



**Heal the Bay**

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May 11, 2018

TO: Hon. Sheila Kuehl, Chair, Los Angeles County Board of Supervisors  
Hon. Janice Hahn, Chair Pro Tem, Los Angeles County Board of Supervisors  
Hon. Hilda L. Solis, Supervisor, First District, Los Angeles County  
Hon. Mark Ridley-Thomas, Supervisor, Second District, Los Angeles County  
Hon. Kathryn Barger, Supervisor, Fifth District, Los Angeles County  
Mark Pestrella, Director of Public Works, Los Angeles County

**RE: SAFE, CLEAN WATER PROGRAM DRAFT PROGRAM ELEMENTS**

Dear Los Angeles County Board of Supervisors:

Heal the Bay is a nonprofit organization with over 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy and clean. Stormwater runoff is a major water quality issue for our coastal waters and watersheds. Every year, approximately 80 billion gallons of stormwater flow through Los Angeles streets, storm drains and channelized rivers directly into the Pacific Ocean, taking with it oil, trash, fecal bacteria, and other contaminants<sup>1</sup>. These pollutants pose a serious health risk to anyone who visits the rivers, the streams or the ocean, and to any animal that lives in these habitats. The capture, remediation and reuse of this stormwater is essential to decrease our water waste and to protect public and environmental health.

On April 12, 2018, Los Angeles County staff released the Safe Clean Water Program (SCW) Draft Program Elements (County Proposal), which outlines a proposed funding measure for stormwater projects. Heal the Bay supports the County of Los Angeles' much-needed and long-overdue effort to implement a sustainable funding stream for building, operating and maintaining stormwater and urban runoff best management practices. We support the County Board of Supervisors' goal to develop a program that prioritizes "projects providing multiple benefits that increase water supply, improve water quality, and provide community enhancements such as greening of schools, parks and wetlands, and increased public access to rivers, lakes and streams".<sup>2</sup> We submit the following comments on the County Proposal.

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<sup>1</sup> Los Angeles County Department of Public Works. Water Resources: Water Supply, Local Water, and Stormwater Management. <https://dpw.lacounty.gov/landing/wr/stormwaterMgmt.cfm>

<sup>2</sup> Motion by Supervisors Kuehl and Solis, May 20 2017.  
<https://dpw.lacounty.gov/lacfd/scwp/docs/BoardMotion.pdf>



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## 1. Reduce water pollution.

The primary goal of the SCW should be to clean up stormwater and urban runoff. The County Proposal, in its project scoring criteria, must award maximum points for reducing pollutant loads to waterways.

### *Draft Regional Program Project Criteria A.1: Wet Weather Water Quality Benefits*

Section A.1 of the scoring criteria pertains to wet weather and awards a maximum of 40 points out of the total 100 points. As written, Section A.1.1 is a cost-effectiveness criterion and awards a maximum of 20 points for greatest volume treated per dollar, with no pollutant removal requirement. Section A.1.2 awards another 20 points maximum for percent pollutant reduction. This scoring places equal consideration on the bulk intake capacity of a BMP as is placed on the water quality benefits of the BMP, rather than emphasizing the water quality benefits.

This section must be revised to prioritize water quality benefit over volume treated. The scoring criteria should award points for cost effectiveness only if sufficient pollution reduction also occurs. One way to accomplish this is to switch the order of Section A.1.1 (Wet Weather Cost Effectiveness) and Section A.1.2 (Wet Weather Water Quality Benefit), award more points for Water Quality Benefit, and set a pollutant reduction threshold that must be met before any points are awarded for Water Quality Cost Effectiveness. For example, the Water Quality Benefit should be worth up to 30 points on its own. The Cost Effectiveness should be worth up to 10 points, and should only be awarded if a minimum threshold of 50% pollutant removal is attained.

### *Draft Regional Program Project Criteria A.2: Dry Weather Water Quality Benefits*

The dry weather water quality benefits are broken down into two subsections. They are Section A.2.1: 100% Dry Weather Flow Capture, and Section A.2.2: Tributary Size of the Dry Weather BMP. Each of these sections is worth a maximum of 20 points. Neither of these categories addresses pollutant reduction, which would potentially award up to 40 points, out of a total of 100 points, to a project that diverts 100% of dry weather flow from a large tributary (>200 acres) without remediating this diverted flow. Section A.2: Dry Weather Water Quality Benefits must be updated to ensure pollution reduction, and not simply pollution diversion.

### *Draft Municipal Program*

The municipal program should be flexible and allow cities to determine the best use of their CSW revenues within the County requirements of “providing multiple benefits that increase water supply, improve water quality, and provide community enhancements” as stated in the Supervisors’ 2017 motion. To ensure SCW funds are directed toward meeting these goals, Section VII.A. Municipal Program Responsibilities should include a requirement to adopt scoring criteria similar to the Regional Program scoring criteria. The Municipal Program scoring criteria must require quantification of water quality and water supply benefits, and must ensure that funded projects have O&M plans and confirmation monitoring requirements to ensure SCW goals are met.



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## **2. Prioritize nature-based solutions and distributed projects.**

The County Proposal determines the spending of taxpayer dollars for the purpose of cleaning up polluted runoff, augmenting local water supply, and providing multiple benefits through community investment. Those multiple benefits include reduced flooding, reduced temperatures, expanded wildlife habitat, increased recreation and open space, and many others. These benefits will improve public health and make Los Angeles County more resilient to the impacts of climate change such as extreme weather events and increasing temperatures.

