



**SAFE  
CLEAN  
WATER  
PROGRAM**

# Project Modification Guidelines

September 2025





# Project Modification Guidelines

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# Purpose

The Safe, Clean Water Program (SCWP), administered by the Los Angeles County Flood Control District (District), is funded by the local taxpayers and has many mechanisms for supporting transparency and accountability in the expenditure of those funds. One of these mechanisms for the SCWP Regional Program is the annual preparation of a Stormwater Investment Plan (SIP) by each Watershed Area Steering Committee (WASC) and subsequent review and approval of the SIP by the Regional Oversight Committee (ROC) and Board of Supervisors (Board). Only Projects, Project concepts and scientific studies (Study/Studies) that are included in a Board-approved SIP for a particular fiscal year are eligible for SCWP Regional Program funding in that fiscal year. Once the SIP for a fiscal year has been approved by the Board, Transfer Agreements and Addenda are prepared and executed as appropriate with those allocated funding by the SIP – also known as Recipients. Once a Transfer Agreement or Addendum has been executed, the Recipient is also responsible for mid-year and annual reporting on all Funded Activities.

Previously, any anticipated or proposed changes to scope or cost were to be reported by the reporting process, which were in turn evaluated by SCWP staff and the WASCs as appropriate to help inform future SIP recommendations. Experience to-date in the SCWP reveals that there may be circumstances that warrant adaptive management to better address modifications proposed during the SIP preparation and Transfer Agreement/Addendum processes, and during the implementation and reporting phases for Projects (whether it be in design stages or construction) or Studies during the course of a fiscal year.

**To support transparency and accountability in the funding of Projects, Project concepts, and Studies, it is important that SCWP staff promptly be notified of all proposed modifications and that any proposed modification that would change the Project, Project concept or Study in significant and material ways be evaluated and approved through the SIP preparation process before any funds are spent or any action is taken to implement the proposed modification.** The purpose of this document is to provide more specific guidance to WASCs, applicants, Recipients, and other interested Stakeholders when modifications to a Project, Project concept or Study are proposed during the course of a typical fiscal year. **Utilizing the Project Modification Request (PMR) form described below will facilitate more timely and transparent resolution of proposed modifications (and allow for more streamlined progress reports since PMRs can simply be referenced in the**

applicable sections of the reports that are submitted and reviewed at distinct points in the process).

## Definitions

The definitions set forth in Sections 16.03 and 18.02 of the Los Angeles County Flood Control District Code and the District's standard template Transfer Agreement shall apply to these Project Modification Guidelines.

## Pertinent Ordinance Provisions

Los Angeles County Flood Control District Code excerpts are provided below. According to Section 18.07.B.1, a SIP shall be adopted for each Watershed Area, annually, in accordance with the following procedure:

- c. Each Watershed Area Steering Committee shall determine which proposed Feasibility Studies and/or Projects to submit to the Scoring Committee for evaluation. Only Projects meeting the following criteria shall be submitted to the Scoring Committee for evaluation:
  - (1) Projects for which a Feasibility Study has been completed or for which equivalent information has been developed and is available for review by the Scoring Committee;
  - (2) Projects that are Multi-Benefit Projects;
  - (3) Projects that are included in a stormwater resource plan developed in accordance with Part 2.3 (commencing with § 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to an MS4 Permit, an Integrated Regional Water Management Plan, or other regional water management plan if determined to be equivalent by the District; and
  - (4) Projects designed for a minimum useful life of thirty (30) years.
- d. Projects for which a Feasibility Study has not been completed and that lack equivalent information may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee; . . .

- g. Each Watershed Area Steering Committee shall review and evaluate the proposed Project scores, proposed Project concepts and proposed studies, and shall prepare and submit a SIP, in a standard format established in the WASC Operating Guidelines, to the Regional Oversight Committee for review. Projects that lack sufficient information to be scored, or that do not score above the Threshold Score, may be included in the Technical Resources Program at the discretion of the Watershed Area Steering Committee; . . .
- h. The ROC shall review each SIP, determine whether and the extent to which each SIP achieves the SCW Program Goals, and provide its findings and recommendations to the respective WASC and to the Board;
- i. The Board shall consider each SIP together with the Regional Oversight Committee's recommendation and shall either approve the SIP or return it to the appropriate Watershed Area Steering Committee for revision and resubmittal; and
- j. Once the Board approves a SIP, the District shall transfer SCW Program funds to Infrastructure Program Project Developers as indicated in the SIP.

#### Los Angeles County Flood Control District Code Section 18.07.B.2.g

Projects, Feasibility Studies, scientific and technical studies, and other activities selected for inclusion in a SIP should be recommended to receive funding for their total estimated costs, unless a lesser amount has been requested.

