



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: Comments on Safe, Clean Water Program Draft

Honorable Chairwoman Kuehl and Supervisors:

First, I want to thank you and County staff for considering such an important measure as the Safe, Clean Water Program, for an inclusive, transparent process in developing the draft Program, and for the tremendous progress that has been made to date. It is no small task balancing the varied interests around the table, and I appreciate the County's efforts to hear and consider all viewpoints as the proposed funding measure is developed.

On behalf of Los Angeles Waterkeeper, the region's leading water watchdog nonprofit that works to safeguard the region's inland and coastal waters by enforcing laws and empowering communities, I am submitting our comments on the \*draft\* Safe Clean Water program.

***The problem with current water management strategies***

Water management throughout the Los Angeles region – like California as a whole - has, to date, focused on the movement and treatment of water through the development of large, centralized, gray (e.g., concrete) infrastructure. After delivering water through a complex series of pipes and treatment plants to a variety of residential, industrial, commercial and agricultural users, the vast majority of this water is then transported through our stormdrain or sewage infrastructure and disposed of as efficiently as possible to our creeks, rivers and, eventually, our coastal waters.

There can be little doubt that this approach – which includes the State Water Project, California Aqueduct, dams and other diversions, water and wastewater treatment plants, and our urban stormdrain systems – has made California what it is today. The massive urban growth of Southern California and the creation of California's agricultural sector are just two examples that have resulted from massive investment in our water infrastructure.

While acknowledging the incredible transformation that this approach to water management has facilitated, we must also recognize the significant negative effects of this 'pump-and-dump' approach to water. Largely as a result of our region's and state's water management system:

- More than 85% of all assessed waterways in LA County are impaired (i.e., do not meet federal Clean Water Act standards) for one or more pollutant, including toxic metals, bacteria, herbicides and pesticides, and trash;
- The vast majority of the region’s rivers and creeks are concretized flood channels rather than functioning healthy ecosystems and community amenities;
- In LA County, approximately 100 million gallons a day (MGD) of contaminated water and debris flow through the storm drain system and into our inland and coastal waters (this total can reach 10 BGD or more during heavy rains);
- Another 500-600 million gallons of treated sewage is discharged into our ocean and inland waterways daily;
- Ecosystems throughout California and the Western United States – including the Bay-Delta, Colorado River, and Mono Lake to name a few - on the verge of collapse;
- Ratepayers are seeing or will see dramatically rising costs of water as our crumbling gray infrastructure is in dire need of rehabilitation and expensive new gray projects (like ocean desalination) are explored;
- The LA region is still far too reliant on imported water that is subject to drought, earthquake or other natural disasters, over-allocation and even legal decisions;
- And the water sector is now the single largest user of electricity in the state, accounting for an estimated 19.2% of all electricity consumption and 30% of non-utility related natural gas consumption (and thus a major driver of climate change).

In short, our 20<sup>th</sup> century approach to water management – however important it has been historically - is now putting the region’s 10+ million residents, our water-dependent economy, and the health of our waterways and communities at grave risk.

### ***The solution***

LA Waterkeeper believes we need a fundamental paradigm shift in how we manage our water to ensure a safe, healthy and vibrant Los Angeles region moving forward. Waterkeeper has long advocated for a **Reduce** (water waste), **Reuse** (stormwater), **Recycle** (wastewater) and **Restore** (contaminated groundwater) approach to sustainably and equitably ensure the region’s long-term water security.

Of all these approaches, capturing, treating and reusing stormwater and urban runoff (‘Reuse’) through distributed, nature-based infrastructure offers the greatest opportunity to move away from our 20<sup>th</sup> century centralized gray management approach and provide a wide array of environmental and community benefits – not only improving water quality and enhancing local water supplies, but also providing recreational opportunities, combatting air quality pollution and heat island effect, reducing our carbon footprint, creating habitat, reducing flood risk, creating a diverse array of green jobs and promoting greater community health. In fact, we believe the Safe Clean Water measure, combined with recently passed measures to fund Parks (A), Transit/Active Transportation (M), Housing (H), and hopefully the passage of Prop 68 in June, will be the most transformative package of funding to green our communities, clean our waterways and ensure healthier residents we have ever seen in this region.

