From: Sent: To: Subject: Attachments: Alina Bokde Friday, June 21, 2019 5:00 PM DPW-SafeCleanWaterLA Comment Letter on the Safe Clean Water Program Safe Clean Water Program Program Elements Comments letter.pdf ۰,

Please see attached comment letter from the Department of Parks and Recreation.

Thank you,

Alina Bokde, Deputy Director Planning and Development Agency Department of Parks and Recreation County of Los Angeles

Please note that the office is closed on Fridays.



COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

John Wicker, Director

Norma E. Garcia, Chief Deputy Director

June 20, 2019

Mr. Matt Frary Stormwater Planning Division Department of Public Works 900 S. Fremont Avenue Alhambra, CA 91803

Dear Mr. Frary:

#### SAFE, CLEAN WATER PROGRAM ELEMENTS COMMENTS

The Department of Parks and Recreation (DPR) has completed its review of the Safe, Clean Water Program. DPR is committed to projects that support a clean and local water supply and provide critical open space and recreational amenities. DPR maintains and operates a park system comprised of over 180 park facilities, and over 70,216 acres of parkland, making our parks system a strong partnership opportunity for multibenefit projects that support the dual goal of a local and clean water supply and greening and recreation. DPR's detailed comments are detailed below.

#### 2.0 Requirements for the Feasibility Study

- 1. Under #1 of the requirements. A description and schematic of the project layout including its anticipated footprint and key components such as inlet, outlet, diversion point, recreational components, nature-based components, pumps, treatment facilities, underdrains, conveyance, and others. <u>DPR asks that above ground concepts be added</u>.
- Under #2 of the requirements. <u>DPR asks that the description of multiple benefit</u> should include detail on how plan advances other County strategic goals, including climate resiliency, public health, ensuring safer, greener, healthier, and more livable spaces for all. Consistency with: https://safecleanwaterla.org/ourvision/mission-goals/
- 3. Under #6 of the requirements. <u>DPR asks that life-cycle costs should be</u> <u>consistent with LA County Strategic Asset Management System and include</u> <u>obsolesce date, design life, present replacement value, and detail on</u> <u>hours/technical trades involved with operations and maintenance.</u>

Mr. Matt Frary June 20, 2019 Page 2

> 4. Under #11 of the requirements. <u>A good resource that would provide more detail</u> would be using RPOSD Measure A section 3.3: <u>http://rposd.lacounty.gov/wp-content/uploads/2019/06/Measure-A-GAM\_2019.06.12.pdf</u>

#### **Scoring Criteria**

#### Multi-Benefit Projects

With the Board of Supervisor's Ordinance that established program goals related to the development of the Safe, Clean Water Program, the language states that the "Program will provide for increased stormwater capture to prepare for future droughts, reduced stormwater runoff pollution to protect public health, marine life and County waterways, increased water supply, improved water quality and **community enhancements such as greening of schools, parks and wetlands, and increased public access to rivers, lakes and streams**." Currently, the proposed scoring allocates 75 points to water improvements with only 35 points dedicated to community investment and nature mimicking solutions. We would like to see the points increased from 35 points to 50 points to incentivize projects that support water AND community investments and nature mimicking solutions.

DPR recommends that funding be available through the Program for both above-ground recreation and nature mimicking solutions. As mentioned earlier, DPR presents a strong partnership opportunity to provide multi-benefit projects that support a local and clean water supply while providing recreation in communities. With Measure W's mandate for **community enhancements**, there is strong public support for the Safe Clean Water Program to fund above ground recreation. This also supports the role of the Flood Control District in providing recreational opportunities. Additionally, the above ground recreational amenities are a visible illustration of community benefit.

#### High Need Areas

DPR asks that more detail and granting of points for projects that are located in lowincome areas or Disadvantaged Communities (DAC) areas. Currently, there are no points for projects that would serve DAC communities, or DPR's High Need Areas based on park need. As public health data shows, DAC communities would benefit greatly from public infrastructure investment that provides both clean water and more greenspace.

#### Leveraging Funds and Community Support

A good resource for more detail on community engagement activities is included the Measure A grant guidelines. DPR recommends that community engagement inform the development of projects and plans.

Mr. Matt Frary June 20, 2019 Page 3

#### **Additional Program Elements Edits**

- Page 5 of 52 Edit change to *Enhancement* **and** *restoration of parks, habitat or wetlands*
- Page 7 of 52 Nature Based Solutions Definition "Projects that mimic natural processes, such as green streets, spreading grounds, and planted areas with water storage capacity" must include examples of Nature-Based solutions such as habitat restoration, lakes restoration, and biodiversity that parks play a key role in.

#### DPR Managed Lakes

DPR manages 14 lakes which are great candidates for Nature Based Solution projects. These types of projects should receive strong consideration for waterbodies that serve as nature-mimicking solutions and are impaired due to pollutant loading and outdated infrastructure. These types of projects could also support filtering stormwater runoff while providing a service to the community.

We appreciate this opportunity to comment on the Program Elements of Measure W. We look forward to continue to partner with DPW in providing local clean water and recreational amenities in communities. Should you have any questions regarding our comments, please feel free to contact Ms. Bertha Ruiz-Hoffmann at **Elements** or by email at **Elements**.

Sincerely,

Alina Bokde Deputy Director

AB:JS:BRH:nm

c: Department of Public Works (**Marcoll**) Parks and Recreation (J. Wicker, N.E. Garcia, J. Smith, B. Ruiz-Hoffmann)

Friday, June 7, 2019 11:59 AM DPW-SafeCleanWaterLA Measure W implementaion rules.

Hello!

My name is Ben Tansey. I am a reporter with the South Pasadena News (https://southpasadenan.com/) and am working on an item about development of the Measure W implementation rules. I am aware of the coming workshop on Monday, but would like to interview someone before that about the Draft Implementation Ordinance published May 29 or your website. In particular, I am interested in the background leading to the thinking behind Section 18.07 B(2)e.

Thanks

Ben Tansey, Reporter

Richard Watson Friday, June 21, 2019 1:40 PM DPW-SafeCleanWaterLA Matthew Frary Need for Separate Scoring Criteria for Watershed Scale Projects

#### SCWP Staff:

Five years experience with the planning, funding, design, and construction of watershed scale water capture projects and requesting engineering consultants to score three water capture projects for me has convinced me that there should be a separate scoring category for watershed scale water capture projects. The four water capture projects that we have constructed or have under construction have tributary areas of 1,925 acres 2.300 acres, 3,018 acres, and 3,256 acres. These projects have capture volumes of 31 acre-feet, 13.8 acre-feet, 8.9 acre-feet, and 9.0 acre feet respectively. The 24-hour BMP capacities will vary, depending on infiltration rates and water uses. One requires diversion pumps, and three are gravity fed. Two of the three scored projects barely qualified for funding and one would not have qualified. All four projects have been strategically located and designed to capture virtually all dry-weather discharges from the tributary areas and at least the first flush of stormwater, and should have been able to be scored for both wet weather and dry weather. Three of the projects are being equipped with sensors and real time controls so that different portions of storms could be captured. Perhaps the portion of the wet-weather water quality scoring that is most prejudiced against watershed projects is the scoring for pollutant reduction. The current scoring system is appropriate for parcels up to possibly 500 acres, but it is not appropriate for watershed scale projects with large tributary areas. These projects should be evaluated on the load reduced–not the percentage reduced. Watershed scale projects cannot possibly reduce large percentages of pollutants, but they will reduce large loads of pollutants.

Water supply benefits may also need to be rethought. Emphasis has been given to available yield from drinking water aquifers, direct use of water, and diversion to the sanitary sewer. The Los Cerritos Channel Watershed Group is currently in discussions with a water agency about a well to pump water from perched aquifers beneath an infiltration project, treatment of the water for irrigation use, and diversion of the the reclaimed water currently used to irrigate the facility to an advanced treatment facility. The group is discussing with multiple agencies how to implement the one water concept.

Another scoring element that probably needs to be revised for watershed scale projects is the points for leveraging funds. These projects are very expensive, and they should be scored on the number of dollars leveraged rather than the percentage leveraged. Our four current projects are costing \$22.75 million, \$15 million, \$11 million, and \$13 million. The most expensive project does include leveraged funds, but the other three were single source funds.

One other scoring change that might help watershed scale projects is reducing the threshold score from 60 points to 55 points.

Please call me with any questions or comments. I would be pleased to help you more effectively score watershed scale projects.

Rich





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Richard Watson Friday, June 21, 2019 2:02 PM DPW-SafeCleanWaterLA Matthew Frary Suggested Change to to Section A.2.1 Of the Project Scoring Criteria

#### SCWP Staff:

Section A.2.1 of the scoring criteria says this scoring is for dry-weather BMPs only. As mentioned in an email about watershed scale projects, the scoring criteria should be revised to allow projects to get points for both dry weather and wet weather. Also, this section says that "Projects must be designed to capture, infiltrate, treat, and releaser divert 100% of all tributary dry weather flows." Requiring 100% is too restrictive and may not be possible in all cases. For instance the diversion drop structure at Bolivar Park is positioned at a curve in the channel, and a very small volume of water can get by the end of the drop inlet on the outside of the curve, especially if there is any build up of sediment and debris on the grate. In addition, dry-weather monitoring done at six locations in the Los Cerritos Channel Watershed in 2014 showed that there were periodic surges of unknown origin. To allow for small problems like these, I recommend that the capture/diversion threshold be set at 98% similar to what the Regional Water Board did for installing full capture devices in the Los Angeles River Watershed.

Rich

Richard Watson Richard Watson & Associates, Inc.

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From: Sent: To: Cc: Subject: Attachments:

Richard Watson **Construction of Construction o** 

SCWP Staff:

Section 5.0 of the Minimum Feasibility Study Document says that Projects that are already developed (e.g., an EWMP project that is ready for construction but is awaiting funding) may have equivalent feasibility study level information part or in full." The discussion in this section also says that "if all requirements in this document are satisfied in another document for a given project, that document shall be considered functionally equivalent to a feasibility study." These requirements are too strict.

Watershed Groups could save money on feasibility studies if we could provide some of the information that we have already developed and conduct the required outreach rather than having to hire engineering consultants prepare complete feasibility studies. Why can't multiple documents be counted as functionally equivalent to a feasibility study. That is what I was trying achieve with the attached list of Recommended Minimum Requirements for Functionally Equivalent Feasibility Study Information that a I sent to Matt Frary on January 22, 2019.

Rich

#### **Richard Watson**



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**Richard Watson** Friday, June 21, 2019 3:22 PM DPW-SafeCleanWaterLA Matthew Frary Grant Writing

#### SCWP Staff:

Pre-project planning and grant writing have been added to the "Design/Permits/CEQA Budget" sub-section of the INFRASTRUCTURE PROGRAM section of the Stormwater Investment Plan Budget Template. Pre-project planning and grant writing should not be included in the Infrastructure Program. Instead, they appropriate should be a sub-section of the TECHNICAL RESOURCES PROGRAM. They are more related to feasibility studies and concepts than they are to designing and permitting infrastructure projects. We should not take funding away from actual projects and O&M.

Rich

#### **Richard Watson**

Richard Watson & Associates, Inc.



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Richard Watson Friday, June 21, 2019 4:01 PM DPW-SafeCleanWaterLA Matthew Frary WMPs and EWMPs

SCWP Staff:

Since Watershed Management Program Groups and Enhanced Watershed Management Program Groups are heavily involved in project development, I recommend that they be specifically listed in the definition of "Infrastructure Program Project Applicant" (Section 16.03.0, as amended. and elsewhere when appropriate.

Rich

#### **Richard Watson**

Richard Watson & Associates, Inc.



Richard Watson Friday, June 21, 2019 4:30 PM DPW-SafeCleanWaterLA Matthew Frary Funds Generated in Each Watershed Area

SCWP Staff:

Section 16.04 has been amended to clarify that "Funds allocated to the Regional Program shall be distributed among the nine (9) Watershed Areas in proportion to the funds generated in each Watershed Area." A similar allocation requirement for municipalities is included elsewhere. However, there is no similar allocation requirement to the nineteen WMP and EWMP groups that are focused on regional projects. If such an allocation cannot be made, the Watershed Area Steering Committees should at least be notified of the proportion of their allocated funds generated in their component WMP and EWMP groups to help them appropriately allocate funds to regional projects within their Watershed Areas.

Rich

Richard Watson





Richard Watson < Friday, June 21, 2019 5:26 PM DPW-SafeCleanWaterLA Matthew Frary Watershed Coordinators

SCWP Staff:

The draft Watershed Qualifications and Scope of Work, plus discussions with staff at the public review open houses, indicate that the District is thinking of the position of watershed coordinator as a full-time position with quite a range of skills and qualifications required. I recommend that there be the opportunity of an watershed coordinator team from the same organization. I think a team could divide some of the tasks and work together on others.

Rich





Richard Watson Friday, June 21, 2019 5:48 PM DPW-SafeCleanWaterLA Matthew Frary Public, Informational Materials (Section 18.06.B.6

SCWP Staff:

The requirement for municipalities to "Prepare and provide to the public, informational materials with up-to-date information on the municipality's actual and budgeted use of revenues from the SCW Program" is unclear. It could be interpreted as a continuous process that would take a lot of effort. It should be an annual requirement.

Rich





Richard Watson Friday, June 21, 2019 6:01 PM DPW-SafeCleanWaterLA Matthew Frary Municipal engagement with Stakeholders (Section 18.06.B.9)

#### SCWP Staff:

The requirement for municipalities to "Engage with Stakeholders in the planning process for use of the municipal funds during the planning and implementation of Projects and Programs" goes too far and could be very expensive. It makes sense for the planning of projects and programs but most of the time not for the implementation of the projects and programs. If problems arise during implementation of projects and programs, normal municipal practices will be employed to address the problems. Special engagement programs at the time of implementation are not necessary. I recommend deleting the words "and implementation."

Rich





Richard Watson Friday, June 21, 2019 6:22 PM DPW-SafeCleanWaterLA Matthew Frary Capital cost Threshold for PLA Requirement (Section 18.09.B.9

SCWP Staff:

The estimated Capital cost threshold of \$25 million for contractors to be bound by the requirements of aProject Labor Agreement should be indexed to increased costs of construction, using an accepted appropriate index.

Rich



Richard Watson Friday, June 21, 2019 10:21 AM DPW-SafeCleanWaterLA Matthew Frary Development of Fund Transfer Agreements and Funding of Municipal program

#### SCWP Staff:

Experience with the Elected Officials Steering Committee and consultation with municipal members of WMP watershed groups has lead me to conclude that the Board of Supervisors and the Flood Control District should accelerate implementation of the Municipal Program even at the expense of delaying implementation of the Regional Program. I believe that several cities have assumed that they will be able to use Safe, Clean Water Program funds to pay for key aspects of their stormwater quality programs during FY 2019-2020 based on the District's earlier comments that funds would be available during the first quarter of 2020. During the June 10th Public Review Open House, staff indicated that funds would be available between March and June. I strongly recommend that actions be taken to ensure that funds are distributed to municipalities during the first quarter of 2020 as previous indicated. To do this, completion of the Draft Fund Transfer Agreements should be expedited so that draft Agreements could be made available to cities this summer.

Distribution of funds to the Regional Programs could be delayed until the second quarter Of 2020. This might actually strengthen the first Regional Program Stormwater Investment Plans since the Watershed Area Steering Committee memberships have not yet been ratified by the Board of Supervisors, and the Steering Committees willed time to organize. Also, the call for projects could be delayed until October or November to allow sufficient time to complete feasibility studies consist with the requirements that were released on May 29th.

Rich





Richard Watson Friday, June 21, 2019 3:37 PM DPW-SafeCleanWaterLA Matthew Frary Definition of Nature-Mimicking Solutions (Section 18.02.F

SCWP Staff:

The proposed new definition of Nature-Mimicking Solutions should be deleted. It is not necessary since it is covered by the definition of Nature-Based Solution (Section 16.03.V, as amended). Instead, the word "predominantly" should be eliminated from the definition of Nature-Based Solution. Also, using the soil matrix to filter water when infiltrating it should be added to the list of methods included in nature-based solutions.

Rich





Public Review Comment Form		
ame: <u>Sol Mewdet</u> nail: none: ganization: <u>Crity of El Monte</u> (D LA County Public Works may contact me for clarification about my comments	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkOther	
Comments City would like to k prior to it Shows on the	nave work shops for peside	

From: Sent: To: Subject: Attachments: Sarah Wiltfong Friday, June 21, 2019 6:10 PM DPW-SafeCleanWaterLA BizFed Comments re: Safe Clean Water Program BizFed Measure W Final Comments 062119.pdf

Good evening,

Please find BizFeds comments regarding the Safe Clean Water Program Draft Implementation Ordinance and related documents.

If you have any questions or concerns, please reach out to me.

Thank you!

P.S. Do you have your tickets for our Freshman Policymakers on August 22nd in Downtown LA? Buy your EARLY BIRD tickets at <u>bizfed.org/freshman</u> by 6/30/19! #BizFedFreshman





Strengthening the Voice of Business Since 2008

June 21, 2019

Safe Clean Water Program Department of Public Works Attn: Matthew Frary, Acting Principal Engineer 900 S. Fremont Ave. Alhambra, CA 91803

#### **RE: Comments on Implementation Ordinance and Related Documents**

Dear Mr. Frary:

We are writing to you on behalf of BizFed, the Los Angeles County Business Federation, an alliance of 180 business associations who represent 400,000 employers with 3.5 million employees in Los Angeles County. Thank you for the opportunity to submit comments on the Safe Clean Water Program documents released on May 29, 2019. We are pleased to submit the following considerations.

#### **IMPLEMENTATION ORDINANCE**

- a. Newly lettered paragraph "S" would appear to define a "Multi-Benefit Project" as one that has Water Quality or Water Supply benefits with Community Investment Benefits substituting for supply benefits. This definition would appear to contradict the scoring criteria and the Stakeholder recommendation that community investment be determined in a category by itself. This proposed definition would effectively eliminate the need for water supply benefits contrary to the intent of the ballot measure.
- b. Paragraph "V" would ad carbon sequestration to the definition of "Nature Based Solutions." We question whether or not this is a fundable project within the intent of the approved ballot measure.
- c. Under Section 5, that the tax reduction program should be referred to as just that, not a credit program. The terminology could easily be confused with the credit trading program which is completely different and not related to the tax reduction portion of the measure.
- d. In Section 18.02, the "Additional Activities Credit" needs a better definition. It is unclear what the intent of this definition is and whether or not it is part of the credit trading program.
- e. Also, in Section 18.02, "Nature-Mimicking Solutions" would all appear to be covered by other sections of the ordinance. We question the need for both a "Nature Based Solutions" and a "Nature-Mimicking Solutions" definition.
- f. In Section 18.07 paragraph 2 d., we don't believe it is appropriate to establish a fixed ratio of 110% funding for disadvantaged communities. Some communities may warrant a higher percentage and after the program is implemented those stormwater disadvantages may be erased and a lesser amount may be appropriate. Some means should be established to adjust future funding levels as appropriate.

#### **CREDIT TRADING PROGRAM**

In the long run, an effective credit trading program would emphasize collection of waters from a tributary area greater than the project footprint using a LID BMP and using or dispensing those credits somewhere else in the watershed where on-site compliance is less feasible. The credit trading valuations should be based solely on water quality since that is the measure for compliance. Numerous credit trading programs can serve as examples. BizFed is willing to assist in the identification of these successful measures that may be workable in the Los Angeles region.

#### CREDIT PROGRAM PROCEDURES AND GUIDELINES (Parcel Tax Reduction)

With regard to the tax reduction application process, it is cumbersome, complex and will require the assistance of a consultant or engineer in most cases. It is unnecessary and overly burdensome for a property owner to apply for the reduction every two years when none of the ownership or site improvement circumstances have changed. We are afraid that the process would discourage property owners from applying for the tax reduction. We are happy to work with the County to help identify simpler, more user-friendly guidelines.

The Credit Program language should recognize that water quality credit options are dependent on the entitlement approval date or construction date of the stormwater improvements (see pp. 39 – 40 of the Program Elements). In addition, the concepts related to equivalency and exemptions in conjunction with the verification process (p. 44 of the Program Elements) should be a part of the Credit Program.

#### MINIMUM FEASIBILITY STUDY REQUIREMENTS FOR SCORING

It is unclear from the scoring requirements document at what level a project qualifies for funding. During the stakeholder engagement process it was agreed that a project would be eligible if it provided both water quality and water supply benefits even if it did not provide other benefits. What is the minimum score at which a project is eligible for funding?

#### LOW-INCOME SENIOR-OWNED TAX EXEMPTION

The County is going to have to do a significant outreach to identify homeowners who are eligible for this exemption. As mentioned earlier, it is unnecessary to require low-income seniors to reapply for the exemption every year. Most current homeowner exemption programs are done on a one-time basis. This annual requirement appears designed specifically to discourage low-income seniors from applying.

Thank you for your consideration of our comments. We would like to invite the Los Angeles County Department of Public Works to present at an upcoming BizFed Water Committee Meeting to discuss the ordinance and related documents. We also would like to work with you to help develop an effective credit trading program. As mentioned, many examples of successful trading programs are already in existence. BizFed can help identify some that would be workable for the Los Angeles region. If you have any questions, please contact Sarah Wiltfong, who is the policy manager of this issue at

Sincerely,

then Bulled

Steve Bullock BizFed Chair Cerrell Associates

Danie W Dlenny

David Fleming BizFed Founding Chair

Tracy Hernandez BizFed Founding CEO IMPOWER, Inc.



Strengthening the Voice of Business Since 2008

### **BizFed Association Members**

Action Apartment Association AIA - Los Angeles Alhambra Chamber American Beverage Association American Hotel & Lodging Association Antelope Valley Board of Trade **Angeles Emeralds** Apartment Association, California Southern Cities Apartment Association of Greater Los Angeles Arcadia Association of Realtors **AREAA North Los Angeles SFV SCV** Asian Business Association Association of Club Executives Association of Independent Commercial Producers Azusa Chamber **Beverly Hills Bar Association Beverly Hills Chamber** Beverly Hills / Greater LA Association of Realtors **BNI4SUCCESS Burbank Association of Realtors** Building Industry Association, LA / Ventura Counties Building Owners & Managers Association, Greater LA Business & Industry Council for Emergency Planning & Preparedness CalAsian Chamber California Apartment Association, Los Angeles **California Asphalt Pavement Association California Bus Association California Business Roundtable California Cannabis Industry Association** California Construction Industry and Materials Association **California Contract Cities Association California Fashion Association California Gaming Association California Grocers Association** California Hotel & Lodging Association California Independent Oil Marketers California Independent Petroleum Association **California Life Sciences Association California Metals Coalition California Restaurant Association California Small Business Alliance** California Sportfishing League California Trucking Association Carson Chamber of Commerce **Carson Dominguez Employers Alliance CDC Small Business Finance Central City Association Century City Chamber of Commerce Cerritos Chamber Citrus Valley Association of Realtors** Commerce Industrial Council/Chamber of Commerce Construction Industry Air and Water Quality Coalitions Council on Trade and Investment for Filipino Americans

Covina Chamber of Commerce Culver City Chamber of Commerce Downey Association of Realtors Downey Chamber of Commerce Downtown Long Beach Alliance El Monte/South El Monte Chamber Employers Group Engineering Contractor's Association F.A.S.T.-Fixing Angelenos Stuck In Traffic FilmLA FuturePorts **Gardena Valley Chamber of Commerce** Gateway to LA **Glendale Association of Realtors Glendale Chamber Giendora** Chamber **Greater Antelope Valley AOR Greater Lakewood Chamber** Greater Los Angeles African American Chamber Greater Los Angeles New Car Dealers Association Harbor Trucking Association Historic Core Bid Hollywood Chamber Hong Kong Trade Development Council Hospital Association of Southern California **Hotel Association of Los Angeles** Industry Business Council Inglewood Airport Area chamber of Commerce International Warehouse Logistics Association **Irwindale Chamber** La Canada Flintridge Chamber LAX Coastal Area Chamber League of California Cities Long Beach Area Chamber Los Angeles Area Chamber Los Angeles County Medical Association Los Angeles County Waste Management Association Los Angeles Gateway Chamber of Commerce Los Angeles Gay & Lesbian Chamber of Commerce Los Angeles Latino Chamber Los Angeles Parking Association Maple Business Council Motion Picture Association of America MoveLA NAIOP Southern California Chapter National Association of Royalty Owners National Association of Tobacco Outlets National Association of Women Business Owners National Association of Women Business Owners, LA National Hispanic Medical Association National Latina Business Women's Association Nederlands-America Foundation **Orange County Business Council Pacific Merchant Shipping Association** 

**Pacific Palisades Chamber** Panorama City Chamber Paramount Chamber of Commerce Pasadena Chamber **Pasadena-Foothills Association of Realtors** PhRMA Planned Parenthood Southern California Affiliates **Pomona Chamber** PropelLA **Rancho Southeast Association of Realtors Recording Industry Association of America** Regional Black Chamber - San Fernando Valley **Regional San Gabriel Valley Chamber Rosemead Chamber** San Gabriel Chamber San Gabriel Valley Civic Alliance San Gabriel Valley Economic Partnership Santa Clarita Valley Chamber Santa Clarita Valley Economic Development Corp. San Pedro Peninsula Chamber Santa Monica Chamber Santa Monica Junior Chamber Sherman Oaks Chamber of Commerce South Bay Association of Chambers South Bay Association of Realtors Southern California Contractors Association Southern California Golf Association Southern California Grantmakers Southern California Leadership Coalition Southern California Minority Supplier Development Council Inc. Southern California Water Coalition Southland Regional Association of Realtors The Young Professionals at the Petroleum Club **Torrance Area Chamber Town Hall Los Angeles Tri-Counties Association of Realtors United Chambers San Fernando Valley United States-Mexico Chamber** Unmanned Autonomous Vehicle Systems Association **US Resiliency Council** Valley Industry & Commerce Association Vernon Chamber Vietnamese American Chamber Warner Center Association West Hollywood Chamber West Los Angeles Chamber West San Gabriel Valley Association of Realtors West Valley/Warner Center Chamber Western Manufactured Housing Association Western States Petroleum Association Westside Council of Chambers Westwood Village Rotary Club Wilmington Chamber World Trade Center Young Professionals in Energy - LA Chapter

From: Sent: To: Cc: Subject: Attachments:

Sasha Geschwind Thursday, June 20, 2019 5:18 PM DPW-SafeCleanWaterLA

Public Review Comments PublicReviewComment\_SanDimas.pdf

Hello,

Attached are the comments from the City of San Dimas for the Safe, Clean Water Program.

Thank you,

Sasha Geschwind Environmental Services Coordinator City of San Dimas

Please reduce, reuse, & recycle

Public Review Comment Form		
Name: <u>Sasha Geschwind</u> Email: Phone: <u>City of San Dimas</u> Organization: <u>City of San Dimas</u> & LA County Public Works may contact me for clarification about my comments	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkMy Other	
Comments Implementation Ordinance: Page 55, Section 18.13 B, "For the purpose of the appeals process, a significant discrepancy between the assessed and actual Impermeable Area means a discrepancy meeting both of the following criteria," Both Should be <u>either</u> . This requirement would exclude many discrepancies for Smaller Properties, with no path for Correction.		
other: Annual Progress/Expenditur be very helpful for cities f Implementation.	e Report templates would for the Municipal Program	

s or

Shahram Kharaghani, PhD, PE, BCEE Watershed Protection Program Manager LA Sanitation - City of Los Angeles





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Stay in the Loop!



\*\*\*\*\*



Los Angeles Department of Water & Power

June 21, 2019

Mr. Mark Pestrella Los Angeles County Department of Public Works 900 South Fremont Avenue Alhambra, California 91803

Dear Mr. Pestrella:

### COMMENTS ON IMPLEMENTATION ORDINANCE AND OTHER DOCUMENTS OF SAFE, CLEAN WATER PROGRAM

Los Angeles Sanitation and Environment (LASAN) and Los Angeles Department of Water and Power (LADWP), in coordination with other City departments and offices, appreciates the continuous efforts and leadership of the Los Angeles County Board of Supervisors and the Los Angeles County Flood Control District (District) in establishing the Safe, Clean Water (SCW) Program, the coordination with the City of Los Angeles and other municipalities, and the opportunity to review and provide comments on the final draft SCW Program documents.

The final draft documents that were released on May 29, 2019 for public review provide more detailed information on the governance and administration of the SCW Program, and we appreciate the additional information and clarifications. Before providing our detailed comments, we would like to emphasize three major areas for your consideration:

- Implementation Ordinance, page 31, section 18.07.B.2: The Implementation Ordinance should include clarifying language on the cash flow for projects whose costs exceed one year of allotted Watershed Area funding. We recommend that the Program Watershed Area Steering Committee Operating Guidelines (article VII, section 1) include flexibility for each Watershed Area Steering Committee (WASC) to decide on how and whether to cash flow large projects over multiple years while developing their respective Stormwater Investment Plans.
- 2. Implementation Ordinance, page 8, section16.05.A.3.b: This section suggests that eligible Projects and Programs would become ineligible once identified in a Time Schedule Order or other enforcement action by a federal, State, or local regulatory agency. Potentially, the vast majority of potential projects in a Watershed Area could become ineligible once a final TMDL milestone in a Watershed has passed and not been met. We recommend that projects identified in an Enhanced Watershed Management Program remain eligible for SCW Program funding, even if the project has been identified in a regulatory action, such as a Time Schedule Order.

3. Feasibility Study Requirements and Scoring Criteria A.1.1., A.2.1., and A.2.2: These scoring criteria are meant to validate projects that provide water quality benefits. Unfortunately, projects that manage clean stormwater or clean urban runoff could potentially receive the maximum score while not providing any real water quality benefit. We recommend that these scoring criteria be adjusted so that projects that manage stormwater or urban runoff from polluted areas or land uses receive a higher score than similar projects that are managing cleaner stormwater or urban runoff.

Additional comments are provided below with the intention that it will assist the District with finalizing the draft SCW program documents.

#### 1. Implementation Ordinance

- Page 3, section 16.03.Y: Include Monitoring in the definition of "Project" because it is a required component of the Feasibility Study and Project costing.
- Page 9, section 16.05.A.3.f: This section states that "costs and expenses incurred prior to November 6 2018" are not eligible, implying that costs and expenses after November 6, 2018 are indeed eligible. But this seems to be conflicting with Section 16.05.A.1 which states that "...funds shall be transferred ... in advance of eligible expenditures...", with the first transfer of funds being anticipated by spring 2020. We agree that all costs after November 6, 2018 should indeed be eligible.
- Page 14, section 16.13.C (and article IV, section 2 of WASC Operating Guidelines): These
  sections should clarify that the "Chief Engineer" is the Chief Engineer of the District (not of the
  Municipality).
- Page 16, section 18.02.B: The definition for Benefited Developments should be revised to close any potential loopholes in the Credit Program that may allow parcels upstream of any Municipality's regional project to be exempt from the parcel tax. In this context, Enhanced Watershed Management Programs may be interpreted as stormwater management plans, and this credit could detrimentally decrease funding to EWMP regional projects. We recommend that it be made clear that developments upstream from publicly developed regional projects for EWMP compliance are excluded from credits.
- Page 27, section 18.07.B.1.c.(4): Is the minimum useful life of 30 years just a design criterion, or a SCW Program requirement for O&M of SCW Program funded projects? If the latter, it should be noted that some Projects may have a shorter life expectancy, in particular Nature-Based Solutions.
- Page 28, 18.07.B.1.f: The Threshold Score should remain at 60 points as it was previously established in the Program Elements. The Draft Implementation Ordinance does mention the use of a Threshold Score, but without specifying the actual Threshold Score of 60 points and without providing guidelines for how the Threshold Score will be set. What criteria will be used to determine and revise the threshold score?
- **Page 32, 18.07.B.2.d**: The Draft Ordinance should clarify how benefits to DACs will be evaluated. The Draft Ordinance mentions that benefits will be assessed over a 5-year period, but is this a rolling 5-year basis, or a frequency of once every 5 years? How will these benefits be quantified? And how will the 110% be verified?

- **Page 34, Section 18.07.D**: The development of Feasibility Studies by Technical Assistance Teams is an eligible expenditure. We request that development of functionally equivalent documents by Project Applicants is eligible for reimbursement as well.
- Page 35, section 18.07.D.3: Is there a term limit for Watershed Coordinators?
- Page 42, section 18.07.G.2.a: Please note that a WASC meets at least quarterly as specified in the WASC Operating Guidelines.

#### 2. Minimum Feasibility Study Requirements

- Page 2, section 2.0, item 5: Is a general monitoring plan required, or a detailed plan with monitoring frequencies, analytical procedures, etc.? Please also specify how long the monitoring of a funded project should be conducted, as many grant programs only require monitoring for one or two years upon project completion.
- Page 4, section 3.1: Please define "Capital Costs" for use in the Water Quality Benefits and whether estimating and construction contingencies are to be included, or not. In addition, for multiple benefit projects, please clarify that capital cost should only be related to the water quality and water supply components of the project, or that all capital costs including other community benefits that are not directly related to water quality and water supply should be included.
- Page 5, section 3.1, Dry Weather: Designing for 100% capture of all tributary Urban Runoff may not be feasible, nor desirable, for all Projects, as tributary flows sometimes peak because of unexpected discharges into the MS4. We recommend that the District is flexible in the interpretation of this requirement. For example, an LFD that results in full dry weather compliance by capturing only the 90th percentile Urban Runoff flow should also be eligible, if only because the water quality compliance requirements will be met by a far more cost-effective Project.
- Page 6, section 3.2: "Projects capturing water that would otherwise end up at an LACFCD spreading ground downstream of the project should not claim an increase in water supply." This policy will eliminate entire neighborhoods and communities, including DACs, from developing stormwater capture projects. We recommend that projects that create additional capacity for stormwater capture and infiltration should be considered as a water supply benefit.
- Page 7, section 3.3 (last bullet): Specify whether the total life cycle cost of the project should include project components funded through sources other than the SCW Program, or not. For example, Project Applicants may request SCW Program for the water quality and water supply BMPs of the project but have alternative sources of funding available for recreational features or other community benefits of the project.
- Page 8, section 3.4: Can the District provide potential Project Applicants with specific Project or BMP examples of Nature-Based Solutions? For example, are BMPs that rely on gravity for infiltration, such as dry wells, spreading grounds, and underground infiltration galleries, considered to be Nature-Based Solutions?

#### 3. Safe Clean Water Projects Module

We have three general recommendations for additional features to the Projects Module:

- Large organizations may favor a feature that only allows one or few designated administrator(s) of the organization to submit projects and feasibility studies for final consideration by the WASC and Scoring Committees, instead of unlimited submittal by all staff.
- As the number of try outs may be very significant, or people may be submitting multiple versions of the same project, we recommend that the Projects Module provides the option of deleting a project by the person who entered the project.
- The module should provide the option of bundling smaller, individual projects into one, single submittal.

#### 4. Watershed Coordinator Qualifications and Scope of Work

- **Page A.2, Task 5**: We recommend that the Watershed Coordinator should first liaison the potential Project Applicant with the local Municipality to evaluate a potential partnership with the Municipality, rather than directing the Project Applicant immediately to the Technical Assistance Teams.
- Page A.3, section B: Include a minimum of years of experience for each skill set.
- Page A.3, section B.4: Skills and qualifications of Watershed Coordinators should include some knowledge of local water quality regulations.

#### 5. WASC Operating Guidelines

- General comment: The WASC should have the ability of removing and reselecting Watershed Coordinators at its own discretion.
- **Page 1, article III, section 1**: the WASC chair and vice chair should serve a minimum of two years to maintain consistency and efficiency.

#### 6. Procedures and Guidelines for Low-Income Senior-Owned Parcels

- General comment: Add a provision that affords the exemption to seniors that qualify under the SCW program guidelines or their city's low-income senior exemption, whichever is more beneficial to the applicant.
- General comment: We recommend that the Low-income senior age limit should be lowered to 62 to be consistent with the LADWP Lifeline Utility Users tax exemption for low-income seniors.
- General comment: The Program puts too much burden of proof of eligibility on low-income seniors to receive credits by requiring them to apply every year, as opposed to other Credit Program applicants who are allowed to apply only every other year. Our recommendations to lower the burden of proof include:

- The District should work with the Franchise Tax Board to verify the adjusted gross income of seniors rather than having seniors submit their tax returns each year.
- Seniors should be allowed to submit certain documentation, such as birth certificates, only once instead of annually.
- The District should provide a secure online application submittal system and additional in-person drop-off locations.
- The application should be formatted to make it easier to read (e.g., 12-point minimum Arial font).

LASAN and LADWP appreciate the opportunity of providing comments on the final draft documents of the SCW program, and we look forward to continuing our collaboration with the LACFCD on development and future implementation of the SCW Program.

Should you or your staff have any questions regarding our comments and suggestions, please contact Shahram Kharaghani of the LASAN Watershed Protection Program at

Sincerely,

or

ENRIQUE C. ZALDIVAR, Director and General Manager LA Sanitation and Environment

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DAVID H. WRIGHT, General Manager Los Angeles Department of Water and Power

ECZ:SK:hc

c: Barbara Romero, Mayor's Office Liz Crosson, Mayor's Office Ackley Padilla, CD6 Traci Minamide, LASAN Lisa Mowery, LASAN Marty Adams, LADWP David Harasick, LADWP David Harasick, LADWP David Pettijohn, LADWP Rafael Prieto, CLA Sarai Bhaga, CAO Shahram Kharaghani, LASAN

# **Public Review Comment Form**

SAFE CLEAN WATER PROGRAM

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Name:       Susan       Lankarcan         Email:	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkOther	
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## **Public Review Comment Form**

Name: Susani Langerer   Email:   Phone:   Organization:   CITY OF BURBANK   I LA County Public Works may contact me for clarification about my comments	My comments pertain to:         Implementation Ordinance         Credit Program Procedures & Guidelines         Credit Program Web Application         Low-Income Senior Exemption Procedures & Guidelines         Low-Income Senior Exemption Application Form         Tax Appeals Process Tutorial         Feasibility Study Requirements & Scoring Criteria         Project Scoring Module         Watershed Area Steering Committee Operating Guidelines         Watershed Coordinator Scope of Work         ✓ Other
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Susan Robinson Friday, June 14, 2019 5:03 PM DPW-SafeCleanWaterLA

Comments on the Safe Clean Water Program Implementation Ordinance and Related Documents

Dear Safe Clean Water Program Team:

McGowan Consulting appreciates the opportunity to provide comments on the draft Safe Clean Water Program Implementation Ordinance and related documents and commends the excellent job your staff has done translating the Program Elements into these new documents. We offer the following comments for your consideration:

- 1. The comments below are editorial in nature and meant to provide internal consistency and clarity:
  - a. The definition of "Nature-based solutions" in the amended Section 16.03 includes the definition for "Nature-Mimicking Solutions" and the latter is not used in the ordinance, so we suggest removing it from the Definitions Section 18.02 or revising the language in Section 16.03 so that it reads, "Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity Nature-Mimicking Solutions as defined in Section 18.02".
  - b. Section 18.06.B.3 describes the annual progress/expenditure report that must be prepared within 6 months after the end of a municipality's fiscal year, however this description differs from the description of the annual progress/expenditure report provided in 18.06.D which does not include the requirement to report on Nature-Based Solutions realized as Section 18.06.B.3 does. We suggest removing the discussion of annual progress/expenditure report requirements in Section 18.06.B.3 and referring instead to Section 18.06.D.
  - c. In the WASC Operating Guidelines it is not clear that the SIPs are to be submitted first to the ROCs, however Section 18.07.B.1.c.(4).g of the Implementation Ordinance states that SIPS will be submitted to the ROCs. We suggest revising the WASC Operating Guidelines to be consistent with the Ordinance.
  - d. In Section 18.07.G.1.c, there are four (4) BOS appointed Agency member seats described (District, Municipal Water District, Groundwater Agency OR 2nd Municipal Water District, and Parks/Open Space Agency) however Section 18.07.G.1.a states there will be five (5) Agency stakeholder seats so it appears one is missing from Section 18.07.G.1.c. The member seats described in Section 18.07.G.1.c also differs from Table 1 in the WASC Operating Guidelines which details the WASC representatives' minimum required experience and calls for Agency member seats for Groundwater, Water, Sanitation and Parks/Open Space. We suggest revising Section 18.07.G.1.c to clarify what the fifth member seat will be.
  - e. Section 18.07.G.1.d(1) appears to mistakenly refer to Agency Stakeholder representatives and alternates vs. Community Stakeholder representatives and alternates.
  - f. Table 2 of the WASC Operating Guidelines does not appear to include the minimum qualifications for business or environmental justice community members that were included in the previous Program Elements document.
  - g. Should the 6th and 7th rows in the table in Section 18.10.B.1 that refer to applicable RWQCB Permits also refer to the IGP?

- h. In the Watershed Coordinator Scope of Work, Section A, Tasks 2 & 3 are identical with only the minor addition of the word "Lead" in the title for Task 3. Is this intentional or should one of these task descriptions be revised?
- 2. The comment below is related to the Draft Watershed Coordinator Scope of Work:
  - a. In the WASC Operating Guidelines document, Section 2 page 2, the last paragraph states, "An individual Watershed Coordinator will only sit on one WASC, as this is considered a full-time employment opportunity. If a contract for Watershed Coordinator is awarded to an entity for multiple Watershed Areas, that entity shall provide a different full-time employee for each Watershed Area" which indicates that each Watershed Coordinator position is intended to be held by a single full-time employee. We suggest allowing the flexibility for a small team of personnel to collectively achieve one full time equivalency in carrying out the Watershed Coordinator scope of work for a particular WASC. This will allow for the utilization of a more diverse skill set and more effective coverage of watershed outreach events, such as with multi-lingual staff and backup coverage for meetings, while still meeting the limited budget allocated for the Watershed Coordinator position.

If you have any questions or require additional information, please do not hesitate to contact me via email or telephone.

Thanks! Susan Robinson McGowan Consulting

From:	Susan Robinson <
Sent:	Wednesday, June 19, 2019 10:26 AM
То:	DPW-SafeCleanWaterLA
Cc:	
Subject:	Comments on the Safe Clean Water Program Implementation Documents

Safe Clean Water Program Team:

McGowan Consulting has been asked to make the comment below on behalf of the Beach Cities Watershed Management Group. The group recognizes all the hard work you have put into these implementation documents and appreciates the opportunity to provide comment.

Comment on Section 2 of the supplemental WASC Operating Guidelines: This section states that the
District's Chief Engineer (or a designee) shall select a new alternate municipal agency member if that
municipal member's primary representative is no longer able to serve and the alternate becomes the
primary. While this will be done "in consultation with the municipality currently holding the seat", we
suggest that the selection of a new alternate be made in consultation with all of the municipal members
of the WASC that do not hold designated seats since they originally voted on the primary and alternate
municipal member seats and should have some say in the selection of new ones.

If you have any questions or require additional information, please do not hesitate to contact me via email or telephone.

Thanks! Susan Robinson McGowan Consulting
From:
Sent:
То:
Cc:
Subject:
Attachments:

Tammy Hierlihy Friday, June 21, 2019 5:44 PM DPW-SafeCleanWaterLA

Comments: Safe, Clean Water Program Feasibility Study Requirements CBMWD Comment Letter 6-21-19.pdf

Hello,

Please find attached comments pertaining to the Safe, Clean Water Program.

Thank you.