#### Los Angeles County Flood Control District Code Section 18.07.B.2.h

Operation and maintenance costs for any Project may be included in the Infrastructure Program portion of a SIP, whether or not the design and construction of that Project was included in a SIP.

#### Los Angeles County Flood Control District Code Section 18.07.F

- 3. Midyear progress and expenditure reports shall include the following information:
  - a. An estimate of the percentage of work completed;
  - b. The amount of SCW Program funds expended;
  - c. Documentation that the SCW Program funds were used for eligible expenditures;

- d. A discussion of work accomplished during the reporting period;
  - e. The milestones or deliverables completed/submitted during the reporting period;
  - f. A discussion of any scheduling concerns and issues encountered that may delay completion of the Program or Project;
  - g. The work anticipated to be accomplished during the next reporting period;
  - h. Photo documentation of the progress and current status of the Project, as appropriate;
  - i. Any anticipated schedule or budget modifications; and
  - j. A summary of the outreach activities to DACs and expenditures that achieve DAC Benefits.
4. Infrastructure Program Project Developers shall prepare an annual summary of the progress and expenditure reports for their respective Programs and Projects, including all items listed in Section 18.07.F.3. The annual summary reports shall also include a description of the Water Quality Benefits, Water Supply Benefits, Community Investment Benefits and the SCW Program Goals achieved during the prior year.
  5. The Watershed Area Steering Committees shall review the Infrastructure Program Project Developers' midyear progress and expenditure reports and the annual summary reports to evaluate whether the schedules, budgets, scopes and expected benefits have significantly changed and remain consistent with the SCW Program Goals. Programs and Projects that are over budget or behind schedule, or that demonstrate reduced or revised scope or benefits, may be adjusted or removed from future SIPs.

#### Los Angeles County Flood Control District Code Section 18.09.B

- B. Contents. The standard template Transfer Agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board, including but not limited to:
13. Requirements for post-construction/implementation monitoring as appropriate.

14. Requirements on Infrastructure Program Project Developers to carry out all actions necessary to complete the Project.

15. Requirements related to the operation, maintenance, and repair of the Project throughout its useful life.

# Infrastructure Program Project and Scientific Study Modification Guidelines

Proposed modifications to a Project or Study will be addressed in accordance with the guidelines in this section and the process depicted in the flow chart included in Figures 1 and 2. Proposed modifications to Feasibility Studies for Project concepts will be addressed in accordance with the guidelines in the "Technical Resources Program Project Concept Modifications" section, below.

## Modifications to new proposed Projects and Studies during SIP deliberation

Once the Call for Projects for a fiscal year has closed (typically July 31<sup>st</sup>), new proposed Projects and Studies will be considered for inclusion in the SIP based on the information in their respective applications and any supplemental information submitted as requested by SCWP staff for clarification during the review for completeness or as requested by the Scoring Committee needed for verification of score. Proposed modification to an application for a Project or Study involving funding increases, scope changes, or anticipated benefit changes, whether at the request of the applicant or the WASC, will not be allowed and may result in the application being withdrawn from consideration for the pending SIP.

However, during the preparation of a SIP by the WASC, the WASC may extend a Project's or Study's estimated funding distribution over multiple years or otherwise adjust the estimated funding schedule without modifying the total funding estimate if agreed to by the applicant as described by the [Partial Funding Guidelines](#).

See Figure 1 for the Flowchart for Modifications to new proposed Projects and Studies during SIP deliberation.

Once the SIP for a fiscal year has been approved by the WASC, ROC and Board, the proposed Recipient of each new Project and Study included in the SIP must execute a Transfer Agreement prior to receiving the SCWP Contribution for that fiscal year. Modifications to a Project/Study proposed after SIP approval but prior to execution of a Transfer Agreement will be addressed in accordance with the "Transfer Agreement and Addendum Policies", below.

## Modifications to Projects and Studies included in a SIP

Once a Project or Study has been included in the SIP for a fiscal year and a Transfer Agreement or Addendum has been executed for that fiscal year, a Recipient that proposes modifications to the schedule, scope, benefits or funding amounts of the Project or Study, should contact SCWP staff at [SafeCleanWaterLA@pw.lacounty.gov](mailto:SafeCleanWaterLA@pw.lacounty.gov) as soon as possible and submit a Project Modification Request (PMR) via the [SCW Reporting Module](#), in accordance with the following:

- **A PMR form must be submitted for ANY proposed modification to scope or benefits.**
- **A PMR form must be submitted** for schedule and budget modifications, that would impact future SIP funding allocations (i.e. increase or decrease of the total amount of Regional Program funding for the Project or Study, and/or reallocation of annual funding projections in the SIP).
- **A PMR form is not required** for schedule and budget modifications that would have no impact on future SIP funding allocations (i.e. where all Regional Program funding for the Project or Study has been disbursed and no additional Regional Program funding is being requested, or where the modification involves no increase or decrease of the total amount of Regional Program funding and no reallocation of annual funding projections in the SIP).

