal staff draft of the Statewide Sanitary Sewer System General Order reissuance, which can be found at the link [here](#). Andre Schmidt, Manager, Wastewater Collection System, Los Angeles County Sanitation Districts, presented on the draft reissuance to the Water Policy Committee/TAC in April 2021.

In January 2022, the official Tentative SSS WDR was released for public comments, which are due April 8, 2022.

The reissuance aims to accomplish the following:


- Clarify existing prohibition of untreated waste discharge to waters of the State;
- Update the existing statewide General Order with implementation of State Water Board regulations and resolutions adopted since the 2006 adoption of the existing Order;
- Provide increased public transparency of sewer spill data, Sewer System Management Plans, and sewer system performance;
- Enhance Regional Water Board enforcement for General Order enrollees failing to proactively reduce sewage spills;
- Address sewer system resiliency through proactive planning to
 - Identify system-specific impacts due to climate change, infrastructure age, population growth and other impacts, and
 - Prevent future spills;
- Increase coordination with other utility agencies in the sewer service area;
- Update monitoring and reporting requirements to address cost of compliance and data quality assurance;

REPORT

- Incentivize system owner employment of certified collection system operators; and
- Expand Order coverage to allow discretionary regulation of privately owned systems, allowing a Regional Water Board to require a privately owned system to obtain coverage under the Order.

The State Water Board held two public workshops on February 23 and 24, 2022 to gather feedback on the Tentative SSS WDR. Public comment on the Tentative SSS WDR is due April 8, 2022.

Sharon Green, Los Angeles County Sanitation Districts will present on the reissuance of the Statewide Sanitary Sewer Systems Order.

Prepared by: 
Brianne Logasa
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – [Official Tentative SSS WDR Text](#)

DATE: March 8, 2022

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **PRE-SIP SCIENTIFIC STUDY APPLICATION FOR UPPER SAN GABRIEL RIVER WASC**

BACKGROUND

The Safe Clean Water Program (SCWP) is a parcel tax measure (Measure W) passed by voters in 2018. It produces approximately \$285 million annually for stormwater projects. Forty percent of annually collected revenues are distributed directly to local governments to implement stormwater projects, and fifty percent are distributed through a regional program, which are allocated to each watershed.

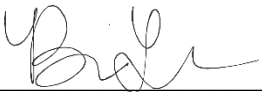
Cities, schools, regional agencies, and other organizations can submit applications for the regional funding. Each year, a committee of stakeholders from each region – made up of city staff, elected officials, non-government organization representatives, and other stakeholders – deliberates and determines what projects to fund. Since 2018, the SGVCOG has served as the fiscal administrator for the Upper Los Angeles Watershed Management Group (ULAR WMG). The SGVCOG administratively manages the contracts – including procurement, contract execution, invoicing, and reconciliation – on behalf of the ULAR WMG, which manages its member cities’ MS4 Permit Annual Report and general monitoring services. As the fiscal administrator for the ULAR WMG, the SGVCOG has also applied for funding from the SCWP on behalf of the ULAR WMG. In the 2020-2021 fiscal year, the SGVCOG was awarded funding from the Safe Clean Water Program to conduct scientific studies for the Upper LA River Watershed Area Steering Committee (ULAR WASC) and the Rio Hondo Watershed Area Steering Committee (RH WASC). These scientific studies are PreSIP—the precursor to the Stormwater Investment Plan each WASC must develop—and the LRS Adaptation to Address the LA River Bacteria TMDL.

DISCUSSION

Several cities in the San Gabriel River Watershed have expressed interest in completing a similar preSIP for the San Gabriel River Watershed and have approached the SGVCOG with interest in submitting a similar application to the SCWP, in partnership with Craftwater Engineering. This application would be submitted to the SCWP for funding in Fiscal Year 2023-24 to complete a PreStormwater Investment Plan (preSIP) scientific study for the Upper San Gabriel River Watershed Area. A preSIP is a precursor to the SIP—or Stormwater Investment Plan—which is a 5-year plan to allocate Regional Program funds for specific watershed programs and projects. The preSIP would support the Upper San Gabriel River cities by providing a platform to reconcile overlapping objectives and disparate project proposals into a cohesive, collaborative, and cost-effective plan. This scientific study would build the preSIP technical platform to (1) identify high-impact, multi-benefit projects throughout the Watershed Areas, (2) orient the projects into an

actionable compliance pathway using the best watershed science, and (3) assess the watershed-scale cobenefits of candidate projects to design a defensible, adaptable SIP for the San Gabriel River Watershed Area.