Tammy Hierlihy Water Resources Manager



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June 21, 2019

6252 Telegraph Road Commerce, CA 90040-2512

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Whittie	Huntington Park
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	Lakewood

and Unincorporated Areas of Los Angeles County

Mr. Mark Pestrella, Director of Public Works Angela George-Moody, Deputy Director - Water Resources **County of Los Angeles** 900 S. Freemont Avenue Alhambra, CA 91803

Re: Comments on the Safe, Clean Water Program, Feasibility Study Requirements

Dear Mr. Pestrella and Ms. George-Moody:

We appreciate the opportunity to provide comments on the Implementation Ordinance for the Safe, Clean Water Program and support the goals towards achieving water quality improvements. Additionally, we are supportive of the program's opportunity to leverage existing infrastructure to achieve objectives, in an effort to complement the current focus on stormwater capture and infiltration. Specifically, inclusion of diversion of stormwater to facilities that include wastewater treatment plants under Section 3.2 for Water Supply Benefits. This would provide a cost-effective and environmentally beneficial solution to achieve the program's objectives.

We would like to also acknowledge the continued efforts of the Los Angeles County Department of Public Works and the Flood Control District in development and implementation of the Safe, Clean Water Program and its inclusion of a stakeholder process. Overall, this program will provide much needed assistance for cities throughout Los Angeles County towards meeting their stormwater permit requirements.

Sincerely.

Kevin P. Hunt, P **General Manager** 

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445 South Figueroa St, Suite 1950 Los Angeles, CA 90071 Tel (213) 787-9415 Fax (213) 327-0161 nature.org/california

June 21, 2019

Los Angeles County Flood Control District 500 W Temple St Los Angeles, CA 90012

RE: Safe, Clean Water Program

Dear Keith Lilley,

The Nature Conservancy is committed to working with the Los Angeles County Flood Control District to ensure we can better protect public health and our environment and maximize a clean and local water supply for Los Angeles County. The Safe, Clean Water Program implementation draft ordinance lays out ambitious and much-needed goals related to public health, nature-based solutions, equity, job development, ecosystems, habitat restoration, water quality, and community investments. A comprehensive and holistic approach is critical to multi-benefit watershed-based projects that improve water quality and increase water supply in communities across the region. Prioritizing the use of nature-based solutions has been proven to provide multiple benefits for the quality of life of community members, a strong economy, and a trained workforce. Multi-benefit projects provide Los Angeles County residents with clean air, clean water, access to open space, relief from the urban heat island effect, and protection from disasters like floods.

The Nature Conservancy (Conservancy) is an international non-profit organization dedicated to conserving the lands and waters on which all life depends. Our on-the-ground work is carried out in all 50 states and in 72 countries around the world and is supported by approximately one million members. To date, we have helped conserve approximately 120 million acres (including nearly 1.5 million acres in California) and 5,000 river miles around the world. We have been engaged in the protection and management of natural resources since 1951.

The Conservancy and the undersigned organizations commend the Los Angeles County Flood Control District for adopting an inclusive approach that has prioritized direct engagement with the diverse communities of Los Angeles County. We support the integration of actions that support local water supplies and access to clean water. However, we would recommend adding more detailed targets for nature-based solutions, community engagement, equity, jobs and agency collaboration into the implementation ordinance and related documents of the Safe, Clean Water Program.

The Nature Conservancy's detailed comments on the Safe, Clean Water Program Implementation Priorities are below.

# Comments on Nature-Based Solutions

- 1) We recommend converting impermeable surfaces to permeable surfaces by removing impermeable concrete and asphalt and planting with climate appropriate vegetation.
- 2) We recommend planting a diverse set of native species to establish healthy plant communities which include trees, shrubs, and groundcover.
- 3) We recommend consulting with a native landscaping specialist that can also offer training and green jobs.
- 4) We recommend requiring a minimum of 5 points from the Nature-Based Solutions section in the Scoring Criteria.
- 5) In recognition of the importance of maintenance for nature-based projects that use native vegetation, O&M plans submitted to obtain O&M funding for such projects must include an appropriate monitoring and maintenance plan for the upkeep of native vegetation for at least 3-5 years.

# Comments on Community Engagement & Accountability:

- 1) Community engagement should inform proposed projects and plans.
- 2) Community-based organizations should be hired to conduct engagement, education, and build capacity for projects.
- 3) Extend comment period to June 29th so meaningful feedback can be incorporated into the ordinance language.
- 4) Develop a checklist for evaluation of projects after implementation.
- 5) We recommend adopting the following community engagement best practices:
  - A minimum of 4 workshops per project at different phases, i.e. planning, design, implementation, etc.
    - Increase number of workshops based on population density of project location.
  - Community materials and presentations should be developed in multiple languages.
  - Outreach consultants should participate in existing events and meetings to reach minimum of 1% of the population within a one-mile radius of a project area.
  - Locations of public workshops should be transit accessible.

# Comments on Equity:

- 1) We recommend adopting a Low-Income Credit Program (tiered approach based on low income parcel owners).
- 2) We recommend more detailed guidance for equitable distribution of funds and prioritizing projects in low income areas (reference 110% re-investment in Disadvantaged Communities from Safe Clean Water Program Details pg. 31).
- 3) <u>A Displacement Avoidance Policy</u> should be adopted, and additional resources should be provided to ensure its effective implementation. When implementing multi-benefit stormwater projects in disadvantaged communities, every effort should be made to

prevent displacement due to increased investment. Examples of displacement avoidance policies are listed below:

- Rent Stabilization Ordinance
- Anti-Tenant Harassment
- Renters Rights Education
- Right to Counsel
- Anti-displacement policy as a metric to evaluate projects at the Watershed Area Steering Committees
- Tenant Protection Working Groups that include community members, and that are project specific.

#### Comments on Jobs:

- 1) We support Local/Targeted Hire on large grant projects in the City of Los Angeles, Long Beach, and Unincorporated Los Angeles County.
- 2) Los Angeles County should adopt good maintenance standards and consolidated job opportunities. We recommend setting a threshold for good standards when contributing to local projects.
- 3) We recommend dedicated workforce education funding that would further ensure skilled construction and maintenance of multi-benefit projects.

#### Comments on Inter-departmental /Agency collaboration:

 The County of Los Angeles is made up of many departments and agencies whose collaboration and input during implementation are critical. We recommend the establishment of a working group including, but not limited to, staff from LA County Department of Parks and Recreation, Public Health, Regional Planning, the Vector Control District, Sustainability Office, Assessor's offices, Workforce Development, and other teams within Public Works to ensure adequate information sharing and coordination.

#### Comments on the Watershed Area Steering Committee Operating Guidelines (shown in blue)

- Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field (pg. 3).
- Add ecology to the list of work experience for Environmental members.
- Add that experience with nature-based projects is preferable.
- 2) Willingness to be trained and educated on pollution abatement, Stormwater programs, and TMDL related issues (pg. 3).
- Add equity and nature-based solutions as topics for at large community members to be willing to be trained in.

# Comments on the Infrastructure Project Scoring Criteria (shown in blue).

 Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points.

• Implementing natural processes may include: Points will be awarded based on the percentage of the project footprint that is converted from impermeable surface to *climate appropriate* vegetation.

- Implements natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or useable open space = 5 points.
- Implementing natural processes may include:

   Strategically protecting undeveloped mountains and floodplains;
   Creating and restoring riparian habitat and wetlands;
   Enhancing soil through composting, mulching, and tree and vegetation planting, with preference for native species; and
   Utilizing spreading grounds; green streets; and planting areas with water storage capacity
- Where relevant, points will be awarded based on the percentage of project footprint covered by new, *native* vegetation (1 point per 10% of project covered by new, native vegetation)
- 3) Utilizes natural materials such as soils and vegetation prioritizing native vegetation and the establishment of plant communities to support a diversity of species = 5 points
- Points will be awarded based on the number of different/distinct newly planted native species across distinct types (groundcover, shrubs, and trees), with some flexibility in the number of native plant species depending on the size of the site. We highly recommended that a certified native landscaping specialist develop these plans or be consulted to confirm that the right mix is being planted. There is no 'one-size-fits-all' for ideal nature-based projects. Project proponents are strongly encouraged to consider specific community needs in designing projects. For example, in areas prone to flooding, native trees with strong root systems that absorb a significant amount of water may make the most sense; in areas particularly impacted by heat island effect, trees that maximize shade might be most appropriate; in areas highly impacted by all these concerns, some combination of these strategies may be best.

A 5-point minimum from the nature-based projects category should be required. Well-designed projects should easily be able to earn 5 points in this area. If Los Angeles County is concerned about the threshold disqualifying otherwise stellar projects, it could couple the threshold with an option for project proponents to explain why it is not "feasible" to meet the threshold requirement and be granted an exemption.

The Los Angeles County Flood Control District is ensuring that Los Angeles County residents will have improved water quality and increase water supply in communities across the region. The Conservancy along with our partners who have signed on to this letter (noted below) appreciate the County of Los Angeles' strong commitment to developing a comprehensive pathway to safe and clean water. We stand ready to work with you on the implementation of the Safe, Clean Water Program and to assist with outreach to communities and leaders throughout Los Angeles County.

Sincerely,

Shona Longuly

Shona Ganguly Associate Director, Advocacy & Campaigns The Nature Conservancy



Protecting nature. Preserving life."

Paola Machan Operations Manager Mujeres de la Tierra



Yvette Lopez-Ledesma Urban to Wild Assistant Director The Wilderness Society



CC:

5 | Page

Elva Yañez Director of Health Equity Prevention Institute



Marissa Christensen Executive Director Friends of the Los Angeles River



FRIENDS OF THE

Hon. Hilda L. Solis, Supervisor, First District, Los Angeles County Hon. Mark Ridley-Thomas, Supervisor, Second District, Los Angeles County Hon. Sheila Kuehl, Supervisor, Third District, Los Angeles County Hon, Janice Hahn, Supervisor, Fourth District, Los Angeles County Hon. Kathryn Barger, Supervisor, Fifth District, Los Angeles County Matt Frary, Los Angeles County Flood Control District Paul Alva, Los Angeles County Department of Public Works From: Sent: To: Subject: Thomas Lambertson Friday, June 21, 2019 4:38 PM DPW-SafeCleanWaterLA Comment - Implementation Ordinance (Appeals Section 18.13)

Hello,

I wanted to request clarification of the appeal criteria. Section 18.13 says that appeals will only be considered if a lot owner has a discrepancy of 10% and \$50. However, with large lot owners, it is feasible that the bill could exceed well over \$50 and be less than 10% of an error. It seems more appropriate to say that appeals will be considered if either the 10% or \$50 conditions are met.

Thom Lambertson, PE PMP | Associate Civil Engineer City of Glendora | Engineering Division

W: www.ci.glendora.ca.us





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June 21, 2019



Studio City, California 91604 tel: 818-980-9660 www.TheRiverProject.org **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 Implementation Documents**

The River Project has been a dedicated partner working to advance the development and passage of the Safe Clean Water Program. However, the current program draft does not reflect what has been promised to taxpayers, or what people have voted to realize.

The Safe Clean Water Program was presented as an initiative to "Unpave LA," and implement mostly nature-based projects to address water quality and water supply challenges by taxing property owners based on their impermeable

surfaces. However, the majority of projects supported by the draft implementation ordinance are grey infrastructure that drives climate change through externalized lifecycle greenhouse gas emissions, diverts water into sewer systems, takes up space that could be supporting more water infiltration and habitat dollar for dollar, ignores climate imperatives, and excludes the majority of Angelenos from participating in solutions due to an inequitable, insular, and bureaucratic structure and decision-making process as well as impossibly high bars for tax credit.

Water quality has long been the tip of an iceberg of wider environmental issues—because this is an accessible mechanism to force compliance with litigation through the Clean Water Act and similar provisions at the State level through the National Pollutant Discharge Elimination System program. Fundamentally the issues have always been bigger.

Our world is literally falling apart, and people expect government to keep order and take care of people. We cannot continue to silo and pretend out of convenience that the very immediate climate and ecological emergencies are not relevant to water quality, water supply, and community investments. We cannot wait another 3 or 4 years for a different plan to address what is not in fact a separate issue. Land use and the materials we use directly impact these dual crises, and appropriate solutions are key not only for water quality but for the immediate threats that we face.

We cannot afford to lose this opportunity.

• Redefining an internationally recognized term Nature-Based Solutions to include "[p]rojects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity" is greenwashing, misrepresenting allocations of funds and the true costs to taxpayers without the intended benefits.

The clause must be removed from the ordinance definition of Nature-Based Solutions, and considerations for what constitutes a Nature-Based Solution must be reevaluated for project scoring criteria. This inclusion renders language throughout at best misleading and at worst deceptive about actual expenditures and presumed benefits. Incorporating nature-based elements into projects that are grey or grey-green may be effective. However, 'green streets' and 'planted areas with water storage capacity' are not themselves based in nature. On the contrary, almost all such applications in Los Angeles County to date reduce or entirely preclude infiltration into groundwater, disrupt soils, degrade rather than improve over time, must be cleaned regularly of debris and pollutant accumulation, fail to support particularly critical native species, and dollar for dollar underperform compared with nature-based solutions in water and air cleansing, carbon sequestration, community cooling, human wellness, biodiversity, ecosystem function, aesthetics, and other key features realized by nature-based solutions, which are alleged to be a priority focus of funding through this program.

According to the UN World Water Assessment Program Nature-Based Solutions (NBS) "use or mimic natural processes to enhance water availability (e.g., soil moisture retention, groundwater recharge), improve water quality (e.g., natural and constructed wetlands, riparian buffer strips), and reduce risks associated with water-related disasters and climate change (e.g., floodplain restoration, green roofs)."

Nature-based solutions (NBS) are inspired and supported by nature and use, or mimic, natural processes to contribute to the improved management of water. An NBS can involve conserving or rehabilitating natural ecosystems and/or the enhancement or creation of natural processes in modified or artificial ecosystems. They can be applied at micro- (e.g. a dry toilet) or macro- (e.g. landscape) scales.

To paraphrase, nature-based solutions are solutions based in nature. These are strategies and methods driven by natural functions and processes that do not necessarily require significant ongoing human inputs—a combination of biological organisms including soil, plants, and animals together with inert forces such as wind, gravity, and capillary action. Inert forces alone without biology do not constitute being based in nature, which defines grey infrastructure such as pipes, concrete chambers, and intensive physical and chemical filtration processes.

Most of the grey-green infrastructure implemented to date in Los Angeles such as green streets and 'planted areas with water storage capacity' are more accurately grey infrastructure with some additional landscaping. They do not rely predominately on nature to perform their function, nor do they adequately mimic much less rehabilitate natural ecosystems or processes. They take more money and more time to implement. Those are two things we can no longer spare.

• <u>Almost exclusively the Draft Implementation Ordinance documents support extensive grey</u> infrastructure, with a heavy focus on concrete—the third largest contributor to greenhouse gas emissions globally.

Six of eight 'BMP's listed through the Draft Scoring Module are grey infrastructure, with no options for conservation, preservation, or restoration. These last are fundamental and critically necessary.

The UN IPCC and IPBES reports must be recognized in the *Draft Implementation Ordinance*, and targets and actions must reflect leading evidence-based science. There is currently only one reference to climate and biodiversity, and no references to ecosystems, resilience, or adaptation. With the release of these reports we have confirmations clearer than ever before that time is running out to address the worst impacts of climate change. Bold action is called for. Maintaining the status quo is giving up hope for the future. We must incorporate leading science into actionable plans and policies that address priorities equitably not just now, but into the future. Of primary significance, grey infrastructure is intensive in generation of carbon and other greenhouse gasses, aggravating climate change, and intensive in resource consumption in both fabrication and operations. This bait and switch not only fails to provide the benefits alleged to be provided through this taxation, but is also likely driving the very challenges the tax purports to address, namely water security, climate resilience, equity, community wellbeing, and habitat.

Emphasize significance of lifecycle greenhouse gas emissions in project consideration, and potential for nature-based project to sequester carbon, support biodiversity, restore ecosystems, and clean water and air in the *Draft Implementation Ordinance*, *Draft Feasibility Study Requirements and Scoring Criteria*, and also the *Draft Project Scoring Module*.

• Fiscal and carbon budgets are not considered—total available land is limited, as are financial resources and time to avert the worst impacts of climate change. Supporting meaningful projects at all scales and incentivizing distributed projects across all land use types is critical for our climate adaptation.

For the sake of an example, the total flood control capacity of all dams in the LA River Watershed are comparable to the potential for single-family residential property. In volume alone, an average of 20% of land area zoned single-family residential retrofit with simple grading 6" deep would be 18,388.17 AF—already more than the capacity of Sepulveda Basin, not factoring for evapotranspiration which accounts for upwards of 60% water cycle loss, or for infiltration which is several inches an hour and more across most of LA County. At 1' deep the same area would be greater than the storage capacity of Hansen Dam before even factoring for real world functions.

The necessity of distributed capture across this area is the reason such projects are prioritized in the region's EWMPs, the County's LA Basin Study for Conservation, and LADWP's Stormwater Capture Master Plan for the City of Los Angeles. This does not factor for the impacts and functions of naturalized areas, and the imperative to protect, facilitate, and restore natural lands and ecosystem functions.

Selection criteria and funding dedications fail to support the strongest projects.

The Draft Implementation Ordinance, Draft Feasibility Study Requirements and Scoring Criteria, and Draft Project Scoring Module assume all project types are new, large capital improvement projects that include significant engineering, and require exclusively civil engineering models and plans, rather than *public* works that prioritize Nature-Based Solutions and require meaningful public and community benefits.

# There must be provisions to support land acquisitions, restoration projects, and provide mechanisms to—at a minimum—incentivize better methods at all scales, which are necessary to meet regional targets.

Points for carbon sequestration, ecosystems, and biodiversity are key.

The necessity of a project to use onsite irrigation and irrigation components for max points penalizes projects that do not require irrigation, including sites that passively irrigate, as well as land acquisitions and restoration projects. Irrigation is one of the most expensive and operations-intensive components of a project. A project that is truly nature-based would not require a permanent irrigation system.

All benefits assume a new construction project, as opposed to acquiring or conserving an existing site to maintain functions in perpetuity.

Under the current scoring in the *Draft Feasibility Study Requirements and Scoring Criteria*, a project could achieve at least 5 points by simply planting a tree, but would need to be located at a school with access to a waterway and recreational opportunities in order to realize the full 10 points for Community Investment. Was that the intent—to proscribe the definition of Community Investment to schools with active recreation and waterway "access?" Invisible concrete chambers and diversions to sewers with a tree would score as well as community-driven projects that comprehensively serve community needs and interests.

Apart from the impervious area calculation, the Nature-Based Solutions Points are also otherwise vague to a point of lacking meaning.

**Please revisit the scoring for Community Investments to ensure measurable targets.** We previously provided recommendations to utilize a version of the Sustainable SITES initiative and similar scoring criteria from around the US—there are reasonable and effective example targets that have been adopted by municipalities across the world over decades.

Municipalities are not just responsible for water quality—increasingly we are strengthening evaluations of carbon budgets, local water sources, and disaster risk. Liability increasingly concerns awareness and what has been willfully ignored. Single projects can address many of these challenges, and clearly demonstrate good faith intent to take action. These are moral responsibilities, and only increasingly legal responsibilities as well.

The Scoring Module must be updated to be inclusive of all relevant project types.

6 of 8 'BMP's listed through the Draft Scoring Module are grey infrastructure. **Please add options for conservation and restoration.** 

The Draft Scoring Module assumes engineered soil media, underdrains, and others materials for all project types, which are expensive, carbon-intensive, and likely underperforming as compared with healthy, high-infiltrating soil and plants. The assumed inclusion of an underdrain in particular undermines most benefits, particularly water supply, greenhouse gas impacts, and cost-effectiveness

Please provide options to add as necessary engineered soil media depth and underdrains, rather than establish as the default. Preferably these elements would be penalized for added financial and carbon expense in installation and operation, reduced life of project, disturbance of conditions, and for reducing water infiltration and supply—only to be included as necessary if there are no other options available.

RE: 'BMP TYPE':

- 55 gallon 'Rain Barrels' take approximately 13 years to pay for themselves in our climate and provide little meaningful benefit. This is neither a good use of taxpayer funds, nor a responsible BMP to highlight as an option.
- Diversions to Sanitary Sewers are not Best Management Practices. They are, however, steps toward a combined sewage system—which municipalities across the US are spending hundreds of millions to billions of dollars to separate. This is not a good use of taxpayer funds.

 <u>All project types and exemptions require civil engineer plans and certifications, which are</u> <u>expensive high bars for smaller cities, organizations, and individuals, unnecessarily outweighing</u> <u>benefits as currently outlined in the *Draft Implementation Ordinance, Draft Credit Program* <u>Implementation Procedures and Guidelines, Draft Credit Program Web Application, Draft Tax</u> <u>Appeals Process Tutorial, Draft Feasibility Study Requirements and Scoring Criteria, and Draft</u> <u>Project Scoring Module</u>
</u>

Remove requirements to have engineered estimates, plans, and certifications or please provide justification in each instance for the necessity of civil engineers to provide estimates and specifications where many disciplines are qualified, several of which would be superior choices including landscape architects, landscape designers, hydrologists, and geomorphologists. There are excessive examples where 'engineer' was placed before estimates and specifications that even laypeople are qualified to provide, such as square footage.

Necessitating involvement of civil engineers is discriminatory and inequitable and adds expense to highly effective projects—civil engineers are not the most qualified professionals to evaluate and make recommendations on complex natural functions, biological systems, and community benefits integral to the leading solutions espoused by the promotional campaign or alleged benefits espoused in the Draft Implementation Ordinance.

The *Draft Implementation Ordinance* has a goal to Provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County—this is unlikely to be realized given the requirements and thresholds for project consideration, let alone awards.

Requiring civil engineers for every value and specification ensures that most properties, smaller projects, and many valuable project proposals will not be submitted

• <u>The requirements outlined in the Draft Feasibility Study and Selection Criteria suggest that only</u> steering committees can make recommendations for projects to be proposed.

The steering committee seats as outlined do not even represent all municipalities in their areas, let alone all stakeholders. There is no remedy for successfully proposing projects outside a small insular group and an expensive application process, just as with the IRWMP process. This ensures there is no equity, and that we keep lowering the bar to find projects where there is little justification to dump money untracked and unmonitored. Technical assistance is only available for concepts that are brought before and approved by the designated groups.

As an example, for the recent IRWM call for projects, not a single project proposed to the Upper LA River IRWM Steering Committee made the threshold in the scoring round. Rather than redouble efforts to identify qualified projects, or request project modifications from proponents, the steering committee leadership recommended lowering the threshold and submitting poor projects. Knowing that every region would be granted their share of projects irrespective of their benefits, there was no motivation to develop projects that met even the bare minimum requirements. This, in the largest and most consequential subwatershed.

Many of the outlined requisites necessitate that a project be a large, new capital improvement project, and do not provide for nature-based projects, particularly acquisitions, restorations, and grading projects leveraging soil, plants, and healthy ecosystem functions.

Please ensure projects can be proposed by anyone, and if committees are to be appointees as outlined please be sure to include provisions for meeting accessibility

(including recorded livestreams) and for full reports and detailed minutes to be posted publicly.

Steering Committees are not equitable.

Make clear how many seats are available per steering committee, ensure equitable distribution of seats, and take into consideration agency representatives also represent municipalities.

As currently outlined in the Draft Implementation ordinance and Draft Watershed Coordinator Scope of Work there is a supermajority of cities and agencies in the decision-making process specifically large cities. Over 3/4 of all limited seats go to the City of LA in the Upper LA River and Santa Monica Bay committees, which have traditionally and will continue to vote as a block. This concentration of power magnifies their already inequitable proportion of voting members.

Coordinators would be direct employees of the County, and the only 'community members' would be a limited number of appointees that are unlikely to challenge imbalanced systems. This is a recreation of the current IRWM Program, ensuring a top-down business as usual process that precludes meaningful community participation, avoids accountability, and ensures the same expensive underperforming project types that fail to deliver true benefits to communities or make the best use of taxpayer dollars.

RE: Draft Watershed Area Steering Committee Operating Guidelines, Article III.2 Being designated to serve on two committees does not give a person capacity to do so responsibly.

• <u>Please make clear that the purpose of the Watershed Coordinator role is to build</u> <u>inclusion and meaningful engagement, not primarily outreach and administrative</u> <u>coordination.</u>

Currently, the role outlined in the *Draft Watershed Coordinator Scope of Work* is structured around bureaucratic administration, outreach, touch points, and talking at people rather than listening and meaningfully including community in decision-making.

The role would be best fulfilled independently, as opposed to being staff of Los Angeles County. As staff of the County there will be implicit trust challenges with community, and a strong impetus for serving the County over advancing critical review and best practices, or facilitating genuine consensus and community dialog.

# Recommend that each SC selects and hires its WC, with significant and equitable input from the local community stakeholders represented.

• <u>The draft ordinance does not include remedy for the vast majority of people impacted by the</u> <u>tax—many of whom are low-income and at-risk—who also present the most opportunity for both</u> <u>public and community investment benefits—individual homeowners.</u>

The exemption process available involves a complex application requiring tax documentation, civil engineer reports, certifications, maintenance management plans, knowledge, resources, and more every two years. This is not accessible.

Accessible incentives and rebates must be offered for residents of Los Angeles County to have opportunity to leverage their own resources. If people are managing their own

stormwater, infiltrating water into the ground, and supporting their communities, they are providing more benefit than a centralized grey infrastructure project with a few trees or a walkway dollar for dollar. In aggregate—and recognizing the burden of ongoing maintenance—this is a bargain. Expecting people to do all this and pay tax with no real vehicle for relief or reward is unjust—especially when these funds are going instead to projects that do not perform as well as nature-based solutions that can be made and managed by residents. Engaging residents in parcel-based stormwater work is required in the Upper LA River EWMP RAA, is foundational to the LADWP Stormwater Capture Master Plan, and is recommended as one of the most cost-effective approaches in the County's own Basin Study for Conservation.

• <u>RE: Draft Tax Appeal Tutorial, remote sensing can result in significant errors, which may be</u> observed in exports from County datasets.

Please clarify and demonstrate the data accuracy of the verification process. Please also allow for tax to be calculated by third parties.

• <u>RE: Draft Safe Clean Water Program Tax Credit Application</u>, if the 5<sup>th</sup> point is intended to be inclusive of non-regulatory water management activities at their own site, the language needs to clarify this. The overly technical language is effectively discriminatory.

Please specify definition of "Additional Activities."

Recommend that the tax application not lead with Engineer information.

The challenges that we face are significant and extensive, and the sense that there is not more we can do to address them can be overwhelming. However, we have no choice but to act boldly, or face a more terrible future. Thank you for your attention and consideration.

Sincerely -

Melanie Winter Founder & Director

Johnathan Perisho Design & Policy Director

CC: Matt Frary, Public Works, Los Angeles County Genevieve Osmena, Public Works, Los Angeles County Renee Purdy, Los Angeles Regional Water Quality Control Board From: Sent: To: Cc: Subject: Vince Ramos Friday, June 21, 2019 6:56 PM DPW-SafeCleanWaterLA

Public Review Comments - City of Claremont

Please find comments regarding the Safe Clean Water Program from the City of Claremont.

Comment 1:

Implementation Ordinance, page 55, section 18.13 B.

The discrepancy criteria should be able to meet a difference of 10% or more in impermiable area, or a difference in the special tax amount of\$50 dollars. Currently a significant discrepancy is defined as meeting both. This does not appear to fair to smaller parcels that discover a discrepancy in their taxable amount.

#### Comment 2:

Municipal Program Implementation, Page 25, section 18.06 D.

Will report templates or criteria for the report be made available to municipalities, or possibly even a website made available to input required annual report data? Either/Or would be beneficial.

Thank you.

Vincent Ramos Associate Engineer City of Claremont From: Sent: To: Subject: Melina Watts **Annual State Sta** 

Good morning,

Please send me the information on the Request for Services and Qualifications for Watershed Coordinators that are a part of the Safe Cleen Water Program.

Thank you.

Sincerely,

Melina Sempill Watts

From <u>Tree</u>: "The underlying melody via every rock, plant, animal, sky and star, inside the water, from the dirt, through the light: only love lasts." by <u>Melina Sempill Watts</u>



"I want our democracy to be as good as Christina imagined it." - President Barack Obama

From: Sent: To: Cc: Subject: Attachments: Ana Mata

Thursday, June 20, 2019 4:50 PM DPW-SafeCleanWaterLA

Main San Gabriel Basin Watermaster Comments: Safe Clean Water Program MSGBW Comments\_Safe Clean Water Program.pdf



725 North Azusa Avenue • Azusa, California 91702

June 20, 2019

 TO:
 Los Angeles County Public Works

 SafeCleanWaterLA@pw.lacounty.gov

FROM: Anthony Zampiello Executive Officer

SUBJECT: Safe Clean Water Program

On behalf of the Main San Gabriel Basin Watermaster, please find attached correspondence/comments regarding the Safe Clean Water Program.

If you have any questions, please feel free to contact me at

Thank you.

ACA

Anthony Zampiello Executive Officer

Attachment



VIA EMAIL - safecleanwaterla@pw.lacounty.gov

June 20, 2019

Los Angeles County Public Works 900 South Fremont Avenue Alhambra, CA 91803

RE: Safe, Clean Water Program

The Main San Gabriel Basin Watermaster (Main Basin Watermaster) has reviewed the draft "Implementation Ordinance and Related Documents" for the Safe, Clean Water Program. The Main Basin Watermaster is a court-appointed agency which manages the surface water and groundwater supplies of the Main San Gabriel Basin which underlies the majority of the San Gabriel Valley and includes portions of the Upper Los Angeles River Watershed and the Upper San Gabriel River Watershed. The Main Basin Watermaster hereby provides the following comments:

#### <u>General Comments</u>

1. The surface water and groundwater rights for the Main San Gabriel Basin have been adjudicated. A Judgment and Rules and Regulations are in place to manage those water rights. Consequently, as the Safe, Clean Water Program is developed and implemented it is important that all potential applicants recognize their proposed project(s) will not result in a water right and/or water supply credit. Storage credit can only be considered if they can clearly demonstrate water conserved by their project would have otherwise flowed to the ocean each and every year. Nonetheless, the Main Basin Watermaster is supportive of plans and programs which reduce or eliminate non-compliant stormwater and dry weather flow.

Los Angeles County Public Works June 20, 2019 Page 2

- 2. A project proponent may use whatever water it captures and retains onsite (such as in rain barrels or cisterns) for subsequent use onsite. However, within the San Gabriel River and Rio Hondo Watersheds (including the San Gabriel and Rio Hondo Coastal Spreading Grounds in the Santa Fe Springs area) the vast majority stormwater flows and essentially all of the dry weather flows are already infiltrated into groundwater basins and do not flow to the ocean. Consequently, diverting dry weather flows within these two watersheds may provide a water quality or other benefit, but it typically does not result in increased net replenishment or water supply. The same is true for stormwater flows that fall within the "LID Design Value", i.e. the 0.75-inch, 24-hour rain event or the 85<sup>th</sup> percentile, 24-hour rain event.
- 3. The State Water Resources Control Board-Division of Water Rights has declared the San Gabriel River system (including the Rio Hondo) fully appropriated. Any request or claim for recovery (and credit) of stored water should be initially addressed to the appropriate Watermaster(s) and license holders.

#### Specific Comments

Section 1., 16.03, 00. "Water Supply Benefit". As noted above, in general it is unlikely there would be a net water supply benefit in the Main San Gabriel Basin recognizing most low flows are already captured and infiltrated.

The Main San Gabriel Basin Watermaster appreciates this opportunity to provide comments.

Sincerely,

Anthony C. Zampiello Executive Officer MAIN SAN GABRIEL BASIN WATERMASTER

From:	Anais Medina Diaz <b>Managementa and Anais</b> >
Sent:	Monday, June 17, 2019 11:53 AM
To:	DPW-SafeCleanWaterLA; Matthew Frary; Dan Lafferty; Keith Lilley; Mark Pestrella
Cc: Subject: Attachments:	RE: Vector Control Public Comment Letter on SCWP Implementation Ordinance [revised] GLACVCD_SCWP Comment Letter_061319.pdf

Dear Safe Clean Water Program Staff,

Please find attached a revised comment letter from the Greater Los Angeles County Vector Control District. This should replace the letter submitted on 6/13/2019.

Thank you, Anais

Anais Medina Diaz

Public Information Officer Greater Los Angeles County Vector Control District



From: Anais Medina Diaz Sent: Thursday, June 13, 2019 4:12 PM To: 'safecleanwaterla@pw.lacounty.gov' <safecleanwaterla@pw.lacounty.gov>;

#### Cc:

Subject: Vector Control Public Comment Letter on SCWP Implementation Ordinance

Greetings,

Please find attached Greater Los Angeles County Vector Control District's Public Commenter Letter on the Safe Clean Water Program Draft Implementation Ordinance. While we support securing safe, clean water for Los Angeles we would like to make suggestions to adequately ensure vector minimizations. We hope to work with the Safe Clean Water Program and our local agencies on successful implementation of potential Program projects. Our input will help to ensure that there will be no unintended consequences associated with mosquito production and vector-borne diseases and look forward to collaboration. Please reach out to our District with any questions or comments. Thank you for your consideration.

All the best,

#### Anais

Anais Medina Diaz Public Information Officer Greater Los Angeles County Vector Control District



# GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

12545 Florence Avenue, Santa Fe Springs, CA 90670 Office (562) 944-9656 Fax (562) 944-7976 Email: <u>info@glacvcd.org</u> Website: <u>www.glacvcd.org</u>

**GENERAL MANAGER** *Truc Dever* 

PRESIDENT Barú Sánchez, Cudahy VICE PRESIDENT Steven Appleton, Los Angeles SECRETARY-TREASURER Heidi Heinrich, Santa Clarita

June 13, 2019

ARTESIA Melissa Ramoso BELL Ali Saleh BELL GARDENS Pedro Aceituno BELLFLOWER Sonny R. Santa Ines BURBANK Dr. Jeff D. Wassem CERRITOS Mark W. Bollman CARSON Elito M. Santarina COMMERCE Leonard Mendoza DIAMOND BAR Steve Tve DOWNEY Robert Kiefer GARDENĂ Dan Medina GLENDALE Jerry Walton HAWAIIAN GARDENS Luis Roa HUNTINGTON PARK Marilyn Sanabria LA CAÑADA FLINTRIDGE Leonard Pieroni LA HABRA HEIGHTS Catherine Houwen LAKEWOOD Steve Croft LA MIRĂDA Larry P. Mowles LONG BEACH Emily Holman LOS ANGELES COUNTY Steven A. Goldsworthy LYNWOOD Salvador Alatorre MAYWOOD Ricardo Lara MONTEBELLO Avik Cordeiro NORWALK Leonard Shryock PARAMOUNT Dr. Tom Hansen PICO RIVERA Raul Elias SAN FERNANDO Jesse H. Avila SAN MARINO Scott T. Kwong SANTA FE SPRINGS Luis Gonzalez SIGNAL HILL Robert D. Copeland SOUTH EL MONTE Hector Delgado SOUTH GATE Denise Diaz WHITTIER Josué Alvarado

Mark Pestrella, Director, Los Angeles County Department of Public Works Dan Lafferty, Deputy Director, Los Angeles County Department of Public Works Keith Lilley, Principal Engineer, Los Angeles County Flood Control District Matt Frary, Acting Principal Engineer, Los Angeles County Flood Control District

#### **RE: Vector Control Public Review Comments for SCWP Implementation Ordinance**

The Greater Los Angeles County Vector Control District ("GLACVCD") would like to take this opportunity to comment on the Safe Clean Water Program Draft Implementation Ordinance and related documents. GLACVCD is a government public health agency charged with preventing human infection associated with mosquito-transmitted diseases across 1,340 square miles of Los Angeles County. We are concerned that the creation of mosquito habitat and increased disease risk can potentially be associated with the various water projects of the Safe Clean Water Program. The Safe Clean Water Program promotes projects that capture stormwater and urban runoff for storage, reuse, and infiltration. We understand projects improving water quality and improving public health are also important components of the Program, and all of these projects are equally important to GLACVCD and other vector control districts in the region. However, any storage of water can pose a risk of mosquito breeding and disease proliferation. Therefore, mosquito and vector concerns must be addressed early in the design of a project to ensure adequate mosquito minimization is accomplished. Projects failing to incorporate vector control district-approved mosquito minimization measures may be subject to abatement proceedings as specified in sections 2060-2063 of the California Health and Safety Code.

The California Department of Public Health's Checklist for Minimizing Vector Production in Stormwater Management Structures (refer to Attachment A) can serve as a basic guideline in developing a vector minimization plan. It is not the desire or intention of GLACVCD to hinder the Program but to work in concert so the end result accomplishes the Program's goals without inadvertently creating mosquito habitat and a public health hazard.

We have reviewed the Draft Implementation Ordinance document and would like to make suggestions to adequately ensure vector minimization efforts are addressed. GLACVCD suggests inserting additional language that requires mosquito and vector minimization plans as indicated below, and where the Flood District deems appropriate: June 13, 2019 Page 2 of 2

- 1. Chapter 18, Section 18.06: Require a Municipal Program to include a plan that incorporates vector minimization into the project design, operation and maintenance that has been approved by the local vector control district or agency.
- 2. Chapter 18, Section 18.07: Require a Regional Program to include a plan that incorporates vector minimization into the project design, operation and maintenance that has been approved by the local vector control district or agency.

We believe addressing these vector minimization requirements during the project implementation phase will save agencies and municipalities from substantial costs and fines associated with necessary structure modifications and mosquito prevention and maintenance programs in the future. We hope to work with the Safe Clean Water Program and our local agencies on successful implementation of these Program projects. Should you have any questions regarding these comments, please do not hesitate to contact our Urban Water Program Manager, Mark Hall, at

Respectfully submitted,

Truc Dever General Manager

Attachment: California Department of Public Health's Checklist for Minimizing Vector Production in Stormwater Management Structures

# Checklist for Minimizing Vector Production in Stormwater Management Structures

Management of mosquitoes and other vectors in stormwater management structures, such as flood control basins and Best Management Practices, is critical for protecting public health. With careful planning, such structures can be designed, built, operated, and maintained in a manner that minimizes opportunities for the proliferation of vectors. This publication provides checklists of action items intended to lessen the short and long-term potential for vector production in stormwater management structures while reducing dependence on pesticides to the maximum extent possible. With the wide variety of structures and build locations, it is anticipated that not all action items will apply to every project. Answers to frequently asked questions follow the checklist.

For simplicity, stormwater management structures have been divided into three categories, each with specific considerations. Certain structures may require reference to more than one checklist.

**Dry Systems.** Any structure designed to drain completely following capture and/or treatment of runoff. Examples include flood control basins, extended detention basins, infiltration basins and trenches, Austin sand filters, swales and strips, drain inlet inserts, linear-radial gross solids removal devices. Permanent-water features sometimes included as part of dry system design, such as micropools, should be considered separately using the checklist for "wetlands".

<u>Wet Systems</u>. Any structure designed with features such as sumps, vaults, and/or basins that hold water permanently, or longer than 4 days. Examples include open catch basins, concrete retention basins, Delaware sand filters, and a variety of belowground proprietary devices.

<u>Wetlands</u>. Any structure constructed as a naturalistic system with permanent surface waters, regardless of the formal given name (e.g., stormwater pond, retention basin, wet basin, constructed wetlands, treatment wetlands, etc.). This section also applies to permanent-water features sometimes included as part of dry system design such as micropools.

Additional information is available on the <u>California Department of Public Health</u> (CDPH) Mosquito-borne Diseases webpage (https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ MosquitoesandMosquitoBorneDiseases.aspx) and in the <u>University of California, Division of Agriculture and Natural Resources</u> (UCANR) stormwater publication (http://www.ipm.ucdavis.edu/PDF/MOSQ/mosquitostormwater.pdf)

To facilitate public health mosquito control, it is strongly recommended that project locations be provided to the local vector control agency. To locate your local mosquito and vector control agency, visit the <u>CDPH West Nile virus webpage</u> (http://westnile.ca.gov) and search by zip code.

# DRY SYSTEMS

# Recommended strategy: Complete discharge of all captured water in 4 days or less.

- □ Is the structure designed to discharge all captured water in 4 days or less?
- □ Has every effort been made to trace and eliminate persistent non-stormwater flows (e.g. irrigation runoff) that may enter the system and jeopardize non-chemical vector control efforts?
- □ Has groundwater depth been carefully evaluated to ensure that the structure will not be permanently or seasonally flooded (i.e. is the base of the basin higher than the local groundwater table)?
- □ Does the design provide an adequate slope between the inlets and outlets, with special attention given to ensure corners are above grade?
- □ Has soil been compacted adequately during grading to minimize subsidence, which can result in pools of standing water?
- Does the design slope take into consideration the inevitable accumulation of sediment and debris between maintenance periods that can result in standing water, especially in and around the inlet?
- Does the design minimize the use of features that increase the potential for standing water, such as loose riprap and concrete curbs?
- Does the structure include a concrete or earthen low-flow channel to concentrate (i.e. minimize available surface area) and direct non-stormwater flows to the outlet?
- □ Is the distribution piping sloped adequately and smooth (not corrugated) on the inside to prevent standing water?
- □ Are the inlet structures and energy dissipaters designed and sloped sufficiently to prevent scour depressions?
- □ Are the outlets designed with debris screens or other features that reduce the potential for clogging?
- □ Is the structure designed with safe and sufficient access for inspection, maintenance, and/or vector control activities when needed?
- □ Does the operation and maintenance plan include a minimum of quarterly inspections to ensure that vegetation overgrowth, sediment accumulation, or other factors have not created areas of standing water?

- Does the operation and maintenance plan include a minimum annual maintenance to remove vegetation overgrowth, remove sediment and debris accumulation, and otherwise return the structure to "as-designed" conditions?
- □ Is signage provided and clearly visible with minimum information indicating the type of structure (e.g. extended detention basin), ownership, and contact information?

#### WET SYSTEMS

# Recommended strategy: Deny mosquito access to standing water by using covers, screens, and/or other barriers.

- □ Have sumps, vaults, or basins that hold water permanently, or longer than 4 days, been completely or partially sealed against adult mosquito entry?
- □ If used, are covers tight fitting, with gaps or holes of no greater than 1/16" (2 mm)?
- □ If used, are aluminum or nylon screens for sealing small openings secured with gaps or holes of no greater than 1/16" (2 mm)?
- □ If cast iron manhole covers are used, are pick holes sealed or is a mosquito-proof insert provided below?
- □ Where feasible, are the inlet and/or outlet conveyance pipes submerged to prevent adult mosquito entry into the main water storage area?
- Where feasible, are conveyance pipes fitted with flapper valves, collapsible fabric tubes, or other barriers to prevent adult mosquito entry into the main water storage area?
- □ Is the structure designed with safe and sufficient access to permanent water areas for inspection, maintenance, and/or vector control activities when needed?
- Does the operation and maintenance plan include a minimum of quarterly inspections to ensure that barriers to mosquito entry are intact and in place as designed?
- □ Where possible, is signage provided with minimum information indicating type of structure (e.g. CDS<sup>TM</sup>), ownership, and contact information?

# **WETLANDS**

# Recommended strategy: Create and maintain habitat least-suitable for mosquito breeding.

- □ Is the system designed with features that minimize the areas suitable for mosquito production?
- Does the design discourage emergent vegetation in shallow water zones where vegetation is not needed or desired, for example by using concrete liners in sediment forebays?
- □ Are slopes designed as steep and uniform as possible to discourage invasive, emergent vegetation?
- Does the system include deep water zones, in excess of 4 ft, to reduce available area for emergent vegetation and provide refuge for natural mosquito predators such as mosquitofish and certain invertebrates?
- □ Where permitted, have mosquitofish been introduced to help control mosquitoes?
- □ Does the system include provisions for rapid dewatering if needed for emergency control of mosquitoes?
- □ Is the structure designed with safe and sufficient access for inspection, maintenance, and/or vector control activities when needed?
- □ Are access roads built close to the shoreline and around the perimeter of the wetland to the extent feasible?
- □ Are access points incorporated at regular intervals along the perimeter to allow for vector monitoring and control when necessary.
- Does the operation and maintenance plan include a minimum of quarterly inspections to ensure that vegetation overgrowth, sediment accumulation, or other factors have not created areas suitable for mosquito production?
- Does the operation and maintenance plan include a minimum annual maintenance to remove vegetation overgrowth, remove sediment and debris accumulation, and otherwise return the structure to "as-designed" conditions?
- □ Is signage provided and clearly visible with minimum information indicating type of structure (e.g. stormwater treatment pond), ownership, and contact information?