The purpose of the PMR is to clarify details and provide justification of the proposed modification to the Project or Study.

**Under no circumstances may a Recipient begin implementation or expend SCWP funds for any proposed modification where a PMR is required, without receiving prior approval from SCWP staff.**



Proposed modifications will be evaluated by the SCWP staff based on the information included in the PMR, in accordance with the guidelines set forth in the "PMR Review Protocol" section, below.

See Figure 2 for the Flowchart for Modifications to SIP approved Projects and Studies.

Any modification that has been implemented without SCWP staff approval (whether identified directly by SCWP staff, or by a Recipient, Committee Member, or member of the public) shall be subject to the default provisions of section B-14 of the Transfer Agreement (set out below, for convenience). In addition, activities related to the implementation may be deemed "ineligible expenses and/or activities not consistent with the Agreement".

#### *"B-14. Default Provisions"*

*The Recipient will be in default under this Agreement under any of the following circumstances:*

- 1. The Recipient has made or makes any false warranty, representation, or statement with respect to this Agreement, any addendum or the application filed to obtain this Agreement;*
- 2. The Recipient materially breaches this Agreement or any addendum, including but not limited to:*
  - a. Fails to operate or maintain Project in accordance with this Agreement;*
  - b. Fails to submit timely Progress/Expenditure Reports.*
  - c. Fails to remain in Good Standing (see Section B-34, below).*
  - d. The Recipient fails to maintain reasonable progress toward SCW Program Goals as described in Section 18.04 of the Code, following an opportunity to cure.*
  - e. The Recipient fails to maintain reasonable progress toward Project Completion.*
  - f. Use of SCW Program Contributions for ineligible expenses and/or activities not consistent with the Agreement.*
  - g. Inappropriate use of SCW Program Contributions, as deemed by the District.*

*Should an event of default occur, the District shall provide a notice of default to the Recipient and shall give the Recipient at least ten calendar days or such*

*longer period as the District, in its reasonable discretion, may authorize, to cure the default from the date the notice is sent via first-class mail to the Recipient. If the Recipient fails to cure the default within the time prescribed by the District, the District may do any of the following:*

- 1. Declare the SCW Program Contribution be immediately repaid, with interest, which shall be equal to the State of California general obligation bond interest rate in effect at the time of the default.*
- 2. Terminate any obligation to make future payments to the Recipient.*
- 3. Terminate the Agreement.*
- 4. Take any other action that it deems necessary to protect its interests.*

*The Recipient shall not be in default under this Agreement as a result of any breach of this Agreement by the Recipient that is the direct result of the District's failure to make a SCW Program Contribution for any Fiscal Year. Under these circumstances the District may, in its reasonable discretion, terminate this Agreement by providing the Recipient with a written notice of termination. If this Agreement is terminated pursuant to this paragraph, the parties shall thereafter have no further obligations to each other in connection with the Funded Activity except that the Recipient's indemnification obligations shall survive the termination of this Agreement and continue in full force and effect."*

### PMR Review Protocol

- A PMR may be submitted at any time and SCWP staff will review each PMR upon receipt to determine whether or not the modified Project or Study remains consistent with the Project or Study included in the current fiscal year's SIP. The "current fiscal year's SIP" refers to the most recently approved SIP allocating funding for the current fiscal year.
- Examples of modifications that are likely to be deemed **consistent with the SIP** include, but are not limited to:
  - like-for-like modifications (e.g., soccer field instead of a baseball field, modified landscaping plans, or change in product suppliers such that benefits claimed are not diminished)
  - functionally equivalent BMP modifications (e.g., multiple rain barrels instead of a cistern such that benefits claimed are not diminished)
  - modifications to Project or Study components that were not material to the WASC, ROC, or Board's decision to include the Project or Study in the SIP

