



LOS CERRITOS CHANNEL  
WATERSHED GROUP



12 October 2015

VIA EMAIL

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Subject: Comment Letter – Storm Water Resources Plan and Proposition 1 Funding Guidelines**

Dear Ms. Townsend and Members of the Board:

I am writing on behalf of the Cities in the Los Cerritos Channel (LCC) Watershed Group. The LCC Watershed is a 17,711-acre urbanized watershed situated between the Los Angeles River Watershed and the San Gabriel River Watershed in southeastern Los Angeles County. The Watershed Group consists of seven cities -- Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill. The Cities in the Watershed have been working together since late 2008 to address water quality issues, and formalized their partnership through MOUs in 2010 and 2012.

Thank you for the opportunity to comment on the Draft Storm Water Resource Plan Guidelines and the Draft Proposition 1 Storm Water Grant Program Funding Guidelines. Our comments benefitted from the information provided by State Water Board staff at the September 30<sup>th</sup> outreach meeting in Fountain Valley and the dialogue with the attendees. Based on the staff presentation, our understanding of the two sets of Guidelines, and discussions at the outreach meeting, we respectfully submit the following comments:

Storm Water Resource Plan Guidelines

*Bellflower*

*Cerritos*

*Downey*

*Lakewood*

*Long Beach*

*Paramou*

- The Watershed Group believes that the proposed threshold of capturing the volume of runoff from the 85<sup>th</sup> percentile, 24-hour storm must be carefully re-evaluated in light of the limited opportunities within most urban watersheds to capture the volume of runoff from an 85<sup>th</sup> percentile, 24-hour storm when diverting water from storm drains or channels. Addressing the runoff from an 85<sup>th</sup> percentile, 24-hour storm when diverting water from a storm drain or channel is totally different than addressing the runoff from a 85<sup>th</sup> percentile storm from a single site. It is only in the upper reaches of subwatersheds where the tributary areas to a diversion structure would be small enough for the volume of runoff from an 85<sup>th</sup> percentile, 24-hour storm to be small enough to be captured. In most watersheds, many water capture facilities will be necessary to capture the volume of runoff from an 85<sup>th</sup> percentile, 24-hour storm. For instance, the Los Cerritos Channel Watershed Management Program (WMP) estimates that if the watershed were totally dependent on regional and sub-regional water capture to achieve compliance with a metals TMDL and the MS4 Permits, 74 water capture facilities with an average storage capacity of eight acre-feet each would need to be constructed at scattered locations throughout the watershed. Hence, the Watershed Group is also giving great emphasis to true source control, runoff reduction, and the implementation of green infrastructure in public rights-of-way.

During the State Water Board's October 7 workshop on the Guidelines, the description of the proposed threshold for water capture and use projects to capture the runoff from the 85<sup>th</sup> percentile, 24-hour storm appeared to be a rigid requirement for all water capture projects and in conflict with the description of how the 85<sup>th</sup> percentile, 24-hour storm would be treated on page 23 of the August 26, 2015 Draft Storm Water Resource Plan Guidelines. The draft Guidelines are more flexible and nuanced than the description given to the Board during the October 7, 2015.

The language on page 23 of the Guidelines concerning "Storm Water Capture and Use Project Analysis" appears to be generally workable. Furthermore, the language is consistent with State Water Board Order WQ 2015-0075, which amended Attachment F of the Los Angeles MS4 Permit to state that "The Order contains provisions to encourage, whenever feasible, retention of storm water from the 85<sup>th</sup> percentile, 24-hour storm event." The key phrase is "whenever feasible." Both the State Water Board and the Los Angeles Regional Water Board recognize that it is not feasible everywhere in a watershed to retain the storm water from the 85<sup>th</sup> percentile, 24-hour storm event. The Storm Water Resources Plan Guidelines should also recognize this reality and not contain a rigid threshold that would require every water capture project to be funded through Proposition 1 or future grant programs to capture the runoff from an 85<sup>th</sup> percentile, 24-hour storm no matter the size of its tributary area.

- The Watershed Group recommends that Section VI.D (Identification and Prioritization of Multiple Benefit Projects), especially Section VI.D.1 (Guidance for Prioritizing Storm Water and Dry Weather Runoff Capture Projects Within a Watershed), be modified to recognize that projects may be prioritized in different ways. For instance, the Los Cerritos Channel Watershed Management Program prioritizes projects by specifying dates for

design and implementation of water capture projects under public property downstream from sub-watersheds shown in the RAA to be substantial sources of dry-weather and stormwater discharges, as well as other projects designed to reduce the loads of targeted pollutants.