To ensure SCW revenue funds projects that meet the goals of the Supervisors' 2017 motion, the County Proposal must prioritize nature-based solutions to mitigate pollution and capture runoff. Nature-based solutions are clearly defined in the County Proposal and must also be prioritized over other gray infrastructure for funding consideration in the SCW program. To accomplish this, the County Proposal should establish a Stormwater Management Hierarchy for the Regional Program to ensure funding of a stormwater program that prioritizes (in order):

- i. Nature-based projects at all scales (distributed, neighborhood and centralized) as defined in the County Proposal.
- ii. Green-gray hybrid projects that closely mimic natural processes at distributed and neighborhood scales, such as green streets, parks with underground cisterns, parcel retrofits, etc.
- iii. Centralized green-gray projects that maximize natural processes and community benefits such as providing habitat, recreational opportunities, etc.

## **3. Provide good governance, oversight and community engagement.**

The County Proposal includes a framework for proposing, reviewing and approving projects for funding with SCW revenue. These processes are critical to ensure proper expenditure and maximum benefit from these funds.

### *Regional Oversight Committee (ROC)*

This should be empaneled by the Board of Supervisors and should establish, track and report on stormwater management targets for each watershed area, as stated in the County Proposal. In addition to a member of each of the nine Watershed Area Steering Committees, the ROC must also include a watershed coordinator, seven (rather than five) sector specific members, and seven (rather than five) community stakeholder members. This will ensure a more balanced representation of expertise at various levels from agencies, municipal governments and NGO/CBO/academia/other communities.

### *Watershed Area Steering Committees (WASC)*

The WASC must include at least seven community stakeholder representatives, rather than four. This will ensure a more balanced representation of expertise at various levels from agencies, municipal governments and NGO/CBO/academia/other communities. The WACS should also include a



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representative of a municipal park agency as an additional sector-specific representative (for a total of seven rather than six sector-specific representatives).

#### *Technical Advisory Committee (TAC)*

The TAC must include members outside of County Public Works staff. Heal the Bay recommends including members with expertise in ecology, hydrology, geology, watershed coordination, construction management, and public health; members from environmental and social justice NGOs; and members from County Public Works staff.

#### *Municipal Program*

There should be requirements for community engagement in the expenditure of SCW funds under the Municipal Program. While cities should have discretion over spending within the requirements of the SCW program overall, they should be required to engage communities on stormwater and water supply issues, and to incorporate expertise from community members to determine and prioritize projects in their cities.

#### *Watershed Coordinators*

Watershed coordinators are critical for effective and efficient project selection and implementation. Heal the Bay recommends a program modeled after the state Department of Conservation Watershed Coordinator program. Coordinators are familiar with the social and environmental parameters and constituents of their watersheds. They are experienced in project implementation, they understand the funding, permitting, construction and O&M requirements of projects, and they can assist all stakeholders, including government agencies at different levels, to work together and streamline processes. Qualified, experienced, full-time watershed coordinators are critical to getting the right projects done in the right places. This role should be funded through the District portion of the SCW funds to carry out their essential work.

#### **4. Ensure equity.**

SCW project funding must be distributed in a manner that promotes equity for underserved communities while mitigating displacement. LA County will not successfully clean up rivers and coastal waters unless projects are placed in areas where they are most needed, including areas that have historically been underserved by clean water infrastructure. Disadvantaged communities must be prioritized for multi-benefit projects to capture, infiltrate, treat and use stormwater and urban runoff. Nature-based solutions that mitigate extreme weather variability, drought, flood risk and urban heat can have a large impact on public health and safety in disadvantaged communities. Therefore, Heal the Bay recommends a minimum of 41% of all SCW funds be spent on projects located in disadvantaged communities.

#### **5. Create green jobs**



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The public's investment in stormwater projects should be an investment in the creation of good, green jobs across the region. Los Angeles County has the opportunity to lead the nation with a stormwater plan that transitions to a green economy. Research suggests thousands of jobs could be created to construct and maintain multi-benefit projects. These jobs should be safe, family-sustaining jobs that treat our environmental stewards with dignity and respect.

Los Angeles County's construction career policies that encourage local and disadvantaged worker hiring should apply to projects funded in this program. To ensure projects operate at maximum efficiency, we recommend establishing a specialized public sector maintenance team, adequate maintenance funding, and a pipeline into those maintenance careers.

### Conclusion

Heal the Bay is committed to working with the Los Angeles County Board of Supervisors to ensure safe and clean water for future generations through a multi-benefit stormwater and urban runoff capture program to increase water supply, improve water quality, and invest in communities.

We recommend the Safe, Clean Water Program prioritize nature-based projects, such as the Sun Valley Park, the South LA Wetlands Park, Westside Park, and the Freshwater Wetlands at Ballona Wetlands. Projects like these help meet water quality and supply needs while also creating much-needed community investments like shade and open space, reduced flood risk, and job opportunities. Such projects and programs should achieve a more sustainable and equitable water future for all communities in Los Angeles County by providing dedicated funding for low-income neighborhoods, and robust community participation in project selection and development.

Thank you for the opportunity to comment on the Safe Clean Water Program Draft Program Elements. If you have any questions concerning this comment letter, please feel free to contact Annelisa Moe through e-mail at [amoe@healththebay.org](mailto:amoe@healththebay.org) or by phone at (310) 451-1500 X 139.

Sincerely,

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