- change in amount or status of leveraged funding, provided that the total amount of Regional Program funding request for the Project or Study remains unchanged.
  - reallocation of annual funding projections in the SIP, provided that the total amount of Regional Program funding request for the Project or Study remains unchanged.
- Examples of modifications that are likely to be deemed **inconsistent** include, but are not limited to:
  - change in primary or secondary objective
  - reduction in Project benefits
  - change in methodology (e.g., infiltration instead of diversion to sanitary sewer)
  - decrease in BMP capacity
  - change in Project or Study location
  - change in capture area where benefits claimed are diminished or where there is a change in the municipalities that are receiving benefits
  - updated engineering analysis resulting in a reduction of benefits
  - reduction or withdrawal of community support
  - any modification resulting in an increase or decrease of the total amount of Regional Program funding request for the Project or Study
- SCWP staff will consult with the WASC, as deemed appropriate. If a PMR is referred to a WASC by SCWP staff for consultation, the Recipient must attend the WASC meeting in which the WASC will discuss the proposed modifications.
- If the SCWP staff determines that the modified Project or Study is **consistent** with the Project or Study included in the current fiscal year's SIP, the Recipient shall update the Reporting Module to reflect the approved modification, submit a revised Exhibit A – Scope of Work and execute an Addendum if required by SCWP staff. Upon completion of the foregoing, the Recipient may implement the modification.
- If SCWP staff determines that the modified Project or Study is **inconsistent** with the current fiscal year's **SIP**, the Recipient will not be permitted to implement the proposed modification unless and until the modified Project or Study has been approved by the WASC, ROC and Board and included in the SIP for a future fiscal year.
  - For PMRs received **on** or before October 31 of the fiscal year, the PMR will be considered for approval during the preparation of the **pending** SIP for the next fiscal year in accordance with the guidelines in the "WASC review of proposed modifications deemed inconsistent with the SIP" section, below.

- For PMRs received **after** October 31 of a fiscal year, the PMR will be considered for approval during the preparation of **subsequent** SIP for the fiscal year after the next in accordance with the guidelines in the "WASC review of proposed modifications deemed **inconsistent** with the SIP" section, below.
- If at any point, the Recipient chooses to discontinue review of the proposed modification, the Recipient may either:
  - Abandon the proposed modification OR
  - Withdraw the Project or Study from consideration by the WASC and issue repayment of unspent funds per B-14 Default Provisions.
- The SCWP staff will notify the WASC of the selected course of action and applicable next steps.

#### WASC review of proposed modifications deemed **inconsistent** with the SIP

- In reviewing a modified Project or Study, the WASC may consider the following options for inclusion in the pending SIP, as appropriate and in consultation with the Recipient:
  - **Continuing as previously approved**, meaning the WASC supports the previously approved Project or Study and does not recommend approval of any proposed modifications at the current time. The WASC may still consider the reallocation of annual funding projections in the SIP, provided that the total amount of Regional Program funding for the Project or Study remains unchanged.
  - **Continuing with modifications**, meaning the WASC recommends approval of the proposed modifications. The WASC, in consultation with the Recipient, may consider continuation of Project or Study in the pending SIP with the previously approved total Regional Program funding amount or with an increased or decreased total Regional Program funding amount, up to the amount requested in the PMR. The WASC should only include the Project or Study in the pending SIP under a lesser amount of Regional Program funding than identified in the PMR if the Recipient demonstrates, to the satisfaction of the WASC, a willingness and ability to complete the full project or study scope identified in the PMR with the lesser amount of Regional Program funding.
  - Decline to include the Project or Study in the pending SIP.
- Recipients should recall that proposals for additional SCWP funding are not guaranteed in any future fiscal year and Recipients anticipating budget increases are encouraged to work with their respective Watershed Coordinators to identify and consider additional funding sources outside of the SCWP Regional Program.



- To ensure anticipated benefits can be fully realized, WASCs should, to the extent feasible, prioritize funding allocations for Projects and Studies that are in their final stages of implementation.
- If the WASC includes a modified Project or Study in the pending SIP, the modifications will be identified in the SIP that is submitted to the ROC and Board.
- If the modified Project or Study is included in the Board-approved SIP for the pending fiscal year, the Recipient shall update the Reporting Module to reflect the approved modification, submit a revised Exhibit A – Scope of Work, and execute an Addendum in accordance with the “Transfer Agreement and Addendum Policies”, below.

### Transfer Agreement and Addendum Policies

For Transfer Agreements, the Exhibit A – Scope of Work must reflect the schedule, scope, budget and benefits identified in the application and any supplemental information submitted during the Call for Projects and considered by the WASC during the preparation of the SIP, subject to any modifications incorporated in accordance with the Partial Funding Guidelines during the preparation of the SIP.

For Addendums, the Exhibit A – Scope of Work must be consistent with the Scope of Work described in Exhibit A of the Transfer Agreement or Addendum for the prior fiscal year unless the SCWP has approved a PMR to modify the Project or Study, and/or subject to any modification incorporated in accordance with the Partial Funding Guidelines during the preparation of the SIP.