# **Frequently Asked Questions**

# DRY SYSTEMS

- 1. Why is it important to drain all captured water in 4 days or less?
- 2. Most mosquito species important to public health require at least 6 days to develop from egg to adult. Designing dry systems to drain completely in 4 days ensures that no mosquitoes will be produced with a built-in margin of safety of several days.
- 3. Our stormwater treatment BMPs were designed to dewater in 4 days, but persistent non-stormwater flows result in areas of standing water that routinely produce mosquitoes. How do we address this problem?
- 4. Dry-weather urban runoff is a major contributor to mosquito production in urban areas everywhere. If the source(s) cannot be traced and eliminated, the best alternate solution is to minimize the surface area available to mosquitoes by cutting a low-flow channel through the BMP to direct the water to the outlet as efficiently as possible.
- 5. Will very shallow areas of standing water that remain in our detention basins after a storm event provide a potential source of mosquito production?
- 6. Certain species of mosquitoes important to public health are very adaptable. Water as shallow as 1/16", and sometimes less, can be sufficient to allow mosquito larvae to develop.

# WET SYSTEMS

- 1. Our stormwater treatment BMPs are installed belowground and covered. Why should we be concerned about mosquitoes?
- 2. Unfortunately, certain species of mosquitoes capable of transmitting disease are well-adapted for finding and breeding in belowground habitats. These mosquitoes can access belowground sources through openings as small as 1/16" (2mm) and they can fly great distances through pipes.
- 3. We wish to install a belowground proprietary BMP in a new housing development. If we seal the access covers against mosquitoes, how far away should we design the inlet grates to keep mosquitoes from accessing the permanent-water sump?
- 4. The absolute flight limits of mosquitoes that can breed belowground are unknown; however, recent studies found that females could fly at least 80 feet through 4" diameter pipe to reach a source of standing water and were unaffected by changes in pipe course. It is unlikely that mosquitoes can be excluded from underground sources using conveyance pipe length alone.
- 5. We are considering the addition of weep holes to our belowground sumps to allow them to dewater between storms so they do not produce mosquitoes. Will this work?
- 6. Weep holes are typically not a reliable choice for preventing mosquito production due to their high probability of failure due to clogging.

- 7. I was told that mosquitoes cannot breed in water with a visible oil sheen on the water surface. Is this true or false?
- 8. With some exceptions, this is false. In most cases, the oil sheen visible on the water surface is not uniform, but is broken. Certain species of mosquitoes capable of transmitting disease can exploit these habitats by using the oil-free areas for egg laying and larval development. In addition, surface oils are broken down over time, disappearing altogether if not regularly replenished by oily runoff.
- 9. We are considering a provision to dewater our belowground sumps after every storm event to prevent mosquito production. Will this be effective?
- 10. It has the potential to be effective, but there are several complicating factors to consider:

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- 1) dry-weather urban runoff frequently replenishes belowground sumps making pumping efforts futile, and
- pumps often leave a small amount of residual water in the bottom of the sumps, and water as shallow as 1/16" or less can be sufficient to allow mosquito larvae to develop.
- 11.Our stormwater sumps contain very deep water. Will this prevent mosquito production? Unlike deep water zones in ponds and wetlands where mosquitoes generally do not develop due to predators, wind, and wave action, mosquitoes are unaffected by water depth and/or surface area in belowground systems.
- 12. Will flowing water prevent mosquito production?
- 13. Flowing water will discourage females from laying eggs and can kill larvae. For example, a vortex separator receiving year-round flow from an urban stream should not produce mosquitoes due to constant movement of the entire water surface area. However, water flow through systems with square sumps (or sumps of other geometrical shapes) may not completely eliminate mosquito production due to the stagnant zones created in the corners where water movement is minimal.
- 14. Will surface agitators prevent mosquito production?
- 15. Agitators, sprinklers, or other means of disturbing the water surface will discourage females from laying eggs and can kill larvae, however, in order to be effective the <u>entire</u> surface must be disturbed.
- 16. It seems that controlling mosquitoes in belowground stormwater systems without resorting to chemical treatment is rarely successful. How do we deal with this problem? Field research has documented the difficulty in controlling mosquitoes in belowground stormwater systems without chemicals (i.e. exclusion of mosquitoes was successful in a few systems studied, but the vast majority of attempts resulted in only marginal reductions). However, for reasons that are not entirely understood, not all belowground systems produce mosquitoes equally; some are sporadic and some are year-round producers. It is strongly recommended that the local vector control agency be consulted to determine site-specific monitoring and control needs.

# **WETLANDS**

- 1. Why are mosquitoes still being detected in well designed and maintained wetlands? Mosquitoes are difficult to eliminate completely from wetlands due to the complexity of the created environment. The goal should be to minimize mosquito production by making the habitat less desirable for them.
- 2. Will the deep areas of stormwater ponds where no emergent vegetation can grow produce mosquitoes?
- 3. Deep, open areas of water are typically unsuitable for mosquito production due to surface disturbance caused by wind and exposure to predators. However, if the deep zones become colonized by floating vegetation such as water hyacinth or by clumps of floating filamentous algae, mosquitoes may breed in the shelters created among these plants.
- 4. Why is it important to keep emergent vegetation such as cattails and bulrush from getting overly dense?
- 5. Dense emergent vegetation, especially along perimeter margins, will prevent predators such as mosquitofish from accessing these areas, creating ideal habitats for mosquitoes.
- 6. Why is it important to eliminate floating vegetation such as water hyacinth and maintain water quality to discourage clumps of floating filamentous algae?
- 7. Not only are certain floating plants such as water hyacinth considered exotic invasive species harmful to North American ecosystems, but these plants provide excellent habitats for mosquitoes sheltered from predators.
- 8. How do I determine if mosquitofish are permissible for use in my area?
- 9. As a general rule, if the stormwater wetland is self contained, and does not empty into a natural waterway, mosquitofish can be used to control mosquitoes. If in doubt, it is best to consult with the local office of the Department of Fish and Game before stocking fish.
- 10. How often should mosquitofish be restocked to reduce mosquito numbers?
- 11. In general, mosquitofish are very hardy and will rapidly increase in numbers to form a stable population. Large game fish such as bluegill and bass may negatively impact or eradicate mosquitofish populations, as can large numbers of fishing birds; however, low temperatures are the leading cause of population failures. In cold climates, mosquitofish may need to be restocked each spring following the last frost.
- 12. Do we need to be concerned with mosquito production during "cold snaps" or winter periods?
- 13. Most mosquitoes important to public health can develop successfully in water ranging from approximately 45 to 100°F, with the ability to survive short periods outside this spectrum. Short cold snaps may not be lethal to larvae if the habitat provides a buffer area, however, extended periods of cold below 45°F will halt mosquito production.
- 14. Will encouraging nesting and roosting habitat for certain birds and bats

around our stormwater wetland reduce the population of adult mosquitoes appreciatively?

15. Although certain birds (e.g. swallows, martins) and bats have been reported to consume large numbers of adult mosquitoes, these animals do not preferentially feed on mosquitoes and there is no evidence to show that they substantially reduce mosquito populations.

Vector-Borne Disease Section California Department of Public Health

September 2010

Belinda Faustinos
Tuesday, June 4, 2019 3:28 PM
DPW-SafeCleanWaterLA
Request for Comment Period Extension and Addition of Public Meetings

On behalf of OWLA I am writing to request an extension of the public comment deadline for the Implementation Ordinance and Related Documents to June 29, 2019. Also, in the interest of comprehensive community and stakeholder engagement on these important issues we highly recommended conducting public meetings in at least four additional locations broadly consistent with the Board of Supervisor jurisdictions.

Please feel free to reach out if you have any questions. Thank you as always for your work on these important matters.

Belinda V. Faustinos, Executive Director Nature for All



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LAna	tureforall.org

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From:	Cameron McCullough
Sent:	Friday, June 21, 2019 11:57 AM
To:	DPW-SafeCleanWaterLA
Cc:	
Subject:	Safe Clean Water Program Public Review: Comments from the Palos Verdes Peninsula
-	EWMP Group
Attachments:	Safe Clean Water Program comments PVP.pdf

Hello Safe Clean Water Program Team,

On behalf of the Palos Verdes Peninsula EWMP Group, attached are comments on documents related to the Safe Clean Water Program Implementation Ordinance.

Best Regards,

Cameron McCullough | CPSWQ | QSD | IGP ToR John L. Hunter & Associates

This email and any attached files are confidential and intended solely for the intended recipient(s). If you are not the named recipient you should not read, distribute, copy or alter this email. Any views or opinions expressed in this email are those of the author and do not represent those of the company. Warning: Although precautions have been taken to make sure no viruses are present in this email, the company cannot accept responsibility for any loss or damage that arise from the use of this email or attachments.

#### Safe Clean Water Program Comments on the Implementation and Related Documents, 6/21/2019 Palos Verdes Peninsula EWMP Group

#### **Comments on Scoring Criteria**

- Section A1. The cost effectiveness of a project is an important consideration in evaluating potential projects. The use of a sliding scale to benefit the most economic is warranted. However, this will most likely be of benefit for the very large projects, which given the scarcity of large tracts of suitable land will quicken be exhausted. A rigid stance on this could result in no projects being eligible for these points after all the "top-tier" projects are used up within the first few years.
- Section A2. No comments on this per se, but a project designed for and including the capture of both wet and dry weather runoff should have the option to select A2 in lieu of A1.
- Section B1. Like the argument made in A1 above, once the largest projects are funded in the first few years of the Safe Clean Water Program, there may be few projects left that could be eligible for points. Consider increasing the cost per unit acre foot across the board, for example: <\$3,000/ac-ft= 13 points, \$3000-\$4500 = 10, \$4,500-\$6,000=6, \$6,000-\$7,500=3. The scale should be reevaluated on a regular schedule, such as every three years, to ensure all scores remain achievable and balanced, and to account for increases in construction costs.</li>
- Section B2. Similar argument to B1, the only land reasonably available for projects is publicly owned open space. Usually very limited in size. It is likely most projects could only score 5 points with the criteria as written. Consider changing the scoring to >200 ac-ft /year =12 points, 100 to 200= 9 points, and the other points awarded on a similarly reduced basis.
- Section C. Suggest a slightly broader sliding scale to increase the refinement of the scoring: 7 CIBs = 10 points, 5-6 CIBs = 8 points, 3-4 CIBs = 5 points, 1-2 CIBs = 2 points.
- Section D. The last bullet point penalizes open space sites where there may not be pavement. Consider a slight modification to the scoring:, Bullet 1 = 6 points, Bullet 2 = 6 points, Bullet 3 = 3 points.
- Section E1. With average costs per project in the \$12 million to \$20 million range, project proponents would be needing to locate up to \$10 million in funding to be eligible for all 6 points. Very few grants are available in this range. Consider lowering the match to > 5% = 2 points, >10% = 3 points, >25% = 6 points. Or even lower.
- Section E2. No comments.

#### **Comments on Watershed Area Steering Committee (WASC) Operating Guidelines**

In the WASC Operating Guidelines, Section 2 states that the District's Chief Engineer (or a designee) shall select a new alternate municipal agency member if that municipal member's primary representative is no longer able to serve and the alternate becomes the primary. While this will be done "in consultation with the municipality currently holding the seat", we suggest that the selection of a new alternate be made in consultation with all of the municipal members of the WASC that do not hold designated seats since they originally voted on the primary and alternate municipal member seats and should have some say in the selection of new ones.
From:	Chad Helmle
Sent:	Thursday, June 20, 2019 3:19 PM
То:	DPW-SafeCleanWaterLA
Cc:	
Subject:	Comments on Draft Feasibility Study Requirements and Scoring Criteria

To whom it may concern –

I'd like to make two suggestions specific to the feasibility study requirements:

- Please consider adjusting the water quality scoring criteria (Exhibit A A.1.2) to allow for larger-scale projects (like Alondra Park, Bolivar Park, Adventure Park, etc.) to get credit for the large pollutant loads that they remove. Currently, these types of projects are scoring zero points for A.1.2 because the denominator in the calculation is the full drainage area to the BMP. I'd be happy to have a discussion with folks about how to address this. As a program, I believe we want to incentivize projects of this scale.
- 2) Please consider adjusting the water supply credit calculation (Section 3.2; Exhibit A B.1) to allow for quantifying the total water captured during the lifecycle, rather than just annual. Alternatively, an annualized lifetime cost could be used in the denominator. Larger scale projects like those listed above are scoring in the \$300,000/ac-ft range orders of magnitude out of the range listed. I suppose the range for this could be expanded as well.

Thanks!

Chad

Chad Helmle, PE | CEO and President

Los Angeles | San Diego | craftwaterinc.com



From: Sent: To: Subject: Chew, Chris **Chew, Chris Chew, Chew,** 

Hello,

Here are my comments:

#### **COMMENTS FOR ORDINANCE CHAPTER 18**

#### Chapter 18.09.A (Page 47)

When will the standard template Transfer Agreement be available for review?

#### Maximum Credit Amount Column (page 51)

All the phrases of "Parcel's Special Tax" in the table should read as "Parcel's Special Parcel Tax" to be consistent with other texts in the ordinance.

#### Chapter 18.14.C (page 56)

What is amount for the interest? Why is interest added as a penalty? I think the penalty of just losing the funds is sufficient enough.

#### Chapter 18.14.E (page 57)

Is the hearing officer an individual who does not belong to any agencies having an interest in the SCW funding to avoid having a conflict of interest?

#### **COMMENTS FOR MINIMUM FEASIBILITY STUDY REQUIREMENTS**

#### Item No. 5 (Page 3 of 10)

What is the required monitoring interval (yearly, monthly, etc.) for the monitoring plan? Does the monitoring plan have to be performed for the entire life of the project?

#### Page 4 of 10

What alternates, if any, will the project has to provide if there are no complete data for most recent 10-year period of influent and effluent flows for the analysis?

Thank you.

Chris Chew, P.E., Principal Civil Engineer • City of Glendale • Public Works Engineering



Public Review	Comment Form
Name: <u>Christian DWM</u> Email: Phone: Organization: <u>Unit Multington Park</u> & LA County Public Works may contact me for clarification about my comments	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkOther
Comments DRailestall interv Billmuache Outreach Chyc Community Givor Community Givor	notion provided in Spanish. Sators Sounce Sr. Centers and ups to servesting rapand.

From: Sent: To: Subject: Debbie Pham **Control of Control o** 

Dea SafeCleanWaterLA@pw.lacounty.gov,

Section IX of Enclosure E in the Board Letter dated July 17, 2018, one of the ground for appeal in the proposed Ordinance sent out to is:

"Discrepancy of more than:

10% error in the Impermeable Area; or

♣ \$50 in the tax amount, whichever is greater."

However, in the Draft Implementation Ordinance, the "or" was changed to "and" and being revised as:

"1. An error of ten percent (10%) or more in the Impermeable Area used to calculate the Parcel's Special Parcel Tax amount; and 2. A difference in the Special Parcel Tax amount of fifty dollars (\$50) or more."

Here are comments on the appeal process:

1. The appeal criteria from Board Letter Package signed by the Board of Supervisors and presented to the voters on November 6, 2018 is different than the Draft Implementation Ordinance for public review.

I oppose the changing of the appeal criteria because it is not acceptable to make changes after the approval of voters.

2. This ground for appeal will eliminate essentially most of homeowners. The typical homeowner (figure about a 6,000-square-foot lot) would pay about \$83 a year. For typical homeowner, an error of 50% wouldn't even be qualify for ground of appeal because of \$50 discrepancy requirement. The error would have to be more than 66% to be considered.

For error of 67%, the new tax would be:  $83 \times 44\% = 35.69$ For error of 66%, the tax is not qualify for appeal and would still be 83 instead of  $83 \times 44\% = 36.52$ For error of 50%, the tax would still be 83 instead of  $83 \times 50\% = 41.50$ 

I oppose this tax appeal method because it's very unfair to the taxpayer. A 10% of error on property would be a good ground for appeal, but not the minimum \$50 difference or combination of both.

Name: Denise Dolor	My comments pertain to: □ Implementation Ordinance
	Credit Program Procedures & Guidelines
Email:	Credit Program Web Application
	Low-Income Senior Exemption Procedures & Guidelines
Phon	Low-Income Senior Exemption Application Form
	Tax Appeals Process Tutorial
Organization: Orchard Dale Water	Feasibility Study Requirements & Scoring Criteria
Organization: UN CHURCH JALE WATER	Project Scoring Module
Distinct	Jar Watershed Area Steering Committee Operating Guidelines
IA County Public Works may contact me for	Watershed Coordinator Scope of Work
clarification about my comments	D Other
	1

# Comments

CLEAN

Thank you for this opportunity to access information regarding this program. I am on the Board of Directors at ODWD, and I'm interested in organizing an annual Watershed Clean-up and Education Event. ODWD is a special district in unincorporated Whittier with in the Lower San Gabriel River Watershed. I'm interested to learn which aspects of this program are available for use with the an event which would possibly include: riverbed clean-up, communit involvement, educational booths, recycling of items recovered, tools (gloves, grabbers, bags), etc. Your consideration is greatly appreciated, as well as any referrals and/or direction Best Regard, Phile Dolor

From:	Matthew Frary
Sent:	Friday, June 21, 2019 4:07 PM
То:	DPW-SafeCleanWaterLA;
Cc:	
Subject:	Fwd: Equity-focused Comment Letter on SCW Program
Attachments:	image004.jpg; ATT00001.htm; image005.png; ATT0000 ATT00003 htm; image007 ipg; ATT00004 htm; Equity-fc

Fwd: Equity-focused Comment Letter on SCW Program Implementation image004.jpg; ATT00001.htm; image005.png; ATT00002.htm; image006.jpg; ATT00003.htm; image007.jpg; ATT00004.htm; Equity-focused Comment Letter SCW Implementation 6.21.19 FINAL1.pdf; ATT00005.htm

For logging

Sent from my iPhone

Begin forwarded message:



Subject: Equity-focused Comment Letter on SCW Program Implementation

Dear Mr. Lilley and Mr. Frary,

Attached please find a sign-on letter with comments regarding the Safe Clean Water Program implementation documents organized by Prevention Institute. Individuals signing represent organizations from across Los Angeles County including Day One; LAANE; Long Beach Forward; Los Angeles Neighborhood Land Trust; Mujeres de la Tierra; Prevention Institute; Promesa Boyle Heights; Social Justice Learning Institute; The Nature Conservancy; The Wilderness Society; Trust for Public Land; and, Wm. C. Velasquez Institute.

Please don't hesitate to call me if you have questions or require additional information.

Thank you for the opportunity to provide input into the SCW Program implementation materials.

Elva Yañez Director of Health Equity, Prevention Institute www.preventioninstitute.org

















SOCIAL SUSTICE







June 21, 2019

Safe Clean Water Program Los Angeles County Flood Control District 900 S. Fremont Ave. Alhambra, CA 91803

Re: Public Comments on the Safe Clean Water Program Implementation Documents

The undersigned organizations commend the Los Angeles County Flood Control District for its efforts related to the passage of Measure W and the creation of the Safe Clean Water Program. Improving Los Angeles County stormwater infrastructure to better capture, cleanse, and restore local water supplies while mitigating flood risk has the potential to provide significant and multiple benefits to all residents of Los Angeles County. The Safe Clean Water Program implementation documents articulate a strategic pathway forward to protect public health and the environment and to maximize a clean, locally-controlled water supply.

We were especially pleased that the Safe Clean Water Program focuses attention on Disadvantaged Communities (DAC) by specifying that infrastructure program funding will provide project funding to benefit DACs "not less than 110% of ratio of DAC population to the total population in each Watershed Area…"

We recommend that the Draft Implementation Ordinance retain the draft definitions and other language associated with Disadvantaged Communities and their prioritization for various program elements in Chapter 16 of the Los Angeles County Flood Control District Code, which was developed in 2018 as the initial enabling legislation for the Safe Clean Water Program.

Regarding the draft documents under review, we recommend that expanded details be developed in the sections of the Draft Implementation Ordinance that discuss Disadvantaged Communities, including specific criteria and procedures for implementing the Safe Clean Water program in these geographic areas. Fundamentally, sufficient detail and transparency in the program implementation guidelines and tools will ensure that the Safe Clean Water Program benefits and burdens are equitably distributed across the population.

The lack of detail in the Draft Implementation Ordinance associated with the implementation of the Safe Clean Water Program in Disadvantaged Communities is noteworthy especially when contrasted with other, more detailed documents under review—for example, the Safe Clean Water Credit Program—which outlines how qualifying parcel owners or developments can receive tax credit for stormwater improvements on their property. The lack of detail and direction about Disadvantaged Communities could result in vague or ambiguous understanding among stakeholders about the parameters for implementation, hindering effective project development, education, community engagement, the provision of low-income tax credit and other programmatic elements in these high priority areas.

With equity top of mind, we recommend that the Draft Implementation Ordinance:

- Specify that the 110% distribution of funds to DACs is the floor not the ceiling for allocation of parcel tax revenue.
- Provide more details about how this 110% reinvestment in DACs works conceptually and in practice relative to the broader revenue allocation process.
- Specify the development of evidence-based data, criteria and other tools to assist residents, stakeholder groups and SCW advisory bodies identify high priority geographies for water quality improvement projects within DACs.
  - User-friendly, easily accessible GIS mapping tools can build upon prototypes developed by the City of Los Angeles, and groups like the Council for Watershed Health, The Nature Conservancy, and The Trust for Public Land's Climate-Smart Los Angeles decision support tool.
  - In addition to the DAC areas, basic layers could include areas impacted by drainage infrastructure challenges or limitations, at high risk for heat island effects, as well as areas lacking park and other green space or tree canopy, etc.
- Develop parameters or metrics for the proposed "sustained education and engagement program for disadvantaged communities."
- Specify measures to support high standard operations and maintenance jobs and a pipeline into those jobs.
- Specify use of Measure W administrative resources for third party evaluation of Safe Clean Water program projects, educational efforts, technical assistance and other programmatic elements to ensure evidence-informed analysis of SCW effectiveness.

We also propose that additional tools be developed and adopted as part of the suite of implementation tools:

- Low-Income Credit proposal developed by The Nature Conservancy for the Los Angeles County Flood Control District allowing low-income Parcel owners to apply for relief and receive a tax discount or credit.
- Displacement avoidance policy or provisions to prevent or mitigate displacement of longstanding residents impacted by green infrastructure investments. Models of displacement avoidance frameworks can be found in Los Angeles County's Measure A Grant Administration Manual, Appendix B or the State of California Transformative Climate Communities Program Final Guidelines.
- Technical assistance for applicants that focuses on leveraging Measure W funds with funds from Measure A, Measure M and/or other County funding opportunities.

Thank you for the opportunity to provide comments on the Safe Clean Water Program's implementation documentation. We are happy to provide additional details regarding the above recommendations and comments; contact Elva Yanez at

#### Signatories - Organizational affiliation given for identification purposes only

Aracely Campos-Hernández Promesa Boyle Heights

Christine Petit, PhD Long Beach Forward

Christy Zamani Day One

D'Artagnan Scorza, PhD Social Justice Learning Institute

Irma R. Muñoz Mujeres de la Tierra

Lauren Ahkiam LAANE

Lydia Camarillo Wm. C. Velasquez Institute

Manal Aboelata & Elva Yañez Prevention Institute

Robin Mark Trust for Public Land

Shona Ganguly The Nature Conservancy

Tori Kjer Los Angeles Neighborhood Land Trust

Yvette Lopez-Ledesma The Wilderness Society

Gran Dublic Dovionu	Commont Form
	Comment Form
ame: Jabion Adun	My comments pertain to:  Implementation Ordinance
nail:	<ul> <li>Credit Program Procedures &amp; Guidelines</li> <li>Credit Program Web Application</li> </ul>
	<ul> <li>Low-Income Senior Exemption Procedures &amp; Guidelines</li> <li>Low-Income Senior Exemption Application Form</li> </ul>
none:	Tax Appeals Process Tutorial
rganization: <u>Djamand Bar</u>	<ul> <li>Feasibility Study Requirements &amp; Scoring Criteria</li> <li>Project Scoring Module</li> </ul>
🖉 LA County Public Works may contact me for	<ul> <li>Watershed Area Steering Committee Operating Guideline</li> <li>Watershed Coordinator Scope of Work</li> </ul>
clarification about my comments	Other
Will the form be a languages? Dramond Bai and Mandasin speaking	<u>esidents</u>

From: Sent: To: Subject: Fted Fdeb Wednesday, June 19, 2019 3:54 PM DPW-SafeCleanWaterLA Comments on Appeal Criteria of Safe Clean Water Program

Dear Staff,

I oppose this tax appeal method because it's very unfair to the taxpayer. I think a 10% of error (or certain %) on property would be a good-ground for appeal, but not the minimum \$50 difference or combination of both.

Section IX of Enclosure E in the Board Letter dated July 17, 2018,one of the ground for appeal in the proposed Ordinance sent out to is:

"Discrepancy of more than:

- + 10% error in the Impermeable Area; or
- ♣ \$50 in the tax amount, whichever is greater."

However, in the Draft Implementation Ordinance, the "or" was changed to "and" and being revised as:

"1. An error of ten percent (10%) or more in the Impermeable Area used to calculate the Parcel's Special Parcel Tax amount; and 2. A difference in the Special Parcel Tax amount of fifty dollars (\$50) or more."

Here are comments on the appeal process:

1. The appeal criteria from Board Letter Package signed by the Board of Supervisors and presented to the voters on November 6, 2018 is different than the Draft Implementation Ordinance for public review.

I oppose the changing of the appeal criteria because it is not acceptable to make changes after the approval of voters.

2. This ground for appeal will eliminate essentially most of homeowners. The typical homeowner (figure about a 6,000-square-foot lot) would pay about \$83 a year. For typical homeowner, an error of 50% wouldn't even be qualify for ground of appeal because of \$50 discrepancy requirement. The error would have to be more than 66% to be considered.

For error of 67%, the new tax would be:  $$83 \times 44\% = $35.69$ For error of 66%, the tax is not qualify for appeal and would still be \$83 instead of \$83 x 44\% = \$36.52 For error of 50%, the tax would still be \$83 instead of \$83 x 50\% = \$41.50

I oppose this tax appeal method because it's very unfair to the taxpayer. A 10% of error on property would be a good ground for appeal, but not the minimum \$50 difference or combination of both.

From: Sent: To: Subject: Geraldine Trivedi Thursday, June 13, 2019 2:53 PM DPW-SafeCleanWaterLA Comment on the Safe Clean Water Program Documents

#### Hello,

Thank you for the opportunity to comment on the documents related to the Implementation Ordinance for the Safe Clean Water Program. I would like to request that the Envison program, as created in partnership with APWA & ASCE, be included in the Safe Clean Water Program elements. I would suggest adding this rating system into infrastructure type projects as part of the Project Scoring Module. The Envison sustainable infrastructure rating system would be a wonderful addition to the Safe Clean Water Project and could add beneficial sustainable project components that might otherwise be overlooked. If not added as an integral component of the rating system, the Envision rating could be added as a "bonus" or "extra credit" to help boost the project score.

See link below for Envision Information:

HTTPS://SUSTAINABLEINFRASTRUCTURE.ORG/

**ENVISION** 

•	• Envision is a rating system and best practice resource to help you become successful in imple	menting sustainability into
	your infrastructure projects.	

Envision measures the sustainability of an infrastructure project from design though construction and maintenance. It can be used by infrastructure owners, design teams, community groups, environmental organizations, constructors, regulators, and policy maker to:

- Meet sustainability goals
- o Gain public recognition for high levels of achievement in sustainability
- Help communities and project teams collaborate and discuss, "Are we doing the right project?" and, "Are we doing the project right?"
- o Make decisions about the investment of scarce resources
- o Include community priorities in civil infrastructure projects

#### THE ENVISION TOOLS CAN ALSO HELP YOUR DESIGN TEAM:

- Secure community participation
- Assess costs and benefits over the project lifecycle
- Evaluate environmental benefits
- Use outcome-based objectives
- o Reach higher levels of sustainability achievement

The ratings system is administered by the Institute for Sustainable Infrastructure, which was founded in 2010 by ASCE in partnership with the American Council of Engineering Companies and the American Public Works Association.

Thank you for consideration of this request,

Geraldine Trivedi, P.E. Civil Engineer

dondo

**Engineering Services Division** 



Please note that email correspondence with the City of Redondo Beach, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt. The City of Redondo Beach shall not be responsible for any claims, losses or damages resulting from the use of digital data that may be contained in this email.

SAFE CLEAN WATER PROGRAM **Public Review Comment Form** esther Merend My comments pertain to: Name: □ Implementation Ordinance res & Guidelines Ema plication ncome senior exemption Procedures & Guidelines Low-Income Senior Exemption Application Form Phon □ Tax Appeals Process Tutorial □ Feasibility Study Requirements & Scoring Criteria Organization. 82 D Project Scoring Module □ Watershed Area Steering Committee Operating Guidelines A County Public Works may contact me for X Watershed Coordinator Scope of Work clarification about my comments 🗴 Other 🖌 Comments Klowne and specif mpat VESITIV er X ling te dist indu 100 0000 res

From:	Heather Merenda
Sent:	Thursday, June 20, 2019 4:50 PM
То:	DPW-SafeCleanWaterLA
Cc:	
Subject:	City of Santa Clarita Comment Letter, Safe Clean Water Program Implementation
	Ordinance/Related Documents
Attachments:	Ltr, City of Santa Clarita Ordinance Comments.pdf

Dear Mr. Frary

Please find attached to this email the comment letter from the City of Santa Clarita on the draft Implementation Ordinance and draft related documents for the Safe Clean Water Program. Thank you for the opportunity to comment on these important documents. Please contact me directly if you have any questions regarding the comment letter.

Sincerely,

Heather Merenda, MPA LEED Professional, CPSWQ, QSP

P

Web: www.greensantaclarita.com; www.santa-clarita.com

×	An and a fair and and a second
S.	Think before you print



www.santa-clarita.com

June 20, 2019

Mr. Matt Frary Safe Clean Water Program Los Angeles County Flood Control District 800 South Freemont Alhambra, CA 91803

#### Subject: Comments related to the Implementation Ordinance for the Safe Clean Water Program Requested delivered via email SafeCleanWaterLA@pw.lacounty.gov.

Dear Mr. Matt Frary:

The City of Santa Clarita submits the following comments on the Draft Documents for Review with a comment deadline of June 21, 2019.

#### Safe, Clean Water Program Credit Program Procedures and Guidelines

- Regional or Municipal Projects funded by Measure W should include a list of parcels within the project drainage area. Upon completion of the project, the parcels should automatically be included in the credit application for the following year, based on the percentage of confirmed credit for which the project is entitled.
- Additional Activities Credit of up to 20%, should be for projects that use five distinct community investments for extra credit.

#### Safe, Clean Water Program Procedures and Guidelines for Low-Income Senior-Owned Parcels

• Obtaining this credit may be overwhelming for many who are eligible. As part of the Los Angeles County Flood Control District administrative responsibilities, please provide technical assistance to apply for the credit in each watershed. Also, please consider requiring applications to be filed every other year, instead of every year.

#### WASC and Watershed Coordinator Scope – Watershed Coordinator Qualifications and Scope of Work – DRAFT - EXHIBIT A

• The Watershed Area Steering Committee will have substantial responsibilities for reviewing documents and overseeing reporting and will need to provide a great deal of assistance to the committee members.

- The Watershed Coordinator's scope of work should include responsibilities for developing reports for WASC members, developing agendas, coordination of meeting locations and times; distilling information and project documents to facilitate review, as well as developing and coordinating quarterly and annual reports. If the Los Angeles County Flood and Control District is providing this function, please provide at least one FTE for each watershed.
- The responsibilities of the Watershed Coordinator should include providing outreach and technical assistance to seniors applying for Low Income Senior Credit in addition to tracking compliance with Disadvantaged Community obligations and reporting requirements.

#### **Disadvantaged Communities 110% Benefit Measurement and Tracking**

• It is not clear what database or formula is used to determine the criteria for providing 110 % of the funding to Disadvantaged Communities (DAC).

There are three specific areas of this requirement that are inconsistent in their duration and geographic scope.

- Regional Program Implementation 18.07 B. 2. c. "Funding for Projects that provide DAC Benefits shall not be less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area."
- o SCW Program Goals 18.04. K. "Provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County."
- Regional Program Implementation 18.07 B. 2. d. "Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated over a five (5) year period."
- Please clarify that Municipal Funds are not subject to the 110% threshold. If Municipal Funds are subject to the 110% threshold, please detail the geographic threshold (County, watershed, or city boundary) and timeframe for the requirements.
- Please provide a specific formula and clarify which DAC data set should be used for each of the Regional and Municipal funds (i.e. Department of Water Resources, CalEnviroScreen, California State Parks, and DAC GIS Database Draft).
- The DAC formula needs to define the benefitting area by latitude and longitude and certain distance from the location (i.e. five miles radius), or description of how the benefit to DAC from the proposed facility will be measured.
- Please include language that Los Angeles County will produce financial data to track the 110% DAC threshold, as part of the annual five year projections for the revenue. They will include a determination of the amount of the Safe Clean Water Funds generated by each census tracts that meet the 80% of median household income threshold for each Watershed Area Steering Committee (WASC).
- Please include that Los Angeles County Flood Control District will provide an annual report by DAC census tract (or other specified geographic measure) showing the cumulative funds paid out

by and showing what was spent in each DAC area and a projection of achieving the 110% goal to the WASC groups.

- Please clarify if the municipalities in the watershed can do a blend of Municipal and Regional funds to get an overall DAC contribution of 110%.
- There should also be a process for addressing the possibility of a DAC rising above the 80% median household income threshold for DAC status, and guidance on how the WASC and municipalities should address that situation if it occurs.

#### 18.09. B. 9 and 10 - Transfer Agreements, Labor Requirements

• Please include in the education and administration portion of the Los Angeles County Flood Control District funding training for contract managers, project managers and contractors on how to incorporate Labor Requirements into bidding and contract documents, what methods will be required to track these efforts, and how they will interact with Labor Compliance Rules. Also, provide standard attachments for bidding and contract documents.

Thank you for the time and effort put into these documents. Please contact Heather Merenda, Program Coordinator, at the comment of the second of the second

Sincere

Darin Seegmiller / Environmental Services Division Manager

cc: Marsha McLean, Mayor Darren Hernández, Deputy City Manager From: Sent: To: Cc: Subject: Newman, Jenny Friday, June 21, 2019 4:41 PM DPW-SafeCleanWaterLA

Comments on Safe, Clean Water Program Implementation Ordinance - "Draft Feasibility Study Requirements and Scoring Criteria"

Thank you for the opportunity to provide comments on the supporting documents for the Safe, Clean Water Program Implementation Ordinance. Overall, the documents are well thought out and clearly explain the details of the program elements. Given the time constraints for our review, the Los Angeles Regional Water Quality Control Board is focusing our comments on the scoring criteria for the infrastructure program projects.

The following are suggestions to improve upon the protocol in Exhibit A of the "Draft Feasibility Study Requirements and Scoring Criteria":

- 1. Overall, the maximum points for the Water Quality Benefits section should account for a greater percentage of the total points for all sections.
- 2. Section A.2. Dry-Weather Water Quality Benefits: the maximum number of points do not add up to 50 points for the dry-weather track as they do for the wet-weather track.
- 3. Section A.2. Dry-Weather Water Quality Benefits: the scoring criteria should include a minimum treatment performance standard for BMPs relying on treatment of dry-weather flows.
- 4. Section D. Nature-Based Solutions: the "removes impermeable area from a project" criteria should be prioritized higher to the point where its total value is higher than the other criteria in this section. Removing effective impervious area is truly the heart of low impact development and should be incentivized.

Thank you again for considering our comments. Please let me know if you would like to discuss these comments further or would like more detailed input on any of the other supporting documents.

Jenny Newman Assistant Executive Officer Los Angeles Regional Water Quality Control Board From: Sent: To: Cc: Subject: Attachments: Jeremy Munns Friday, June 21, 2019 5:32 PM DPW-SafeCleanWaterLA

Comments for Safe Clean Water Program WCA\_Comments\_SafeCleanWater.pdf

Please see the Watershed Conservation Authority's comments (attached) for the Safe Clean Water Program.

Thank you,

Jeremy Munns Project Manager Watershed Conservation Authority





#### **GOVERNING BOARD**

Herlinda Chico, Chair Designee for Janice Hahn Los Angeles County Board of Supervisors, 4th District

Vincent Chang Designee for Hilda Solis Los Angeles County Board of Supervisors, 1st District

Karly Katona Designee for Mark Ridley-Thomas Los Angeles County Board of Supervisors, 2nd District

Sandra Maravilla Designee for Kathryn Barger Los Angeles County Board of Supervisors, 5th District

Dan Arrighi, Rivers and Mountains Conservancy

Roberto Uranga Rivers and Mountains Conservancy

Jorge Morales Rivers and Mountains Conservancy

EX OFFICIO MEMBER Carolina Hernandez Designee for Mark Pestrella, Director Los Angeles County Department of Public Works

EXECUTIVE OFFICER Mark Stanley June 21, 2019

#### Public Comment on Safe, Clean Water Program

The Watershed Conservation Authority (WCA) is pleased to have the the opportunity to review and offer comments on the Safe, Clean Water Program which will provide local, dedicated funding to increase local water supply, improve water quality, enhance communities, and protect public health in Los Angeles County. WCA generally supports the program and offers the following comments and suggestions to add both clarity and to strengthen the potential for Nature Based Solutions to be more common place in our watersheds.

WCA Comments and Suggestions:

- 1. Draft Implementation Ordinance
  - a. Update Section 1, Section 16.03, Item 0: "Infrastructure Program Project Applicant" definition to include Joint Powers Authority; and, Item FF: "Stakeholder" to include Joint Powers Authority
  - b. Update Section 3, Section 16.05 Program Elements, item 2a. to include acquisition of land for watershed protection and watershed enhancement as an eligible project and cost

### 2. General Overall Program Comments

Nature-Based Solutions is a major element of the program and the ordinance describes this method as a prioritization under section 18.02 of the Ordinance; however, the online application process and scoring points do not appear to be as supportive of this desired outcome as perhaps it could be.

Suggest the following:

a. Amending guidelines and scoring criteria to boost competitiveness of nature-based solution and multibenefit projects, including small projects, distributed system projects, and acquisition for watershed protection, conservation and enhancement will be promoted and funded at levels greater or at least equal to traditional grey infrastructure improvements, plans and projects.

Thank you for your consideration.

Deboidn Emo

Deborah Enos Deputy Executive Officer

From: Sent: To: Subject: Jessica Cassman Tuesday, June 11, 2019 5:12 PM DPW-SafeCleanWaterLA Thank you & Comments

Hi there,

Thank you for your time yesterday at the South Gate 2:00 pm Open House, good to see you all again.

Comments:

- 1. Regarding Credit Application Engineer's Report:
  - Photo documentation should be supplemented with operation & maintenance records, in addition to photo documentation, as required by any WQ based permit.
- 2. Regarding Water Quality Credit Calculation for SUSMP and Exceeds SUSMP:
  - SUSMP requirements allowed for both volume-based and also flow-based BMP sizing and improvement. There isn't a great way to retroactively calculate an equivalent "improvement volume" for flow-based BMPs - it isn't an apples to apples comparison. For owners who implemented flow-based BMPs, the calculation might better reflect credit if it referenced the "SUSMP improvement volume OR FLOWRATE" in both the numerator and denominator.
  - Making the data for which tax is assessed available seems important, not only to check and revise by appeal, but also for reasonable credit calculation. For owners with multiple parcels that intersect multiple watersheds that include various BMPs, an average property-wide impervious percent could be back-calculated from the assessed tax...however BMPs are typically placed downstream of the most developed/impervious portions of the property to maximize water quality benefits. Therefore, applying the average percent impervious in water quality credit calculations would significantly underestimate applicable credit. A tax appeal process would be overburdensome, as would obtaining an accurate and/or current property survey.

With appreciation, Jessica



Jessica Cassman | PE, CFM, CPESC, ENV SP, QSD/P Principal | Blue Ocean Civil Consulting

www.blueoceancivil.com

Duboff
une 21, 2019 1:59 PM
feCleanWaterLA
mments
SCW program comments_LA Cham

Please see the attached comments from the LA Chamber of Commerce regarding the SCW Draft Implementation Ordinance and the Credit Program Procedures and Guidelines.

Thanks, Jessica

Jessica Duboff | Vice President, Public Policy LOS ANGELES AREA CHAMBER OF COMMERCE





June 21, 2019

Department of Public Works County of Los Angeles 500 West Temple St Los Angeles, CA 90012

#### SUBJECT: Safe, Clean Water Program Implementation Ordinance Comments

The Los Angeles Area Chamber of Commerce (Chamber) is one of the largest and most influential business organizations in the Los Angeles region. Our organization represents over 1,650 organizations, which employ over 650,000 employees in the region. For over 130 years, the Chamber has proudly served its community working to improve the business climate and quality of life for the region.

The Chamber is committed to the successful implementation of LA County's Measure W. To assure the Chamber can bring the perspectives and experience of businesses throughout the County, large and small, and with a diverse set of business enterprises and real property holdings, we convened a group of Chamber members whose expertise could be helpful to the County throughout the implementation process. We have reviewed the draft documents and respectfully submit the following comments.

#### **Implementation Ordinance**

High Priority:

• A non-exclusive list of activities eligible for "Additional Activities Credit" should be included in the Implementation Ordinance. That list should include the same activities the County included in the Credit Program Procedures and Guidelines, along with additional categories that support the defined SCW Program Goals. Additional categories should include, at a minimum, public outreach (including employee engagement), volunteer efforts, and financial support for projects or other activities undertaken by non-profit organizations, community-based organizations, neighborhood associations, etc. that advance the defined SCW Program Goals.

#### Additional:

- The "standard formulas" included in the SCW Program Elements (July 2018) for determining the amount of available water quality and water supply credit should be included in the Implementation Ordinance itself (as opposed to only in the Credit Program Procedures and Guidelines).
- The following concept included in the SCW Program Elements (July 2018) needs to be incorporated into the Implementation Ordinance: *The water quality credit options are dependent on the entitlement approval or construction date of the Stormwater and/or Urban Runoff improvement. Stormwater and/or Urban Runoff improvements designed to meet LID*

standards that have received approval through an entitlement process, but that have not been installed prior to the election date of the SCW Program, shall meet the applicable LID ordinance requirements in place at the time of the entitlement approval.

- As drafted, credit available on a going forward basis. The Implementation Ordinance needs a mechanism to refund tax paid in FY 2019-2020.
- New development projects and Benefited Developments should have the opportunity to submit a formal credit application and receive approval prior to construction of BMPs, subject to District review and acceptance of the supporting documentation.
- It should be made clear that the credit recertification can be submitted by the original applicant or a successor to that applicant (e.g. a subsequent owner of a parcel or subsequent representative of a Benefited Development). The Implementation Ordinance may also benefit from a definition of "owner" for purposes of the credit program. Further, given that Benefited Development credit applications may often rely on community-scale features that are beyond the scale of an individual parcel, it is important that the Implementation Ordinance make it clear that parcels within Benefited Developments can be recertified as a collective group by an authorized representative.
- The SCW Program Elements (July 2018) included a waiver of the credit recertification requirement for Stormwater Improvements maintained by a public entity. This waiver should be included in the Implementation Ordinance.
- The right to appeal a credit determination should be included in the Implementation Ordinance itself (it is currently only referenced in the Credit Program Procedures and Guidelines).
- The appeal process to challenge the County's impermeable area calculation should allow for an applicant to demonstrate "actual Impermeable Area" through best evidence (e.g. certification by an engineer or other appropriate professional (e.g. a professional surveyor)).