At this Water Policy Committee/TAC meeting, Brianna Datti from Craftwater Engineering will provide an overview of the proposed project.

Prepared by: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

DATE: March 8, 2022

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **PROPOSED 2022 CLEAN WATER ACT FINANCIAL CAPABILITY ASSESSMENT GUIDANCE**

BACKGROUND

The U.S. Environmental Protection Agency (EPA) adopted Financial Capability Assessment guidelines in 1997 (with an updated Framework in 2014) intended to assess community water quality compliance costs and the burden on individual households and permittee agencies to determine cost-effective compliance pathways so CWA standards can be met. Federal FCA guidelines established a process to assist regulators and permittees in prioritizing water quality improvements and schedules for compliance while taking communities' financial capabilities into careful consideration. Although the federal FCA process has long been in place, California is not subject to federal FCA guidelines due to the state Porter-Cologne Water Quality Control Act (1969) which delegates such authority to the California State Water Resources Control Board (State Board).


In previous years, Assemblymember Blanca Rubio and Senator Rubio have introduced legislation that would require the State Board to establish financial capability assessment (FCA) guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. The bills would have required the state board and the regional boards to continue using available regulatory tools and other approaches to foster collaboration with permittees to implement permit requirements in light of the costs of implementation. These bill were vetoed twice, once by Governor Brown and once by Governor Newsom. Most recently, in February 2021, Senator Rubio introduced similar legislation – SB 426, Municipal separate storm sewer systems: financial capability analysis – which would require the State Board, by July 1, 2022, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. SGVCOG Governing Board sponsored and supported this bill (Attachment A). However, the bill died on file on February 1, 2022.

DISCUSSION


On February 22, 2022, the EPA released Proposed 2022 Clean Water Act Financial Capability Assessment Guidance. This updated FCA guidance is used to aid in assessing a community's financial capability as a part of negotiating implementation schedules under both permits and enforcement agreements. It is intended to standardize what EPA plans to consider when determining a community's financial capability to implement control measures needed to meet CWA obligations. The Proposed 2022 FCA includes two major differences from the 1997 Guidance: 1) it uses the existing 1997 FCA methodology with expanded consideration of lowest quintile income and poverty in the service area; and 2) It develops a dynamic financial and rate model that looks at the impacts of rate increases over time on utility customers. The comment period for these proposed FCA updates is 60 days from its release date.

REPORT

SGVCOG’s Water Policy Committee, Water TAC, and Governing Board overall have expressed support in Financial Capability Assessment Guidance at the state level, and as it currently stands, the 2022 Proposed FCA Guidance will not apply to California. At this Water Policy Committee/TAC meeting, Brianne Logasa, SGVCOG Management Analyst, will provide a summary of the 2022 Proposed FCA Guidance and discuss a potential comment submission.

Prepared by: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – [SB 426 \(Rubio\) Support Letter](#)

Attachment B – [Proposed 2022 Clean Water Act Financial Capability Assessment Guidance](#)

DATE: March 8, 2022
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. Their next meeting is scheduled for Monday, March 14, 2022 from 3:00pm-5:00pm.

Upper Los Angeles River (ULAR) WASC

- Did not meet. Their next meeting is scheduled for Wednesday, March 2, 2022 from 2:00pm-4:00pm.

Upper San Gabriel River (USGR) WASC

- Did not meet. Their next meeting is scheduled for Thursday, March 24, 2022 from 1:00pm-3:00pm.


Rio Hondo WASC

- Met on Tuesday, February 15, 2022 and discussed the Rio Hondo (RH) Project Prioritization and Selection Discussion for populating the Fiscal Year 2022- 23 Stormwater Investment Plan. The WASC also discussed the Vincent Lugo Stormwater Capture Project. Their next meeting is scheduled for Tuesday, March 15, 2022 from 1:00pm-3:00pm.

UPCOMING MEETINGS

- Regional Oversight Committee – TBD
- Scoring Committee – Monday, March 1, 2022, 9:00am – 12:00pm
- Upper Los Angeles River WASC – Wednesday, March 2, 2022, 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: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

[Attachment A – Approved 21-22 SIPs projects by WASC](#)
[Attachment B – Unapproved 21-22 SIPs projects by WASC](#)

DATE: March 8, 2022

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

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

RECOMMENDED ACTION

For information only.