Funding for the fiscal year covered by the Transfer Agreement or Addendum that is designated for a specific phase or activity may not be reallocated to a different phase or activity.

If the SCWP determines that modifications proposed by an applicant or Recipient during the period between the Board’s approval of the SIP and the execution of the Transfer Agreement or Addendum would cause the Project or Study to be inconsistent with the Project or Study included in the SIP (see “PMR Review Protocol” section, above), the District will suspend the execution of the Transfer Agreement and the PMR will be deferred for consideration during the preparation of the SIP for a future fiscal year. With the approval of the SCWP via the “PMR Review Protocol” above, Exhibit A – Scope of Work may incorporate minor modifications before execution of the Transfer Agreement, as long as the Project or Study remains consistent with the Project or Study included in the SIP.

# Technical Resources Program Project Concept Modifications

Technical Resources Program (TRP) Project concept applicants are encouraged to avoid submitting applications that are overly specific and should allow opportunity to evaluate a reasonable range of alternatives during the Feasibility Study development process.

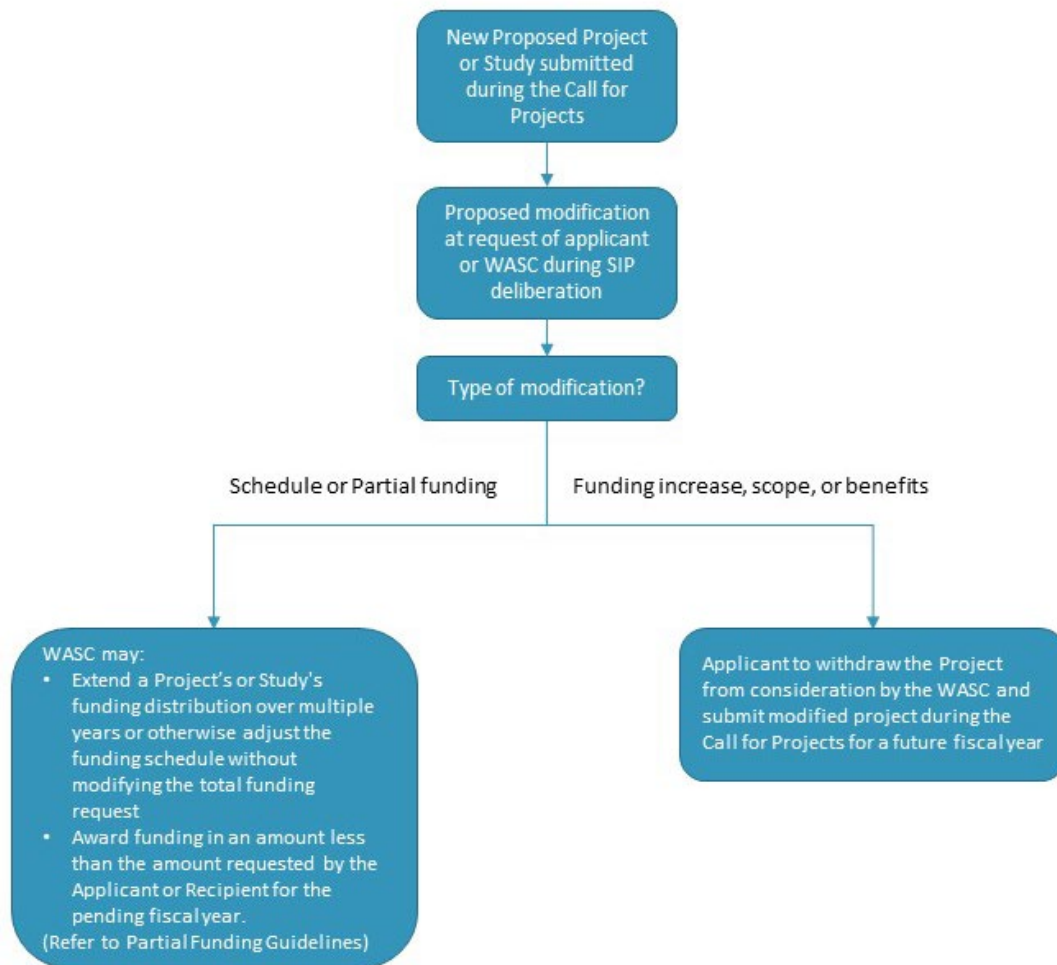
Proposed modifications or changes in benefits that are identified after SIP approval, during the Feasibility Study development process, will be addressed in accordance with the TRP Modification Evaluation Protocol below. Proposed modifications could originate from the Technical Assistance Team (the District or its consultant) or the applicant.

See Figure 3 for the Flowchart for Technical Resources Program Project Concept Modifications.