#### **Credit Program Procedures and Guidelines**

High Priority:

- Additional Activities Credit should not be limited to those parcel owners or Benefited Developments who are achieving at least 65 percent credit via the water quality, water supply, and/or Community Investment credits. Parcel owners and Benefited Developments should be fully incentivized to seize opportunities to implement off-site actions that advance the defined SCW Program Goals.
- The definition of "Water Supply Benefit Volume" should not limit delivery of water for beneficial use "on site or in nearby parcels." If the water is being used beneficially anywhere, it should qualify.

- Given the potential wide range in approaches for managing and maintaining Stormwater Improvements and Additional Activities, the Credit Program Procedures and Guidelines should have the flexibility to permit the development of individualized recertification approaches (that still meet the intent of the recertification process) for multi-parcel developments and Benefited Developments.
- As an alternative to calculating the Community Investment Credit based on the number of distinct "Community Investment Benefits," Community Investment Credit should also be available on a dollar-for-dollar expenditure match, so long as the applicant demonstrates that the expenditure results in one or more Community Investment Benefits. Again, both options should be available to the applicant.
- The County should not limit the availability of the Additional Activities Credit to those parcels that qualify for a 6 percent Community Investment Credit; it should be open to all parcels or Benefited Developments willing to make investments in activities (both on- and off-site) that advance the defined SCW Program Goals.
- Dollar-for-dollar matching credit for the Additional Activities Credit should be determined based on any of the following: development costs (i.e. design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance costs, the cost of the activity to the applicant (including lost production), cost avoidance to SCW Program, or other appropriate estimation of the value of the activity.

#### Additional:

- The definitions in the Credit Program Procedures and Guidelines need to be updated to be consistent with the definitions included in the Implementation Ordinance itself.
- If the District denies a credit application/recertification, or if the approved credit is lower than the percentage applied for, the County should provide the applicant with the specific reasons for the denial or approved credit percentage, and, if applicable, specific direction on what steps the applicant can take, if any, to obtain the credit applied for.
- The following concept included in the SCW Program Elements (July 2018) should be incorporated into the Credit Program Procedures and Guidelines: *The water quality credit options are dependent on the entitlement approval or construction date of the Stormwater and/or Urban Runoff improvement. Stormwater and/or Urban Runoff improvements designed to meet LID standards that have received approval through an entitlement process, but that have not been installed prior to the election date of the SCW Program, shall meet the applicable LID ordinance requirements in place at the time of the entitlement approval.*
- With respect to the credit appeals process, the appellant should be included in transmittals to the Scoring Committee, and the Scoring Committee (as opposed to the appellant) should

schedule a hearing on the appeal within forty-five (45) days from the date of receipt of the appeal.

Thank you again for taking the time to consider our comments on the implementation ordinance and related documents. If you have any questions or would like to discuss further with our Task Force, please contact me at **any second seco** 

Sincerely,

ernes Daloff

Jessica Duboff Vice President, Public Policy

SAFE CLEAN WATER PROGRAM Public Review Comment Form
Name: <u>im</u> <u>Smith</u> <u>BeAMA</u> <u>Ruiz</u> <u>Holt</u> Email: Phone Organization: <u>LA</u> <u>County</u> <u>Dept.</u> <u>of</u> <u>Parks</u> <u>i</u> <u>Recreation</u> <u>i</u> LA County Public Works may contact me for clarification about my comments
Comments On behalf of Lt County Parks, we would like the implementation, feasibility & scoring criteria to include funding for not only underground in frastrutes but also above ground facilities improvements. These improvements & amenities above gas should the replace outdated elements w/ current up to date & enhanced amenities. Collaborative Projects between Public Works klatershed and Parks and Recreation are great examples of how this type of scoring would be most comprehensive multi- Denefit approach.

From:	Josh Nelson
Sent:	Friday, June 21, 2019 2:51 PM
То:	DPW-SafeCleanWaterLA
Cc:	
Subject:	City of Industry Comments on Credit Program and Appeal Tool
Attachments:	Industry Comments_2_Draft-Credit-Program-Implementation-Procedures-and- Guidelines.pdf; ATT00001.htm; Industry Comments_7_Draft-Tax-Appeal-Tutorial.pdf; ATT00002.htm

Please see attached comments from the City of Industry. We also summarized the comments below in case the comments aren't visible in the attached PDFs.

#### Document: Safe, Clean Water Program Credit Program Procedures and Guidelines

- 1. Pg 3, 1<sup>st</sup> Paragraph, Last Sentence: The local jurisdiction and affected agencies should be given the opportunity to be involved in the review of the Credit Program Application.
- 2. Pg 3, Application Section, 5<sup>th</sup> bullet, Item (1): The local jurisdiction must be allowed to review and approved the LID and/or SUSMP prior to being included in the application process.
- 3. Pg 4, Application Section, 5<sup>th</sup> bullet (on Pg 3), Item (4): The maintenance management plan must be part of the Covenant and Agreement that is recorded as part of the LID Plan to tie it to the parcel.
- 4. Pg 4, 1<sup>st</sup> Bullet, Item 1: The local jurisdiction should be involved in the recertification process.
- 5. Pg 6, Water Supply Credit Section: All local jurisdiction and other agencies (such as water purveyors) receiving benefit from this credit should be identified and have the opportunity to be involved in the review for this Credit.
- 6. Pg 7, Item a, 2<sup>nd</sup> Bullet: What happens when a wetlands is constructed as a Water Quality Element for a project, would the parcel get double credits? One for Water Quality and one for Community Investment? This only says that you can't use utilized for other community investment credits, but it doesn't say you can't use it for any other type of credit.
- 7. Pg 8, Bullets Items under Calculation Guidance: There is no guidance provided on how the project costs will be defined and/or verified for each of the logic tests. Backup documentation should be provided during the application process.
- 8. *Pg* 11, Flow Chart: Prior to the district deeming the application complete, the local jurisdiction should sign off on the application, similar to how the Industrial Waster Permits work with the Sanitation District.

#### Document: How to Use the Safe, Clean Water Program Tax Appeal Tool

- 1. Pg 8, 1<sup>st</sup> Paragraph, 1<sup>st</sup> Sentence: The local jurisdiction should be given the opportunity to be involved in the review of the appeal.
- 2. Pg 8, 2<sup>nd</sup> Paragraph: Per the website, the Appeals Process procedures and guidelines are still under development. Without seeing the them, the city can't comment on them. Local Jurisdictions should be involvement in processing the appeal since it would impact the amount of funding being allocated.

Regards,

Joshua Nelson, PE Contract City Engineer City of Industry



# Safe, Clean Water Program Credit Program Procedures and Guidelines

### Overview

On November 6, 2018, the voters approved an ordinance amending the Los Angeles County Flood Control District Code by adding Chapter 16 establishing the Los Angeles Region, Safe, Clean Water (SCW) Program and imposing a special parcel tax within the Los Angeles County Flood Control District (District) to provide for increased stormwater and urban runof As an example, this would apply to the IEBC, pollution in the District. The special parcel ta but just to the parcels that drain to the basins. It of impermeable area, except as exempted, beg

### Definitions

the basin or BMP is undersized for the whole development? How will that difference be applied to the various parcels?

The following definitions apply to the SCW capplied to the various parcels?

<u>Additional Activities Credit</u>: A maximum additional 20% tax credit available to credit program applicants already achieving at least a 65% tax credit who initiate and complete qualifying additional activity/activities after November 6, 2018 that confer benefits to the broader regional community related to SCW Program Goals.

<u>Benefited Developments</u>: Parcels located within a master planned community, Specific Plan area, subdivision, or an approved regional or sub-regional stormwater management plan area that are served by a centralized Stormwater and/or Urban Runoff improvement.

<u>Dry Weather:</u> Refers to Best Management Practices (BMP) Plan intended to infiltrate, divert or harvest dry weather runoff from a site.

<u>Community Investment Benefit</u>: A benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit may also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect and increasing shade or planting of trees and other vegetation that increase carbon reduction/sequestration and improve air quality.

IGP/RWQCB Stormwater Permit: Industrial General Permit/Regional Water Quality Control Board Permit.

<u>LID Equivalency Volume:</u> Refers to the equivalent portion of the Low Impact Development (LID) design storm event provided by an alternative approach. This can be based on long term volume captured or pollutant load reduced.

<u>LID Design Volume</u>: Also known as the Stormwater Quality Design Volume (SWQDv). The volume of stormwater runoff that comes from greater of

- The 0.75-inch, 24-hour rain event or
- The 85<sup>th</sup> percentile, 24-hour rain event



<u>LID Improvement Volume</u>: The volume of infiltrated or retained runoff the BMPs provide during a LID design storm event. Refer to the County of Los Angeles Department of Public Works Low Impact Development Standards Manual for guidance.

<u>Program:</u> A planned, coordinated group of activities, related to increasing Stormwater and/or Urban Runoff capture and/or reducing Stormwater and/or Urban Runoff pollution designed to further one or more goals of the SCW Program.

<u>Project:</u> The development of Stormwater and/or Urban Runoff infrastructure designed to further the goals of the SCW Program, including the design, preparation of environmental documents, obtaining applicable permits, construction, inspection, operation and maintenance, and similar Activities.

<u>Safe, Clean Water (SCW) Program</u>: Program established by the District to implement Los Angeles Region Safe, Clean Water Program Ordinance, including the administration of revenues from the special Parcel tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

<u>Stormwater:</u> Water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.

<u>SUSMP</u>: Standard Urban Stormwater Mitigation Plan. Required BMPs that comply with the SUSMP requirements

<u>Urban Runoff:</u> Surface water flow that may contain but is not entirely comprised of Stormwater, such as water flow from residential, commercial, and industrial activities.

<u>Water Supply Benefit:</u> Increase in the amount of locally available water supply, provided there is a nexus to Stormwater and/or Urban Runoff capture. Activities resulting in this benefit include but are not limited to the following: reuse and conservation practices, diversion of Stormwater and/or Urban Runoff to sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment, storage or available yield, or offset of potable water use. Water Supply Benefit created through the SCW Program is subject to applicable adjudicated judgments of water rights.

<u>Water Supply Benefit Volume</u>: The volume of water captured from the LID design storm event, or equivalent, for which the fate of the water (i.e., the receptor) is:

- Infiltration to an aquifer that is capable of supplying water for potable or non-potable use,
- Beneficial use on-site or in nearby parcels,
- Diversion to a sanitary sewer system for direct or indirect water recycling, and/or
- Use in another way that offsets potable water use.

<u>Water Quality Benefit</u>: Reduction in Stormwater and/or Urban Runoff pollution such as improvements in the chemical, physical, and biological characteristics of Stormwater and/or Urban Runoff in the District. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater and/or Urban Runoff, non-point source pollution control, and diversion of Stormwater and/or Urban Runoff to a sanitary sewer system.



# **Credit Program**

The mandated Credit Program provides for a s Benefited Developments. All parcels subject to Credits will be given for completed and operati

The local jurisdiction and affected agencies should be given the opportunity to be involved in the review and approval of the Credit Program Application.

ing Parcel owners or r the Credit Program. Quality, Water Supply

and Community Investment Benefits. At a minimum, a stormwater and/or Urban Runoff improvement must provide a water quality credit to qualify for the Credit Program. The maximum allowed combined credits from these benefits is 80%. Parcel owners or Benefited Developments who perform qualifying additional activities, as defined below, are eligible for additional credit up to a maximum of 100% of their SCW Program tax. Once approved, the credit will be applied to the parcel owner's tax bill for the upcoming fiscal year.

## **Application Procedure**

Applicants who want to apply for a credit towards their tax may submit an online application and required documentation by following the procedure below. All certifications pursuant to the Credit Program shall be verified and submitted by a civil engineer licensed to practice in California. Refer to *Credit Program Process Flow Chart* for the application process.

### Application

- The Credit Program Application submission form and more information can be found on the SCW Program website (<u>https://dpw.lacounty.gov/apps/scwptca/</u>)
- Parcel owners or Benefited Developments may submit a credit application at any time. The application must be submitted by December 31<sup>st</sup> to qualify for the following tax year.
- Multiple parcels with common ownership may be aggregated for the purposes of the Credit Program.
  - To simplify credit distribution and percentage calculations amongst multiple parcels with common ownership, the applicant may choose to calculate and apply a single average credit percentage to each parcel of the aggregate. The applicant must demonstrate in the engineer's report the calculated average credit percent and its associated Final Parcel Credit percentage and corresponding dollar amount. If approved, the average credit percent will be applied to each individual parcel on the tax rol.
- Applicants representing Benefited Development review and approve the LID and/or SUSMP District on an initial review (prior to any on the planned development. Once the
  - review documents should be subpritted with the credit application.
- The application must include the following documentation:
  - Engineer's report

(1) A copy of the applicable LID, IGP/RWQCB stormwater permit, SUSMP, or other permit for which the credit is being applied

- (2) An Estimate or Calculations of the following:
  - (a) The impermeable area of each parcel(s)
  - (b) The impermeable area within each parcel(s) that is tributary to the stormwater and/or urban runoff improvement
  - (c) The volume of the stormwater and/or urban runoff improvement.



(d) Applicable LID design storm vo the maintenance management plan design standard for the impermemust be part of the Covenant and ppment.

(e) The associated credit percent for Agreement that is recorded as part

- (3) Photo documentation of the const of the LID Plan to tie it to the parcel. and/or urban runoff improvement; or for examples that the stormwater and/or urban runoff improvement has been maintained in good working condition.
- (4) The maintenance management plan for the stormwater and/or urban runoff improvement.
- (5) Engineering certification that the improvement meets or exceeds the applicable LID, IGP/RWQCB stormwater permit, or SUSMP standards.
- (6) Certification of ownership of aggregating multiple Parcels with the same owner if applicable.
- (7) Justifications for Community Investment Credit, and/or Additional Activities Credit will need to be provided to demonstrate how the <u>stormwater and/or urban runoff</u> improvement provides these specific benefits. The local jurisdiction should be
- Applicants must recertify their eligibility for the Credit involved in the recertification process. resubmission process is also handled through the SCW Program website and must be submitted by December 31<sup>st</sup>, prior to the next Tax Year. Failure to recertify will result in full tax payment.
  - The purpose of recertification is to ensure credited improvements are still in place and are operational. No monitoring, testing, or new calculations are required, but rather a resubmission of applicable prior submittals with current pictures of the improvements in fully functional condition. The District will perform random, periodic site visits to audit the condition of credited improvements.
  - If recertifying for Additional Activities credit, applicants must also submit documentation related to the benefit credits being claimed.

# **Credit Calculation**

This section summarizes the calculations to determine the Sub-total and overall Final Parcel Credit. The subsequent sections provide guidance on the calculations for Water Quality, Water Supply, Community Investment, Additional activities and NONA credits.

Sub-Total Credit Percent	Sub-Total Credit percentage (Maximum 80%)	Sub-Total Credit Percent = WQ% + WS% + CI% (Not to exceed 80%)
Final Parcel	Tax Credit	Final Parcel Credit = (Parcel tax) x [(Sub-Total Credit Percent) + (Additional Activities Percent) +
Credit	(in dollars)	(NONA Credit Percent)] (not to exceed 100%)

#### SCW Program Elements – Sub-Total and Final Credit



#### **Calculation Guidance**

- a) Calculate the Sub-Total Credit Percentage by summing the Water Quality Percentage (WQ%), Water Supply Percentage (WS%) and Community Investment Percentage (CI%) credits. The Sub-Total Credit Percentage is not to exceed 80%.
- b) The Final Parcel Credit is the product of the SCW Parcel Tax and the summation of the Sub-Total Credit Percent, Additional Activities Percent and NONA Credit Percent.
  - The Additional Activities Credit Percentage is not to exceed 20%
  - The NONA Credit Percent is not to exceed 100%

### Water Quality Credit

Up to 75% credit is given for Stormwater and/or Urban Runoff improvements that result in a Water Quality Benefit.

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
Water Quality Credit Percentage (WQ%) CHOOSE ONE (per tributary area)	LID Compliance (65% max)	$WQ\% = \frac{(\text{LID improvement volume for Impermeable Area})}{(\text{design storm volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.65) \times 100\%$
	LID Equivalency (65% max)	$WQ\% = \frac{(\text{LID Equivalency improvement volume for Impermeable Area})}{(\text{design volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.65) \times 100\%$
	Exceeds LID (75% max)	$WQ\% = \frac{(\text{LID improvement volume for Impermeable Area})}{(2 \text{ x design volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.75) \times 100\%$
	SUSMP (50% max)	$WQ\% = \frac{(SUSMP \text{ improvement volume for Impermeable Area})}{(design volume for Impermeable Area of the Parcel or multi-Parcel area)} \times (0.5) \times 100\%$
	Exceeds SUSMP Standard (65% max)	$WQ\% = \frac{(SUSMP \text{ improvement volume for Impermeable Area})}{(design volume for Impermeable Area of the Parcel or multi-Parcel area} \times (0.65) \times 100\%$
	IGP/RWQCB Stormwater Permit (65% max)	$WQ\% = \frac{(IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area)}{(design volume for Impermeable Area of Parcel)} \times (0.65) \times 100\%$
	High Volume IGP/RWQCB Stormwater Permit (75% max)	$WQ\% = \frac{(IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area}{(design volume (2" storm) for Impermeable Area of Parcel)} \times (0.75) \times 100\%$
	Dry weather (50% max until 2024, then 20% max)	$WQ\% = \frac{(Impermeable Area benefited by the improvement)}{(total Impermeable Area of Parcel area or multi-Parcel area)} \times (0.5 \text{ or } 0.2) \times 100\%$

#### SCW Program Elements – Water Quality Credit

### **Calculation Guidance**

a) The credit is a calculation of a ratio between the water quality improvement volume or benefited area and the design volume or benefited area. Each credit type has a maximum percent allowed.



- b) Choose one of the applicable Water Quality credits as shown from the table above. See the Definitions section for clarification on each credit type.
- c) Determine the total design volume for the impermeable area per the applicable credit type. For dry weather calculations, determine the total impermeable area.
- d) Determine the water quality volume that is treated or captured from the improvement for the same impermeable area. For dry weather cAll local jurisdiction and other agencies (such as water improvement.
- e) Divide item d) by item c) and multiply bidentified and have the opportunity to be involved in The % from item e) represents the vthe review for this Credit.

### Water Supply Credit

Up to 20% credit is given for Stormwater and/or Urban Runoff improvements that result in a Water Supply Benefit.

### SCW Program Elements – Water Supply Credit

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
Water Supply Credit Percentage (WS%)	Water Supply (20% max)	$WS\% = \frac{(Water Supply Benefit volum\epsilon)}{(design storm volume for Impermeable Area of Parcel or multi-Parcel area)} \times (0.2) \times 100\%$

### **Calculation Guidance**

- a) Determine the Water Supply Benefit Volume. The Water Supply Benefit Volume must have a nexus to a Stormwater and/or Urban Runoff capture. Projects or improvements that are purely related to water supply or use indoor water conservation are not applicable. Examples of water supply benefits with nexuses to Stormwater and/or Urban Runoff include, but are not limited to:
  - Improvements that infiltrates, or harvests Stormwater or Urban Runoff
  - Practices that reduce urban runoff
- b) Determine the design storm volume for the impermeable area
- c) Divide item a) by item b) and multiply by 20%
- d) The % from item c) represents the WS% shown in the Sub-Total Credit Except shown above.

### **Community Investment Credit**

Up to 10% credit is given for a Stormwater and/or Urban Runoff improvements that result in a Community Investment Benefit.


## SCW Program Elements – Community Investment Credit

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula		What happens when a wetlands is constructed as a
Community Investments Percentage (CI%)	Community Investment credit percentage (10% max)	CI% = • •	One of the Con At least three c At least five dis	Water Quality Element for a project, would the parcel get double credits? One for Water Quality and one for Community Investment? This only says that you can't use utilized for other community investment credits,
				but it doesn't say you can't use it for any other type of

## **Calculation Guidance**

a) Determine the number of distinct Community Investment Benefits as listed below. For the purposes of substantiating credits for each benefit, applicant must provide justification and show a relative scale in proportion to the project, parcel, watershed or any applicable area size to claim credit. Each distinct Community Investment Benefit credit claimed cannot be utilized for the other Community Investment credits.

credit.

- Improve flood management, flood conveyance, or flood risk mitigation
- Create, enhance, or restore park space, habitat, or wetland space
- Improve public access to waterways
- Enhance or create new recreational opportunities
- Create or enhance green spaces at schools
- Improve public health by reducing local heat island effect and increase shade
- Improve public health by increasing the number of trees and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality
  - Must include substantial tree planting and not claim redundant benefits from water quality credit.
- b) Use the metrics as shown the formula above to determine the percentage
- c) The % represents the CI% shown in the Sub-Total Credit Except shown above

# **Additional Activities Credit**

The Additional Activities Credit may recognize and reward qualifying additional activities that advance the Safe, Clean Water Program Goals. The 80 percent cap on the sum of previous categories is intended to reflect that not all stormwater improvement needs can be met by activities that apply only to the taxable parcels. The Additional Activities Credit is therefore intended to account for activities that confer benefits to the broader regional community related to the SCWP goals, such as:

- Projects that address stormwater improvement needs outside the taxable parcels, i.e., providing treatment for tax-exempt parcels and paying for ongoing Operation and Maintenance of these facilities.
- Projects that provide regional benefits for recreation, water resources protection, or otherwise provide benefits to the regional community.
- Endangered species protection measures
- Tertiary levels of treatment to be recycled for landscape irrigation purposes.
- TMDL compliance, i.e., advanced treatment of wastewater for removal of chloride, reduction in ammonia concentration, and/or a comprehensive approach to bacteria/pathogen control.
- Public education and outreach not covered under previous categories.



### SCW Program Elements – Additional Activi

Additional Activities Credit

Additional Activities (Maximum 20%) See additional activities carculation guidance below 1

There is no guidance provided on how the project costs will be defined and/or verified for each of the

Activities initiated and completed after November 6, 2018 may be qualified for additional activities credit.

### **Calculation Guidance**

To determine if an activity may qualify for additional activities credit, the following logic test questions can be applied:

- At a minimum, was the 6% credit from Community Investments achieved?
- Does the additional activity advance the program goal?
- Does the additional activity go beyond an activity that would already be credited for water quality, water supply, and community investment?
- Does the additional activity confer benefits to the regional community?
- Does the additional activity provide for a reliable and ongoing operation and maintenance plan?

If the answer to each of these logic test questions is yes, then the activity may qualify for an additional activities credit. Unlike the aforementioned credit opportunities (water quality, et al.) the additional activities credit is not a score-based evaluation system. Therefore, it is incumbent upon the parcel owner to successfully demonstrate that a proposed activity meets the Safe, Clean Water Program Goals, in addition to affirmatively satisfying the above logic tests.

Also, unlike other credit opportunities, additional activities credit will be based on a dollar-for-dollar expenditure match, up to 20 percent of Safe Clean Water Program tax, for each certified year The additional activities dollar-for-dollar credit may only include the capital cost and operation and maintenance costs, herein defined as total cost. The credit is proportional to the total cost of the additional activities but not to exceed 20% of the annual tax bill. The balance of the total cost may be rolled over toward the following certified year(s). Once the total cost of a qualified activity is credited, recertification will no longer be required or allowed. The dollar-for-dollar credit will cease.

Under the Additional Activities Credit, a project developer/parcel owner may consider a qualified onetime large-scale project to allow for maximum credit benefit.

#### **Additional Activities Credit Requirements:**

As a minimum, the applicant (parcel owner/project developer) shall submit the following:

- Discuss and demonstrate how the proposed activity meets all the logic tests questions
- Provide engineering plans and calculations prepared by a California Registered Civil Engineer
- Provide a cost analysis that includes, at a minimum, project life cycle, capital cost, operation and maintenance costs and the estimated qualified additional activity credit per tax year.



Qualified activities would have to be recertified every two years in order provide a mechanism to ensure the credited elements are still in place and are operational. Recertification will require a submittal of online application, and the necessary documents to verify the current condition. The recertification approval will be contingent upon an updated O&M plan to ensure the project continues to be in working order.

# Notice of Non-Applicability (NONA) Credit

Parcels or portions of a parcel that have a current NONA from the Los Angeles Regional Water Quality Control Board are eligible for a credit up to 100%

## SCW Program Elements – NONA Credit Excerpt

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
NONA Credit	NONA (100% max)	$NONA\% = \frac{(Impermeable Area included in NONA)}{(total Impermeable Area or multi - Parcel area)} \times 100\%$

# **Calculation Guidance**

- a) Determine the impermeable area included in NONA
- b) Determine the total impermeable area
- c) Divide item a) by item b). The maximum percent is 100%

# Verification and Review

- Upon initial receipt of the application or recertification, an administrative review for completeness will be conducted. The applicant will be notified by the District within thirty (30) days if additional information is required. The district will notify the applicant upon confirmation of a complete application. The applicant will also be notified within sixty (60) days of the complete application notice whether their application has been approved or denied.
- The District may conduct an inspection of the stormwater and/or urban runoff improvement at any time, as permission is granted by the applicant at the time application for credit is submitted. The District reserves the right to suspend an existing credit upon an inspection of an improvement that is found to be not fully functional for any reason. The owner will be notified that remedial actions are necessary and, once rectified, will need to re-apply for the intended credit(s).



# **Appeals Process**

If an owner applies for credit and it is denied after review or if the approved credit is a lesser percentage than what was applied for and the owner disagrees, the owner may email an appeal within thirty (30) business days from date of notice. The appeal email should be sent to safecleanwaterla@dpw.lacounty.gov and should contain the following information at a minimum.

- Customer's Name
- Assessor's Parcel Number(s)
- Basis of appeal
- Supporting Documentation
  - As-built engineering drawings
  - Proof of ownership or proof of sale
  - o Any additional engineering calculations or further justifications

Upon receipt of an appeal email, District staff will confirm receipt and will promptly present to the third party appeal panel, which is the Scoring Committee. The applicant will have forty-five (45) days from the date of notification to schedule a hearing. The owner will present case to the panel and be available for Q&A. The panel will notify District staff such that the owner can receive the determination on appeal with 2 weeks of the hearing.





# How to Use the Safe, Clean Water Program Tax Appeal Tool

# What is the tax appeal tool?

The Safe, Clean Water (SCW) Program tax appeal tool is a map-based online tool to help parcel owners who believe the impermeable area used to calculate their parcel tax may have been incorrect.

The SCW tax appeal tool provides an area mapping feature to help users estimate their parcel impermeable area as well as estimate a new tax amount. Once the user defined impermeable areas are drawn, the tool will check for a valid appeal, meaning an error of ten percent (10%) or more in the impermeable area used to calculate the Parcel's Special Parcel Tax amount and that also results in a difference in the Special Parcel Tax amount of fifty dollars (\$50) or more.

## What is an impermeable area?

An impermeable area is any parcel area covered by materials or constructed surfaces such as buildings, roofs, paved roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools and other constructed surfaces or hardscape features. This is not just the footprint area of your home. Impermeable areas include all areas of a parcel, including all areas that may be inhabited by other tenants (such as in a multi-family residential parcel), private driveways and alleys, and other impermeable areas that cross into your parcel.

Impermeable areas do not include permeable surfaces such as vegetated areas, grasses, bushes, shrubs, lawns, bare soil, tree canopy, natural water bodies, wetland areas, gravel, gardens and planters on bare soil, rocky shores, and other natural areas.





# SCW Tax Appeal Tutorial

## Step 1: Find Property

## Option 1: Search by Parcel Address

Enter your parcel street address and click the "**Find Address**" button. There may be multiple records that match your address. If you are presented with several addresses, pick the relevant address that matches your parcel.

### Option 2: Search by Assessor Parcel Number

Enter your 10-digit Assessor's Parcel Number (APN) with or without dashes. There should be only one record that matches your parcel's APN.

### Option 3: Search by Using the Map

Using your mouse, touchpad, or touchscreen navigate and zoom into your parcel. Once you've found your parcel, click on the "+ **Select Property**" button, then click the property on the map.

Once the property is selected, the boundary lines of the selected property will be highlighted green with relevant parcel information at the bottom of the left-hand corner. Click "Next" button to continue or click "Reset" button to start over.





# Step 2: Draw Impermeable Areas

- 1. Click on the map to draw the outline of the impermeable areas.
- 2. Double-click or double-tap to finish.
- 3. To draw additional impermeable areas, click "+ Add Impermeable Area" button.
- 4. To delete a drawn impermeable area, click "X" button adjacent to the unwanted area in left-hand navigation panel.
- 5. Once finished drawing, click "Next" button to continue.



# Note:

Overlapping drawn areas as well as drawing outside the parcel boundary are acceptable. Overlapping areas will not be counted twice and areas outside of the parcel boundary will not be counted.

Be sure to include all impermeable areas such as driveways, parking lots, patios and other impermeable areas. Do not include trees or tree leaf canopy in your impermeable areas (exception: green roofs or plants/trees on top of buildings, pavement, or concrete are to be considered impermeable surfaces and must be included in your drawing).





Example: Multi-Family Residential - Apartment/Condo Complex

Draw all impermeable areas for the entire parcel and not just your unit footprint. Include all sidewalks, driveways, parking lots, etc. Do not include grass, plants, and tree canopy. *Exception: green roofs or plants/trees on top of buildings, pavement, or concrete are to be considered impermeable surfaces and must be included in your drawing.* 





Example: Single Family Residential - House

Draw all impermeable areas for the entire parcel and not just your house footprint. Include all sidewalks, driveways, pools, patios, sheds, covers, etc. Do not include vegetation, grass, plants, and tree canopy. *Exception: green roofs or plants/trees on top of buildings, pavement, or concrete are to be considered impermeable surfaces and must be included in your drawing.* 





Example: Commercial – Business Plaza



X

Draw all impermeable areas for the entire parcel and not just your single business footprint. Include all sidewalks, driveways, patios, sheds, covers, etc. Do not include vegetation, grass, plants, and tree canopy. *Exception: green roofs or plants/trees on top of buildings, pavement, or concrete are to be considered impermeable surfaces and must be included in your drawing.* 



# Step 3: View Result and Submit Appeal

Once you have finished drawing your impermeable areas, the website will perform a number of calculations to check if the appeal is valid. For the purposes of the appeals process, there must be a significant discrepancy between the assessed and actual Impermeable Area. This means there must be an error of ten percent (10%) or more in the Impermeable Area used to calculate the Parcel's Special Parcel Tax amount and that also results in a difference in the Special Parcel Tax amount of fifty dollars (\$50) or more.

# **Examples of Invalid Appeals**

Appeal Summary	
Original Tax Amount: \$326.64	
New Appeal Amount: \$326.70	
Number of Parcels at this site: 1	
Difference (\$): 0.06> Less than \$50	
Difference (%): 0	

### Appeal Summary

Original Tax Amount: \$326.64 New Appeal Amount: \$288.20 Number of Parcels at this site: 1 Difference (\$): -38.44 -> Less than \$50 

# Appeal Summary

Original Tax Amount: \$722.58 New Appeal Amount: \$661.87 Number of Parcels at this site: 1 Difference (\$): -60.71 ---- More than \$50 Difference (%): 9 → Less than 10%







# Equation Used to calculate Percent Error

 $(\% \, error) = \frac{(Original \, Impermeable \, Area) - (Estimated \, New \, Impermeable \, Area)}{(\% \, error)} \times 100\%$ (Estimated New Impermeable Area)



# Example of a Valid Appeal



If a valid appeal is submitted, you will receive a confirmation email and LA County Flood Control District staff will formally begin processing the appeal. As part of the assessments, a visual quality control check will be performed on each appeal and adjustments will be made as necessary. The parcel owner will be contacted for additional information as needed.

For next steps and how an approved appeal will be applied, please refer back to the Appeals Process procedures and guidelines.

Per the website, the Appeals Process procedures and guidelines are still under development. Without seeing the them, the city can't comment on them. Local Jurisdictions should be involvement in processing the appeal since it would impact the amount of funding being allocated.

SAFE CLEAN **Public Review Comment Form** Mv comments pertain to: Name: Julie Millett Implementation Ordinance Credit Program Procedures & Guidelines Email Credit Program Web Application □ Low-Income Senior Exemption Procedures & Guidelines □ Low-Income Senior Exemption Application Form Phone: Tax Appeals Process Tutorial Richard Watson & Assoc., Feasibility Study Requirements & Scoring Criteria Organization: Inc. CRWA Planning Project Scoring Module □ Watershed Area Steering Committee Operating Guidelines LA County Public Works may contact me for Watershed Coordinator Scope of Work B clarification about my comments Other Comments A) the scoring criteria seem to be better, grared for a parcel-sized project than for a regional/ watershed-scale project. Perhaps there should be two sets of scoring criteria To accommodate projects of larger and smaller size I would like to be on the email list for BL information on the ongoing developments pertaining to watershed Coordinators and the related Scope of work. Thank you for the open House!

From: Sent: To: Subject: Attachments: Katie Harrel - CWE Thursday, June 20, 2019 7:46 AM DPW-SafeCleanWaterLA Comments on Draft Project Scoring Module 19-06-20 CWE KH Comments on Measure W Scoring Module.pdf

I would like to submit comments on the Draft Project Scoring Module platform. I created a user profile and test project to evaluate the functionality of the scoring module. The attached document summarizes nine (9) comments on the module. Please let me know if you have any questions on the comments or would like to further discuss.

Thanks!

Katie Harrel, PE, ENV SP, QSD Special Projects Manager



Certified DBE, MBE, and SBE

www.cwecorp.com

Let's connect!



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# **Draft Project Scoring Module:**

I created an account and test project to assess the performance of the Project Scoring Module. My comments are summarized within this document. For clarification on any of the identified comments, please contact me at the following:

Katie Harrel, Special Projects Manager at CWE



- 1. Recommend making projects publically available to encourage collaboration (allow users to see certain information about other projects entered into the system).
- 2. BMP selection page only shows bioretention type figure and the input does not change based on BMP type (input is not applicable to some BMP types).
- 3. Number did not calculate for 24-Hour Capacity under Water Quality:

24-hr Capacity		ased Performance	Long-term Performance
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ac-ft 4			
Effective Draw Down Rate			
in/tir 1.1			
Infiltration Footprint Area			
ac 0.8			
Stormwater Use During 24-hr Design	Event		
gal 10			
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		or	
	Use my Own		
			Save & Continue



4. No way to take away inlet once added to Event Base Performance (should be "Based") under Water Quality:

	Event Base Performance	
	regarding the project inlets and outlets are provided, along with es mation is envisioned as basic estimates that would be generated du	
Estimated Total Inflow Volume during Design acitt 5.4 Describe the Event used for Project Design Description	Event	
		: אל היי היי היי היי היי היי היי היי היי הי
	Inlets	
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ac-ft 0.5	# 0.2	<b>#</b> 0.1
	Total Inflow	Total Inflow
	Please Choose	▼ Please Choose
Inflow Rate	Primary Pollutant	Secondary Pollutant
ula 4.7	and the second	Please Choose
		and the second
Total Inflow	Estimated Concentration	Estimated Concentration
ac ft 0.5	# 0.2	# 0.1
	Total Inflow	Total Inflow
	Please Choose	Please Choose



5. Would like to understand what input will be needed for the Long-Term Performance under Water Quality and Benefit Magnitude under Water Supply. Pollutant concentrations are not something that is easily available to all Permittees. May want to provide additional comments once this is functional.

This page will have a table that summarizes the WMMS gener enter their own with justification.	a Pollutant Reduction Benefit enerated pollutant reduction estimates. The user will select the values to use, or ar WMMS simulations based on user-provided information. Not all BMP types will be handled - will not be handled. Secondary Secondary Pollutant Select Secondary Pollutant Pollutant reduction method Select Reduction Method Select Reduction Method Select in justification Justification Use my own value No
This page will have a table that summarizes the WMMS gener enter their own with justification.  A Under Construction this page will support users by conducting 10-year W for example projects with a complex treatment train or real time controls will  Primary Primary Pollutant Select Primary Pollutant Pollutant reduction method Select Reduction Method Selection justification Justification Justification Use my own value  Project Module Errors:	enerated pollutant reduction estimates. The user will select the values to use, or ar WMMS simulations based on user-provided information. Not all BMP types will be handled - will not be handled.           Secondary           Secondary Pollutant           Select Secondary Pollutant           Pollutant reduction method           Select Reduction Method           Selection justification           Justification           Module-generated 10-year Pollutant Reduction: N/A
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ali water captured will be infiltrated.	
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	ex treatment train or real time controls will not be handled. Module-generated estimate of annual average capture for water
BMP types will be handled – for example projects with a complex to	ex treatment train or real time controls will not be handled. Module-generated estimate of annual average capture for water supply: N/A ac-ft

Save & Continue



- 6. Was scoring not working for Water Quality and Water Supply due to model not yet included? May want to provide additional comments once this is functional.
- 7. Will WMMS elements return results that are not consistent with the RAA recommendations? If the results do not align with the RAA recommendations, then that will be difficult for Permittees to determine level of implementation required.
- 8. Will ideas for improving score be included in final tool?



9. I am not able to delete test project once entered. This should be allowed.



From:	Katie Ward
Sent:	Thursday, June 20, 2019 8:04 PM
То:	DPW-SafeCleanWaterLA
Subject:	Safe Clean Water Draft Implementation Ordinance and Related Documents - SGVCOG Comments
Attachments:	2019_06_19 SGVCOG Safe Clean Water Draft Documents Comment Letter.pdf

Good evening,

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Attached please find letter that contains comments from the San Gabriel Valley Council of Governments (SGVCOG) on the Safe Clean Water Program. These comments are related to the documents released on May 29.

Thank you and please let me know if you have any questions.

Katie Ward Senior Management Analyst San Gabriel Valley Council of Governments

www.sgvcog.org



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Unincorporated Communities Fifth District, LA County Unincorporated Communities SGV Water Districts June 20, 2019

Los Angeles County Public Works (LACPW) Safe Clean Water Program 900 S. Fremont Ave. Alhambra, CA 91803

# **RE: SAFE CLEAN WATER DRAFT IMPLEMENTATION ORDINANCE AND RELATED DOCUMENTS**

The San Gabriel Valley Council of Governments (SGVCOG) appreciates the opportunity to give input on the development of the Safe Clean Water program through the public review period.

The SGVCOG includes membership of 29 cities, 3 Supervisorial Districts, and 3 Municipal Water Districts, representing over 2 million residents. We understand and take seriously stewardship of environmental resources and to that end enacted a Stormwater Policy in November of 2016 in which we pledged to protect our watersheds and natural environment from polluted stormwater, and to capture stormwater and dry weather runoff to augment local water supplies. We continue to support compliance with water quality standards and strive to comply in a reasonable, practical, feasible and affordable manner. Over the years, the SGVCOG has actively pursued a path toward compliance within the framework of those four guiding principles—reasonable, practical, feasible, and affordable—and earned a reputation within Los Angeles County and the state as a regional leader on stormwater policy.

In an effort to assist in development of the Safe Clean Water program, we offer the following specific categorized recommendations, with page number references, regarding the draft documents released on May 29.

### **Draft Implementation Ordinance**

- **Program Elements (P. 8)**: Recommend deletion of preparation of grant applications as an eligible expenditure. Member agencies desire program funds to be maximized by being used for project design and construction, operations and maintenance costs.
- **Definition of Low Impact Development Ordinance (P. 17)**: Recommend modification of the definition of Low Impact Development ordinance by adding (change underlined): "means the most recent ordinance establishing local low impact development standards and requirements on certain new development and redevelopment projects in effect in the jurisdiction in which the project is located that conform to requirements imposed by the Los Angeles Regional Water Quality Control Board onto a respective permittee through their specific stormwater discharge permit under the Federal Clean Water Act. In the absence of another applicable LID ordinance, the default is the County's own most current LID ordinance"
- **Definition of Nature-Mimicking Solutions (P. 17):** Recommend deletion of this term as it is not used and redundant with the term Nature-Based Solution.
- Municipal Program Implementation Public Information (P. 24): Recommend replacing the term "up-to-date" public information with the term "annual" as "up-to-date" is vague and cities will necessarily provide information to the public as they identify planned use of SCW funds in their annual budget presentations and documents.
- Municipal Program Implementation Engage with Stakeholders (P. 24): Recommend changing the language for the engagement of stakeholders to allow cities to efficiently develop a public input process for stakeholder engagement. Cities should be able to adopt

a public input process for the discussion of proposed use of municipal funds for the Safe Clean Water Program, which would align and mimic engagement during similar municipal processes (e.g. annual budget).

- **Regional Program Implementation Threshold Scoring (P. 28)**: Recommend the proposed Threshold Score for project eligibility be specified in the Implementation Ordinance. This will allow for public input on the development of the Threshold Score for Projects.
- Regional Program Implementation Stormwater Investment Plan (SIP) (P. 28): Recommend language be added to allow the Watershed Area Steering Committee (WASC) to have an opportunity to amend its SIP based on Regional Oversight Committee (ROC) comments prior to the SIP being submitted to the Board of Supervisors.
- WASC Membership (P. 41): Wastewater agency/sanitation agency representative has been omitted from Board-appointed agency stakeholder seat listing, recommend adding in.
- ROC Annual Review of Municipal Reports (P. 46): Recommend that Los Angeles County Flood Control District (LACFCD) staff take on responsibility of annual review of municipal annual reports. LACFCD staff should only submit reports to the ROC for municipalities who are not in compliance with Safe Clean Water Program requirements to the ROC for review. It seems like an inappropriate use of ROC member time to ask them to review 87 reports annually; LAFCD staff can perform this task much more efficiently.

### **Draft Credit Program Implementation Procedures and Guidelines**

- Low Impact Development (LID) Equivalency Volume (P. 1): Clarify how the LID equivalency volume is defined, including conditions/capture. Also, provide the definition of "long term" e.g. more than one year? Five years?
- LID Design Volume Definition (P. 1): Recommend deletion of this term as it is not used in the guidelines.
- Credit Eligibility Duration (P. 4): Recommend that credit eligibility be determined on a triennial basis to lower administrative costs. Additionally, change reference to Tax Year to County fiscal year for clarity and familiarity.
- Credit Percentages (P. 5): Clarify if percentages can be adjusted within formulas (e.g. can percentages be lower than the specified maximum). If percentages can be reduced, specify to what extent each percentage can be adjusted.
- Water Supply Benefit Volume (P. 5): Recommend providing more detail to quantify water supply benefit volume, including specifying design capacity, estimated annual amount of capture, and annual precipitation anticipated to be captured.

#### **Draft Low-Income Senior Exemption Procedures and Guidelines**

- Application Acceptance: Recommend the option for cities to assist seniors by accepting applications, then forwarding them to County Tax Assessor.
- Application Frequency/Eligibility: Recommend modifying application eligibility be on a biennial or triennial basis.

### Draft Tax Appeals Process Tutorial

- **Tax Appeal Threshold**: Clarify that appeal must be at least 10% of tax bill and at least \$50.
- **Examples for Tax Appeal**: Recommend providing examples of a successful and unsuccessful appeal, and the criteria to be used by County in considering an appeal.

### Draft Feasibility Study Requirements and Scoring Criteria

#### **Draft Watershed Coordinator Scope of Work**

- Community Outreach (P. 1): Recommend combining Tasks 2 and 3 as they are nearly identical.
- Overall Comments on Scope of Work (P. 2-4): Recommend consideration be given to the feasibility of finding an individual/applicant for the Watershed Coordinator position to perform both community outreach and technical skills that are required in the current Scope of Work, especially performing at a full-time capacity. Instead, it would appear it would be more efficient to focus Watershed Coordinator responsibility on outreach and coordination, and rely on the LAFCD Technical Resources Program to provide the technical expertise. If the suggested modification of Watershed Coordinator Scope of Work was made, it would not be a full-time position. Additionally, the scope of work, and all draft documents for that matter, do not reference the watershed management plans/Enhanced watershed management plans. Feasibility study requirements of County should specifically reference project that have been identified in the individual watershed management plans/Enhanced watershed management plans, as well as acknowledge and complement previous work put forth by individual watersheds.