It is for this reason that Waterkeeper was so excited to see the County’s initial direction to staff to explore a parcel tax to, “implement stormwater projects and programs, with ***emphasis on projects***

***providing multiple benefits that increase water supply, improve water quality and provide community enhancements, such as the greening of schools, parks and wetlands, and increased public access to rivers, lakes and streams.” (emphasis added)*** This language was then largely mirrored in the authorizing legislation, AB 1180 (Holden).

### ***Recommendations***

While in full agreement with the goals of the Safe Clean Water measure, we fear the proposed program structure, criteria and governance structure represents too much of a ‘business as usual’ approach that won’t necessarily achieve the lofty and laudable goals the Supervisors initially laid out.

Waterkeeper agrees with the recommendations put forward by the OurWaterLA coalition (of which we are a member), and encourage you to adopt their proposed changes. To summarize, LAW believes:

- The Regional Funding criteria must be strengthened to ensure projects funded are truly nature-based and offer the most community benefits – as proposed, the focus on water volume and cost effectiveness could benefit more traditional centralized, gray infrastructure
- Municipal funding must have more requirements in terms of community engagement and criteria that result in new nature-based, multi-benefit projects (or O&M for existing nature-based, multi-benefit projects) – a \$120M blank check to cities is not in the best interest of taxpayers, the environment or our communities
- Governance needs to be streamlined with greater (equal) community representation, earlier intervention for technical assistance/support, and greater oversight – as drafted, the structure is too convoluted, does not allow for meaningful community engagement, and does not provide sufficient or timely support needed by smaller and traditionally under-resourced cities and communities to compete effectively for funds
- Disadvantaged communities must be guaranteed at least 41% of funding from the measure – as currently crafted, it is possible that DACs will receive this share of funding (or perhaps even a greater percentage), but with so little criteria established for 40% of (Municipal) funding, this overall total is not guaranteed
- The measure must ensure good quality, accessible jobs via a Community Workforce Agreement, public sector maintenance jobs, and robust workforce development programs
- The final program must include a greater allocation of funding for support programs, including public education, job training/career pathway development, and technical assistance – while we appreciate funding set aside for these critical programs, \$20M over 5 years (or ~1.3% of funding per year assuming a \$300M/year measure) is simply not sufficient to support efforts that are so critical to ensure the long-term successful implementation of the program

Following are a few specific recommendations we feel need further clarification.

### Regional Criteria

Waterkeeper urges you to revisit the Regional funding criteria (matrix) put forward by OurWaterLA as an alternative to what has been proposed in the draft Program. This carefully crafted approach (developed in consultation with dozens of leading experts in water quality, water supply, climate, heat island effect, air quality, habitat and public health) focuses on:

- Water Quality (40 points) – points awarded for concentration reduction, load reduction, and achieving water quality standards (dry and wet weather). This approach provides the maximum benefit of achieving measurable water quality benefits throughout the region.
- Water Supply (25 points) – points awarded for supply enhancement (i.e., infiltration) and demand reduction. This approach benefits areas where soils allow direct infiltration, while still allowing communities where direct infiltration is not possible to still compete for funds.
- Community investments (25 points) - points awarded to specific project elements that will maximize community benefits. After consulting with leading experts in a wide range of fields, it became clear that whatever benefit you are trying to achieve (improved air quality, habitat creation, urban cooling, carbon sequestration, recreational opportunities, etc.), the answer is the same – more green space, but specific types of green space (native vegetation, complexity of vegetation, plants that support pollinators, low VOC trees, etc.). OWLA’s criteria is meant to ensure these benefits are maximized.

The draft Safe, Clean Water program, instead, has a large focus on volume and cost effectiveness, which we fear could benefit larger, centralized single benefit projects. In particular, cost-effectiveness can run counter to promoting multi-benefit projects.

Specifically, cost effectiveness of projects...particularly more distributed nature-based projects...is simply not well known, or information is (sometimes wildly) inconsistent.