## TRP Modification Evaluation Protocol

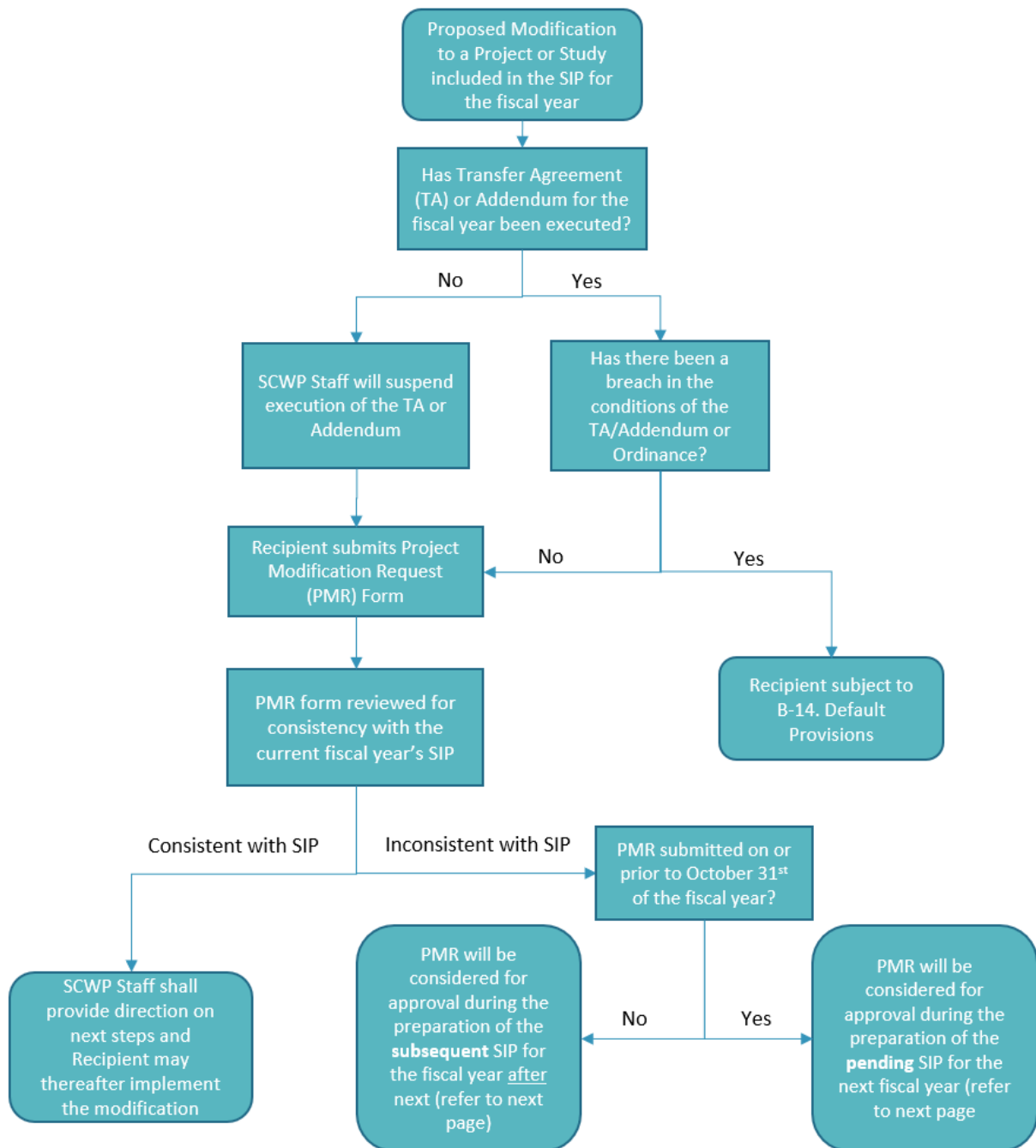
- SCWP staff may consult with the WASC, as needed, to determine if the TRP modifications are significant enough to result in a significantly different Project concept from the one approved by the WASC, ROC and Board for inclusion in the SIP.
- Examples of modifications that are likely to be deemed consistent include, but are not limited to:
  - Expansion or reduction of the existing Project proposal where the proposed modification is functionally equivalent and none of the examples of modifications that are likely to be deemed a significantly different Project concept are applicable.
- Example of modifications that are likely to be deemed a significantly different Project concept include, but are not limited to:
  - change in primary or secondary objective
  - reduction in benefits provided
  - change in methodology (e.g., infiltration instead of diversion to sanitary sewer)
  - change in project location
  - change in capture area where benefits claimed are diminished or where there is a change in the municipalities that are receiving benefits