Should you have any questions, please contact Katie Ward, Senior Management Analyst, at

Sincerely,

' arisa Creter

Marisa Creter Executive Director San Gabriel Valley Council of Governments

From: Sent: To: Subject: Braun, Kim Thursday, June 20, 2019 3:19 PM DPW-SafeCleanWaterLA Measure W Public Comment Review

Good Afternoon:

The following are the comments from the City of Culver City's Public Works Department concerning the Measure W documents for Public Review:

# **Comments on Draft Implementation Ordinance**

Page # 12: B. Credit Trading Program: Do not understand how this will be achieved? Need to explain.

Page # 15: Section 9. 16.15 Should water self-resiliency be included in water quality benefits?

**Page # 30: Budget Template:** Very confusing. Should provide more detail as to how to complete this template. Is this for all projects or only Regional Projects?

**Page # 31: 2.b**. States compliance with 2012 MS4 permit. However, a new amended MS4 permit will be issued in 2020. Should this be amended to address that now?

**Page # 47: Transfer Agreement:** Can the standard template agreements language be modified by municipalities or regions?

**Page # 50: Credit Program:** Very difficult process for single family resident to apply and demonstrate they have achieved LID compliance. The SFR would need to hire a licensed civil engineer to complete the application. Perhaps the County could offer instructional workshops or provide referrals for assistance on their webpage.

**Page # 54: Low Income Senior Exemption**: It states that a resident must reside on the parcel in addition to owning the parcel. What if senior owns parcel but is currently housed in nursing home or assisted living? Do they no longer qualify for the exemption?

**General:** There is no provision for a parcel owner to file for the exemption or appeal process without a computer. What if someone does not have access to a computer?

Thanks,

Kim Braun Environmental Programs & operations Manager City of Culver City Of Culver City

The City of Culver City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From:	Mays, Denise
Sent:	Thursday, June 20, 2019 9:56 AM
То:	DPW-SafeCleanWaterLA
Cc:	
Subject:	Letter Los Angeles County DPW Safe, Clean Water Program Implementation Ordinance
Attachments:	DMS-#5188541-v2-
	Letter_Los_Angeles_County_DPW_SafeClean_Water_Program_Implementation_Ordinan cePDF

Good morning,

Attached please find a letter from the Sanitation Districts of Los Angeles County providing comments on the <u>Safe, Clean Water Program Implementation Ordinance and supporting documents</u>.

There is one file attached in PDF format. Please contact me at (**Control of Control of C** 

Thank you.

Denise Mays on behalf of Kristen Ruffell Administrative Secretary | Technical Services

SANITATION DISTRICTS OF LOS ANGELES COUNTY



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400 Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998 Telephone: (562) 699-7411, FAX: (562) 699-5422 www.lacsd.org

GRACE ROBINSON HYDE Chief Engineer and General Manager

June 20, 2019

Ms. Jolene Guerrero Los Angeles County Department of Public Works Community and Government Relations 900 Freemont Street Alhambra, CA 91803

#### Safe, Clean Water Program Implementation Ordinance Review

Dear Ms. Guerrero:

Thank you for the opportunity to review and comment on the Safe, Clean Water Program Implementation Ordinance and supporting documents. The Sanitation Districts of Los Angeles County would like to offer the following comments for your consideration:

<u>Watershed Area Steering Committee (WASC) membership</u> - It appears that the seat for the local sanitation agency was inadvertently dropped from the Watershed Area Steering Committee (WASC) membership. Page 40 identifies 5 agency seats and the WASC Operating Guidelines identify a Sanitation member, but the list of agency stakeholder representatives on page 41 of the Draft Implementation Ordinance only lists 4 agencies and does not include a sanitation agency.

<u>Confirmation of Conceptual Approval</u> - Page 3, Item 16, of the Draft Feasibility Study Requirements and Scoring Criteria, indicates that feasibility studies are required to include confirmation of conceptual approval from the LA County Flood Control District for projects that involve LACFCD infrastructure, facilities, or right-of-way. The Sanitation Districts believe this is appropriate and request that the requirement be expanded to include similar conceptual approval from other impacted agencies. In addition to projects that propose a connection to the sanitary sewer, the Sanitation Districts are aware of project concepts that involve construction of infiltration facilities in or near sewer easements that could have an adverse impact on the integrity of the sanitary sewer. Therefore, the Sanitation Districts request that conceptual confirmation be requested for projects that involve sanitation infrastructure, facilities, right-of-way, or easements.

<u>Scoring Requirements for Water Supply Benefits</u> - Page 6 of the Minimum Feasibility Study Requirements for the Scoring and Consideration of Regional Infrastructure Program Projects identifies several conditions where a project would not be considered as providing a water supply benefit. In some cases, treatment and discharge of urban runoff in a receiving water or facility that is part of a groundwater recharge project does provide a water supply benefit. This water typically provides dilution for groundwater recharge projects that utilize recycled water, imported water and stormwater. The amount of suitable quality dilution water used in the project determines how much recycled water can be used in the project. Without these sources of dilution water, less recycled water would be allowed to be used and the total water supply would be reduced. In these cases, the projects should be considered as having a water supply benefit. The Sanitation Districts recommend the following additions to address this concern: Page 6, Bullet 1, sub-bullets 1 and 5

- Stormwater that is treated and released to the receiving water is not to be considered as stormwater reuse, unless the project is tributary to a permitted groundwater recharge project.
- ... Demonstrate that the diverted water would not otherwise be diverted/captured downstream, unless the project would facilitate the continued recharge of water that would otherwise be prohibited for use in the water supply (i.e., facilitates the continued use of the urban runoff as dilution water at a permitted groundwater recharge project).

Page 6, Bullet 2, sub-bullet 2

• ... Projects capturing water that would otherwise end up at an LACFCD spreading grounds downstream of the project that is not a permitted groundwater recharge project should not claim an increase in water supply. ....

If you have any questions, please contact Kristen Ruffell at

or

Sincerely,

Stm. Ruft

Kristen Ruffell Division Engineer Water Quality Section

KMR:djm

From: Sent: To: Cc: Subject: Lisa Rapp Friday, June 21, 2019 11:00 AM DPW-SafeCleanWaterLA

Lakewood Comments on the SCWP Implementation

The City of Lakewood has the following comments for the Implementation of the Safe Clean Water Program:

1. The City of Lakewood has been hearing for some time now that the 40% local return funds would be available near the beginning of 2020. This needs to be prioritized because we have counted on these funds in our budget. We have planned our storm water budget and our programs and projects around this money. It should be relatively simple to complete the preparation of the Fund Transfer Agreements to make this happen, but as of this date, we have not seen even a first draft of a FTA. Perhaps a group of city attorneys could assist in working with County Council to draft an agreement that would be in keeping with the program elements and ordinances, that could be satisfactory to all concerned. We need these funds ASAP!

2. I am very concerned about the scoring criteria for regional projects for the 50% regional funding program, particularly for regional O&M Funding. The City of Lakewood has obtained \$26M in funding from Caltrans to build two regional storm water capture projects, in Bolivar Park and Mayfair Park. These projects were built to help our Los Cerritos Channel watershed achieve MS4 compliance and implement our WMP. In addition, Lakewood has agreed in concept to operate and maintain the Caruthers Park Project in Bellflower, also a regional project funded in full by Caltrans. All three projects accept water from multiple municipal jurisdiction. It has been our intention to apply for regional funds to pay for the O&M of these three projects, but the scoring criteria does not see to account for projects already funded - as the O&M is a line item within the entire cost for the project. There needs to be a separate criteria for situations such as this, because early action, independently funded (a good thing!) projects are effectively being penalized in the process.

I may have a few more comments, and will send them in a separate email.

Sent from my iPad

Please be green! Print this e-mail only when necessary. Thank you for helping Lakewood be environmentally responsible.

From: Sent: To: Cc: Subject: Henry Fung Friday, June 7, 2019 12:34 AM DPW-SafeCleanWaterLA

Stormwater tax implementation - senior tax exemption comments

Here are my comments on the Safe Clean Water Program tax exemption for seniors:

https://safecleanwaterla.org/wp-content/uploads/2019/05/3 Draft-Low-Income-Senior-Exemption-Application-Form.pdf

https://safecleanwaterla.org/wp-content/uploads/2019/05/Low-Income-Senior-Exemption-Overview-20190529.pdf

### **Income qualification guidelines:**

Document should reflect the most recent HCD numbers available (i.e., for FY 2019-20, use the 2019 numbers here at <a href="http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/Income-Limits-2019.pdf">http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/Income-Limits-2019.pdf</a>)

I suppose if you are having the applications due by May 1, this may not be available; however if it is available it should be used.

Using HCD low income limit is pretty liberal and is higher than that of other low income programs such as food stamps, Lifeline phone service, etc. due to a nexus to housing. Therefore I support this limit.

#### **Definition of property for exemption:**

Low-income senior owned property - I would use the standard to receive the homeowner's exemption as the criteria. Nowhere in the ordinance did it say, "Parcels that are subdivided into multiple residential units, or a "Multi-Family" residential parcel with tenants who pay separate rents to the parcel owner are not eligible for the exemption."

Thus, if a low income senior takes in boarders in a single family home, vs. renting it out as a duplex, there will be a difference in whether or not they get the exemption. It will require staff to verify if a property is a duplex, triplex, etc. or not. Or, if a senior builds an Accessory Dwelling Unit on the property, does that mean they automatically void the exemption? This would cause conflict with various state laws that encourage ADU creation. Remember that if they get substantial income from rentals their gross income would exceed the low income limit anyway.

The standard for homeowner's exemption is, "a single-family residence, a structure containing more than one dwelling unit, a condominium or unit in a cooperative housing project, a houseboat, a manufactured home (mobilehome), land you own on which you live in a state-licensed trailer or manufactured home (mobilehome), and the cabana for such a trailer or manufactured home (mobilehome) are examples." This is much easier to administer and should be used.

Therefore, I simply recommend that the property qualify for the homeowner's exemption, which automatically means it is their primary residence under State law.

The one reason I think it could have been written this way is if the intent was to exempt seniors with <u>multiple</u> residences the stormwater tax on all of them. I do not think that is the intent of the ordinance. This is also implied when it asks for verification of residence.

### Acknowledgement of Head of Household or Sole Provider:

Again, this part of the guidelines is not in the ordinance.

"Parcel owners must acknowledge that they are the sole providers for maintaining the costs of owning a home. Parcel owners who are at or older than 65 but live with working age adults less than 65 years old and are eligible to work and share in the costs of owning a home would not qualify for the exemption."

You would have to put disclaimer language on the application form, which doesn't currently exist. Indeed, the language on the front of the form says, "are head of household <u>or</u> are the sole provider of maintaining the costs of the home." Not "and". How would you audit this? Define eligible to work or share in the costs? If a senior citizen has boarders, adult children or grandchildren living with them, etc. would they not be eligible? Or, if they are being supported by their children because the homeowner is in poverty (such that the child is claiming the dependent tax credit for the senior), would they have to also pay the stormwater tax as well, since they are no longer the "sole" provider? This would be unfair, and also administratively impossible to enforce.

I would just acknowledge that it is their principal residence and they are the head of household (delete "sole provider of maintaining the costs of the home"), and on the application, income information needs to be provided for <u>all</u> adult members of the household (and the HCD limit adjusted accordingly). This is consistent with qualification for lifeline phone service, CARE energy discounts, food stamps, etc. It is fair to have all listed owners on the property be over 65 in order to qualify for the exemption. However, the Flood Control District does not need to be auditing family composition or trying to determine if their adult children under 65 are "eligible" to work.

## **Comments on the form:**

If my suggestion is accepted, replace the second checkbox with "I am the head of a Low-income Household as defined on the previous page."

HCD income limits use gross income, not adjusted gross income (see the last page of the income limit document). Although administratively the Flood Control District can use AGI I would use gross income on the cover to be consistent. Note that for most seniors AGI and gross income should be similar unless there are IRA deductions.

Verification of income: The form should reiterate that the income of <u>all</u> adults is required. Tax form is the most preferable form of documentation since it lists all forms of income.

In the instructions, I recommend requiring a tax form and the "other" is only for those who did not make enough to file a tax return.

In "other" category, in addition to the forms listed, add 1099-DIV, 1099-INT, and 1099-R. These reflect dividends, interest, and other retirement distributions such as pensions and withdrawals from traditional IRAs. They would not necessarily have withholdings (which would require one to file a tax return) but should be included to provide a complete picture of income. (Although, by definition if you don't earn enough to file a tax return, you qualify under the low income HCD guidelines.)

Verification of age: County policy requires that Matricula Consular cards be considered valid identification. This is Board policy 3.050, <u>https://library.municode.com/ca/la\_county\_bos/codes/board\_policy?nodeld=CH3ADGEG0\_3.050IDCA</u>

The IDs of <u>all</u> listed owners should be provided and all must be over 65 in order to qualify for the exemption. The application should make this clear.

Although the legal language of the due date is on the cover page, put the due date at the bottom so it is clear (i.e., "Deadline to Return Form: [December 31, 2019, or May 1, 2020 for the FY 2020-21 tax year]).

Note that some individuals may write "64" on the "As of the date of my signature on this claim form, I am \_\_\_\_\_ years old" and still qualify. It would be better to state, "As of June 30, [year of exemption] I am \_\_\_\_ years old".

### **General comments:**

The program should mail renewal notices to seniors who qualified one year and reminder if they don't submit. These

notices should also be mailed to individuals designated as alternate tax bill recipients. County Treasurer-Tax Collector should include info about this exemption in every property tax bill mailed in the Flood Control District.

I recognize the need to maximize revenue to provide for programs but also this needs to be fair to the seniors who are expecting an exemption.

Thank you for considering my comments.

Sincerely, Henry Fung

From:	Liz Jones
Sent:	Friday, June 21, 2019 6:28 PM
То:	DPW-SafeCleanWaterLA; Mark Pestrella; Dan Lafferty; Keith Lilley; Matthew Frary
Cc:	
Cubicat	
Subject:	OurWaterLA Comments on SCWP Implementation Ordinance Documents
Attachments:	2019.06.21 OWLA Comments on SCWP Implementation Ordinance Documents.pdf

Attached please find OurWaterLA's comments on the Safe, Clean Water Program Implementation Ordinance and Related Documents out for public review. We would welcome the opportunity to discuss our comments further.

Thank you,

## LIZ JONES Staff Attorney





DATE: June 21, 2019

- TO: Mark Pestrella, Director, Los Angeles County Flood Control District Dan Lafferty, Deputy Director, Los Angeles County Flood Control District Keith Lilley, Principal Engineer, Los Angeles County Flood Control District Matt Frary, Acting Principal Engineer, Los Angeles County Flood Control District
- CC: Office of Supervisor Hilda Solis, First District Waqas Rehman, Chief of Planning; Guadalupe Duran-Medina, Planning Deputy
   Office of Supervisor Mark Ridley Thomas, Second District Karly Katona, Associate Chief Deputy Office of Supervisor Sheila Kuehl, Third District Katy Yarovslavsky, Deputy for the Environment and Arts
   Office of Supervisor Janice Hahn, Fourth District Jocelyn Rivera-Olivas, Public Works and Legislative Deputy
   Office of Supervisor Kathryn Barger, Fifth District Chris Perry, Public Works Deputy Leslie Friedman-Johnson, CNRG
- RE: OurWaterLA Comments on Safe, Clean Water Program Implementation Ordinance Documents

On behalf of the OurWaterLA coalition, we appreciate the opportunity to work with the Flood Control District (District) in a collaborative manner on the implementation phase of the Safe Clean Water Program. OurWaterLA is providing the following comments on the Draft Documents out for public review. Where possible, we included redline edits so that our comments could be easily incorporated into the documents. For other documents, redline edits were not appropriate, so we provided narrative feedback.

OurWaterLA has consistently pushed the District to prioritize equity, community engagement, quality jobs, and nature-based solutions in its implementation of the Safe, Clean Water Program (SCWP). The District must ensure that Measure W's commitment to provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County is realized. Communities must be engaged in a meaningful way to determine the type and location of projects, and ensure that they are maintained over time. Such engagement will be done most effectively with a robust Watershed Coordinator program that is properly supported and bolstered by additional resources for community engagement, public education, and technical support. Strong worker protections must be combined with significant investment in job training to ensure LA continues to transition to a green workforce. Additionally, nature-based solutions that provide the local flood-mitigation, cooling, community greening, and other benefits that were top-of-mind for voters when they passed Measure W last November must be prioritized even beyond what is covered in the draft documents. Our following comments center on these issues in greater detail. Lastly, we want to reiterate that the timeframe for providing these comments was short, and we plan to continue to collect feedback on the documents out for review at a broad OurWaterLA coalition meeting we are hosting on Tuesday, the 25th of June. We expect to provide additional comments after hearing from more of our partners and the broader community at that meeting. We would welcome the opportunity to discuss our comments further.

For ease of reference, a Table of Contents for our comments is provided below:

Draft Implementation Ordinance	1
Draft Watershed Area Steering Committee Operating Guidelines	
Draft Feasibility Study Requirements and Scoring Criteria, Draft Project Scoring Module	9
Draft Watershed Coordinator Scope of Work	19
Draft Credit Program Implementation Procedures and Guidelines	23
Draft Low-Income Senior Exemption Procedures and Guidelines	27
Draft Tax Appeals Process Tutorial	29

Sincerely,

Belinda V. Faustinos, Liz Jones, Lauren Ahkiam, and Annelisa Ehret Moe On Behalf of OurWaterLA

# **Draft Implementation Ordinance Comments**

### Credit and Incentive Program Clarifications

The implementation ordinance strikes the separate incentive program and low income credit language that was in Section 16.10 and replaces it with Section 16.10.B, which states that the District shall establish a credit trading program and shall work with stakeholders to explore the development of a low-income credit and additional incentives. For sake of clarity, OurWaterLA believes it would be helpful to better distinguish these programs and explain what "additional incentives" might be included. It is confusing to talk about a low income "credit" program when the current credit program is designed to reward parcel owners for qualifying improvements and when the current low-income senior program is classified as an exemption rather than a credit.

OurWaterLA would also like to see a stronger commitment to explore an incentive or exemption program that would target low-income homeowners and rent-stabilized or affordable multifamily dwellings. The District should commit to completing a public process to evaluate a low-income homeowner program (such as a tiered exemption), with a minimum 60-day public comment period and meetings, within a year. Based on preliminary data we have reviewed on the household income for owner-occupied units compiled by the USC Program for Environmental and Regional Equity, we believe that the number of low-income homeowners is relatively small and that a low-income program of some type--whether a full exemption for the lowest-income homeowners or a sliding scale credit tied to income--should be implemented. The District is in a much better position than stakeholders to assemble this information, determine overlap with the low-income senior program, and present this information to the public.

We suggest that the District develop a stakeholder process, procedures and guidelines document to specify the timeline for the process and structure of the stakeholder group, which must include low-income interest groups. In the document the District should also commit to assembling and presenting relevant data about low-income households, holding public meetings that are appropriately noticed to reach the target audience, and receiving and incorporating public comments.

Given that the Safe, Clean Water Program Credit program is largely aimed at incentivizing improvements at larger developments, OurWaterLA believes one of the "additional incentives" required to meet the goals of the SCWP is a separate, residential incentive to capture stormwater and urban runoff falling on the residential parcels spread throughout the County. This residential incentive structure will likely need to differ from the current tax credit proposal. Therefore, OurWaterLA would like to see a stronger commitment to developing a residential retrofit incentive program. OurWaterLA recognizes and appreciates that "Stormwater or Urban Runoff residential and/or commercial retrofits" are eligible expenditures for SCW program funds. Given that approximately 10 million people live and work in the County, there is huge potential from scaling-up residential water capture to capture stormwater and urban runoff falling on their properties. OurWaterLA believes the County should develop this into an incentive program, in conjunction with key stakeholders, to ensure municipalities can apply for larger, aggregated parcels, and to ensure that individual residents with smaller projects are incentivized to implement such projects.

16.10.B. Credit trading program. The District shall establish a credit trading program that would allow Parcel owners to purchase and sell credits to satisfy Special Parcel Tax obligations.

C. The District shall work with stakeholders to explore the feasibility of and options for developing a low-income credit or partial exemption program. The District shall also work with stakeholders to explore the feasibility of and options for developing additional incentives, including a residential retrofit incentive program, beyond the credit and credit trading programs.

Regarding Section 18.10, the Credit Program should not provide a tax credit for Parcels that meet requirements of applicable regulations, such as the Low Impact Development Ordinance, SUSMP, or applicable RWQCB Stormwater Permit. Tax Credits should only be available for Parcels that are greater than would be achieved by complying with these existing requirements.

## Tracking DAC Investments

In order to evaluate whether the Program meets the goal of funding projects that provide DAC Benefits, DAC Benefits should be defined with input from DAC stakeholders and the District should track investment information. Relevant information might include: expenditures for capital multi-benefit projects and maintenance of projects located in DACs; wages paid to workers constructing or maintaining projects who reside in DACs; credit, incentive, and rebates for properties located in DACs and occupied by qualified low income residents; funds expended for technical assistance and capacity building paid to organizations located and/or with a minimum 3 years history of working with communities in DACs; and public education, K-12 education, workforce training and community engagement program expenditures in DACs. Municipalities should collect this information as well, in order to achieve equitable investments in DAC communities. Because reporting is dispersed across Regional, Municipal, and District programs, OurWaterLA also recommends language in the ordinance which makes a commitment to the development of a periodic report that details all DAC-related benefits information from across the Safe, Clean Water Program.

18.05.B.12. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a Program level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits realized through use of District Program funds. Each annual report shall also contain information about outreach to DACs and expenditures benefiting DACs in the following areas: Community Education, K-12 Education, Workforce Education, Jobs employing DAC residents and wage/benefit information, Technical Assistance, Project Design, Project Implementation, Monitoring, Operations & Maintenance.
18.06.B.3. Prepare, within six (6) months after the end of that Municipality's fiscal year, an annual progress/expenditure report that details a Program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds. Each annual progress and expenditure report shall also include a detailed description of all expenditures of SCW Program funds during the applicable fiscal year and a reconciliation of those expenditures with the plan described in subsection 2, above. Where relevant, each annual progress and expenditure report should also include information about expenditures benefiting DACs in the following areas: Project Design, Project Implementation, Monitoring, Operations & Maintenance, Jobs employing DAC residents and wage/benefit information, and Community Engagement.

**18.07.F.3.** Quarterly progress and expenditure reports shall include the following information: [add subsection] Outreach to DACs and expenditures benefiting DACs in the following areas: Watershed Coordinator outreach and education, and Technical Assistance.

18.07.F.4. Infrastructure Program Project Developers shall prepare an annual summary of the quarterly progress and expenditure reports for their respective Programs and Projects. The annual summary reports shall track outreach to DACs and expenditures benefiting DACs in the following areas: Project Design, Project Implementation, Monitoring, Operations & Maintenance, Jobs employing DAC residents and wage/benefit information. 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.

18.07.F.5. The Watershed Area Steering Committees shall review the Infrastructure Program Project Developers' quarterly progress and expenditure reports and the annual summary reports to evaluate whether the total amount allocated to DAC projects may need to be increased. The Watershed Area Steering Committees shall also 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, behind schedule, or demonstrate reduced or revised scope or benefits may be adjusted or removed from future SIPs.

18.07.F.6. The Watershed Area Steering Committees shall, quarterly, report on outreach and engagement with disadvantaged communities and other stakeholders, and report on investments in benefits to disadvantaged communities in the following programs: Technical Assistance, Project Design, Project Implementation, Monitoring, Operations & Maintenance, Job Quality and Creation. The Watershed Area Steering Committees shall forward each quarterly progress and expenditure report and each annual summary report from Infrastructure Program Project Developers to the ROC, together with the Watershed Area Steering Committees evaluation.

## Tracking Community Engagement Activities

Community and stakeholder engagement is interpreted in many different ways. LA County Measure A Grant Guidelines were developed with significant input from community and municipal stakeholders and could be very useful as a baseline for the development of a Safe Clean Water Program Community and Stakeholder Outreach and Engagement Plan Framework and specific plans for each Watershed Area. The elements of these plans should range from traditional notification and outreach techniques to notice meetings, to deep sustained community engagement and project design work to ongoing engagement on the general outcomes and methods to track future work of the Watershed Area Steering Committees, Technical Assistance, Education Programs and project implementation, monitoring, operations and maintenance to name just a few of the steps where community engagement is critical.

The Measure A Grant Guidelines recognized that the levels of engagement will also vary given project scope. Measure A Guidelines also define the elements of effective community engagement beyond just having meetings and obtaining letters of support. OurWaterLA strongly urges that a small committee of stakeholders use the Measure A guidelines as a baseline and develop a Community and Stakeholder Outreach and Community Engagement Plan Framework as a first step before the WASCs develop their SIPs.

Municipalities should be required to develop a stakeholder engagement plan and to report activities implemented under that plan to ensure that they are effectively engaging with stakeholders during the planning and implementation of projects and programs.

18.06.B.9. Engage with Stakeholders and Community members in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs. Each Municipality shall develop a Community and Stakeholder Outreach and Community Engagement Plan for this purpose.

. . .

**18.06.D.2.** Add subsection: Documentation that the Community and Stakeholder Outreach and Community Engagement Plan was followed.

18.09.B.5. For Municipalities, a requirement to annually submit a plan of how SCW Program funds will be used during the ensuing year, which shall include, at a minimum, anticipated activities including stakeholder and community engagement activities, an initial programmatic budget, and the SCW Program Goals that are anticipated to result from the planned expenditures.

## Labor Standards Clarification

The Ordinance should clarify that when the County contributes to a project, its labor standards policies should apply, such as the Local/Targeted Hire Policy and under-negotiation Project Labor Agreement.

## **Tax Appeals Process**

Consistent with our comments on the Tax Appeals Process Tutorial, the Implementation Ordinance should specify that:

18.13.A. The appeals process referenced in Section 16.08.C of Chapter 16 of this code shall be administered in accordance with the Appeal Process tutorial and the tax appeals procedures and guidelines document developed by the District, which shall be updated from time to time, as it deems necessary.

The procedures and guidelines document should outline the steps the Flood Control District will take to ensure that parcel owners are *informed* about their right to appeal, have sufficient time to file an appeal, and have the option to *access* the tutorial and tool at multiple locations.

### Watershed Coordinator Scope of Work

Consistent with our comments on the Watershed Coordinator Qualifications and Scope of Work, the Implementation Ordinance should specify that the Watershed Coordinators will:

(11) Collaborate with all other Watershed Coordinators, a Regional Coordinator, and the District to inform each other of effective efforts, outreach, engagement and communication approaches, including sharing best practices and resources.

### **Project Scoring**

The Implementation Ordinance specifies that the District will "establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program" (18.07.B.f) and that "Only Projects that meet or exceed the Threshold Score shall be eligible for inclusion in the Infrastructure Program" (18.07.B.2.i). The District should specify what the Threshold Score is and provide an opportunity for stakeholders to comment on it.

# **Draft WASC Operating Guidelines Comments**

## **ARTICLE III. REQUIREMENTS**

Given the expertise of Watershed Coordinators, Committees should have the option to designate them to be the facilitator.

### Section 1. Committee Chair(s)

The WASC can elect its own Chair, Co-Chairs, and/or Vice-Chair to help direct meetings and process. In the absence of Chair, Co-Chairs or Vice-Chair, LA County Flood Control District (District) staff or Watershed Coordinator, as designated by the Committee, will facilitate meetings. The election of any Chair, Co-Chairs, and Vice-Chair should be revisited on an annual basis. District staff will support and Chair, Co-Chair, and/or Vice-Chair as needed and be available to address and coordinate WASC and WASC meeting logistics.

#### ARTICLE IV. TERM LENGTHS AND VACANCIES

The term lengths of community stakeholder members should be extended so that it is the same length as the agency member term lengths.

Section 4. Community Stakeholder Members Every <del>3rd</del>5th year starting in 2021, the Board of Supervisors will appoint members to all 5 community stakeholder seats.

During the 35-year term, if a Community Stakeholder primary member is no longer able to serve on the WASC, the alternate member shall become the primary member. The vacancy for the Community Stakeholder alternate will be filled by someone from the same organization. If a vacancy in a primary or alternate seat cannot be filled for any reason, that seat will remain vacant until the next appointment cycle or until the Board of Supervisors takes sooner action to fill the vacancy.

### **ARTICLE V. ROLES AND RESPONSIBILITIES**

In order to meet the mandate that the total amount allocated to DAC projects shall not be less than 110% of the ratio of the DAC population to the total population in each Watershed Area, it is critical that WASCs prepare Stormwater Investment Plans that prioritize the development of projects in DACs and track what proportion of the WASCs investments will be made in DACs. WASCs must also track outreach to and other investment benefits provided to DACs. DACs are at high risk of not seeking and/or receiving funds through the SCW program without adequate outreach and education incentives.

WASC members have the responsibilities identified in Chapter 18 of the Los Angeles County Flood Control District Code and the following additional responsibilities:

E. Participate in the development of Stormwater Investment Plans so that the development of the SIPs benefits from various Stakeholder perspectives, with an emphasis on the identification and development of projects that achieve equitable investments in disadvantaged communities, and on how the SIP will maximize the implementation of nature based solutions.

L. Prepare a Stormwater Investment Plan detailing recommended funding allocations to the Infrastructure Program, Technical Resource Program, and Scientific Studies Program which is consistent with achieving equitable investments in disadvantaged communities.

P. Quarterly, forward the Quarterly Progress/Expenditure reports to the Regional Oversight Committee along with any recommendations and/or concerns, and incorporate any recommendations from the Regional Oversight Committee;

Q. Annually, provide the Regional Oversight Committee with a Watershed Area Regional Program Progress (WARPP) report on Stormwater Investment Plan activities authorized for the previous year, and incorporate any recommendations/feedback from the Regional Oversight Committee. The WARPP reports shall summarize how funds have achieved the SCW Program Goals described in Chapter 18.04 of the Los Angeles County Flood Control District Code;

#### Add new subsections:

During the first 60 days subsequent to formation of the WASC, adopt a Community and Stakeholder Outreach and Community Engagement Plan for the respective Watershed Area.

Quarterly, report on engagement of disadvantaged communities and other stakeholders, and report on investments in benefits to disadvantaged communities in the following: Technical Assistance, Project Design, Project Implementation, Monitoring, Operations & Maintenance, Job Quality and Creation, and, where funded by the Regional Program: Community Education, K-12 Education, and Workforce Education.

#### ARTICLE VI. MEETINGS

#### Section 3.

In the absence of a Chair or Vice-Chair, meetings shall be facilitated by District staff. The WASC may identify and vote to have another member of the WASC serve or the

Watershed Coordinator to serve as the facilitator, which could be a Chair, Co-Chair, Vice-Chair, or other.

#### ARTICLE VII. STORMWATER INVESTMENTS PLANS

#### Section 1. Overview

#### Add new subsection:

(4) The total amount allocated to DAC projects, which shall not be less than 110% of the total DAC population in the watershed area.

#### Section 2. Process for SIP project recommendations

The District must consider what contractual or other mechanism it will use to ensure that Project Developers follow-through on their commitment to the outcomes described in a proposed project, when and if that project is awarded funding. For example, the Measure A guidelines have a "good standing" provision so that if a grantee/contractor does not comply with the terms of an agreement, they are not in good standing and therefore cannot apply for further funding.

Additionally, we propose the addition of the following new sections:

(between 6 and 7, or in association with 7) The WASC shall work in coordination with OurWaterLA to develop criteria for SIP project selection. Such criteria shall prioritize projects that provide the most benefit to the community in which the project is built, and which reflects the SCWP goal to prioritize nature-based solutions and provide adequate investment return to disadvantaged communities.

The WASC shall ensure that the SIP includes a robust plan for achieving or exceeding the target investment goals for disadvantaged communities.

(9) Review of SIP by Regional Oversight Committee and incorporation of any ROC feedback

#### ARTICLE VIII. REVIEW OF QUARTERLY PROGRESS/EXPENDITURE REPORTS

#### Add new bullets for Quarterly/ Expenditure Report:

- Engagement to disadvantaged communities and other stakeholders
- Progress on Safe Clean Water Program Goals
- Investments in benefits to disadvantaged communities in the following: Technical Assistance, Project Design, Project Implementation, Monitoring, Operations & Maintenance, Job Quality and Creation, and, where funded by the Regional Program: Community Education, K-12 Education, and Workforce Education.

# **Draft Feasibility Study Requirements and Scoring Criteria Comments**

## 2.0 Requirements

A description of project details must include what the proposed project would be replacing or expanding upon at the proposed project site. A project that replaces climate appropriate trees one-to-one is not adding community investment benefits, for example.

1. A description of the project details, including:

• A description of the proposed site including any existing water quality, water supply, or community investment benefit components.

In order to be able to assess to what extent and in what ways a project may provide benefits to Disadvantaged Communities and to assess Watershed-level progress towards investing at least 110% of Regional Program funds proportionally into these communities, it is imperative that this information is included in the Feasibility Study.

XX. Describe how this project benefits Disadvantaged Communities and which communities.: [e.g., the project is located in a disadvantaged community, employing workers from targeted census tracts beyond what is required by applicable Local/Targeted Hire Policies, the project provides new open space in the community, etc. Improving water quality upstream of a disadvantaged community is not, on its own, considered a direct benefit to that disadvantaged community]

Given the expectations that certain projects comply with a Project Labor Agreement, this should be reflected in the Feasibility Study.

3. An estimated schedule to design, permit, construct, operate and maintain the project, including how construction will accommodate Project Labor Agreement considerations if applicable, Local/Targeted Hire Policy considerations if applicable, and Small Business procurement policy considerations if applicable.

The County should solicit interest from project applicants for partnership with County maintenance services as part of the maintenance plan requirement.

7. A plan for how operations and maintenance will be carried out . . . Project applicants interested in the County providing maintenance services should note so here.

Proposed projects may be cancelled due to issues including soil or groundwater contamination, right-ofway constraints, etc. Many of these issues can be identified through proper due diligence during the early phases of project development. Completion of a Phase 1 Environmental Site Assessment will, at a minimum, identify current or historical issues at the proposed site that were reported to local, state and federal regulators. We recommend the following changes to the language for Item 8 of the feasibility study requirements to include a minimum requirement of a Phase 1 Environmental Site Assessment. 8. An engineering and other pertinent professional specialty analysis of the proposed project (e.g., estimates of site conditions, soil sampling, preliminary hydrology report, site layout, utility search, environmental impact, archaeological and pertinent historical background for site location, etc.)

 All project feasibility studies must include a Phase 1 Environmental Site Assessment, at a minimum. Exception may be made for projects that do not require significant subsurface construction (e.g. above ground residential retrofits). Additional The minimum requirements for engineering analysis will depend largely on the type of project, and on the results of the Phase 1 Environmental Site Assessment.

Proposed projects may also be cancelled or delayed due to public opposition. The life-span and effectiveness of a project is also likely to improve if there is local support. OurWaterLA strongly urges community informed design in the development and implementation of projects funded by the SCWP, which requires community engagement from the beginning of the project design phase. We recommend the following changes to the language for Items 10 and 11 of the feasibility study requirements to achieve community informed design for all SCWP projects.

10. For non-municipal project applicant/developers (if applicable), an initial letter of support for the project that includes concurrence on proposed operations and maintenance plan and the responsible party. Non-municipal project applicant/developers must also include at minimum a letter demonstrating community support of a project, which shall come from a neighborhood council, local non-governmental organization, or other organization (including a grassroots organization) that is local to or works in the proposed project location.

11. A description of outreach and engagement activities completed to date, and a A plan for continued outreach/ and engagement to solicit, address, and incorporate stakeholder input on the throughout project design, construction and operations and maintenance. The project outreach/ and engagement efforts should shall include considerations related to displacement and gentrification.

To accompany the proposed requirement above that "the project outreach and engagement efforts shall include considerations related to displacement and gentrification," we believe that Displacement Avoidance Policy should be adopted to apply to all SCWP fund recipients, and additional resources should be provided to ensure its effective implementation. When implementing multi-benefit stormwater projects in disadvantaged communities, every effort should be made to prevent displacement due to increased investment. We request that the District develop a Displacement Avoidance Policy for the SCWP, such as requiring project applicants to submit a Displacement Avoidance Plan, similar to that in the Transformative Climate Communities grant guidelines. Examples of displacement avoidance policy elements are listed below:

- Rent Stabilization Ordinance
- Anti- Tenant Harassment

- Renters Rights Education
- Right to Counsel
- Anti-displacement policy as a metric to evaluate projects at the Watershed Area Steering Committees
- Tenant Protection Working Groups that include community members, and that are project specific.

We also suggest the following language to help prevent unintended community displacement.

12. The project will be fully subject to and comply with the Safe, Clean Water Program anti-displacement policies. Identify if utilizing funds from Measure A. If so, acknowledge that the project will be fully subject to and comply with the displacement policies associated with Measure A.

Nature-based projects are best positioned to achieve water quality and supply outcomes in a way that provides the greatest return on investment for both water quality and water supply as well as other imperative outcomes such as mitigating climate impacts, creating a healthy environment for neighboring communities, and creating good, green jobs. We are excited to see the inclusion of Item 14 in the Feasibility Study Requirements, and thank the District for adding language to encourage the use of nature-based solutions. With a few changes to the language for Item 14, this encouragement under the Feasibility Study Requirements can move towards prioritization of nature-based solutions, as required by the SCWP goals. We recommend that the District adopt a 5-point minimum requirement for the Nature-Based Solutions criteria (discussed in further detail below, in review of the Project Scoring Criteria), and make the following changes to the language for Item 14 of the feasibility study requirements to ensure prioritization of nature-based solutions.

14. Discussion identifying how nature based solutions were either utilized to the maximum extent feasible or otherwise considered but not included. If the project applicant/developer is requesting an exemption from the 5-point minimum for the Nature-Based Solutions criteria, a discussion identifying how nature-based solutions were considered but found infeasible or otherwise not included in the project design.

### 3.0 Estimating Score Based Benefits

### **3.1 Water Quality Benefits**

### Wet Weather (all projects, 0-inch storms and above)

As stated in the 4<sup>th</sup> National Climate Assessment[1], "[m]ore frequent and intense extreme weather and climate-related events... are expected to continue." The design capacity for each project must take into consideration the environmental effects of climate change throughout the life-span of the proposed project. We recommend the following changes to the language for the first bullet of the Wet Weather Water Quality Benefits.

The design 24-hour BMP capacity volume, including a breakdown of the applicable capacity volume calculation such as project storage capacity, estimated infiltration rate

(if applicable), footprint area, etc. The design 24-hour BMP capacity volume (i.e. typically the 85<sup>th</sup> percentile, 24-hour capacity) must be calculated using the most recent available data and the most recent climate model forecasts for the life span of the proposed project.

### **3.2 Water Supply Benefits**

OurWaterLA supports the efforts to fund projects that include a water supply benefit. However, some options do pose potential threats to human health and safety. Particularly, the option to divert stormwater into a water treatment plant or to a sanitary sewer to be converted into recycled water could potentially cause an overload of the sanitary system, leading to illicit discharge of untreated sewage. As stated during a public stakeholder outreach workshop for the Proposed Statewide Sanitary Sewer System Order reissuance, held on April 17, 2019, more sewage spills were observed statewide in 2017, likely due to an increase in wet weather flows. Combined sewer overflows (CSOs) are considered a priority water pollution concern by the USEPA[2], and have led cities to spend billions of dollars to switch to the type of separate storm sewer system we have in Los Angeles County[3]. If this option to divert stormwater into a water treatment plant or to a sanitary sewer is pursued, precautions must be taken to ensure that a system overflow would not occur. We recommend the following changes to the language for the fifth bullet under Estimating Score Based Benefits: Water Supply Benefits of projects **for reuse.** 

Through modeling, or other similar approach with justification, provide the annual average amount of stormwater or urban runoff captured by the project **for reuse**.

• Diverted stormwater and urban runoff can include, but not be limited to, water diverted to a separate groundwater recharge facility, into a water treatment plant, to a sanitary sewer to be converted to recycled water, etc. For projects that propose to divert stormwater to a water treatment plant or to a sanitary sewer, demonstrate that diversion would cease during an extreme rain event that would lead to system overflow based on system capacity. Demonstrate that the diverted water would not otherwise be diverted/captured downstream.

#### **3.3 Community Investment Benefits**

Carbon sequestration for improved air quality can be achieved by improving vegetation and soil health. In fact, healthy soils can also help to improve vegetation growth. According to a study in a 2013 paper by Rebecca Ryals and Whendee L. Silver, "a single (one-time) application of compost… [leads] to increases in carbon sequestration and plant production." [4] We recommend the following simple language adjustment to the seventh bullet of the Community Investment Benefits to encourage action to improve soil health including, but not limited to, application of compost material.

Justification for how the project will improve public health by improving soil health and/or increasing the number of trees and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality.

#### **3.4 Nature-Based Solutions**

As stated above, nature-based projects are best positioned to achieve the goals of the SCWP. We offer the following language adjustment to the second bullet for Nature-Based Solution to ensure that native vegetation be used whenever feasible.

Provide justification for how the project will utilize natural materials such as healthy soil and climate appropriate vegetation with a preference for, prioritizing native vegetation and the establishment of plant communities to support a diversity of species.

### **3.5 Leveraging Funds and Community Support**

The project scoring criteria awards up to 4 points if "the project demonstrates strong local, communitybased support and/or has been developed as part of a partnership with local NGOs/CBOs." The feasibility study must include existing justification of such support, requiring that community engagement occur at the beginning of project development. A plan for gaining support is not sufficient. Therefore, we suggest the following simple language adjustment to the second bullet for Leveraging Funds and Community Support.

Either a plan or eExisting justification for how the project demonstrates strong local, community-based support with a commitment for long term engagement throughout the life of the project, or has been developed as part of a partnership with local non-governmental organizations, community based organizations, and others, particularly as it relates to Disadvantaged Communities. If the Project Applicant cannot provide an existing justification, the applicant must include a plan to do so and describe what barriers prevented this plan from being completed prior to application.

## Exhibit A – Infrastructure Program Project Scoring Criteria

### A.1. Wet Weather Water Quality Benefits

### A.1.1 For Wet Weather BMPs Only: Water Quality Cost Effectiveness

The Annualized Life-Cycle Cost incorporates only the basic project costs (capitol, operations and maintenance, and monitoring costs) over the proposed life span of the project. However, some projects may incur additional indirect costs including the carbon costs for producing new grey material for projects that are not nature-based along with the health costs associated with that carbon footprint, while other projects may provide savings over time with investment of high quality maintenance and/or may reduce health related costs by improving air quality, providing shade, and/or reducing the heat island effect. OurWaterLA urges that the cost of a project be based on the full cost accounting[7], rather than the annualized life-cycle cost. Similarly, points awarded to a project for cost effectiveness must be based on the full cost accounting rather than on the annualized life-cycle cost.

Additionally, we have some concerns about the 0.4 AF/\$Million minimum to receive Water Quality Cost Effectiveness points. If a city applies for funding to implement a project that utilizes aggregate nature-

based residential retrofits to address stormwater runoff on a regional scale, the application may fall short of the minimum point threshold and not proceed beyond the scoring committee. Full-cost accounting could reveal that such a project is cost effective when considering the indirect benefits greening our neighborhoods. If the county proceeds with the current scoring criteria based on life-cycle cost, we request that otherwise stellar projects (like the example listed above) that do not meet the 0.4 AF/\$Million minimum to receive Water Quality Cost Effectiveness points be considered for an exemption from the overall minimum point threshold, if maximum points are awarded in other categories (community investment, nature-based solutions, etc).