- The Group requests that Section VI.A and the Watershed Identification section of the Storm Water Resource Plan Recommendations checklist (page A-3) be modified to also recognize watershed boundaries defined in TMDLs and Regional Water Board-approved Watershed Management Program plans.
- The Group also requests that the word “all” be removed from Section VI.B.ii and the “Organization, Coordination, Collaboration” section of the Storm Water Resource Plan Recommendations checklist. It is not realistic to expect a Watershed Group to identify and coordinate with all agencies and organizations that may think they need to participate in planning and implementation programs.
- The Watershed Group recommends that the definition of “Multi-Benefit/Multiple Benefit Projects” be revised to include “improved water quality,” “increased water supply,” and “reduced flood flows” as specified benefits equal to those currently listed. These benefits are currently only listed as sub-benefits under the “maximizes” benefit, and a project that addressed all three might only be given credit for providing one benefit.
- The Watershed Group believes that the definitions of storm water and dry weather runoff capture must be revised to add the phrase “or reducing the volume of water continuing downstream.” This change is necessary to address the diversion and capture of discharges from storm drains and channels.
- The Group requests that caveat Number 5 on page 17 of the Draft Guidelines be deleted. Many of the Watershed Groups have been organized to address water quality issues in a particular waterway or portion of a waterway. Some have been organized to address watersheds defined in TMDLs adopted by Regional Water Quality Control Boards or established by USEPA. Furthermore, some IRWM groups are at least partially defined by political boundaries and some, like the Greater Los Angeles IRWM group, are very large and/or highly populated.
- To expedite an application’s eligibility for the upcoming round for Proposition 1 Storm Water Grant funding, the LCC Watershed Group supports:
  - The creation of a minimum criteria checklist. Specifically, the suggestion presented at the September 30<sup>th</sup> outreach meeting was for the SWRCB to create a checklist to be signed by applicants certifying that all legislative and SWRCB requirements had been met in the Storm Water Resource Plans;

- The submittal of WMPs or EWMPs to DWR-accepted IRWM groups for future inclusion as the required official step in order to meet the SB 985 and Proposition 1 Stormwater Grant Program requirements;
- Clarification that Watershed Management Programs approved by the Los Angeles Regional Water Board do not have to be amended to be deemed Storm Water Resource Plans consistent with the requirements of SB 985; rather, supplemental plans, reports, and/or technical memos will be allowed to address critical differences in requirements of the WMPs and the Storm Water Management Plans. This will expedite submittal of WMPs and Enhanced WMPs to IRWM groups and allow future changes/additions to the Storm Water Resource Plans without affecting the WMPs;
- Strengthening of the footnote on page 12 of the Storm Water Resources Plan Guidelines to say that WMPs and EWMPs are deemed equivalent to Water Resource Plans as long as specified elements required by SB 985 that were not included in the WMPs are documented and explained.
- Clarification that the Reasonable Assurance Analyses (RAAs) included in WMPs are recognized as constituting metric-based analyses.
- Clarification that supplemental materials may be used to prioritize projects such as green streets that were shown generally in WMPs and RAAs, but not individually prioritized, and specify substitute projects that will be included in WMPs when they are amended through the formal adaptive management process.

#### Proposition 1 Storm Water Grant Program Guidelines

- The LCC Watershed Group suggests that the local match for implementation projects should allow costs incurred back to the date that Proposition 1 was approved by the voters (November 4, 2014). This is consistent with earlier grant programs and recognizes that Permittees have been working to prepare projects for grant funding.
- The LCC Watershed Group recommends that a portion of the Prop 1 grant funds be set aside to start a low interest stormwater revolving loan fund (longer terms and principal forgiveness for DAC projects) that would not have to meet EPA's requirement for a dedicated revenue stream for repayment.
- The Watershed Group recommends that the unused and re-appropriated Proposition 13, Proposition 40, and Proposition 50 grant funds be available for projects that discharge to beaches as well as to Areas of Special Biological Significance (ASBS). During the September 30<sup>th</sup> outreach meeting staff indicated that they had not been receiving many applications for Clean Beaches projects. However, there may still be beach projects that

require funding, and such projects should be eligible to be funded, at least under the upcoming round of funding.

- The Watershed Group strongly recommends that the specification of types of eligible projects in Section III.B.ii be modified to be consistent with Chapter 7, Section 79747(b) of AB 1471, which specifies that “Eligible projects may include, but shall not be limited to, green infrastructure, rainwater and stormwater capture projects, and stormwater treatment facilities.” Changing the list of eligible projects will give greater flexibility to Permittees faced with a range of water quality improvement requirements such as those in Los Angeles County. Furthermore, the State Water Board recently amended the Inland Surface Waters, Enclosed Bays and Estuary Plan and the Ocean Plan to add statewide TMDL-like trash requirements for which some jurisdictions may want to seek Proposition 1 grant funding. Given that most storm water quality programs do not have dedicated revenue streams, and that it is unlikely that the State Constitution will be amended any time soon to make it easier for municipalities to establish stormwater quality fees, at least a portion of the Prop 1 Storm Water Grant Program funds should be made available to assist municipalities to begin implementation of the Trash Amendments. Keeping trash out of waterbodies upstream of existing or planned water capture projects should reduce the costs of operating and maintaining these projects.

Thank you again for the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony G. Arevalo', with a long horizontal flourish extending to the right.

Anthony G. Arevalo  
Chair, Los Cerritos Channel Watershed Group