- If SCWP staff determines that the proposed modification is **consistent** with the scope of the Project concept included in the SIP AND the proposed modification **can** be addressed within the **existing budget**, SCWP staff will proceed to incorporate the proposed modification into the Feasibility Study immediately.
- If the proposed modification is significant enough to result in **diminished benefits** and/or a **significantly different Project concept** and/or if **additional funding** is needed to adequately determine feasibility of the modified Project concept, SCWP staff will consult with the proponent of the Project concept. After consultation with the proponent, SCWP staff will determine the next course of action, including but not limited to:
  - Discontinue work on the Feasibility Study, return unused funds to be programmed in the SIP for the next fiscal year, and advise the proponent to submit the modified Project concept during the Call for Projects for a future fiscal year.
  - Abandon the proposed modification(s) and proceed with the Project concept included in the SIP.
- SCWP staff will notify the WASC of the selected course of action and the modification will be disclosed in the pending SIP via appropriate documentation as determined by SCWP staff.



**Figure 1:** Flowchart for Modifications to new proposed Project and Studies during SIP deliberation

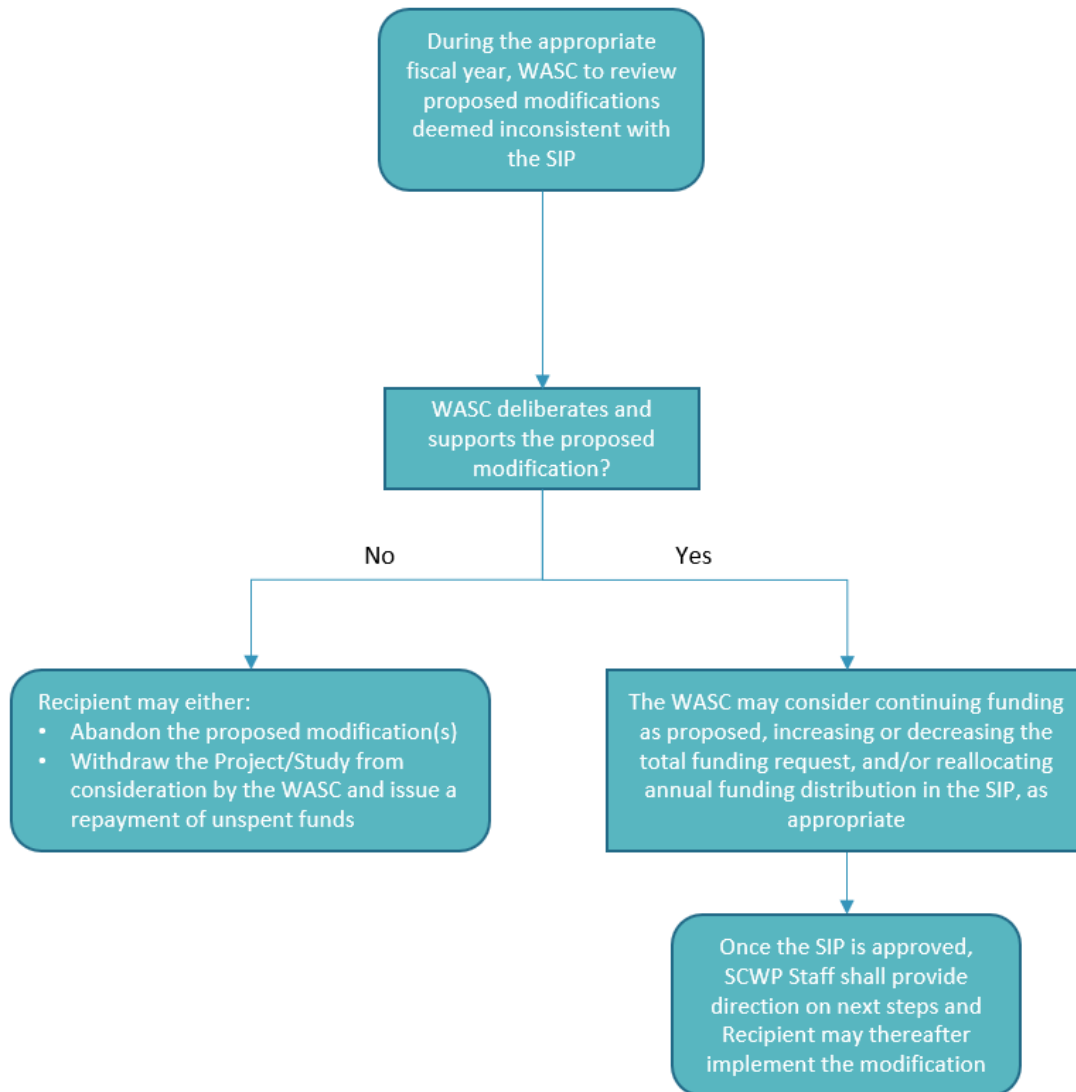




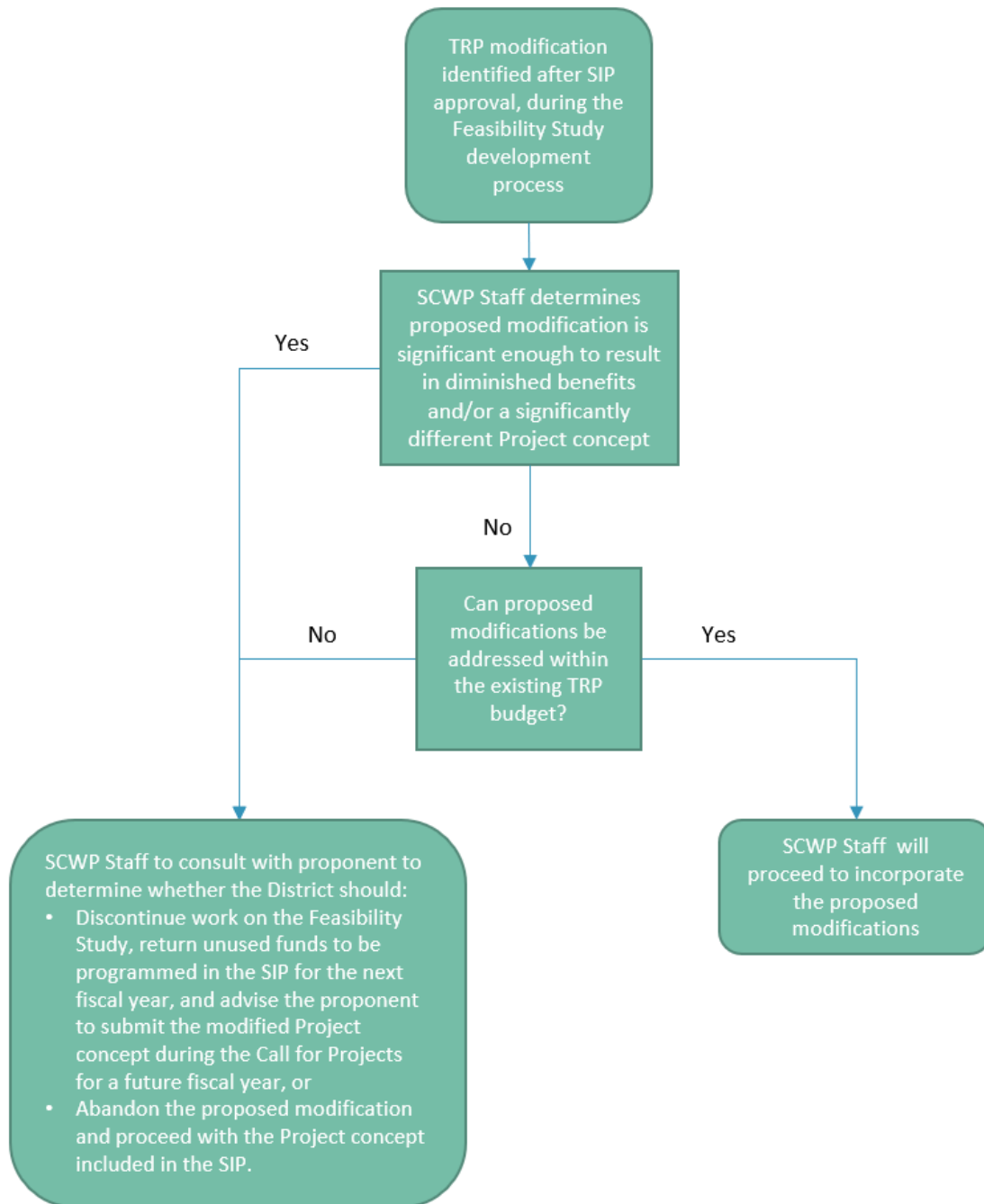
If at any point, the Recipient chooses to discontinue review of the proposed modification, the Recipient may either:

- Abandon the proposed modification(s)
- Withdraw the Project/Study from consideration by the WASC and issue a repayment of unspent funds

**Figure 2:** Flowchart for Modifications to Projects and Studies included in a SIP



**Figure 2 (continued):** Flowchart for Modifications to Projects and Studies included in a SIP



**Figure 3:** Flowchart for Technical Resources Project Concept Modifications