#### **B. Significant Water Supply Benefits**

### B.1. Water Supply Benefit Magnitude.

We are also concerned about the 25 acre-feet per year (AFY) minimum requirement to receive Water Supply Benefit Magnitude points. If the county proceeds with the current scoring criteria, we request that otherwise stellar projects (like the example provided in the Water Quality Cost Effectiveness section above) that do not meet the 25 AFY minimum to receive Water Supply Benefit Magnitude points be considered for an exemption from the overall minimum point threshold, if maximum points are awarded in other categories (community investment, nature-based solutions, etc).

#### **D. Nature-Based Solutions**

#### D.1. Project

As stated above, nature-based projects are best positioned to achieve the goals of the SCWP. The SCWP ordinance singles out these nature-based projects as a priority and requires that Infrastructure Program funds be spent on nature-based projects "to the extent feasible" [5]. This clear directive in the ordinance, coupled with the fact that the ordinance was explained to voters as an opportunity to "green" their communities, makes nature-based projects unique among the categories in the current project scoring criteria. This is particularly true because the only other scoring criteria category that the ordinance states should be prioritized to the "extent feasible"—projects to assist in achieving water quality standards—has 50 points available. It is difficult to imagine that any project could move forward without providing water quality benefits. On the other hand, the nature-based solutions category has only 15 points available. Projects that do not involve nature-based solutions will likely move forward given the current scoring criteria.

OurWaterLA continues to believe that these distinctive characteristics warrant imposing a 5-point minimum requirement for the nature-based projects category. There is no reason why well-designed projects cannot earn 5 points in this area. If the District is concerned about the threshold disqualifying otherwise stellar projects, it could couple the threshold with an option for project proponents to explain why it is not "feasible" to meet the threshold requirement and be granted an exemption.

Regardless of whether a five-point threshold is imposed, more detail is needed for the nature-based solutions scoring criteria. The edits proposed in the attached document are consistent with the ordinance and program elements document. The edits provide details to help project developers

understand that nature-based projects range in quality depending on whether they 1) replace impermeable area with climate appropriate vegetation (good projects), 2) replace that area with native vegetation (better projects), or 3) replace that area with a sufficient diversity of native vegetation to support a healthy plant community (best projects). Developers will be in a better position to score highly in the nature-based solutions category if they understand that points will be allocated based on these good/better/best categories.

We recommend adding the following language to the Current Infrastructure Project Scoring Criteria to reflect these comments.

- Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points
  - Points will be awarded based on the percentage of the project footprint that is converted from impermeable surface to *climate appropriate* vegetation.
- Implements natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or useable open space = 5 points.

Where relevant, points will be awarded based on the percentage of project footprint covered by new, native vegetation (1 point per 10% of project covered by new, native vegetation). Implementing natural processes may include:

- o Strategically protecting undeveloped mountains and floodplains;
- Creating and restoring riparian habitat and wetlands;
- Enhancing soil through composting, mulching, and tree and vegetation planting, with preference for native species; and
- Utilizing spreading grounds; green streets; and planting areas with water storage capacity
- Utilizes natural materials such as soil and vegetation with a preference for, prioritizing native vegetation and the establishment of plant communities to support a diversity of species = 5 points.
  - Points will be awarded based on the number of different/distinct newly planted native species across distinct types (groundcover, shrubs, and trees), with some flexibility in the number of native plant species depending on the size of the site. It is highly recommended that a certified native landscaping specialist develop these plans or are consulted to confirm that the right mix is being planted.

There is no 'one-size-fits-all' for ideal nature-based projects. Project proponents are strongly encouraged to take into account specific community needs in designing projects. For example, in areas prone to flooding, native trees with strong root systems that absorb a significant amount of water may make the most sense; in areas particularly impacted by heat island effect, trees that maximize shade might be most appropriate; in areas highly impacted by poor air quality should consider low VOC-emitting trees; and in areas impacted by all these concerns, some combination of these strategies may be best.

## DRAFT PROJECT SCORING MODULE

The Project Scoring Module will be a useful tool for project developers who plan to apply for SCWP funding. In our initial review of the Project Scoring Module Example[6], we have identified a few issues that must be addressed.

## **General Information: Location**

An alternative to a single point location will need to be available for projects such as green streets which cover a larger area, or regional projects that address stormwater on a watershed scale by utilizing multiple distributed projects, with multiple point locations. Green streets are particularly important as a high degree of stormwater pollution emanates from our road system and there is a great opportunity to leverage Measure M funding for these multi-benefit projects.

As stated above, although no points are awarded to projects that fall within DACs, or projects that directly benefit DACs, the WASCs will have to consider project benefits to DACs in order to comply with the ordinance requirements that 110% of the Regional Funds benefit DACs. We recommend that the following be added to the General Information: Location page of the Project Scoring Module.

- Is this project located within a disadvantaged community?
- Does this project directly benefit a disadvantaged community?

Describe how this project directly benefits a disadvantaged community:

[e.g., employ local workers, provide new open space in the community, etc. Improving water quality upstream of a disadvantaged community is not, on its own, considered a direct benefit to that disadvantaged community]

### **Design Elements: Cost**

The Annualized Life-Cycle Cost calculated by the Project Scoring Module incorporates only the basic project costs (capitol, operations and maintenance, and monitoring costs) over the proposed life span of the project. However, as stated above, OurWaterLA recommends that the cost of a project be based on the full cost accounting[7], rather than the annualized life-cycle cost.

### Water Supply: Cost Effectiveness

Similarly, points awarded to a project for cost effectiveness should be based on the full cost accounting rather than on the annualized life-cycle cost. At a minimum, if the District decides to award points based on the annualized life-cycle cost, there must be a page that requires a discussion of the indirect costs or benefits associated with a project, so the WASC can take this information into account during the development of the SIP. We recommend that, at a minimum, the following be added to the Water Supply: Cost Effectiveness page of the Project Scoring Module so that the applicant is aware that it will be taken under consideration and so the information is available to the WASC.

Discuss the indirect costs and/or benefits of this project:

[e.g., health costs associated with air quality impacts, health benefits associated with air quality improvement or reduction in the heat island effect, etc.]

## **Nature Based Solutions**

The section of the Project Scoring Module that evaluate points based on incorporation of nature-based solutions must be adjusted to reflect the good/better/best model discussed above[8]. We recommend adding the following language to the "Removed Impermeable Area" section on the Nature Based Solutions page of the Project Scoring Module right after the Prior Impervious Area/Post Impervious Area question.

- Does this project replace impermeable area with climate appropriate vegetation?
- Does this project replace impermeable area with native vegetation?
- Does this project replace impermeable area with a sufficient diversity of native vegetation?

Discuss what types of vegetation will be utilized and how it will support a healthy plant community in the project location:

[i.e., names of native/drought resistant plants, other pervious material selected, local/community conditions that make material selection ideal, etc.]

We also recommend adding the following at the top of the Nature Based Solutions page of the Project Scoring Module to match the question included in the Design Elements section given that the ordinance requires that Infrastructure Program funds be spent on nature-based projects "to the extent feasible":

Describe whether nature-based elements were utilized. If not, is there an opportunity to do so? If feasible but not incorporated, explain why. If not feasible, explain why.

## Leveraging Funds & Local Support

As stated above, the life-span and effectiveness of a project is likely to improve if the project is completed based on community informed design, which requires community engagement from the beginning of the project design phase. Having a plan for community engagement is important, but not sufficient on its own. We recommend that the following be added at the top of the Leveraging Funds & Local Support: Local Support page of the Project Scoring Module to ensure that projects are completed based on community informed design.

Please describe completed community engagement activities to date:

[Description]

Additionally, it is important that the local support comes from the community that will be affected by the project. Proof of local support must therefore come from a community group or a local CBO or NGO that works with that community. We recommend that the following be added beneath the "Supporting

Organization" section of the Leveraging Funds & Local Support: Local Support page of the Project Scoring Module.

What kind of organization is this?

- Neighborhood Council
- Community Based Organization
- Non-Governmental Organization
- Other\_\_\_\_\_

[1] U.S. Global Change Research Program. 2018. Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States. <u>https://nca2018.globalchange.gov/downloads/NCA4\_2018\_FullReport.pdf</u>
[2] U.S. Environmental Protection Agency. 2016. National Pollutant Discharge Elimination System (NPDES)
Combined Sewer Overflows (CSOs). <u>https://19january2017snapshot.epa.gov/npdes/combined-sewer-overflows-csos\_.html</u>

[3] U.S. Geological Survey. 2009. *Combined Stormwater/Sewage Overflow, Roswell, GA, Sept. 2009*. https://www.usgs.gov/media/images/combined-stormwatersewage-overflow-roswell-ga-sept-2009

[4] Ryals, R. and Silver, W.L. 2013. *Effects of Organic Matter Amendments on Net Primary Productivity and Greenhouse Gas Emissions in Annual Grasslands*. Ecological Applications 23, no. 1: 46–59.

[5] Los Angeles County Department of Public Works. 2019. Draft Implementation Ordinance.

https://safecleanwaterla.org/wp-content/uploads/2019/05/1 -Draft-Implementation-Ordinance.pdf [6] Safe Clean Water LA. 2019. Project Scoring Module Example: Exhibit B (example only – project has not been scored). https://safecleanwaterla.org/wp-content/uploads/2019/05/SCW-Projects-Module-Exhibit-B-20190528.pdf

[7] Full-Cost Accounting accounts for direct and indirect costs and benefits of a project including the capitol costs, operations and maintenance costs, and monitoring costs, as well as possible environmental costs/benefits, social costs/benefits, and economic costs/benefits.

[8] 1) replace impermeable area with climate appropriate vegetation (good projects, 5 points), 2) replace that area with native vegetation (better projects, 10 points), or 3) replace that area with a sufficient diversity of native vegetation to support a healthy plant community (best projects, 15 points).

# **Draft Watershed Coordinator Qualifications and Scope of Work Comments**

OurWaterLA appreciates that the Draft Watershed Coordinator Qualifications and Scope of Work incorporates some of the input we have previously provided to ensure that Watershed Coordinators have the skills and qualifications necessary to fulfill their important role in the SCW Program. However, we believe that more detail should be added in a few areas so that the most qualified candidates are identified. In addition, the OurWaterLA core team feels it is critical that the Coordinator Collaboration function be vested in an NGO or other qualified contractor. The recommendation that the District serve in that role or "rotate" between Watershed Coordinators is not acceptable to OurWaterLA. There also is a fundamental difference between "hosting" meetings and managing Coordinators, it is essential that the Coordinators be managed to insure best practices are implemented and staff are held accountable for their work. And given the novelty and complexity of the program, the function should not "rotate" amongst the Coordinators.

## A. Work Description

The consultant(s) selected as the Watershed Coordinator(s) will be responsible for at least the following tasks, with an emphasis on working with Disadvantaged Communities:

1) Task 1 Description - Community Outreach to Diverse Communities

Develop a Community and Stakeholder Outreach & Engagement Plan (Plan) detailing strategy and approach for reaching out to Municipalities, community groups, and other watershed Stakeholders within the designated watershed area to solicit input, connect stakeholders to the district, municipal and regional programs, technical assistance opportunities, and ensure diverse perspectives are shared with FCD and the Watershed Area Steering Committees (WASCs) to be included in the development of SIPs and planning and implementation of the Regional Program. The Plan shall be developed consistent with a district wide framework. The goal of the community outreach program will be to develop a long term sustainable plan to ensure robust community engagement in the development, selection and implementation of projects that will result in multi-benefit community investments.

2) Task 2 Description - Community Outreach for Watershed Planning

Provide leadership in community outreach efforts related to watershed planning. Prepare an outreach strategy plan with input from community groups engaged in outreach, education and sustained community interaction related to the SCW Program. Document efforts made to build a community engagement plan input and leadership for the Watershed Area. Document efforts made to build leadership for the watershed area. The Watershed Coordinator shall prioritize working with disadvantaged communities of color.

Belete because already captured in Task 2.
Task 3 Description - Lead Community Outreach for Watershed

Provide leadership in community outreach efforts related to watershed planning. Prepare an outreach strategy plan.

4) Task 4 Description - Work with Technical Assistance Teams

The Watershed Coordinator shall develop and maintain a list of potential Infrastructure Program Project Applicants within their assigned watershed area. The Watershed Coordinator shall identify resources needed for those Infrastructure Program Project Applicants and provide the summary of recommended resource needs to the Contract Manager and the WASC for review on an as-needed basis, ensuring that there is thoughtful and intentional project development which emphasizes nature based solutions with multiple benefits.

5) Task 5 Description – Identify and Develop Project Concepts

Work with interested project proponents to identify and develop project concepts that may be selected by Watershed Area Steering Committees (WASCs) and forwarded to Technical Assistance Teams for development of Feasibility Studies.

6) Task 6 Description - Facilitate Decision-Making for Community Priorities

Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities regarding the Regional **Program** and integrate well with municipal and related upstream and downstream <del>and</del> project implementation.

7) Task 7 Description - Integrate Priorities Through Partnerships and Extensive Networks

Develop and maintain a plan that identifies strategies to integrate priorities for the community, Municipalities, and region through partnerships and extensive networks.

8) Task 8 Description - Cost-share Partners

Identify cost-share partners such as local water agencies, park departments, conservancies, and transportation agencies. As appropriate, connect entities interested in cost-sharing and facilitate terms of cost-sharing.

9) Task 9 Description - Leverage Funding

Identify, help leverage and secure additional funding including state bond funds related to water, parks, and climate resiliency; transportation funding such as Measure M<sub>7</sub>; parks funding such as Measure A, Proposition O, and others.

10) Task 10 Description - Local Stakeholders Education

Educate local Stakeholders through public outreach events such as workshops,

demonstrations, community forums and restoration activities. Develop and maintain a contact and email list of local Stakeholders to inform them of upcoming educational opportunities by working with local social and environmental justice groups and targeting disadvantaged communities of color.

### 11) Task 11 Description - Watershed Coordinator Collaboration

FCD shall The Watershed Coordinator shall collaborate with a Regional Coordinator for the program who shall be responsible assist with for developing best practices for all Watershed Coordinators, training and mentoring coordinators, developingment of materials and other necessary resources for use by Watershed Coordinators, and shall facilitate and coordinate information sharing and training exchange through both email and by hosting regular convenings to share best practices and report on outreach and communications activities and approaches. Facilitation of these meetings may be done by FCD or rotate between Watershed Coordinators as an opportunity to refine their facilitation skills.

### B. Skills and Qualifications

- 1) Community Engagement: Highly skilled at engaging diverse communities, including low-income communities of color with specific experience in building community capacity.
- Facilitation: Proven ability to facilitate community engagement and participatory decision making, and to develop strategies for integrating diverse priorities into projects and programs.
- 3) Communication: Experience developing effective education and engagement communication tools tailored to a variety of audiences.
- 4) Subject Matter Knowledge: familiarity with most or all of the following:
  - a. Watershed/integrated approaches to developing multi-benefit, stormwater and urban runoff capture projects/programs
  - b. Local and regional NGOs, public agencies, and other stakeholders
  - C. Local projects, programs, resources
  - d. Current local and regional plans and planning processes related to SCW Program (e.g. LA River Revitalization, LA and SG River Master Plans, Regional WMPs and EWMPs, etc.)
  - **e.** Green Infrastructure, Low Impact Development Best Management Practices, Nature-Based Solutions
- 5) Presentation: Excellent presentation skills/experience presenting at workshops, community and agency meetings particularly in working with disadvantaged communities of color and with community members whose primary language is not English

- 6) Collaboration: Experience developing relationships and facilitating ongoing dialogue with agencies, municipalities, elected officials, and NGO stakeholders at the project, program and watershed level.
- 7) Project Development: Ability to compile information and resources needed to support project teams toward identifying pursuing project opportunities.

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8) Funding Coordination: Experience identifying, securing and leveraging public and private funding/cost sharing. Grant writing experience desirable.

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# **Draft Credit Program Implementation Procedures and Guidelines Comments**

OurWaterLA appreciates the additional clarity provided in the draft credit program implementation procedures and guidelines. Our comments center on: ongoing project validation and monitoring, operation and maintenance requirements, community engagement, adding metrics to assess community investment credits, encouraging nature-based solutions and residential projects, the amount of allowable credit for complying with existing regulations, and multiple parcel aggregation. We also request that, because these procedures and guidelines are intimately tied with the credit trading program that is under development, the District either refrain from finalizing these procedures and guidelines until the trading program is more fully developed, or impose limits on project aggregation now and explicitly state that these procedures and guidelines will be subject to re-evaluation and a comment period at that time.

## Ongoing project validation and monitoring

First, given that the maximum allowed combined credit for activities that result in Water Quality, Water Supply and Community Investment Benefits and for performing qualifying additional activities is 100% of the tax, it is critical that these activities and their benefits are well-documented and continuously functional. If an improvement does not provide the benefits promised, the credit program will only serve to undermine (potentially dramatically) the Safe Clean Water Program Regional and Municipal Program projects and programs.

Under the current Credit Program Procedures and Guidelines, it appears that the only documentation required for existing improvements is photos that show the "improvement has been maintained in good working condition" (p. 4). Similarly, biennial recertification appears to require only resubmission of the application with current pictures of the improvements (p. 4). The Guidelines state that the District will perform random site visits to audit the condition of improvements, but do not provide further specifics. A better validation mechanism must be built into the credit program, especially for large, commercial or industrial parcel credit improvements.

There are several ways to ensure validation is properly done. One option is to require applicants applying for large credits (i.e., not for credits on residential properties) to pay an audit/external monitoring fee tied to the size of the tax credit they are applying for. These funds should be used by the District to perform *at least* one-year-out site visits to audit each large project (in addition to random site visits). The District needs to make sure it has enough funding to inspect the improvements that are receiving credit. Another option that the County can explore is to train current and/or future municipal staff that visit sites for other reasons (e.g. meter readers) to perform audits of these projects given that the largest cost with audits is generally getting the auditor to the property.

More robust monitoring and reporting should also be required. Applicants for credits over a certain threshold should submit monitoring plans with their applications laying out how they will "measure the

effectiveness of the proposed project once completed, including metrics specific to the intended benefits" ("Minimum Feasibility Study Requirements for the Scoring and Consideration of Regional and Infrastructure Projects" p. 2). Reports included in their re-certification submissions should follow that monitoring plan and certify, where possible, that: (1) the water quality and water supply volumes included in the application have been validated and continue to be accurate, (2) activities included in the maintenance management plan have been completed, (3) community investment and additional activity benefits claimed in the application continue to be relevant. Though the application process clearly requires certification from a civil engineer (p. 3), the Guidelines do not specify that the same certification is required for re-submissions (p. 4). Re-submissions for larger, non-residential parcel projects should require an engineer certification. The District can help to make this requirement less burdensome for applicants by providing a list of certified engineers on its website, and should consider providing a more specific list of approved or recommended engineers qualified to conduct this certification.

### Maintenance management plan

The guidelines specify that a maintenance management plan must be submitted with each application (p. 4) and that additional activities must provide for an ongoing operation and maintenance fund (p. 8). All projects receiving a tax credit must provide for an ongoing operation and maintenance fund as a baseline requirement, and there should be requirements to ensure that maintenance of Credit Program projects is done and done well. At a minimum, the O&M requirements laid out in the "Minimum Feasibility Study Requirements for the Scoring and Consideration of Regional and Infrastructure Projects" at page 2 (item 7) should apply here for commercial and industrial projects. Applicants should identify O&M funding needs, and certify that funding will be continuously committed to the improvement. The San Francisco Public Utilities Commission created a set of Stormwater Management Requirements and Design Guidelines to guide their stormwater management requirements for new and renovated developments. These guidelines institute tri-annual project inspections to ensure compliance, append the maintenance agreement to the parcel's assessor records, and establish the expectation that "If maintenance requirements identified through inspections are not completed in accordance with the protocols described in this chapter, the SFPUC or the Port will take enforcement action."<sup>1</sup> The cost of this enforcement action is then required to be reimbursed by the parcel owner. This guidance should be applied here so that property owners receiving a tax credit are held responsible for maintenance, including the costs of the County providing enforcement action if they are found to be negligent.

#### Community engagement

In order to claim Community Investment Benefits credit for activities that purportedly serve communities, applicants should demonstrate that those activities have strong local support. In particular, to obtain credits for activities that: "Create, enhance, or restore park space," "Improve public

<sup>&</sup>lt;sup>1</sup> San Francisco Public Utilities Commission. <u>Stormwater Management Program and Design Guidelines</u> Chapter 10, "Inspection and Enforcement." Accessed from: <u>https://sfwater.org/index.aspx?page=1007</u>.

access to waterways," "Enhance or create new recreational opportunities," or "Create or enhance green spaces at schools," (p. 7) applicants should include the following specific information as "Justifications for Community Investment Credit" (p. 4, item 7):

- A description of community engagement activities to date,
- A community engagement plan, and
- Proof of local support from a Neighborhood Council, Community Based Organization, School, or Non-Governmental Organization

## Encouraging nature-based solutions and residential retrofits

The credit program is a great opportunity to encourage nature-based solutions. Currently, however, the credit program does not explicitly provide credits for these projects. Projects that incorporate nature-based solutions should be awarded credits under the "good, better, and best" framework outlined in the Feasibility Study Requirements and Scoring Criteria comments provided above: some credit for replacing impermeable area with climate appropriate vegetation ("good" projects), more credit for replacing that area with native vegetation ("better" projects), and the most credit for replacing that area with a sufficient diversity of native vegetation to support a healthy plant community ("best" projects).

In addition, as discussed in our comments above on the Implementation Ordinance, a residential retrofit incentive program should be developed through a stakeholder process and utilize nature-based solutions. Residential retrofit projects have great potential to fill in habitat corridors, reduce the heat island effect, and provide other benefits like encouraging individuals to be stewards of their parcels for the benefit of everyone across the County.

## Project aggregation

OurWaterLA is concerned about the environmental justice implications of the District's current proposal to allow unrestricted aggregation of parcels under common ownership. The District appears to assume that only adjacent properties under common ownership will be aggregated, but does not limit aggregation to those situations. It is possible that landowners of a large number of geographically-dispersed properties will choose to implement improvements on parcels in wealthier areas of the County and/or where there is more open space, rather than on their parcels in disadvantaged communities and in areas where communities would most benefit from projects that provide jobs, green space, and multiple other benefits.

We suggest that the District refrain from finalizing the credit aggregation aspect of the credit program and instead commit to studying this potential issue in conjunction with its consideration of equity issues as it develops the credit-trading program. If this is not possible, District should implement safeguards to protect against bad environmental justice outcomes. For example, the District should limit the geographic area within which parcels can be aggregated or the District should limit aggregation so that owners are restricted to aggregating DAC parcels with other DAC parcels and aggregating non-DAC parcels with non-DAC parcels. The District should also make a commitment to tracking this issue, reporting on it, and revising the credit program guidelines as necessary to address it.

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# **Draft Low-Income Senior Exemption Procedures and Guidelines Comments**

Thank you for the work establishing the Low-income Senior-owned Special Parcel Tax Exemption. We urge the following amendments to ensure this program is accessible:

- Including a phone number and website for more information on the Special Parcel Tax Exemption in public materials about the Safe, Clean Water Program and in Property Tax statements;
- Creating an annual re-certification or affidavit affirming the approved household still qualifies (or at maximum, requiring submission of up-to-date income information), in lieu of requiring a new application each year;
- Removing unnecessary information from and re-ordering information on the form to increase clarity;
- Creating an electronic version of the application process, preferably in coordination with the County Assessor's web portal;
- Expanding the number of locations to which an applicant could submit their application, given the sensitive nature of the documents and the size of the County; ideas include County Supervisorial constituent offices, the Hall of Administration's Property Tax office, and/or other County offices where other such applications are accepted;
- Limiting the "acknowledgement of head of household" to a statement of acknowledgement, and removing the confusing and difficult to verify statement that households are not eligible where the senior low-income head of household is the homeowner but may live with adults "eligible" to share in expenses (as "eligible" adults may yet not be employed or able to contribute financially despite eligibility).

Below are red-line edits to the draft documents:

# LOW-INCOME SENIOR-OWNED SPECIAL PARCEL TAX EXEMPTION CLAIM FORM

[move "Per Section 16.08.A..., Per Section 16.09...For the purposes of the Safe, Clean Water Program: 'Low-Income Senior-Owned Parcels...Low-Income Household'" below the application submission information]

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Los Angeles County 4-Person Area Median Income: \$69,300	Extremely Low	20350	23250	26150	29050	31400	33740	38060	42380
	Very Low Income	33950	38800	43650	48450	52350	56250	60100	64000
	Low Income	54250	62000	69750	77500	83700	89900	96100	102300
	Median Income	48500	55450	62350	69300	74850	80400	85950	91500
	Moderate Income	<del>58200</del>	66500	74850	83150	89800	96450	103100	109750

2018 State Income Limits, California Code of Regulations, Title 25, Section 6932 (http://www.hcd.ca.gov)

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Completed applications can be submitted in person, by mail, by electronic application, or by fax:

<u>Mailing Address</u> Safe, Clean Water Program, 11th Floor P.O. Box 1460 Alhambra, CA 91802-1460

<u>In-Person Drop Off Physical Addresses</u> Safe, Clean Water Program, 11th Floor 900 S. Fremont Ave. Alhambra, CA 91801

[Add Board of Supervisors' constituent offices, Hahn Hall of Administration Property Tax office, County Assessor building]

<u>Electronic Application</u> To submit an application online, go to www.propertytax.lacounty.gov

# PROCEDURES AND GUIDELINES FOR LOW-INCOME SENIOR-OWNED PARCELS Procedures for Low-Income Senior Exemption Applications

Applications will need to be filed for each tax year (i.e., July through June). For the initial Safe CleanWater tax year (Fiscal Year 2019-20), Low-Income Senior-Owned tax exemption applications will be accepted until December 31st, 2019. Approved parcel owner applicants will be required to pay their full Safe Clean Water tax amount and will receive a tax refund within 6 months of their application date.

In all other subsequent years, annual Low-Income Senior-Owned tax exemption applications will be accepted until May 1st of each year. Approved parcel owners will automatically be exempted (i.e., no further action required that year) and will not be assessed for the upcoming tax year. After initial application is approved, approved parcel owners will sign an annual affidavit to re-certify their eligibility, submitting updated documents every fifth tax year.

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### Acknowledgement of Head of Household or Sole Provider

Parcel owners must acknowledge that they are the sole providers for maintaining the costs of owning a home. Parcel owners who are at or older than 65 but live with working age adults less than 65 years old and are eligible to work and share in the costs of owning a home would not qualify for the exemption.

# **Draft Tax Appeals Process Tutorial Comments**

While OurWaterLA does not have any feedback on the *content* of the Tax Appeals Process Tutorial developed by the Flood Control District, we want to ensure that parcel owners are well *informed* about their right to appeal and have the option to *access* the tutorial and tool at multiple locations.

The tutorial references an "Appeals Process procedures and guidelines" document, but the document is not provided for review. At a minimum, that procedures and guidelines document should address the following issues:

- Notice: All parcel owners should receive notice of their right to appeal the tax amount that has been calculated at the time that they are most likely to want to file an appeal, such as when they receive their tax bill and when they visit the tax calculator page. The notice(s) should include information about deadlines, weblinks to the Tax Appeals Process Tutorial and relevant guidelines, and information about where the parcel owner can access the Tutorial if they need assistance.
- 2) Deadlines: Parcel owners should be given sufficient time to file an appeal after they receive their tax bill, and the Flood Control District staff should be subject to deadlines to ensure that appeals are processed in a timely manner.
- 3) Accessibility: Because parcel owners may not have a personal computer, the Flood Control District should ensure that parcel owners have the ability to access the tutorial and tool at locations throughout the County where assistance can be provided if needed. Supervisors' constituent services offices would be good locations for this purpose.

From: Sent: To: Subject: Lorene Saylor Friday, June 21, 2019 9:38 AM DPW-SafeCleanWaterLA; Comment on Measure W

To the Honorable Kathryn Barger and those members of the Safe-Clean-Water at Los Angeles County

As I read through this the measure in the sample ballot for the November election, the language did not fully state or define "impermeable area". As most people probably assumed, the impermeable area would something such as a house with a foundation or some sort of paved structure would allows the water to runoff to an impermeable surface (like a gutter or street), preventing the water runoff access to a more permeable surface.

The description did not include such things as covers over animal pens, carports or independent patio covers that are structured in such a way as too allow rainfall to drain to onto bare ground or vegetation. Such structures are not removing water from the permeable surface, rather it directs the water to that permeable surface. Such structures should not be taxed as they do not contribute to storm water runoff as these structures allow the water access to permeable surfaces.

In the rural areas of Los Angeles county, there is more permeable surface per acre than in the suburban/urban areas, as such the rural areas should not be taxed in the same manner as the more closely developed areas. Rather any parcel tax should be done on a basis of permeable vs impermeable surfaces; if the ratio is greater then three (3) feet of permeable to every one (1) foot of impermeable surface those parcels should either be credited for the permeable surface or exempt from the parcel tax.

I realize that this parcel tax was passed by the voting public, but with the misleading description in the sample ballot, deceptive ads on TV and radio and the lack of ability to find out exactly what this tax meant to property owners, the proverbial wool was pulled over the eyes of the voters. Very few people understood what this tax would mean to themselves in regards to their parcel taxes, rentals, leases and property values.

The public review period has been very short - less then 30 days - was that on purpose?

Additionally I could not find any sort of public comment period other than using this e-mail format.

Finally, only 4 open-house events in Marina Del Rey, Azusa and 2 in South Gate, covering 3 days in June and only one of those at a time when a person with a job may have been able to attend. Considering I work in Valencia, I'm off at 5:30 and it typically takes me two hours to get to South Gate on a good day, I would have missed the Open House. No Open House meeting were ever planned anywhere near the northern Los Angeles county areas.

The only information meeting that I was aware of was done last night - June 20, 2019 at 7:30 at the Aqua Dulce Women's Club, the evening before the last day of the review period. I do appreciate Matt from the county engineers making the trip for the presentation and attempting to answer the questions of the people there.

Overall this is a parcel tax being implemented at time when people are finding it harder to afford housing and business expenses.

Considerations need to be made to those living in the unincorporated and rural areas with large permeable surfaces on their properties, they are not contributing to storm water runoff, or the "pollution" that comes with runoff in more closely developed areas. By allowing the storm water to percolate into the ground on their property those landowners are contributing to clean water thorough the natural cleansing action of water working its way thorough the ground soil - the most natural way to attain clean water.

Please reconsider the way this tax is being implemented, remove the inclusions of structures that are built in a way that allows the rain water runoff access to permeable ground. Please include access to hard-copy newsletters regarding this measure. Not everyone has a computer or easy access to one; mailed notifications, newsletters, and project summaries would be helpful to those who wish such resources would be available to them; myself included.

Thank You for your time

Lorene Saylor

Aqua Dulce Ca.



DIRECTORS JOHN D. S. ALLEN, PRESIDENT VERA ROBLES DEWITT, VICE PRESIDENT WILLARD H. MURRAY, JR., SECRETARY ROB KATHERMAN, TREASURER SERGIO CALDERON, DIRECTOR

ROBB WHITAKER, P.E., GENERAL MANAGER

June 21, 2019

Attention: Dan Lafferty Deputy Director, Water Resources Department of Public Works County of Los Angeles

Dear Mr. Lafferty,

Thank you for the opportunity to review and provide comment on the Safe Clean Water Program Implementation Ordinance and related documents. The Water Replenishment District (WRD) has sustainably managed the Central and West Coast groundwater basins in Los Angeles County for 60 years and has always relied on captured stormwater as a major component of our groundwater replenishment demand. Looking toward the future, WRD aims to increase regional resiliency by assisting groundwater pumpers in utilizing the available storage space within the basins. WRD is already working with regional partners to identify available local water supplies, including stormwater, that can be used to recharge the basins and stored for use during dryer hydrologic years.

WRD is excited to participate in the Lower San Gabriel River, Lower Los Angeles River, and South Santa Monica Bay Watershed Area Committees and we look forward to the collaborative technical and outreach efforts that will result from this Program. After reviewing the Program Implementation documents, we are more certain than ever that the projects that will result from this Program will be a direct benefit to our region's water portfolio and will provide lasting benefits for the region in water supply, water quality, and community resources.

We have reviewed the related program documents and have provided minor comments and clarification questions in the four attached documents listed below. Please do not hesitate to reach out for clarification or further discussion as you move the Program forward.

Sincerely

Lyndsey Bloxom Water Resources Senior Analyst

Cc: Diane Gatza, Manager of Water Resources Robb Whitaker, General Manager

Attached:

Draft Implementation Ordinance WRD Comments Draft Credit Program Implementation Procedures and Guidelines WRD Comments Draft Feasibility Study Requirements and Scoring Criteria WRD Comments Draft Watershed Coordinator Scope of Work WRD Comments

## ANALYSIS

This ordinance amends the Los Angeles County Flood Control District Code by amending Chapter 16 of the Los Angeles County Flood Control District Code, relating to the Los Angeles Regional Safe, Clean Water Program, and adding Chapter 18 to the Los Angeles County Flood Control District Code, relating to Safe Clean Water Program implementation.

> MARY C. WICKHAM County Counsel

By

MARK T. YANAI Principal Deputy County Counsel Public Works Division

MTY:It

Requested: Revised: 11/06/18 02/06/19

### ORDINANCE NO.

An ordinance amending Chapter 16 of the Los Angeles County Flood Control District Code, relating to the Los Angeles Regional Safe, Clean Water Program, and adding Chapter 18 to the Los Angeles County Flood Control District Code, relating to Safe Clean Water Program implementation.

The Board of Supervisors of the Los Angeles County Flood Control District ordains as follows:

SECTION 1. Section 16.03 is hereby amended to read as follows:

16.03 Definitions.

As used in this Chapter, the following terms mean:

. . .

<u>N</u>. <u>"Infrastructure Program" means the program, implemented as part of the</u> <u>Regional Program, described in Section 16.05.D.1 of this Chapter.</u>

NO. "Infrastructure Program Project Applicant" means any individual, group, business or governmental entity, including, but not limited to, <u>the District</u>, a Municipality, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, federally-recognized Indian tribe, State Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, or mutual water company, that submits a proposed Project or Feasibility Study for consideration for funding by the SCW Program.  $\Theta \underline{P}$ . "Infrastructure Program Project Developer" means the individual, group or entity that carries out or causes to be carried out part or all of the actions necessary to complete a Project.

Q. "Low-Income Household" means a household in the District with a household income that does not exceed the Low-Income limit for Los Angeles County as determined annually by the California Department of Housing and Community Development.

R. "Low-Income Senior-Owned Parcels" means Parcels within the District that are owned and occupied as a residence by individuals over the age of 65 who are the head of a Low-Income Household.

PS. "Multi-Benefit Project" means a Project that has: (1) a Water Quality Benefit, and (2) a Water Supply Benefit or a Community Investment Benefit, or both.

QT. "Municipal Program" means that part of the SCW Program described in Section 16.05.C. of this Chapter.

RU. "Municipality" means a city within the District, or the County, pertaining to unincorporated areas within the District.

SV. "Nature-Based Solution" means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and

vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, and improving quality of life for surrounding communities. Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

T<u>W</u>. "Parcel" means a parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.

UX. "Program" means a planned, coordinated group of activities related to increasing Stormwater or Urban Runoff capture or reducing Stormwater or Urban Runoff pollution in the District.

 $\Psi \underline{Y}$ . "Project" means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance, of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.

 $\underline{WZ}$ . "Regional Oversight Committee (ROC)" means a body created by the Board whose responsibilities include, but are not limited to, assessing whether the SCW Program purposes are being achieved.

XAA. "Regional Program" means that part of the SCW Program described in Section 16.05.D. of this Chapter.

Y<u>BB</u>. "Safe, Clean Water (SCW) Program" means the program established by this ordinance, including the administration of revenues from the Special Parcel Tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

<u>CC.</u> "SCW Program Goals" means the goals of the SCWP described in Section 18.04 of Chapter 18 of this code.

DD. "Scientific Studies Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.3. of this Chapter.

Z<u>EE</u>. "Special Parcel Tax" means the tax described in Section 16.08 of this Chapter.

AA<u>FF</u>. "Stakeholder" means a person; Municipality; citizens' group; homeowner or other property owner; business; non-governmental organization; social justice group; health advocate; local park representative; school board member; environmental group; labor union; academic institution; neighborhood council; town council; community group; water resources agency, such as a groundwater pumper or manager, or private or public water agency; other governmental agency; or other interested party that has a direct or indirect stake in the SCW Program.

BBGG. "Stormwater" means water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water or other surfaces.

HH. "Stormwater Investment Plan (SIP)" means a five (5) year plan developed by Watershed Area Steering Committees that allocates funding for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program for the ensuing fiscal year and lays out tentative funding for four subsequent years. SIPs will be approved by the Board on an annual basis.

CCII. "Surface Water" means water that flows or collects on the surface of the ground.

JJ. <u>"Technical Resources Program" means the program, implemented as part</u> of the Regional Program, described in Section 16.05.D.2. of this Chapter.

KK. "Transfer Agreement" means the agreement described in Section 16.05.A.1 of this Chapter, between the District and an Infrastructure Program Project Developer or Municipality to transfer SCW Program funds.

DDLL. "Treasurer" means the Treasurer and Tax Collector of the County of Los Angeles.

EE<u>MM</u>. "Urban Runoff" means Surface Water flow that may contain, but is not composed entirely of, Stormwater, such as flow from residential, commercial, or industrial activities.

FF<u>NN</u>. "Water Quality Benefit" means a reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include, but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point
source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system.

GGOO. "Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: reuse and conservation practices, diversion of Stormwater or Urban Runoff to a sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment or available yield, or offset of potable water use.

HHPP. "Watershed Area" means the regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions and other factors. <u>The SCW Program</u> <u>includes the following nine (9) Watershed Areas: (1) Central Santa Monica Bay;</u> (2) Lower Los Angeles River; (3) Lower San Gabriel River; (4) North Santa Monica Bay; (5) Rio Hondo; (6) Santa Clara River; (7) South Santa Monica Bay; (8) Upper Los Angeles River; and (9) Upper San Gabriel River.

HQQ. "Watershed Area Steering Committee" means a body created by the Board, one for each Watershed Area, whose responsibilities include programming funding for the purpose of developing SIPs and recommendations for other activities to be funded through the Regional Program.

SECTION 2. Section 16.04 is hereby amended to read as follows:

16.04 Expenditure Plan.

The District shall expend all Special Parcel Tax revenues consistent with the expenditure plan contained in this section.

A. The District shall use the Special Parcel Tax revenues to pay the costs and expenses of carrying out Projects and Programs to increase Stormwater or Urban Runoff capture or reduce Stormwater or Urban Runoff pollution in the District in accordance with criteria and procedures established in this Chapter <u>and Chapter 18 of</u> <u>this code</u>. Projects and Programs funded by the revenues from the Special Parcel Tax may provide a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit. The District shall allocate the revenues derived from the Special Parcel Tax as follows:

. . .

3. Fifty percent (50%) shall be allocated to pay for the implementation, operation and maintenance, and the administration of Projects and Programs implemented through the Regional Program, including Projects and Programs identified in approved regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system (MS4) discharges within the coastal watersheds of the County, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the criteria and procedures established in this Chapter. <u>Funds</u>

allocated to the Regional Program shall be distributed among the nine (9) Watershed Areas in proportion to the funds generated in each Watershed Area.

. . .

**SECTION 3.** Section 16.05 is hereby amended to read as follows:

16.05 **Program Elements.** 

A. General Requirements

. . .

2. Expenditures eligible for SCW Program funds include, but are not limited to, the following:

a. Infrastructure development tasks including design and planning, <u>preparation of grant applications</u>, preparation of environmental documents, obtaining permits, construction, operations and maintenance, and inspection;

• • •

3. Ineligible expenditures for SCW Program funds include, but are not limited to, the following:

. . .

b. Expenditures related to the investigation, defense, litigation, or judgment associated with any regulatory permit violations, notices of violation, or allegations of noncompliance with regulations brought forth by any State, federal, or local regulatory agency, or a third party unrelated to Projects and Programs selected for funding under the SCW Program;

• • •

# f. Costs and expenses incurred prior to November 6, 2018.

B. District Program.

Ten percent (10%) of the revenue from the annual Special Parcel Tax shall be allocated for the District Program. The District shall perform the following functions as part of the District Program:

. . .

4. Provide technical assistance, including the hiring <u>and coordination</u> of watershed coordinators.

. . .

D. Regional Program.

. . .

1. Infrastructure Program. This program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit, as well as, either a Water Supply Benefit or Community Investment Benefit, or both. Infrastructure Program funds:

. . .

c. Shall be programmed <u>in accordance with the Board-</u> <u>approved SIPs by Watershed Area Steering Committees</u> for respective for <u>each of the</u> Watershed Areas;

. . .

E. Regional Oversight Committee.

The Regional Oversight Committee ("ROC") is an independent body that ensures <u>the</u> SCW Program <u>gG</u>oals are met. The ROC shall consist of subject matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Investment Benefits, public health, sustainability, and other pertinent subject matter. The ROC shall prepare SCW Program progress reports and submit recommendations to the Board. ROC members shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the County's conflict of interest policies.

SECTION 4. Section 16.09 is hereby amended to read as follows:

#### 16.09 Exemptions.

The following Parcels shall be subject to exemption from the Special Parcel Tax specified in Section 16.08 of this Chapter:

. . .

B. Upon application, low-income senior-ownedLow-Income Senior-Owned Parcels.

**SECTION 5.** Section 16.10 is hereby amended to read as follows:

16.10 Credit, Incentive and Credit Trading Program.

The Board shall adopt an ordinance, not later than August 1, 2019, establishing criteria and procedures District shall implement Credit and Credit Trading Programs consistent with the following provisions, as described further in Sections 18.10 and 18.11 of Chapter 18 of this code:

A. Credit program. The credit program shall provide a credit to Parcel owners (including Parcel owners in developments served by a centralized Stormwater or Urban Runoff system) for qualifying improvements that capture or treat Stormwater or Urban Runoff or reduce Stormwater or Urban Runoff pollution in the District.

 Unless otherwise approved by the District, water quality credit shall be calculated based on the extent to which a Parcel(s) has complied with (1) an applicable Low Impact Development (LID) ordinance, (2) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, (3) an Industrial General Permit (IGP), (4) another Los Angeles Regional Water Quality Control Board-approved permit governing the discharge of Stormwater or Urban Runoff (RWQCB Stormwater Permit), or (5) some combination of Stormwater or Urban Runoff discharge requirements for the Parcel. Credit shall also be available for improvements or projects that result in Water Supply Benefits or Community Investment Benefits.

2. The maximum credit under the credit program shall be one hundred percent (100%) of each Parcel's specific Special Parcel Tax amount.

3. The credit program shall include provisions allowing for aggregating Parcels under common ownership and applying the credit in developments served by centralized Stormwater or Urban Runoff improvements.

B. Incentive Program. The District may establish an incentive program to recognize and reward efforts that advance the goals of the SCW Program.

C<u>B</u>. Credit trading program. The District shall establish a credit trading program that would allow Parcel owners to purchase and sell credits to satisfy Special Parcel Tax obligations.

D. Low-income credit. The District may establish a credit for qualifying Parcel owners who are low-income.

<u>The District shall work with stakeholders to explore the feasibility of and options</u> for developing a credit for Parcel owners who are low-income as well as additional incentives beyond the credit and credit trading programs. **SECTION 6.** Section 16.11 is hereby amended to read as follows:

#### 16.11 Lapsed Funds.

A. Municipalities and Infrastructure Program Project Developers shall be able to carry over uncommitted<u>unspent</u> Special Parcel Tax funds for up to five (5) years from the end of the fiscal year in which those funds are transferred from the District to the Municipality or Infrastructure Program Project Developer. Additional requirements may be included in the  $t_T$ ransfer aAgreement.