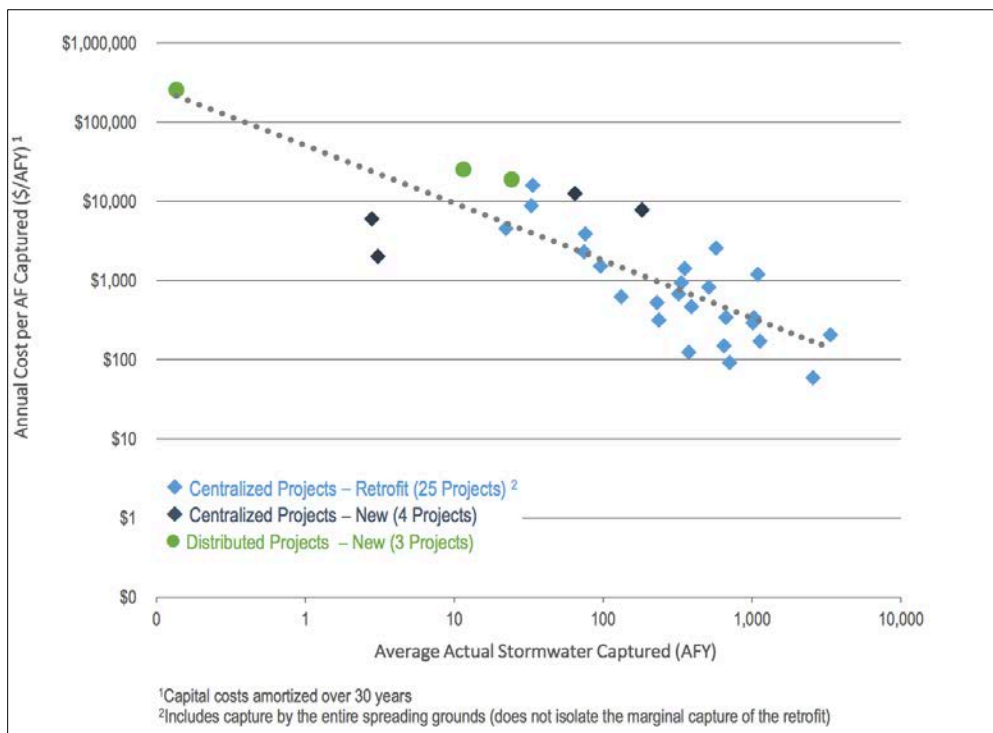
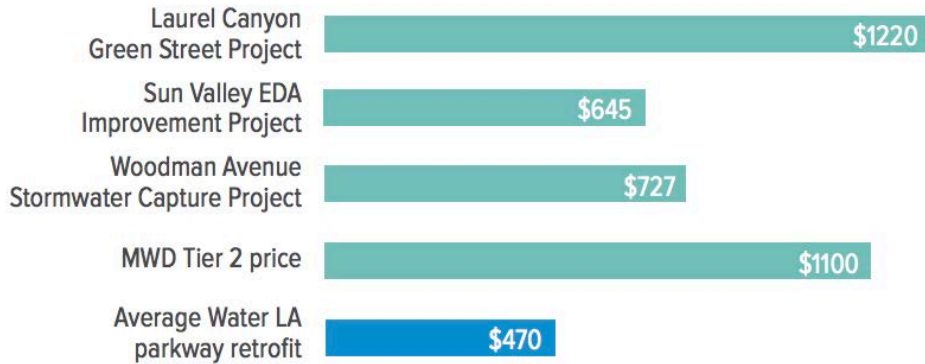
For example, in their 2016 report on “The Cost of Alternative Water Supply and Efficiency Options in California”, Pacific Institute estimates that small (<1,500 AF) stormwater capture projects range in costs from \$590-\$1,300/AF (not including groundwater pumping and treatment), with a median cost of \$1,200/AF. While this is higher than the cost of larger (>6,500 AF) stormwater capture projects, which have a median cost of \$250/AF excluding pumping costs, smaller/decentralized projects are extremely cost-competitive with many other water supply options being considered or undertaken.

For an even more recent and local example, parkway basins completed in Panorama City (in the San Fernando Valley) as part of 22 residential retrofit projects undertaken by the Water LA coalition cost \$470/AF. The overall retrofits cost an average \$5,200 per household in labor and materials, and combined, the projects capture and treat an estimated 1.2 million gallons of water. While the water capture potential of residential retrofits is small for each individual home (a combined 3.8 AFY for the Water LA projects), the potential of such projects spread across the 2.1M parcels within LA County Flood Control District’s jurisdiction is massive.

Yet, the Metropolitan Water District has estimated that distributed stormwater capture projects range from \$3,800-\$12,000/AF (though they admit this estimate was based on a very small sample size). Similarly, a report just release by the Southern California Water Coalition found that *median* costs for (the 3!) distributed stormwater projects they studied was \$25,000/AF, with a *high* of an astounding \$250,000/AF.

These contradictory findings are best demonstrated in the charts below from the Water LA Coalition Final Report and SCWC report, respectively.