BUDGET UPDATES

2022-23 State Budget

The Governor has proposed as part of the 2022-23 draft January budget an additional \$750 million one-time General Fund commitment for a variety of activities to respond to current drought conditions and build the state's resilience for future dry years. This amount includes:

- \$180 million for water conservation programs
- \$250 million to set aside as unspecified "contingency" funding for the Administration to propose specific allocations for future drought responses later in the budget process
- \$145 million to address communities experiencing water supply shortages
- \$175 million for various other drought-related activities.

These funds are in addition to the \$880 million General Fund support for proposed water and drought-related activities in 2022-23 consistent with the 2021-22 budget agreement that included a total of \$4.6 billion across three years.

Biden Infrastructure Bill

The infrastructure bill is the single-largest investment in U.S. water infrastructure in the nation's history. While the overall infrastructure bill provides a total of \$7,420,806,000 to infrastructure projects (\$609,441,000 to California), it will invest more than \$50 billion specifically for water infrastructure programs.

- \$20+ billion for safe drinking water.
- \$15 billion in dedicated funding to replace lead pipes.
- \$12+ billion to ensure clean water for communities.
- \$1.8 billion to protect regional waters.
- \$135 million for additional water improvements.

2022 Appropriations Act – Whittier Narrows Dam Funding

Staff is coordinating with Congresswoman Napolitano's staff for updates regarding her request for \$219 million for the Whittier Narrows Dam Safety project. The funding needed to finish the project is in both the House and Senate Energy and Water Appropriations bills. Congresswoman Napolitano's staff are now waiting on these bills to be conferenced, passed again by Congress and signed by the President. They intend for this to take place in March.

LEGISLATIVE UPDATES

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:** As previously reported, S. 914 reauthorizes and creates programs to support drinking water and wastewater infrastructure projects, including the Drinking Water State Revolving Loan Funds, the Clean Water State Revolving Loan Funds, the Water Infrastructure Finance and Innovation Act program, the EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program and the Alternative Source Water Pilot Program. New programs include the Stormwater Infrastructure Technology Program and PFAS treatment grants.
- **Status:** Passed in the U.S. Senate on April 29 but not yet acted upon in 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. The Department of Finance on June 30, filed on behalf of the Administration an “oppose” letter because SB 37 could increase costs to clean-up contaminated sites in California.
- **Status:** Passed the Senate on June 1, 39-0; Assembly Environmental Safety & Toxic Materials Committee on June 16, 6-3; Assembly Natural Resources Committee on July 5, 7-1; and, Assembly Appropriations Committee on August 26, 12-4. At the request of the author, SB 37 was moved to the Assembly Inactive File.
- **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 \$5.5 billion in general obligation bonds, subject to voter approval on the November 2022 ballot, to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.
- **Status:** Passed the Senate on January 24, 2022 and ordered to the Assembly.
- **SGVCOG Position:** Watch

SB 230 (Portantino) – Constituents of Emerging Concern Program


- **Summary:** Would require the State Water Board to establish, maintain, and direct a new program to assess and recommend further study on constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The state board would convene the Science Advisory Panel to review and provide recommendations on CEC for further action, among other duties. The state board would be required 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:** Passed the Senate Environmental Quality Committee on March 15, 2021, 7-0, and at the request of the Senate Appropriations Committee. SB passed the Senate Floor on January 26, 2022 and was read for the first time in the Assembly.
- **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:** Passed the Assembly on May 27, 56-19. The Senate rescinded referral to the Natural Resources Committee due to the COVID-19 limitations as to the number of bills an author can move during the 2021 Session. Assemblywoman Garcia planned to make the determination to move the bill during the 2022 Session; however, no decision has been made yet.
- **SGVCOG Position:** Watch

Prepared by: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

DATE: March 8, 2022
TO: Water Policy Committee & TAC
FROM: Marisa Creter, Executive Director
RE: **FEDERAL AND STATE WATER FUNDING UPDATES**


BACKGROUND

At the federal and state level, there is an influx of funding opportunities related to water and the environment. President Biden’s Infrastructure Bill is the single-largest investment in U.S. water infrastructure in the nation’s history, which will invest more than \$50 billion for water infrastructure programs alone. At the state level, Governor Newsom has committed \$5.2 billion over three years to manage the ongoing drought, as well as other funding streams that may support stormwater and other water resiliency projects.


DISCUSSION

SGVCOG staff is monitoring various funding opportunities that municipalities in the San Gabriel Valley may be eligible for and/or interested in pursuing. Attachment A links to a spreadsheet of known grants and other funding opportunities related to water. This form includes the funding category and title, description, amount of funding available, and application information.

This information will be updated monthly.

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Approved by: 

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ATTACHMENTS

[Attachment A – Water Funding Opportunities Tracker](#)