B. Municipalities and Infrastructure Program Project Developers who are unable to expend their approved funding as described in their budgets<u>SCW Program</u> <u>funds in a timely manner</u> shall be subject to lapsing funds procedures. Lapsinged funds are funds that were committed and approvedtransferred to a Municipality or an <u>Infrastructure Program Project Developer</u>, but were not able to be spent per the approved schedule on eligible expenditures by the end of the fifth fiscal year after the fiscal year in which those funds were transferred from the District . Unspent funds are considered lapsed five (5) years after the transfer agreement execution date.

C. Lapsed funds shall be <u>reprogrammedallocated</u> by <u>the</u> Watershed Area Steering Committee of the respective Watershed Area to a new <u>Program or</u> Project <u>recommendation</u> with benefit to that Municipality or Watershed Area.

**SECTION 7.** Section 16.12 is hereby amended to read as follows:

## 16.12 Reporting Requirements.

A. Each Municipality shall prepare a progress/expenditure report describing their use of Municipal Program funds in accordance with the provisions of

Section 18.06.D of Chapter 18 of this code. The report shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.

B. Each Infrastructure Program Project Developer shall prepare progress/expenditure reports describing its use of Regional Program funds<u>in</u> <u>accordance with the provisions of Section 18.07.F of Chapter 18 of this code</u>. The reports shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Regional Program funds.

SECTION 8. Section 16.13 is hereby amended to read as follows:

# 16.13 Audit Recordkeeping.

The following recordkeeping and audit requirements shall apply:

. . .

C. At all reasonable times, Municipalities and Infrastructure Program Project Developers shall permit the Chief Engineer, or their<u>the Chief Engineer's</u> authorized representative, to examine all Projects and Programs that were erected, constructed, implemented, operated, or maintained, in whole or part, using SCW Program funds. Municipalities and Watershed Area Steering CommitteesInfrastructure Program Project Developers shall permit the authorized District representative, including the Auditor-Controller, to examine, review or audit, and transcribe any and all audit reports, other

reports, books, accounts, papers, maps, and other records that relate to Projects funded by the SCW Program.

SECTION 9. Section 16.15 is hereby amended to read as follows:

# 16.15 Amendment of Ordinance.

. . .

B. After a period of no longer than thirty (30) years, the Board shall evaluate the needs of the SCW Program and make an affirmative determination that the Special Parcel Tax is needed to build additional Projects to achieve Water Quality Benefits and other benefits in accordance with the goals of the SCW Program <u>Goals</u>. Should the Board determine that no additional Projects are needed, the Special Parcel Tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with SCW Program funds during the previous thirty (30) years.

**SECTION 10.** Section 16.16 is hereby amended to read as follows:

16.16. Direction to Board.

The Board shall adopt an ordinance or ordinances implementing the following provisions:

. . .

B. An exemption from the Special Parcel Tax for <u>ILow-iIncome sSenior-oO</u> where a parcels who apply for such exemption consistent with Section 16.09.B.</u>

**SECTION 11.** Chapter 18 is hereby added to read as follows:

18.01 Title.

This Chapter shall be known as the "Safe Clean Water Program Implementation Ordinance".

#### 18.02 Definitions.

The definitions set forth in Section 16.03 of Chapter 16 of this code shall apply to this Chapter 18. In addition, the following definitions shall apply to this Chapter 18:

A. "Additional Activities Credit" means a credit against a Parcel's Special Parcel Tax amount for Parcel owners that initiate and complete qualifying additional activities after November 6, 2018 that confer benefits to the broader regional community related to SCW Program Goals.

B. "Benefited Development" means a group of Parcels located within a master planned community, Specific Plan area, subdivision, or an approved regional or sub-regional stormwater management plan area, that drain to a common, centralized Stormwater Improvement.

C. "Community Investment Credit" means a credit against a Parcel's Special Parcel Tax amount for Stormwater Improvement that results in a Community Investment Benefit.

D. Industrial General Permit (IGP) means the set of requirements by which the State Water Resources Control Board and Los Angeles Regional Water Quality Control Boards implement and enforce regulations on industrial storm water discharges and authorized non-storm water discharges from industrial facilities in California. The Industrial General Permit is called a general permit because many industrial facilities

are covered by the same permit, but comply with its requirements at their individual industrial facilities.

E. "Low Impact Development (LID) ordinance" means the most recent ordinance establishing local low impact development standards and requirements on lbloxom certain new development and redevelopment imposed by the Los Angeles Regional Water permittee through their specific stormwater d Water Act. In the absence of another applica Water Act. In the absence of another applica County's own most current LID ordinance. F. "Na F-Mimicking Solutions" measolutions require certain wateril

processes, such as green streets, spreading grathrough "matural filtrations" toth water quality?

G. "RWQCB Stormwater Permit" means a permit other than an IGP, issued by the Los Angeles Regional Water Quality Control Board, governing the discharge of Stormwater or Urban Runoff.

H. "SCW Program Progress Report" means a biennial report that summarizes all Regional Program WARPP Reports, all Municipal Program annual progress and expenditure reports, and all District Program annual reports and makes findings regarding whether and the extent to which SCW Program requirements were met and SCW Program Goals were achieved.

I. "Scoring Committee" means a group of six (6) subject matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and

Community Investment Benefits created by the Board to perform t inical evaluations of Projects and Feasibility Studies in connection with the Infrastructure Program.

J. "Standard Urban Stormwater Mitig **Ibloxom** designates best management practices (BMPs categories of development projects under NPD Angeles Regional Water Quality Control Board, clarify.

K. "Stormwater Improvement" means a structure or facility that captures Stormwater or Urban Runoff or reduces Stormwater or Urban Runoff pollution in the District.

L. "Technical Assistance Team" means a group of subject matter experts in Stormwater and/or Urban Runoff infrastructure design, hydrology, soils, Nature-Based Solutions, green infrastructure, Stormwater and/or Urban Runoff quality, water supply, recreation, open space, community needs, and other related areas, provided by the District to assist Infrastructure Program Project Applicants and others, as part of the Technical Resources Program.

M. "Threshold Score" means a minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding.

N. "Water Quality Credit" means a credit against a Parcel's Special Parcel
Tax amount for a Stormwater Improvement that results in a Water Quality Benefit by
complying with: (1) an applicable LID ordinance, (2) applicable SUSMP requirements,
(3) an applicable IGP, (4) an applicable RWQCB Stormwater Permit, or (5) some
combination of any of the foregoing.

O. "Water Supply Credit" means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Supply Benefit.

P. "Watershed Area Regional Program Progress (WARRP) Report" means an annual report describing the progress of all Programs and Projects included in an SIP during the previous year and summarizing how the implementation of the SIP during the previous year has achieved SCW Program Goals.

Q. "Watershed Coordinator" means one or more persons assigned to assist a Watershed Area Steering Committee with community and stakeholder education and engagement and perform the other activities described in Section 18.07.D.3 of this Chapter.

#### 18.03 Purpose.

The purpose of this Chapter is to establish additional criteria and procedures related to the implementation of the Los Angeles Region Safe Clean Water Program described in Chapter 16 of this code. The Board may consider revisions to Chapter 16 of this code and this Chapter 18 in connection with the first biennial public hearing, as described in Section 18.08.C.5 below, and as-needed thereafter.

## 18.04 SCW Program Goals.

The Los Angeles Region Safe Clean Water Program shall be implemented consistent with the following goals:

A. Improve water quality and contribute to attainment of water quality requirements.

B. Increase drought preparedness by capturing more Stormwater and/or

Urban	Runof	f to store, clean and reus	lbloxom		
	C.	Improve public health by prevent		er,	
increa	sing ac	ccess to open space, providing ad	dit <b>Sheuldealse include "torecharge</b> , and groundwater basins"		
helpin	g comr	nunities mitigate and adapt to the	effects of climate change through		
activiti	es suc	h as increasing shade and green	space.	:	

- D. Leverage other funding sources to maximize SCW Program Goals.
- E. Invest in infrastructure that provides multiple benefits.
- F. Prioritize Natura Based Solutions.

G.	Provide a spectrum of project size	Ibloxom
H.	Encourage innovation and adopti	"Nature-mimicking" is used in the
I.	Invest in independent scientific re	
J.	Provide funds such that each Mu	nicipality receives benefits in proportion
to the funds	generated within their jurisdiction.	

K. Provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County.

L. Implement an iterative planning and evaluation process to ensure adaptive management.

M. Promote green jobs and career pathways.

N. Provide funding for ongoing operations and maintenance for Projects.

18.05. District Program Implementation.

A. The District Program shall be implemented in accordance with the provisions of this Section.

B. The District shall perform the following functions as part of the implementation of the District Program:

1. Administer the SCW Program, including the collection of the Special Parcel Tax and distribution of funds, administration of credit and incentive programs, review budgets and reports, and conduct audits.

2. Annually prepare a five (5) year revenue forecast for each Watershed Area.

3. Plan, implement, and maintain District Projects.

4. Administer and provide staffing for the Regional Program.

5. Provide staffing for the Scoring Committee, Watershed Area Steering Committees, and the ROC.

6. Provide Technical Assistance Teams and Watershed Coordinators funded by the Technical Resources Program. The District may, in its discretion, also provide Technical Assistance Teams using funds allocated to the District Program.

7. Coordinate Watershed Area scientific studies funded by the Scientific Studies Program.

8. Engage Stakeholders in the planning process for use of the District Program funds.

9. Operate in accordance with best practices for government agencies.

10. Conduct independent audits to ensure compliance with requirements of the SCW Program.

11. Prepare, prior to the start of the District's fiscal year, a plan for how SCW Program funds will be used.

12. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a Program level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits realized through use of District Program funds.

13. Comply with all SCW Program audit requirements.

C. Educational Programs.

1. The District shall implement and administer the following educational Programs:

a. Public education and community engagement Programs, including a sustained education and engagement Program for disadvantaged communities;

b. Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, operation and maintenance of Stormwater or Urban Runoff management and Multi-Benefit Projects; and

c. Schools education and curriculum Programs.

2. Not less than twenty percent (20%) of District Program funds shall be allocated for these Programs over a revolving five (5) year period.

3. These Programs will be implemented throughout the District with special attention to the needs of DACs.

4. The District will partner with Stakeholders to collaborative

18.06	. Municipal Program In	lbloxom	
Α.	The Municipal Program shall I	e Shalamadadin the Distance willith the	•
provisions of	this Section.	partner with Stakeholders to collaboratively develop and	
В.	Each Municipality receiving M	implement these programs" unicipal Program funding from the SC	W
Program sha	all perform the following function	is as part of the Municipal Program:	

1. Prioritize the development of Projects that, to the extent feasible, assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board.

2. Prepare, prior to the start of that Municipality's fiscal year, a plan for how SCW Program funds will be used in the ensuing fiscal year.

3. Prepare, within six (6) months after the end of that Municipality's fiscal year, an annual progress/expenditure report that details a Program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds. Each annual progress and expenditure report shall also include a detailed description of all expenditures of SCW Program funds during the

applicable fiscal year and a reconciliation of those expenditures with the plan described in subsection 2, above.

4. Comply with all SCW Program reporting and audit requirements, and provide to the District additional financial and other information, as required by the SCW Program or upon request of the District.

5. As part of the Municipal Program planning process, consider Municipal level requests for Projects from eligible Infrastructure Program Project Applicants.

6. Prepare and provide to the public, informational materials with upto-date information on the Municipality's actual and budgeted use of revenues from the SCW Program.

7. Operate in accordance with best practices for government agencies.

8. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.

 Engage with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.

10. Comply with all Transfer Agreement requirements.

C. Maintenance of Effort.

1. A Municipality must spend at least seventy percent (70%) of its Municipal Program funds annually on new Projects, which also includes O&M of

infrastructure Projects built to comply with the 2012 Los Angeles MS4 Permit or 2014 Long Beach MS4 Permit, so long as the Project complies with Municipal Program requirements.

2. Up to thirty percent thirty percent (30%) of a Municipality's Municipal Program funds may be used to pay for costs and expenses incurred on or after November 6, 2018, related to the continuation of Programs implemented or the maintenance of Projects implemented prior to November 6, 2018.

D. Municipal Program Annual Progress/Expenditure Reports.

1. Each Municipality shall prepare and submit an annual report to the District, not later than six months after the end of that Municipality's fiscal year.

2. The annual report shall include the following information:

a. A summary of the expenditures and Water Quality, Water Supply, and Community Investment Benefits realized through use of SCW Program funds.

b. The amount of SCW Program funds expended.

c. Documentation that the SCW Program funds were used for

eligible expenditures.

d. Description of work accomplished during the reporting

period.

e. Milestones or deliverables completed/submitted during the

reporting period.

f. Work anticipated for the next reporting period.

g. Photo documentation, as appropriate.

h. Additional information as required by the District.

# 18.07. Regional Program Implementation.

A. The Regional Program shall be implemented in accordance with the provisions of this Section.

B. Stormwater Investment Plans (SIP).

1. A SIP shall be adopted for each Watershed Area, annually, in accordance with the following procedure:

a. The District shall prepare a five (5) year revenue forecast for each Watershed Area.

b. The District shall request proposals for Projects to be included in the Infrastructure Program, Project concepts to be included in the Technical Resources Program, and studies and other activities to be included in Scientific Studies Program, for each Watershed Area SIP. Small and medium scale, community-level Projects may be combined into a single Project proposal to promote efficiency, achieve economies of scale and advance local hire and job training goals. If an Infrastructure Program Project Applicant intends for operation and maintenance costs to be considered for inclusion in a SIP, the Applicant's proposal must include an operation and maintenance plan that identifies the required activities over the useful life of the Project, any expertise or technical training necessary to perform the activities, identify the party that will be responsible for operation and maintenance of the Project, and

include a letter of commitment from that party to operate and maintain the Project throughout the Project's useful life.

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:

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 section 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to waste discharge requirements for municipal separate storm sewer system(MS4) discharges within the coastal watersheds of the County, issued by the Los Angeles Regional Water Quality Control Board, 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 that lack equivalent information may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

e. The Scoring Committee shall evaluate each proposed Project submitted by the Watershed Area Steering Committees and shall return scores for each proposed Project to the respective Watershed Area Steering Committee.

f. The District shall establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program.

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 format substantially similar to Table 1 below, 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 to the Board with recommendations regarding whether or not each SIP should be approved. The ROC shall also provide its findings and recommendations on each SIP to the respective Watershed Area Steering Committee. The Watershed Area Steering Committees are encouraged to consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs.

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.

j. Once the Board approves a SIP, the District shall transfer SCW Program funds to Infrastructure Program Project Developers as indicated in the SIP.

	FY 2020-	FY 2021- 2022	FY 2022- 2023	FY 2023- 2024	FY 2024- 2025
	2021				
	Budget	Projection	Projection	Projection	Projection
TECHNICAL RESOURCES PROGRAM (up to 10%)					
Feasibility Studies/Concepts					
Watershed Coordinator(s)					
Technical Assistance Team/Feasibility Study					
Technical Assistance Team/Feasibility Study					
INFRASTRUCTUR E PROGRAM (not less than 85%)					
Design/Permits/CE QA Budget/Pre-project planning/grant-writing					
Project Project					
Project Right of Way					
Acquisition Budget Project					
Project Project					
Construction Project					
Project Project					
O&M Project					
Project					

# Table 1. Stormwater Investment Plan Budget Template

Project			
SCIENTIFIC STUDIES PROGRAM (Up to 5%)			
Special Studies			
Project			
Project			
Monitoring			
Project			-
TOTAL =			

2. SIPs shall be developed by the Watershed Area Steering Committees in accordance with the following criteria:

a. Not less than eighty-five percent (85%) of the budget shall be allocated to Infrastructure Program activities, not more than ten (10%) of the budget shall be allocated to Technical Resource Program activities, and not more than five percent (5%) of the budget shall be allocated to Scientific Studies Program activities.

b. Projects that assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board shall be prioritized, to the extent feasible.

c. Funding for Projects that provide DAC Benefits shall not be less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.

d. Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one

hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated over a five (5) year period.

e. A spectrum of Project types and sizes shall be implemented throughout the region, to the extent feasible, to be evaluated over a five (5) year period.

f. Nature-Based Solutions shall be prioritized, to the extent feasible.

g. Projects, Feasibility Studies, scientific and technical studies, and other activities selected for inclusion in a SIP shall be allocated funding for their total estimated costs.

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.

i. Only Projects that meet or exceed the Threshold Score shall be eligible for inclusion in the Infrastructure Program. Projects that receive a score below the Threshold Score may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

C. Infrastructure Program Implementation.

1. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must identify the Infrastructure Program Project Developer for the Project. The individual, group or entity identified as the Infrastructure Program Project Developer must have sufficient knowledge, experience and resources to effectively manage the

design and construction of the Project and ensure its completion. An Infrastructure Program Project Applicant may designate a construction authority to be the Infrastructure Program Project Developer. Also, at the request of the Infrastructure Program Project Applicant or the Infrastructure Program Project Developer, the District, at its discretion, may act as the Infrastructure Program Project Developer for all or any aspect of a Project.

2. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must also identify the person or entity that will be responsible for the operation, maintenance and repair of the Project and the source of funds that will be used to pay for the operation, maintenance and repair of the Project of the Project, throughout the Project's useful life.

3. Scoring Committee.

a. The Scoring Committee shall include at least two subjectmatter experts in Water Quality Benefits, at least one subject-matter expert in Nature-Based Solutions or Community Investment Benefits, and at least one subject-matter expert in Water Supply Benefits.

b. The members of the Scoring Committee shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

c. The District will develop operating guidelines for the governance of the Scoring Committee and the conduct of Scoring Committee business,

including standard Project scoring criteria, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each Scoring Committee member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the Scoring Committee.

d. The District shall provide staff support to the Scoring Committee using funds from the District Program.

e. The District may compensate members of the Scoring Committee who are not otherwise compensated, in the amount of one hundred dollars (\$100) per meeting attended, using funds from the District Program.

f. Meetings conducted by the Scoring Committee shall be open to the public.

D. Technical Resource Program Implementation.

1. The purpose of the Technical Resources Program is to provide Technical Assistance Teams to assist persons or organizations that do not have the necessary technical resources or capabilities with the development of Feasibility Studies and compliance with other technical requirements of the Infrastructure Program, and provide Watershed Coordinators to educate and build capacity in Watershed Areas and facilitate community and Stakeholder engagement with Watershed Area Steering Committees.

2. Technical Assistance Teams.

The District shall provide a Technical Assistance Team to a. assist with the development of a Feasibility St lbloxom in a SIP. Members of the WASC could also b. The District, at the re provide technical data and review support, when applicable and Committee, shall provide a Technical Assistar certe feasible, to these Projects. ture Program Project Applicants and others as appropriate, In meeting other technical requirements of the Infrastructure Program, including but not limited to, the amendment of eligible water quality plans to include a Project and assisting non-Municipal Project Applicants with

c. Technical Assistance Teams shall be paid for with funds allocated to the Technical Resources Program in the applicable SIP. In addition, the District may, in its discretion, provide Technical Assistance Teams using funds allocated to the District Program.

3. Watershed Coordinators.

obtaining letters of support from the applicable Municipality.

a. Not less than one (1) Watershed Coordinator will be assigned to each Watershed Area plus one (1) additional Watershed Coordinator for each additional one-million people within the Watershed Area.

b. Each Watershed Area Steering Committee shall select their respective Watershed Coordinator(s) from a list of eligible candidates provided by the District and shall designate them in their respective SIPs as part of the Technical Resource Program budget.

The duties and responsibilities of Watershed Coordinator(s) C. shall include but not be limited to the following:

(1)Work with Technical Assistance Teams to bring resources to potential Infrastructure Program Project Applicants;

> (2) Work with Municipalities and Stakeholders to identify

and develop Project concepts that may be elevated to the Watershed Area Steering Committees and Technical Assistance Teams to assist with development of Feasibility Studies.

> ntify and help leverage and secure additional (3)

funding sources for Regional Projects and Programs

(7)

(4)	Engage Mu	lbloxom	•
watershed Stakeholders to ensu	re diverse pei	Are projects with outside funding	
implementation of the Regional F		given any priority in scoring?	
(5)	Conduct cor	nmunity outreach to diverse communi <b>lies</b>	з,
with an emphasis on disadvanta	ged communi	ties.	

(6) Provide leadership in community outreach efforts

related to watershed planning.

Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities.

(8)Integrate community, Municipality, and regional priorities through partnerships and extensive networks.

(9) d

Greanize public outreach events included in SIPs,

such as workshops, demonst	lbloxom	ю
educate Stakeholders on sto		
( Steering Committees for theil	Muterialities and a second be	Area
(	developed and distributed by WASC member <sup>(1)</sup> entities during their owntout react events open in ato	rs
and the District to inform eac	their respective websites. to other of effective efforts, outreach, and communicat	ion

approaches, including sharing best practices and resources.

# E. Stentific Studies Program Implementation

	1.	The purpose	lbloxom	nding
for scientific	and te	chnical activit		
technical studies, monitoring, and			Will scientific studies that directly contribute กรองสิ่งเมือกล่าสารีสารีสารีสารีสารีสารีสารี complete an SIP Project's Feasibility Study be	
capture and pollution reduction.			prioritized?	
	2.	Watershed /	Area Steering Committees will recommend studie	and

other activities for funding by including the studies or other activities in the Scientific Studies Program portion of their respective SIPs.

3. All studies and other activities included in the Scientific Studies

Program portion of a SIP shall be conducted in accordance with accepted scientific protocols.

4. The Scientific Studies Program shall be administered by the District

and, to the extent feasible, shall utilize independent research institutions or academic

institutions to carry out Scientific Studies or to help design and peer review Scientific Studies carried out by other entities.

F. Progress/Expenditure Reports

1. Infrastructure Program Project Developers shall prepare quarterly progress and expenditure reports, as described below, for their respective Projects and Programs.

2. The District shall prepare quarterly progress and expenditure reports, as described below, for activities undertaken by the District pursuant to the Technical Resources (e.g. Watershed Coordinators and Technical Assistance Teams) and Scientific Studies Programs.

3. Quarterly progress and expenditure reports shall include the following information:

a. Percent complete estimate

b. SCW Program funds expended

c. Documentation that the SCW Program funds were used for

eligible expenditures

d. Discussion of work accomplished during the reporting period

e. Milestones or deliverables completed/submitted during the

reporting period

f. Scheduling concerns and issues encountered that may delay completion of the Program or Project

g. Work anticipated for 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

4. Infrastructure Program Project Developers shall prepare an annual summary of the quartery progress and expenditure reports for their respective bloxom Programs and Projects. The annual summary re the Water Quality Benefits, Water Supply Benefi The District or WASC should the SCW Program Goals achieved during the properties a template of this report for use by the Project Developers with clear guidelines for the 5. The Watershed Area Steering information required. Infrastructure Program Project Developers' quarterly 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, behind schedule, or demonstrate reduced or revised scope or benefits may be adjusted or removed from

future SIPs.

6. The Watershed Area Steering Committees shall forward each

quarterly progress and expenditure report and each annual summary report to the ROC,

together with the Watershed Area Steering Committees evaluation.

- G. Watershed Area Steering Committees.
  - 1. Membership Requirements.

a. Each Watershed Area Steering Committee shall be comprised of seventeen (17) members plus the Watershed Coordinator(s) for the Watershed Area. Seven (7) members shall represent the Municipalities located within the Watershed Area, five (5) members shall represent agency Stakeholders, and five (5) members shall represent community Stakeholders. Each member shall have a designated alternate.

b. The Municipal representatives and their alternates shall be selected in accordance with the following:

(1) A Municipality with at least fourteen percent (14%) of the Impermeable Area located within the Watershed Area shall appoint one member and alternate. A Municipality with at least twenty-eight (28%) of the Impermeable Area located within the Watershed Area shall appoint two members and alternates. A Municipality with at least forty-three (43%) of the Impermeable Area located within the Watershed Area shall appoint three members and alternates. A single Municipality shall not appoint more than three members to any Watershed Area Steering Committee.

(2) The remaining Municipal representatives and their alternates shall be selected by the unrepresented Municipalities in the Watershed Area.

(3) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

c. The agency Stakeholder representatives and their alternates shall be selected in accordance with the following:

(1) The Board shall appoint all agency Stakeholder representatives and their alternates. The agency Stakeholder representatives and their alternates will be, to the maximum extent feasible, selected to maintain a geographic

balance and represent a range of interests within the Watershed Area and a regional focus.

(2) One member and alternate shall represent the

District.

(3) One member and alternate shall represent the largest municipal water district in the Watershed Area.

(4) One member and alternate shall represent the largest watermaster or groundwater agency in the Watershed Area or, if no such agency exists, a second municipal water district.

(5) One member and alternate shall represent the largest local park and open space agency in the Watershed Area.

(6) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

d. The community Stakeholder representatives and their alternates shall be selected in accordance with the following:

(1) The Board shall appoint all agency Stakeholder representatives and their alternates. The agency Stakeholder representatives and their alternates will be selected to maintain a geographic balance and represent a range of interests within the Watershed Area and a regional focus.

(2) One member and alternate shall represent environmental justice interests.
(3) One member and alternate shall represent business interests.

One member and alternate shall represent

environmental interests.

(4)

(5) The two remaining community Stakeholder representatives and their alternates will be from the community, including, but not limited to, public health agencies, labor organizations, non-governmental organizations, community-based organization, schools and academia.

(6) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

e. The District will develop operating guidelines for the governance of the WASCs and the conduct of WASC business, including minimum qualifications to serve as a committee member, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each WASC member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the WASC.

2. Meeting Procedures

a. Each Watershed Area Steering Committees shall hold regular meetings at a frequency and schedule determined by that Committee. Watershed Area Steering Committee meetings shall be open to the public.

b. A quorum is required for Watershed Area Steering Committees to act on any item of business at a meeting. A quorum will consist of a simple majority of the members or their alternates in attendance at the meeting, out of the total existing membership positions currently occupied. If a quorum is present at a meeting, the Watershed Area Steering Committee may approve of any item of business by a simple majority vote.

c. Each Watershed Area Steering Committee member or their alternate shall have one equally weighted vote.

d. Watershed Coordinators shall participate in the meetings of the Watershed Area Steering Committees for their respective Watershed Areas as nonvoting members.

e. The District will provide staff support to the Watershed Area Steering Committees using funds from the District Program.

f. Members and alternates of the Watershed Area Steering Committees who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program.

g. Members and alternates of the Watershed Area Steering Committees shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

3. Additional Duties and Responsibilities. In addition to the preparation of the SIPs and review of the progress and expenditure reports, as described above, Watershed Area Steering Committees shall have the following additional duties and responsibilities:

a. Each Watershed Area Steering Committee shall annually prepare a WARPP Report.

b. Each Watershed Area Steering Committee shall provide information about its Watershed Area as requested by the Board of Supervisors.

c. Each Watershed Area Steering Committee, in conjunction with its Watershed Coordinator(s), shall help potential Infrastructure Program Project Applicants identify potential partners and additional sources of funding to augment and leverage SCW Program revenues for Projects and Programs.

## 18.08. Regional Oversight Committees (ROC).

A. Membership Requirements.

1. The ROC shall be comprised of nine (9) subject matter experts in the areas of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other fields related to Stormwater capture or the reduction of Stormwater or Urban Runoff pollution.

2. The Board shall appoint all members of the ROC. The members of the ROC will be selected to ensure a diverse representation of the subject-matter experts described above.

3. The District will develop operating guidelines for the governance of the ROC and the conduct of ROC business, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each ROC member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the ROC.

B. Meeting Procedures

1. The ROC shall hold regular meetings at a frequency and schedule determined by the ROC. ROC meetings shall be open to the public.

2. A quorum is required for the ROC to act on any item of business at a meeting. A quorum will consist of five (5) members in attendance at the meeting. If a quorum is present at a meeting, the ROC may approve of any item of business by a simple majority vote.

3. Each ROC member shall have one equally weighted vote.

4. The District will provide staff support to the ROC using funds from the District Program.

5. Members of the ROC who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program.

6. Members of the ROC shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

C. Duties and Responsibilities. The ROC shall have the following duties and responsibilities:

1. The ROC shall annually review the SIP for each Watershed Area.

2. The ROC shall review the quarterly and annual progress and expenditure reports prepared by the District for the Technical Resources Program, and Scientific Studies Program and prepared by the Infrastructure Program Project Developers for the Infrastructure Program and provide any comments or concurrence with the evaluations by the WASCs, as appropriate.

3. The ROC shall annually review the WARPP Reports for each Watershed Area to determine whether and the extent to which Regional Program requirements were met and SCW Program Goals were achieved for the prior year and, based on its review, shall make recommendations for adjustments to the following year's SIPs and provide those recommendations to the respective Watershed Area Steering Committees and the Board.

4. The ROC shall annually review each Municipality's annual report, as described in Section 18.06.D of this Chapter, to determine whether and the extent to which the Municipality's expenditures achieved SCW Program Goals. The ROC shall report its findings to the respective Municipalities and to the Board.

5. The ROC shall biennially prepare a SCW Program Progress Report for the Board in accordance with the following procedures:

a. The ROC shall prepare a draft SCW Program Progress Report, circulate the draft for public comment, and conduct a noticed public hearing to receive public comments on the draft.

b. After the conclusion of the public hearing, the ROC shall revise the draft SCW Program Progress Report as it determines necessary or appropriate based on the public comments received.

c. The ROC shall submit the final SCW Program Progress Report to the Board and make the final Report available to the public.

## 18.09 Transfer Agreements.

A. The Board shall approve standard template Transfer Agreements for use by the District, Municipalities and Infrastructure Program Project Developers.

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:

1. Requirements for compliance with the terms of the SCW Program;

2. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds;

3. Provisions, processes, and schedules for disbursement of funds;

4. For Regional Infrastructure Program Project Developers, Project parameters such as schedule, budget, scope, and benefits;

5. For Municipalities, a requirement to annually submit a plan of how SCW Program funds will be used during the ensuing year, which shall include, at a minimum, anticipated activities, an initial programmatic budget, and the SCW Program Goals that are anticipated to result from the planned expenditures.

6. Provisions for management of interest funds, debt, liability, and obligations;

7. Provisions for indemnification of the District;

8. Requirements for auditing and Annual or Quarterly Progress/Expenditure Reports;

9. With respect to a Project funded with SCW Program funds through the Regional Program, if the Project has an estimated capital cost of over \$25 million, a provision that the Infrastructure Program Project Developer for such a Project must require that all contractors performing work on such a Project be bound by the provisions of: (1) a County-wide Project Labor Agreement (County PLA), if such an agreement has been successfully negotiated between the County and the Trades and is approved by the Board of Supervisors, or (2) a Project Labor Agreement (PLA) mirroring the provisions of such County PLA;

10. With respect to a Project funded with SCW Program funds through the Regional Program, if one or more of the Municipalities that is a financial contributor to a Project has its own PLA, a provision that the Infrastructure Program Project Developer for the Project must require that contractors performing work on the Project are bound to such PLA. If more than one of the contributing Municipalities to a capital

project has a PLA, the Project Developer shall determine which of the PLAs will be applied to the Project;

11. With respect to all Regional Program Projects funded with SCW Program funds, a provision that the Infrastructure Program Project Developer for such a Project must apply and enforce provisions mirroring those set forth in the then-current version of the County's Local and Targeted Worker Hire Policy (LTWHP), adopted by the Board of Supervisors on September 6, 2016, as to contractors performing work on such a Project or, if the Infrastructure Program Project Developer is a Municipality and has adopted its own policy that is substantially similar to the LTWHP, that the Infrastructure Program Project Developer may, at its election, choose to apply and enforce the provisions of its own such policy as to contractors performing work on such a Project in lieu of the provisions of the LTWHP;

12. With respect to all Regional Program Projects funded with SCW Program funds, a provision that the Infrastructure Program Project Developer for such a Project must apply and enforce provisions mirroring those set forth in County Code Chapter 2.211 (Disabled Veteran Business Enterprise Preference Program), County Code Chapter 2.204 (Local Small Business Enterprise Preference Program), and County Code Chapter 2.205 (Social Enterprise Preference Program), as to contractors performing work on such an Infrastructure Program Project, subject to statutory authorization for such preference program(s), and subject to applicable statutory limitations for such preference(s); and, furthermore, the Infrastructure Program Project Developer implementing such a Project must take actions to promote increased

contracting opportunities for Women-Owned Businesses on such a Project, subject to applicable State or federal constitutional limitations;

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; and

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

## 18.10 Credit Program Implementation.

A. The credit program described in Section 16.10.A. of Chapter 16 of this code shall be implemented in accordance with the provisions of this Section. The District shall develop additional implementation procedures and guidelines for the program consistent with the provisions of this Section, including a standard formula for calculating the specific amount of Water Quality, Water Supply, Community Investment, and Additional Activities Credits, and shall update those implementation procedures and guidelines from time to time, as it deems necessary.

B. Credit Eligibility Criteria and Calculation of Credit Amounts.

Water Quality Credit. Parcels that include a Stormwater
 Improvement or that are located in a Benefited Development that includes a Stormwater
 Improvement meeting the following criteria shall be eligible for a Water Quality Credit as
 follows:

Stormwater Improvement Criteria	Maximum Credit Amount
The Stormwater Improvement meets the requirements of an applicable Low Impact	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
Development (LID) Ordinance.	
The Stormwater Improvement exceeds the requirements of an applicable Low Impact Development (LID) Ordinance.	Up to seventy-five percent (75%) of the Parcel's Special Tax amount
The Stormwater Improvement provides Water Quality Benefits that are comparable to or greater than the Water Quality Benefits that would be achieved by a Stormwater Improvement that complies with the requirements of Section 12.84.440 of the Los Angeles County Code.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement was completed prior to November 6, 2018 and meets the requirements of an applicable Standard Urban Stormwater Mitigation Plan (SUSMP).	Up to fifty percent (50%) of the Parcel's Special Tax amount
The Stormwater Improvement was commenced prior to November 6, 2018 and exceeds the requirements of an applicable SUSMP.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit and has a design volume greater than or equal to the runoff volume resulting from a 2-inch, 24-hour rain event.	Up to seventy-five percent (75%) of the Parcel's Special Tax Amount
The Stormwater Improvement retains one hundred percent (100%) of all Urban Runoff from the Parcel or Benefited Development.	Up to 50% of the Parcel's Special Tax Amount, through and including 2024, and up to twenty percent (20%) of the Parcel's Special Tax Amount thereafter

2. Verer Supply Credit. Parcels that include a Stormwater

Improvement or that are located in a Ber	Ibloxom water
Improvement providing a Water Supply E	Projects that promote groundwater
Credit of up to twenty percent (20%) of the	
3. Community Investmer	supply benefit" category.
Improvement or that are located in a Bene	fited Development that includes a Stormwater

Improvement providing a Community Investment Benefit shall be eligible for a

Community Investment Credit of up to ten percent (10%) of the Parcel's Special Parcel Tax amount.

4. Notice of Non-Applicability (NONA) Credit. A Parcel or portion of a Parcel that is the subject of a Notice of Non-Applicability (NONA) issued by the Los Angeles Regional Water Quality Control Board shall be eligible for a credit of up to onehundred percent (100%) of the Parcel's Special Parcel Tax amount.

5. Maximum Combined Credit Amounts

a. Water Quality Credits, Water Supply Credits and Community Investment Credits may be combined up to a maximum of eighty percent (80%) of a Parcel's Special Parcel Tax amount.

b. An additional credit of up to twenty percent (20%) of a Parcel's Special Parcel Tax amount, may be awarded to Parcel owners that perform additional activities after November 6, 2018 that confer benefits to the broader regional community related to the SCWP goals. Examples and additional details will be included in the Credit Program Procedures and Guidelines.

C. Credit Program Implementation Procedures. The District shall grant Parcel owners credit for qualifying Stormwater Improvements, as described above, in accordance with the following procedures:

1. The owner of a Parcel that includes a Stormwater Improvement or that is located in a Benefited Development may submit an application for credit to the District. The application shall include the following information:

a. Photo documentation of the construction or installation of the Stormwater Improvement on the Parcel or Benefited Development;

b. A maintenance management plan for the Stormwater Improvement;

c. The applicable LID design storm volume or RWQCB Stormwater Permit or SUSMP design standard for the impermeable area of the Parcel or Benefited Development;

d. Calculations of the following:

(1) The total impermeable area of the Parcel or Benefited

Development;

(b) The impermeable area tributary to the Stormwater

Improvement;

(c) The maximum volume that the Stormwater

Improvement is designed to capture and/or treat;

(d) The amount of the Water Quality Credit, Water Supply Credit and/or Community Investment Credit applied for;.

e. A certification by a civil engineer licensed to practice in California, that all information in the application is correct, that the calculations are accurate, and that the Stormwater Improvement is performing as designed;

f. A certification by the owner verifying the claimed Community Investment, NONA, and Additional Activities Credits.

2. The District shall establish application deadlines for each fiscal year and only applications submitted prior to the deadline shall be considered for approval.

3. If the District approves an application for credit, the credit will be applied to the Parcel's Special Parcel Tax amount for the next two fiscal years. Parcel owners must thereafter re-apply to continue the credit, every two years. The application to continue the credit shall contain the same information as the initial application for credit, described above, and shall be subject to the application deadlines established for the year of re-application..

4. Procedures for aggregating multiple Parcels with common ownership and procedures for Benefited Developments are included in the Credit Program Procedures and Guidelines.

## 18.11 Credit Trading Program.

A. The credit trading program described in Section 16.10.C of Chapter 16 shall be implemented in accordance with implementation procedures and guidelines for the program that are to be developed by the District, and the District shall update those implementation procedures and guidelines from time to time, as it deems necessary.

### 18.12. Exemption for Low-Income Senior-Owned Parcels

A. The exemption for Low-Income Senior Owned Parcels described in Section 16.09.B of Chapter 16 shall be implemented in accordance with the Low-Income Senior Procedures and Guidelines developed by the District, which shall be updated from time to time, as it deems necessary.

18.13. Appeals Process for Review of Calculation of Special Parcel Tax Amount

A. The appeals process referenced in Section 16.08.C of Chapter 16 of this code shall be administered in accordance with the Appeal Process tutorial developed by the District, which shall be updated from time to time, as it deems necessary.

B. For the purposes of the appeals process, a significant discrepancy between the assessed and actual Impermeable Area means a discrepancy meeting both of the following criteria:

1. An error of ten percent (10%) or more in the Impermeable Area used to calculate the Parcel's Special Parcel Tax amount; and

2. A difference in the Special Parcel Tax amount of fifty dollars (\$50) or more.

## 18.14. Enforcement And Remedies For Violations.

A. The purpose of this section is to establish baseline alternate remedies for the District to utilize in enforcing the provisions of this chapter. The remedies authorized in this chapter are cumulative to any other remedy provided for in this code or the laws of the State of California, or the United States of America so long as the cumulative application of such available remedies would not violate any applicable law.

B. If the District determines that a Municipality, Infrastructure Program Project Developer, or any other recipient of SCW Program funds has violated any provision of this chapter or an applicable Transfer Agreement, the District is authorized to issue a notice of violation to the Municipality, Infrastructure Program Project

Developer or other recipient of SCW Program revenues. The notice shall be in writing, and shall describe the violation, the remedial actions the recipient must take to correct the violation, and the date by which the violation must be corrected.

C. If the violation involves the use of SCW Program funds for a purpose not authorized by this chapter, the remedial actions specified in the notice may include a requirement to reimburse the funds, plus interest, to the District.

1. SCW Program funds reimbursed by a Municipality will be used to fund Regional Projects that, to the extent feasible and as determined by the WASC, are located within the jurisdiction of the Municipality.

SCW Program funds reimbursed by an Infrastructure Program
 Project Developer will be used to implement Projects in the same Watershed Area from which the funds were collected.

D. If the violation is not corrected by the date specified in the notice, the District is authorized to immediately suspend and withhold future disbursements of SCW Program funds to the Municipality, Infrastructure Program Project Developer or other recipient of SCW Program funds, until the violation is corrected; provided, however, that if the violation remains uncorrected for a period of five (5) years, the withheld funds shall be reallocated to a different Program or Project in the same Watershed Area, as determined by the applicable Watershed Area Steering Committee.

E. A Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds that disputes a notice of violation that has been issued to it may submit a written notice of appeal to the District not later than twenty (20)

business days from the date of the written notice from the District. The District shall appoint a hearing officer to conduct a hearing on the appeal.

1. Where the notice of violation requires the recipient to reimburse SCW Program funds, the submission of a notice of appeal does not relieve the Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds of the obligation to reimburse to the District the SCW Program funds in dispute. If the hearing officer determines that the expenditures in dispute did not violate this chapter, the reimbursed funds will be returned in the next disbursement of SCW Program revenues to that Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds.

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# Safe, Clean Water Program Credit Program Procedures and Guidelines

# Overview

On November 6, 2018, the voters approved an ordinance amending the Los Angeles County Flood Control District Code by adding Chapter 16 establishing the Los Angeles Region, Safe, Clean Water (SCW) Program and imposing a special parcel tax within the Los Angeles County Flood Control District (District) to provide for increased stormwater and urban runoff and capture and reduced stormwater and urban runoff pollution in the District. The special parcel tax in the amount of two and one-half cents per square foot of impermeable area, except as exempted, beginning with fiscal year 2019-20.

# Definitions

The following definitions apply to the SCW Credit Program per the SCW Program Elements document:

Additional Activities Credit: A maximum additional 20% tax credit available to credit program applicants

already achieving at least a 65% t activity/activities after November 6, 2011 to SCW Program Goals.

lbloxom		additional
ibioxom		ity related
		-,

<u>Benefited Developments</u>: Parcels located Projects that incorporate public education ic Plan area, subdivision, or an approved regional or subcomponents, particularly related to area that are served by a centralized Stormwater and/or Urban Estormwatervand water conservation,

Dry Weather: Refers to Best Management Refer

<u>Community Investment Benefit</u>: A benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit may also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect and increasing shade or planting of trees and other vegetation that increase carbon reduction/sequestration and improve air qualit

IGP/RWQCB Stormwater Permit: Industrial General Permit/Regional Water Quality Control Board Permit.

<u>LID Equivalency Volume</u>: Refers to the equivalent portion of the Low Impact Development (LID) design storm event provided by an alternative approach. This can be based on long term volume captured or pollutant load reduced.

<u>LID Design Volume</u>: Also known as the Stormwater Quality Design Volume (SWQDv). The volume of stormwater runoff that comes from greater of

- The 0.75-inch, 24-hour rain event or
- The 85<sup>th</sup> percentile, 24-hour rain event



<u>LID Improvement Volume</u>: The volume of infiltrated or retained runoff the BMPs provide during a LID design storm event. Refer to the County of Los Angeles Department of Public Works Low Impact Development Standards Manual for guidance.

<u>Program</u>: A planned, coordinated group of activities, related to increasing Stormwater and/or Urban Runoff capture and/or reducing Stormwater and/or Urban Runoff pollution designed to further one or more goals of the SCW Program.

<u>Project:</u> The development of Stormwater and/or Urban Runoff infrastructure designed to further the goals of the SCW Program, including the design, preparation of environmental documents, obtaining applicable permits, construction, inspection, operation and maintenance, and similar Activities.

<u>Safe, Clean Water (SCW) Program</u>: Program established by the District to implement Los Angeles Region Safe, Clean Water Program Ordinance, including the administration of revenues from the special Parcel tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

<u>Stormwater:</u> Water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.