## LADWP STORMWATER PROJECT COSTS (per acre-foot of water)



With such contradictory and confusing disparities on cost, it does not make sense to award points until methodologies are improved.

From a policy standpoint, another issue is that the cost criteria for water quality and water supply – even if they accurately reflect life-cycle costs (which is questionable) – certainly do not reflect ‘full cost accounting’ principles. This runs exactly counter to the goal of emphasizing multi-benefit projects.

For example, a low flow diversion system that directs runoff to a water recycling plant might score very high on cost effectiveness for water quality and water supply. But such a system does nothing to provide recreational opportunities to local communities. Or to create habitat. Or to provide urban cooling, or combat climate change through carbon sequestration or improve air quality. All these benefits (which could be provided by residential retrofits, green streets, or the creation of new greenspace at parks or schools) have value...but that value is not accounted for in the proposed cost-benefit analysis. Similarly, a spreading grounds might score very well using the proposed cost-benefit criteria. Adding project elements that turn such a traditional spreading grounds into a community amenity might make the project more expensive and less cost-competitive...but a superior overall project.

Until we have better understanding of costs of various stormwater projects - and until we can incorporate full cost accounting principles - cost effectiveness should be removed from scoring criteria and OWLA's proposed criteria should be adopted.

#### 'Scientific' Studies

The following section (§V.D.f., page 9) must be removed from the Eligible Expenditures section.

Scientific and technical studies to support revisions to the *Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* when related to the implementation of the MS4 Permit and E/WMP plans, including TMDL amendments, use attainability analyses and site-specific objectives.

This is clearly another attempt by the parties that brought us SB 1133 to use funding from a stormwater funding measure (which should go to new projects and programs) to instead undermine clean water protections for the LA region. The rationale for the need for these types of studies was thoroughly repudiated in the Senate Environmental Quality staff analysis of SB 1133, which can be found in full [here](#), and which reads in part:

**2) Fundamental inaccuracies.** The findings in this bill refer to the partial and incomplete assertions of several reports, two of which are 16 years old and outdate to assert what is needed to update the Los Angeles Basin Plan. As such, taken out of context and out-of-date, these assertions are opinions and are inaccurate.

For example, it is fundamentally incorrect that the Los Angeles Region Basin Plan is outdated. The bill states that the last major revision of the plan was in 1994. This is simply inaccurate. There have been several comprehensive updates of the various chapters of the basin plan. .

The triennial review process is the federally established process for reviewing and modifying if appropriate water quality standards, including beneficial use designations and implementation provisions.

In recent years, the Los Angeles Water Board conducted triennial reviews of the Basin Plan in 2001-2004, 2005-2007, 2008-2010, 2011-2013 and 2014-2016. We are in the process of conducting our 2017-2019 triennial review.

Chapter 4, pertaining to stormwater (which is the focus of this bill) was updated in 2016.

Simply put, the proponents of SB 1133 – which threatened to derail the Safe Clean Water Program – should not be rewarded by including what was attempted in that legislation to be part of the County’s program.

**LA Waterkeeper will oppose any program that allows taxpayer funds to be used to undermine federal and state water quality regulations.** I expect other environmental and environmental justice groups (and others) would join us in opposition.

Maintenance of Effort

Waterkeeper believes that funding from this measure should not be used to backfill existing (current) funding for stormwater control measures (as is currently contemplated in §V.D.k., which reads: “Maintenance of Effort: Use of up to 30% annually of a Municipality’s Municipal Program funds to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program.”)

While recognizing that allowing backfilling of funding is meant to reward those with more robust programs (by allowing them to offset current expenditures), the ‘maintenance of effort’ section is not limited to only apply to those cities doing the most. It seems that any city could use this new funding source to pay for existing activities. Moreover, every city and community could benefit from new projects...or at least new/expanded O&M for existing nature-based, multi-benefit projects (which we believe should be an eligible expense). Waterkeeper believes that all funding from this new measure should go to new projects or programs that will improve water quality, enhance water supply, and provide community benefits.

***Conclusion***

Thank you again for this opportunity to comment on the draft Safe, Clean Water Program. And thank you for your tremendous leadership and vision on this critical issue. We look forward to working with the County, the OurWaterLA Coalition and other stakeholders on finalizing a program that will ensure healthier and more vibrant communities and waterways.

Sincerely,



Bruce Reznik  
*Executive Director*