<u>SUSMP:</u> Standard Urban Stormwater Mitigation P Ibloxom SMP requirements

Urban Runoff: Surface water flow that may contain but to be anticely water supply benefit, such as water flow from residential, commercial, and industrial this infiltration into the aquifers

should also come from a runoff

<u>Water Supply Benefit:</u> Increase in the amount of locally source that would hot otherwise re is a nexus to Stormwater and/or Urban Runoff capture. Activities have been captured and infiltrated to limited to the following: reuse and conservation practices. downstream ormwater and/or Urban Runoff to sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment, storage or available yield, or offset of potable water use. Water Supply Benefit created through the SCW Program is subject to applicable adjudicated judgments of water rights.

<u>Water Supply Benefit Volume</u>: The volume of water captured from the LID design storm event, or equivalen from the the fate of the water (i.e., the receptor) is:

- In intration to an aquifer that is capable of supplying water for potable or non-potable use,
- Beneficial use on-site or in nearby parcels,
- Diversion to a sanitary sewer system for direct or indirect water recycling, and/or
- Use in another way that offsets potable water use.

<u>Water Quality Benefit</u>: Reduction in Stormwater and/or Urban Runoff pollution such as improvements in the chemical, physical, and biological characteristics of Stormwater and/or Urban Runoff in the District. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater and/or Urban Runoff, non-point source pollution control, and diversion of Stormwater and/or Urban Runoff to a sanitary sewer system.



# **Credit Program**

The mandated Credit Program provides for a SCW Program tax credit for qualifying Parcel owners or Benefited Developments. All parcels subject to the SCW Program tax are eligible for the Credit Program. Credits will be given for completed and operational activities that result in Water Quality, Water Supply and Community Investment Benefits. At a minimum, a stormwater and/or Urban Runoff improvement must provide a water quality credit to qualify for the Credit Program. The maximum allowed combined credits from these benefits is 80%. Parcel owners or Benefited Developments who perform qualifying additional activities, as defined below, are eligible for additional credit up to a maximum of 100% of their SCW Program tax. Once approved, the credit will be applied to the parcel owner's tax bill for the upcoming fiscal year.

# **Application Procedure**

Applicants who want to apply for a credit towards their tax may submit an online application and required documentation by following the procedure below. All certifications pursuant to the Credit Program shall be verified and submitted by a civil engineer licensed to practice in California. Refer to *Credit Program Process Flow Chart* for the application process.

## Application

- The Credit Program Application submission form and more information can be found on the SCW Program website (<u>https://dpw.lacounty.gov/apps/scwptca/</u>)
- Parcel owners or Benefited Developments may submit a credit application at any time. The application must be submitted by December 31<sup>st</sup> to qualify for the following tax year.
- Multiple parcels with common ownership may be aggregated for the purposes of the Credit Program.
  - To simplify credit distribution and percentage calculations amongst multiple parcels with common ownership, the applicant may choose to calculate and apply a single average credit percentage to each parcel of the aggregate. The applicant must demonstrate in the engineer's report the calculated average credit percent and its associated Final Parcel Credit percentage and corresponding dollar amount. If approved, the average credit percent will be applied to each individual parcel on the tax roll.
- Applicants representing Benefited Developments not yet fully completed may work with the District on an initial review (prior to any formal application) to estimate anticipated credits based on the planned development. Once the improvements are operational and verified, the initial review documents should be submitted with the credit application.
- The application must include the following documentation:
  - o Engineer's report
    - (1) A copy of the applicable LID, IGP/RWQCB stormwater permit, SUSMP, or other permit for which the credit is being applied
    - (2) An Estimate or Calculations of the following:
      - (a) The impermeable area of each parcel(s)
      - (b) The impermeable area within each parcel(s) that is tributary to the stormwater and/or urban runoff improvement
      - (c) The volume of the stormwater and/or urban runoff improvement.



- (d) Applicable LID design storm volume or IGP/RWQCB stormwater permit or SUSMP design standard for the impermeable area of the parcel(s) or benefited development.
- (e) The associated credit percent for each Credit Type.
- (3) Photo documentation of the construction or installation of a new stormwater and/or urban runoff improvement; or for existing improvements, photo documentation that the stormwater and/or urban runoff improvement has been maintained in good working condition.
- (4) The maintenance management plan for the stormwater and/or urban runoff improvement.
- (5) Engineering certification that the improvement meets or exceeds the applicable LID, IGP/RWQCB stormwater permit, or SUSMP standards.
- (6) Certification of ownership of aggregating multiple Parcels with the same owner if applicable.
- (7) Justifications for Community Investment Credit, and/or Additional Activities Credit will need to be provided to demonstrate how the stormwater and/or urban runoff improvement provides these specific benefits.
- Applicants must recertify their eligibility for the Credit Program every two (2) years. This resubmission process is also handled through the SCW Program website and must be submitted by December 31<sup>st</sup>, prior to the next Tax Year. Failure to recertify will result in full tax payment.
  - The purpose of recertification is to ensure credited improvements are still in place and are operational. No monitoring, testing, or new calculations are required, but rather a resubmission of applicable prior submittals with current pictures of the improvements in fully functional condition. The District will perform random, periodic site visits to audit the condition of credited improvements.
  - If recertifying for Additional Activities credit, applicants must also submit documentation related to the benefit credits being claimed.

# Credit Calculation

This section summarizes the calculations to determine the Sub-total and overall Final Parcel Credit. The subsequent sections provide guidance on the calculations for Water Quality, Water Supply, Community Investment, Additional activities and NONA credits.

Sub-Total Credit Percent	Sub-Total Credit percentage (Maximum 80%)	Sub-Total Credit Percent = WQ% + WS% + CI% (Not to exceed 80%)
Final Parcel	Tax Credit	Final Parcel Credit = (Parcel tax) x [(Sub-Total Credit Percent) + (Additional Activities Percent) +
Credit	(in dollars)	(NONA Credit Percent)] (not to exceed 100%)

## SCW Program Elements – Sub-Total and Final Credit



## **Calculation Guidance**

- a) Calculate the Sub-Total Credit Percentage by summing the Water Quality Percentage (WQ%), Water Supply Percentage (WS%) and Community Investment Percentage (CI%) credits. The Sub-Total Credit Percentage is not to exceed 80%.
- b) The Final Parcel Credit is the product of the SCW Parcel Tax and the summation of the Sub-Total Credit Percent, Additional Activities Percent and NONA Credit Percent.
  - The Additional Activities Credit Percentage is not to exceed 20%
  - The NONA Credit Percent is not to exceed 100%

## **Water Quality Credit**

Up to 75% credit is given for Stormwater and/or Urban Runoff improvements that result in a Water Quality Benefit.

SCW Program	Elements – Water	Quality Credit

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
	LID Compliance (65% max)	$WQ\% = \frac{(\text{LID improvement volume for Impermeable Area})}{(\text{design storm volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.65) \times 100\%$
	LID Equivalency (65% max)	$WQ\% = \frac{(\text{LID Equivalency improvement volume for Impermeable Area})}{(\text{design volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.65) \times 100\%$
Water	Exceeds LID (75% max)	$WQ\% = \frac{(LID \text{ improvement volume for Impermeable Area})}{(2 \text{ x design volume for Impermeable Area of the Parcel or multi-Parcel area})} \times (0.75) \times 100\%$
Quality Credit Percentage	SUSMP (50% max)	$WQ\% = \frac{(SUSMP \text{ improvement volume for Impermeable Area})}{(design volume for Impermeable Area of the Parcel or multi-Parcel area}) \times (0.5) \times 100\%$
(WQ%)	Exceeds SUSMP Standard (65% max)	$WQ\% = \frac{(SUSMP \text{ improvement volume for Impermeable Area})}{(design volume for Impermeable Area of the Parcel or multi-Parcel area} \times (0.65) \times 100\%$
CHOOSE ONE (per tributary area)	IGP/RWQCB Stormwater Permit (65% max)	WQ% = (IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area) (design volume for Impermeable Area of Parcel) × (0.65) × 100%
	High Volume IGP/RWQCB Stormwater Permit (75% max)	WQ% = $\frac{(IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area)}{(design volume (2" storm) for Impermeable Area of Parcel)} \times (0.75) \times 100\%$
	Dry weather (50% max until 2024, then 20% max)	$WQ\% = \frac{(Impermeable Area benefited by the improvement)}{(total Impermeable Area of Parcel area or multi-Parcel area)} \times (0.5 \text{ or } 0.2) \times 100\%$

## **Calculation Guidance**

a) The credit is a calculation of a ratio between the water quality improvement volume or benefited area and the design volume or benefited area. Each credit type has a maximum percent allowed.



- b) Choose one of the applicable Water Quality credits as shown from the table above. See the Definitions section for clarification on each credit type.
- c) Determine the total design volume for the impermeable area per the applicable credit type. For dry weather calculations, determine the total impermeable area.
- d) Determine the water quality volume that is treated or captured from the improvement for the same impermeable area. For dry weather calculations, determine dry weather area benefited by the improvement.
- e) Divide item d) by item c) and multiply by the maximum percent.
   The % from item e) represents the WQ% shown in the Sub-Total Credit Except shown above.

## Water Supply Credit

Up to 20% credit is given for Stormwater and/or Urban Runoff improvements that result in a Water Supply Benefit.

## SCW Program Elements – Water Supply Credit

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula					
Water Supply Credit Percentage (WS%)	Water Supply (20% max)	WS% = $\frac{1}{(c)}$	(V) lesign storm volume for	/ater Supply Benefil r Impermeable Area	t volume) of Parcel or multi–P	arcel area) × (0.2) × 10	0%

## **Calculation Guidance**

- a) Determine the Water Supply Benefit Volume. The Water Supply Benefit Volume must have a nexus to a Stormwater and/or Urban Runoff capture. Projects or improvements that are purely related to water supply or use indoor water conservation are not applicable. Examples of water supply benefits with nexuses to Stormwater and/or Urban Runoff include, but are not limited to:
  - Improvements that infiltrates, or harvests Stormwater or Urban Runoff
  - Practices that reduce urban runoff
- b) Determine the design storm volume for the impermeable area
- c) Divide item a) by item b) and multiply by 20%
- d) The % from item c) represents the WS% shown in the Sub-Total Credit Except shown above.

## **Community Investment Credit**

Up to 10% credit is given for a Stormwater and/or Urban Runoff improvements that result in a Community Investment Benefit.



## SCW Program Elements – Community Investment Credit

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula	
Community Investments Percentage (CI%)	Community Investment credit percentage (10% max)	<ul> <li>Cl% =</li> <li>One of the Community Investments = 1%</li> <li>At least three distinct Community Investments = 10</li> <li>At least five distinct Community Investments = 10</li> </ul>	

## **Calculation Guidance**

- a) Determine the number of distinct Community Investment Benefits as listed below. For the purposes of substantiating credits for each benefit, applicant must provide justification and show a relative scale in proportion to the project, parcel, watershed or any applicable area size to claim credit. Each distinct Community Investment Benefit credit claimed cannot be utilized for the other Community Investment credits.
  - rove flood management, flood conveyance, or flood risk mitigation
  - Create, enhance, or restore park space, habitat, or wetland space
  - Improve public access to waterways
  - Enhance or create new recreational opportunit
  - Create or enhance green spaces at schools
  - Improve public health by reducing local heat isla
  - Improve public health by increasing the number of location that will increase carbon reduction/seque
    - Must include substantial tree planting and hot claim redundant benefits from water guality credit.
- b) Use the metrics as shown the formula above to determine the percentage
- c) The % represents the CI% shown in the Sub-Total Credit Except shown above

## **Additional Activities Credit**

The Additional Activities Credit may recognize and reward qualifying additional activities that advance the Safe, Clean Water Program Goals. The 80 percent cap on the sum of previous categories is intended to reflect that not all stormwater improvement needs can be met by activities that apply only to the taxable parcels. The Additional Activities Credit is therefore intended to account for activities that confer benefits to the broader regional community related to the SCWP goals, such as:

- Projects that address stormwater improvement needs outside the taxable parcels, i.e., providing treatment for tax-exempt parcels and paying for ongoing Operation and Maintenance of these facilities.
- Projects that provide regional benefits for recreation, water resources protection, or otherwise provide benefits to the regional community.
- Endangered species protection measures
- Tertiary levels of treatment to be recycled for landscape irrigation purposes.
- TMDL compliance, i.e., advanced treatment of wastewater for removal of chloride, reduction in ammonia concentration, and/or a comprehensive approach to bacteria/pathogen control.
- Public education and outreach not covered under previous categories.

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See above comment regarding



### SCW Program Elements – Additional Activities Credit

Additional Activities Credit Additional Activities (Maximum 20%)	See additional activities calculation guidance below
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Activities initiated and completed after November 6, 2018 may be qualified for additional activities credit.

#### **Calculation Guidance**

To determine if an activity may qualify for additional activities credit, the following logic test questions can be applied:

- At a minimum, was the 6% credit from Community Investments achieved?
- Does the additional activity advance the program goal?
- Does the additional activity go beyond an activity that would already be credited for water quality, water supply, and community investment?
- Does the additional activity confer benefits to the regional community?
- Does the additional activity provide for a reliable and ongoing operation and maintenance plan?

If the answer to each of these logic test questions is yes, then the activity may qualify for an additional activities credit. Unlike the aforementioned credit opportunities (water quality, et al.) the additional activities credit is not a score-based evaluation system. Therefore, it is incumbent upon the parcel owner to successfully demonstrate that a proposed activity meets the Safe, Clean Water Program Goals, in addition to affirmatively satisfying the above logic tests.

Also, unlike other credit opportunities, additional activities credit will be based on a dollar-for-dollar expenditure match, up to 20 percent of Safe Clean Water Program tax, for each certified year The additional activities dollar-for-dollar credit may only include the capital cost and operation and maintenance costs, herein defined as total cost. The credit is proportional to the total cost of the additional activities but not to exceed 20% of the annual tax bill. The balance of the total cost may be rolled over toward the following certified year(s). Once the total cost of a qualified activity is credited, recertification will no longer be required or allowed. The dollar-for-dollar credit will cease.

Under the Additional Activities Credit, a project developer/parcel owner may consider a qualified onetime large-scale project to allow for maximum credit benefit.

#### Additional Activities Credit Requirements:

As a minimum, the applicant (parcel owner/project developer) shall submit the following:

- Discuss and demonstrate how the proposed activity meets all the logic tests questions
- Provide engineering plans and calculations prepared by a California Registered Civil Engineer
- Provide a cost analysis that includes, at a minimum, project life cycle, capital cost, operation and maintenance costs and the estimated qualified additional activity credit per tax year.



Qualified activities would have to be recertified every two years in order provide a mechanism to ensure the credited elements are still in place and are operational. Recertification will require a submittal of online application, and the necessary documents to verify the current condition. The recertification approval will be contingent upon an updated O&M plan to ensure the project continues to be in working order.

## Notice of Non-Applicability (NONA) Credit

Parcels or portions of a parcel that have a current NONA from the Los Angeles Regional Water Quality Control Board are eligible for a credit up to 100%

## SCW Program Elements – NONA Credit Excerpt

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
NONA Credit	NONA (100% max)	$NONA\% = \frac{(Impermeable Area included in NONA)}{(total Impermeable Area or multi - Parcel area)} \times 100\%$

## **Calculation Guidance**

- a) Determine the impermeable area included in NONA
- b) Determine the total impermeable area
- c) Divide item a) by item b). The maximum percent is 100%

## Verification and Review

- Upon initial receipt of the application or recertification, an administrative review for completeness will be conducted. The applicant will be notified by the District within thirty (30) days if additional information is required. The district will notify the applicant upon confirmation of a complete application. The applicant will also be notified within sixty (60) days of the complete application notice whether their application has been approved or denied.
- The District may conduct an inspection of the stormwater and/or urban runoff improvement at any time, as permission is granted by the applicant at the time application for credit is submitted. The District reserves the right to suspend an existing credit upon an inspection of an improvement that is found to be not fully functional for any reason. The owner will be notified that remedial actions are necessary and, once rectified, will need to re-apply for the intended credit(s).



# **Appeals Process**

If an owner applies for credit and it is denied after review or if the approved credit is a lesser percentage than what was applied for and the owner disagrees, the owner may email an appeal within thirty (30) business days from date of notice. The appeal email should be sent to safecleanwaterla@dpw.lacounty.gov and should contain the following information at a minimum.

- Customer's Name
- Assessor's Parcel Number(s)
- Basis of appeal
- Supporting Documentation
  - As-built engineering drawings
  - Proof of ownership or proof of sale
  - o Any additional engineering calculations or further justifications

Upon receipt of an appeal email, District staff will confirm receipt and will promptly present to the third party appeal panel, which is the Scoring Committee. The applicant will have forty-five (45) days from the date of notification to schedule a hearing. The owner will present case to the panel and be available for Q&A. The panel will notify District staff such that the owner can receive the determination on appeal with 2 weeks of the hearing.



# Safe Clean Water Program

# Minimum Feasibility Study Requirements for the Scoring and Consideration of Regional Infrastructure Program Projects

## 1.0 Background

The objective of the Regional Infrastructure Program is to plan, build, and maintain multi-benefit watershed-based projects that improve water quality and increase water supply and/or enhance communities. A feasibility study is required before a project can be submitted for consideration by the Watershed Area Steering Committee (WASC) and scoring by the Scoring Committee.

A feasibility study is a detailed technical investigation and report used to determine the feasibility of a project. A feasibility study being proposed through the Safe Clean Water (SCW) Program's regional Infrastructure Program must meet the minimum requirements provided in this document to be eligible for consideration and scoring. This document may be periodically updated and expanded upon to provide additional requirements, or to incorporate changes in the state of the science.

If a project does not yet have a feasibility study or functionally equivalent feasibility study level information (see Section 5.0), WASCs may decide to dedicate funds for advancing a concept into a fully developed feasibility study through the Technical Resources Program. The District will provide technical assistance teams to complete the feasibility studies in partnership with and on behalf of municipalities, CBOs, NGOs, and others who may not have the technical resources or capabilities to develop feasibility studies. Each WASC will determine whether a submitted feasibility study is complete and therefore eligible to be sent to the Scoring Committee.

The requirements below are to be used in context with the Project Scoring Criteria (Exhibit A) and the SCW Regional Projects Module (Exhibit B) described in Section 4.0 below.

## 2.0 Requirements

Prior to feasibility study development and on a routine basis, each WASC is encouraged to collaboratively prioritize needs within the watershed, discuss preliminary concepts to address those needs, and strategically plan to package projects that meet multiple needs in the most efficient fashion. A feasibility study is required before a project can be submitted for consideration, scoring, and potential incorporation into a recommended Stormwater Investment Plan). At a minimum, a feasibility study must include:

- 1. A description of the project details, including:
  - A summary of the project's primary objective(s), secondary objective(s), and any additional objective(s).
  - A description of the primary mechanisms by which the project will achieve its objectives (e.g., runoff and/or pollutant reduction through infiltration, treat and release, capture and use, etc).
  - A description and schematic of the project layout including its anticipated footprint and key components such as inlet, outlet, diversion point, recreational components, nature-based components, pumps, treatment facilities, underdrains, conveyance, and others.

- An outline of the capture area for the project on a map and a breakdown of acreage, land uses and percent imperviousness within the capture area.
- Land ownership and related rights of way.
- 2. A description and estimate of the benefits provided (determined through best engineering estimates and modeling as appropriate). More information on how to estimate project benefits are provided in Section 3.0.
- 3. An estimated schedule to design, permit, construct, operate and maintain the project
- 4. A review of the effectiveness of similar types of projects already constructed if applicable
- 5. A monitoring plan to measure the effectiveness of the proposed project once completed, including metrics specific to the identified benefits.
- 6. A lifecycle cost estimate and schedule required to design, permit, construct, operate and maintain the project.
  - Life-cycle costs will contain project costs including but not be limited to: early concept design, pre-project monitoring, feasibility study development, site investigations, formal project design, intermediate and project completion audits, CEQA and other environmental impact studies, land acquisition, permitting, construction, full lifetime operations and maintenance, monitoring, etc. The only costs not included in total life-cycle cost are the dismantling and replacement costs at the end of life.
  - The Water supply benefit section uses Life-cycle costs life-cycle costs for scoring purposes; however, life-cycle costs and estimates are required for all projects regardless if they claim water supply benefits.
- 7. A plan for how operations and maintenance will be carried out. The plan should include but not be limited to: estimated annual costs associated with maintenance (including: estimates for number of crew required, hours of maintenance per month/year, the staff expertise level, projections of maintenance cost increases over the life of the project); how project maintenance will accommodate Project Labor Agreement (PLA) considerations (if applicable); and responsible party that has agreed to perform the identified operations and maintenance
- 8. An engineering analysis of the proposed project (e.g., estimates of site conditions, soil sampling, preliminary hydrology report, site layout, utility search, environmental impacts, pertinent historical background for site location, etc.).
  - The minimum requirements for engineering analysis will depend largely on the type of project.
  - Engineering analysis should at a minimum be able to support all benefits claimed.
  - It is understood that not all projects will have completed CEQA and other environmental studies, so estimates and engineering analyses do not have to be as comprehensive as a full CEQA or other environmental study (unless those studies have already been carried out and available to support the project).
- 9. An assessment of potential CEQA and permitting challenges and associated time requirements and costs

- 10. For non-municipal project applicant/developers (if applicable), an initial letter of support for the project that includes concurrence on proposed operations and maintenance plan and the responsible party.
- 11. A plan for outreach/engagement to solicit, address, and incorporate stakeholder input on the project. The project outreach/engagement effort should include considerations related to displacement and gentrification.
- 12. Identify if utilizing funds from Measure A. If so, acknowledge that the project will be fully subject to and comply with the displacement policies associated with Measure A.
- 13. A plan to incorporate vector minimization into the project design, operations, and maintenance.
- 14. Discussion identifying how nature-based solutions were either utilized to the maximum extent feasible or otherwise considered but not included.
- 15. A summary of any legal requirements or obligations that may arise as a result of constructing the project, and how those requirements will be satisfied.
- 16. For projects involving LA County Flood Control District (LACFCD) infrastructure, facilities, or right-ofway, provide confirmation of conceptual approval from LACFCD.
- 17. Acknowledgment of eligible expenditures being only those incurred after November 7, 2018.

It is the intent of the feasibility study to provide enough information about a potential project to allow the Watershed Area Steering Committee members to make an informed decision for which projects should move forward for funding. The feasibility study should provide enough information or estimates to allow each project to be scored through the 110-point Infrastructure Program Project Scoring Criteria (Exhibit A).

3.0 Estimating Score-Based Benefits

To the extent possible, feasibility studies should provide estimates for the benefits provided by each project. These include water quality, water supply, and community investment benefits as well as a characterization of any nature-based solutions employed by the project, and how a project may be leveraging funds and engaging the public.

Additional information for characterization of benefits are provided in the following subsections.

3.1 Water Quality Benefits

The score for water quality is broken into two separate tracks, wet weather projects and dry weather projects. Only one track may be used for the purposes of scoring. Any project may utilize the wet weather scoring section; however, only projects designed for 0.25-inch rain events or below may utilize the dry weather scoring section. For Water Quality scoring, the management of stormwater includes activities that capture, infiltrate, divert, or treat and release stormwater or urban runoff.

At a minimum for scoring purposes, a feasibility study should be able to provide an estimate of the following:

### Wet Weather (all projects, 0-inch storms and above)

- The design 24-hour BMP capacity volume, including a breakdown of the capacity volume calculation such as project storage capacity, estimated infiltration rate (if applicable), footprint area, etc (i.e., typically the 85<sup>th</sup> percentile, 24-hour capacity).
- The capital cost of the project
- Description of the diversion structure for the project (if applicable), diversion rate(s) and conditions when diversion would and would not occur
- Assessment of any available/anticipated monitoring data collected for the project
- Assessment of anticipated event-based project performance (e.g., during the project's 24-hour design condition) including a breakdown of the following:
  - o Estimated peak inflow rate and total inflow volume
  - Estimated portion of the peak inflow that would be retained by the project through infiltration, capture, diversion, use, or other means
  - Estimated outflow from the project and bypassed flow with a breakdown of the portion released from each outlet (if applicable) and portion of the outflow through each outlet that would be treated, untreated and mechanism of treatment
  - o Estimated primary and secondary pollutant concentrations in the inflow to the project
  - Estimated primary and secondary pollutant concentrations in the outflow from each outlet of the project (if applicable)
  - Flow and pollutant balance based on the estimates above including calculations of the preand post-project flows, pollutant loads and concentrations and resulting reductions of each
  - If the project is not inline (e.g., has a diversion structure), estimated portion of the flow volume at the diversion structure that would bypass/not be captured
  - Citations or description of methods to generate the estimates above
- Through modeling (or another similar approach with justification provided) an assessment of the long-term pollutant reduction benefit of the project for the applicable primary and secondary pollutants. Modeling should use a similar process to the E/WMPs (e.g. Watershed Management Modeling System, WMMS). Analysis should calculate the pollutant reduction of the project over the most recently available 10-year period by comparing influent and effluent flows, concentrations and loads. Results should incorporate the latest applicable performance data to reflect the efficiency of the BMP type. Modeling results can be based on the best-case reduction among the pollutants in each class. The method to evaluate pollutant reduction should be expressed as a percentage and be consistent with the applicable TMDLs and E/WMPs for the pollutants in the project's watershed, and the analysis should include justification of the selected Method. The following table shows the potential modeling metrics for analysis of long-term pollutant reduction benefit.

			One Primary Pollut One Secondary Pollu	
Pollutant Class	Pollutant Name	Method 1 (% Concentration Reduction)	Method 2 (% Load Reduction)	Method 3 (% Exceedance Day Reduction)
	Bacteria	✓	✓	~
	Metals	✓	~	
Primary or Secondary	Toxics		~	
Secondary	Nutrients	✓	✓ ()	
	Chloride	✓	<	
	Trash			~
	Bacteria	✓	<ul> <li>✓</li> </ul>	~
<b>.</b> .	Metals	✓	~	
Secondary	Toxics		· 🗸	
	Nutrients	<ul> <li>✓</li> </ul>		
	Chloride		×	

-The Secondary Pollutant Class includes all primary pollutants with the addition of trash (NOTE: the primary pollutant class cannot be the same as the secondary pollutant class).

-Primary and secondary pollutants are pollutants subject to TMDLs for the nearby downstream receiving waters of the project.

-Secondary pollutants may also include 303(d)-listed pollutants and pollutants that have been subject to exceedances during recent monitoring programs.

-Trash is not considered a valid primary pollutant. For estimate of trash reduction, the analysis can demonstrate equivalence with the Full Capture System definition for 100% reduction.

## Dry Weather (Only projects designed for 0.25-inch storms and below)

- Justification (with or without modeling) showing that the project is designed to capture, infiltrate, divert, or treat and release 100% of all tributary dry weather flows at the site location.
- Description of the method used to estimate dry weather flows at the site location

#### 3.2 Water Supply Benefits

At a minimum for scoring purposes, a feasibility Study should be able to provide the following:

- Through modeling, or other similar approach with justification, provide the annual average amount of stormwater or urban runoff captured by the project **for reuse**.
  - Stormwater that is treated and released to the receiving water is not to be considered as stormwater reuse.
  - For projects that treat and use stormwater to directly offset potable water use through irrigation or similar means, projections of the irrigation demand and use should be provided.
  - The estimate of annual average capture should account for the inflow to the project from the project capture area, the storage of the project, and the overflow/bypass during storm events (when capacity is exceeded).
  - The annual average estimate should clearly document the basis for the annual average precipitation/hydrology (e.g., whether a specific year was used as a representative average year with justification, or whether the long-term average was calculated across many years). A minimum of 20-years should be used for the annual average calculations.
  - Diverted stormwater and urban runoff can include, but not be limited to, water diverted to a separate groundwater recharge facility, into a water treatment plant, to a sanitary sewer to be converted into recycled water, etc. Demonstrate that the diverted water would not otherwise be diverted/captured downstream.
  - Identify whether and how the 85<sup>th</sup> percentile is being captured/diverted. If not, is there opportunity to do so? If feasible but not incorporated, explain why. If not feasible, explain why.
  - Through modeling, or other similar approach with justification, provide the annual average amount of stormwater or urban runoff captured by the project to augment water supplies, whether infiltrated or diverted (such as to a spreading facility or to a sanitary sewer for recycled water).
    - Projects should specify and justify whether supply benefit claimed is for offsetting potable demand, increasing water supply, or both (and how). Since not all re-use offsets demand (especially if the project creates new demand), provide any analysis of supply and demand impacts when claiming an offset of potable demand.
    - Projects claiming an increase in water supply through soil infiltration should provide engineering estimates and justification that the water is reaching a usable groundwater aquifer. Projects capturing water that would otherwise end up at an LACFCD spreading grounds downstream of the project should not claim an increase in water supply. If augmenting supply in a managed aquifer, provide confirmation that the agency managing the groundwater basin concurs with the added benefit.
    - Stormwater that is treated and released to the receiving water is not to be considered as augmented water supply.

- For projects that treat and use stormwater to directly offset potable water use through 0 irrigation or similar means, projections of the irrigation demand and use should be provided.
- The estimate of annual average capture should account for the inflow to the project from the project capture area, the storage of the project, and the overflow/bypass during storm events (when capacity is exceeded).
- The annual average estimate should clearly document the basis for the annual average precipitation/hydrology (e.g., whether a specific year was used as a representative average year with justification, or whether the long-term average was calculated across many years). A minimum of 20-years should be used for the annual average calculations.
- Diverted stormwater and urban runoff can include, but not be limited to, water diverted to 0 a separate groundwater recharge facility, into a water treatment plant, to a sanitary sewer to be converted into recycled water, etc. Demonstrate that the diverted water would not otherwise be diverted/captured downstream.
- o Identify whether and how the 85<sup>th</sup> percentile is being captured/diverted. If not, is there opportunity to do so? If feasible but not incorporated, explain why. If not feasible, explain why.
- The nexus between water supply and the stormwater that is captured/infiltrated/diverted by the project should be clearly documented and justified.
- Total life-cycle cost of the project based on annualized value. (See section 2.0 Requirements) ٠
- Community Investment Benefits 3.3

For scoring purposes, a feasibility study should be able

- Justification for how the project will improve flood mitigation.
- Justification for how the project will create, enhance, should include publicaeducation tland space.



- Justification for how the project will enhance or create new recreational opportunities.
- Justification for how the project will create or enhance green spaces at schools.
- Justification for how the project will improve public health by reducing local heat island effect and increase shade.
- Justification for how the project will improve public health by increasing the number of trees and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality.

#### 3.4 Nature-Based Solutions

For scoring purposes, a feasibility study should be able to provide the following, if applicable:

- Justification for how the project will implement or mimic natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances or restores habitat, green space or usable open space
- Provide justification for how the project will utilizes natural materials such as soils and vegetation with a preference for native vegetation
- An engineering estimate for how much impermeable area is removed after the construction of the project. Compares the impermeable area of the site to before construction to now after the project is completed.

#### 3.5 Leveraging Funds and Community Support

For scoring purposes, a feasibility study should be able to provide the following, if applicable:

- Existing agreements, MOUs, grant awards, or other secured funding documentation for how other funds are being leveraged to finance the project. This may include leveraged municipal funds from the SCW Municipal Program.
- Either a plan or existing justification for how the project demonstrates strong local, communitybased support or has been developed as part of a partnership with local non-governmental organizations, community-based organizations, and others.
- 4.0 Feasibility Study and SCW Regional Projects Module

Exhibit B is a representation of the online SCW Regional Projects Module available at XXXXXX. This interactive tool guides the user through the process of inputting all necessary project data (for a feasibility study or otherwise) as well as data required for scoring by the Scoring Committee. It effectively represents a template for feasibility studies and incorporates all required information called out in this Feasibility Study Requirements document. A complete submission will be equivalent to a feasibility study upon confirmation from the WASCs. Each user will have the ability to estimate their score and/or modify the project inputs before submitting a feasibility study or project.

The Scoring Committee will use the same tool to validate information and generate an official score for WASC consideration. All feasibility studies and projects that are deemed complete and requested to be scored by the Scoring Committee will be preserved in the SCW Regional Projects Module.

5.0 Functional Equivalence

Projects that are already developed (e.g., an EWMP project that is ready for construction but is awaiting funding) may have equivalent feasibility study level information in part or in full. If all requirements in this document are satisfied in another document for a given project, that document shall be considered functionally equivalent to a feasibility study. Those projects with functionally equivalent feasibility study. Study-level information for all requirements will not need to develop an additional feasibility study. Projects with functionally equivalent feasibility study. Projects with functionally equivalent feasibility study.

Project applicants with functional equivalent projects will still need to enter their equivalent project level information into the SCW Regional Projects Module for scoring purposes using the Infrastructure Program Project Scoring Criteria.

# Exhibit A – Infrastructure Program Project Scoring Criteria

Section	Score Range	Scoring Standards
A.1	50 points max	The Project provides water quality benefits
Wet Weather Water Quality Benefits	20 points max	<ul> <li>A.1.1: For Wet Weather BMPs Only: Water Quality Cost Effectiveness</li> <li>(Cost Effectiveness) = (24-hour BMP Capacity)<sup>1</sup> / (Capital Cost in \$Millions)</li> <li>&lt;0.4 (acre feet capacity / \$-Million) = 0 points</li> <li>0.4-0.6 (acre feet capacity / \$-Million) = 7 points</li> <li>0.6-0.8 (acre feet capacity / \$-Million) = 11 points</li> <li>0.8-1.0 (acre feet capacity / \$-Million) = 14 points</li> <li>&gt;1.0 (acre feet capacity / \$-Million) = 20 points</li> <li>&lt;1.0 (acre feet capacity / \$-Million) = 20 points</li> <li><i>i</i> Management of the 24-hour event is considered the maximum capacity of a Project for a 24-hour period. For water quality focused Projects, this would typically be the 85<sup>th</sup> percentile design storm capacity. Units are in acre-feet (AF).</li> </ul>
- 0R -	30 points max	A.1.2: For Wet Weather BMPs Only: Water Quality Benefit - Quantify the pollutant reduction (i.e. concentration, load, exceedance day, etc.) for a class of pollutants using a similar analysis as the E/WMP which uses the Districts Watershed Management Modeling System (WMMS). The analysis should be an average percent reduction comparing influent and effluent for the class of pollutant over a ten-year period showing the impact of the Project. Modeling should include the latest performance data to reflect the efficiency of the BMP type.         Primary Class of Pollutants       Second or More Classes of Pollutant         • >50% = 15 points       • >50% = 5 points         • >80%= 20 points       • >80%= 10 points         (10 Points Max)       (10 Points Max)
A.2 Dry Weather	20 points	A.2.1: For dry weather BMPs only, Projects must be designed to capture, infiltrate, treat and release, or divert 100% of all tributary dry weather flows.
Water Quality Benefits	20 points max	<ul> <li>A.2.2: For Dry Weather BMPs Only. Tributary Size of the Dry Weather BMP</li> <li>&lt;200 Acres = 10 points</li> <li>&gt;200 Acres = 20 points</li> </ul>
В,	25 points max	The Project provides water re-use and/or water supply enhancement benefits
Significant Water Supply Benefits	13 points max	<ul> <li>B1. Water Supply Cost Effectiveness. The Total Life-Cycle Cost<sup>2</sup> per unit of acre foot of Stormwater and/or Urban Runoff volume captured for water supply is:</li> <li>&gt;\$2500/ac-ft = 0 points</li> <li>\$2,000-2,500/ac-ft = 3 points</li> <li>\$1500-2,000/ac-ft = 6 points</li> <li>\$1000-1500/ac-ft = 10 points</li> <li>&lt;\$1000-1500/ac-ft = 10 points</li> <li>&lt;\$1000/ac-ft = 13 points</li> <li>&lt;\$1000/ac-ft = 13 points</li> <li>&lt;\$1000/ac-ft = 13 points</li> <li>&lt;\$1000/ac-ft = 13 points</li> <li>&lt;\$1000/ac-ft = 10 points</li> <li></li> <li></li></ul>
	12 points max	<ul> <li>B2. Water Supply Benefit Magnitude. The yearly additional water supply volume resulting from the Project is:</li> <li>&lt;25 ac-ft/year = 0 points</li> <li>25 - 100 ac-ft/year = 2 points</li> <li>100 - 200 ac-ft/year = 5 points</li> <li>200 - 300 ac-ft/year = 9 points</li> <li>&gt;300 ac-ft/year = 12 points</li> </ul>

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Section	Score Range	Scoring Standards		
С.	10 points max	The Project provides Community Investment Benefits		
Community Investments Benefits	10 points	<ul> <li>C1. Project includes:</li> <li>One of the Community Investment Benefits identified below = 2 points</li> <li>Four distinct Community Investment Benefits identified below = 5 points</li> <li>Seven distinct Community Investment Benefits identified below = 10 points</li> <li>Community Investment Benefits include: <ul> <li>Improved flood management, flood conveyance, or flood risk mitigation</li> <li>Creation, enhancement, or restoration of parks, habitat, or wetlands</li> <li>Improved public access to waterways</li> <li>Enhanced or new recreational opportunities</li> <li>Greening of schools</li> <li>Reducing local heat island effect and increasing shade</li> </ul> </li> </ul>		
		<ul> <li>Reducing local near island effect and increasing shade</li> <li>Increasing the number of trees increase and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality.</li> </ul>		
D.	15 points max	The Project implements Nature-Based Solutions		
Nature-Based Solutions	15 points	<ul> <li>D1. Project:</li> <li>Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points</li> <li>Utilizes natural materials such as soils and vegetation with a preference for native vegetation = 5 points</li> <li>Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points</li> </ul>		
E.	10 points max	The Project achieves one or more of the following:		
Leveraging Funds and Community Support	6 points max	<ul> <li>E1. Cost-Share. Additional Funding has been awarded for the Project.</li> <li>&gt;25% Funding Matched = 3 points</li> <li>&gt;50% Funding Matched = 6 points</li> </ul>		
	4 points	E2. The Project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.		
Total	Total Points All Se	ctions 110		

		lbloxom	EXHIBIT A
DRA	FT - Safe, Clean Water F		and and
Scop	e of Work - DRAFT	This Plan should include proposed	
•		frequency of outreach and the measures of	
A.	Work Description	success that will be used to evaluate	
		effectiveness of the Plan.	
-		and the state of the state of the second state of the sta	a date to car at

The consultant(s) selected as the Watershed Coordinator(s) will be responsible for at least the following tasks:

1) Task 1 Description - Community Out ch to Diverse Communities

Develop a Strategic Outreach Plan detailing strategy and approach for reaching out to Municipalities, community groups, and other watershed Stakeholders within the designated watershed area to solicit input, connect stakeholders to technical assistance opportunities, and ensure diverse perspectives are shared with FCD and the Watershed Area Steering Committees (WASCs) to be included in development of SIPs and planning and implementation of the Regional Program.

2) Task 2 Description - Community O ach for Watershed Planning

Provide leaders planning. Prepa to build leaders		/atershed fforts made
	The Strategic Outreach Plan should	
Tack 3 Descript	include proposed methods of	d Planning

3) Task 3 Description incorporating existing outreach for Watershed Planning strategies/programs that are ongoing by

Provide leaders hipwatershed area municipalities and elated to watershed planning. Prepare agencies ach strategy plan and document efforts made to build leadership for the Watershed Area.

Task 4 Description - Work with Technical Assistance Teams

4)

The Watershed Coordinator shall develop and maintain a list of potential Infrastructure Program Project Applicants within their assigned watershed area. The Watershed Coordinator shall identify resources needed for those Infrastructure Program Project Applicants and provide the summary of recommended resource needs to the Contract Manager and the WASC for review on an as-needed basis. 5) Task 5 Description – Identify and Develop Project Concepts

,	
	Work with intere- concepts that m (WASCs) and feature for the strategy for of Feasibility Studi This plan should include a strategy for identifying a broad set of conventional and
6)	unconventional stakeholders for engagement. Task 6 Description This should be specific to the watershed area is Priorities
	Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities regarding the Regional Program and project implementation.
7)	Task 7 Description - Integrate Priorities Through Partnerships and Extensive Networks
	Develop and maintain a that identifies strategies to integrate priorities for the community, Municipalities, and region through partnerships and extensive networks.
8)	Task 8 Description - Cost-share Partners
	Identify cost-share partners such as local water agencies, conservancies, and transportation agencies. As appropriate, connect entities interested in cost-sharing and facilitate terms of cost-sharing.
9)	Task 9 Description - Leverage Funding
	Identify, help leverage and secure additional funding including state bond funds, transportation funding such as Measure M, parks funding such as Measure A, Proposition O, and others.
10)	Ta 🛪 10 Description - Local Stakeholders Education
	Educate local Stakeholders the lbloxom workshops, demonstrations, of the state of t
11)	Task 11 Description - Watershed Coordinator Collaboration
	FCD shall assist with development of materials for use by Watershed Coordinators, and shall facilitate information exchange through both email and by hosting regular convenings to share best practices and
	-A.2- Watershed Coordinator Services (2019-AN0XX)

report on outreach and communications activities and approaches. Facilitation of these meetings may be done by FCD or rotate between Watershed Coordinators as an opportunity to refine their facilitation skills.

## B. Skills and Qualification

1) Community Engagement: Highly skilled at engaging diverse communities, including low-income communities of color

2)	Facilitation: Proven ability and participatory decision magnetic the education /
3)	<b>Communication: Experience</b> developing effective education and <b>engagement communication</b> tools tailored to a variety of audiences.
4)	<ul> <li>Subject Matter Knowledge: familiarity with most or all of the following:</li> <li>a. Watershed/integrated approaches to developing multi-benefit, stormwater and urban runoff capture projects/programs</li> <li>b. Local and regional NGOs, public agencies, and other stakeholders</li> <li>c. Local projects, programs, resources</li> <li>d. Current local and regional plans and planning processes related to SCW Program (e.g. LA River Revitalization, LA and SG River Master Plans, Regional WMPs and EWMPs, etc.)</li> <li>e. Green Infrastructure, Low Impact Development Best Management Practices, Nature-Based Solutions</li> </ul>
5)	Presentation: Excellent presentation skills/experience presenting at workshops, community and agency meetings.
6)	Collaboration: Experience developing relationships and facilitating ongoing dialogue with agencies, municipalities, elected officials, and NGO stakeholders at the project, program and watershed level.
7)	Project Development: Ability to compile information and resources needed to support project teams toward identifying pursuing project opportunities.

8) Funding Coordination: Experience identifying, securing and leveraging public and private funding/cost sharing. Grant writing experience desirable.

## C. <u>Maps</u>

See attachment X. (Insert maps for each Watershed Area)

## Table 1. Watershed Coordinator(s) per watershed area

Watershed Area	Total Population*	Watershed Coordinators
Central Santa Monica Bay	1,757,708	2
Lower Los Angeles River	895,933	1
Lower San Gabriel River	903,045	1
North Santa Monica Bay	71,764	1
Rio Hondo	744,634	1
Santa Clara River	286,114	The second se
South Santa Monica Bay	1,003,438	1
Upper Los Angeles River	2,969,577	3
Upper San Gabriel River	1,015,552	1

\*These figures are based on the 2016 US Census and will be updated periodically.

Watershed Coordinator Services (2019-AN0XX) From: Sent: To: Subject: Manal Aboelata Thursday, May 30, 2019 5:42 PM DPW-SafeCleanWaterLA Public Review Period and Public Meeting

Dear SafeCleanWaterLA,

In a County as large as Los Angeles and with a subject matter as technically complex as safe and clean water, I can't help but mention that I believe your public comment period is too short to be meaningful and inclusive. Further, I don't think a single public meeting will accomplish the level of engagement that this massive and costly effort merits. Please consider how you might expand this process to be consistent with a more substantive and inclusive approach.

Respectfully, Manal

Manal J. Aboelata, MPH Deputy Executive Director Prevention Institute Oakland | Los Angeles | Washington, DC

## www.preventioninstitute.org

Promoting health, safety, and wellbeing through thriving, equitable communities.

"We must rapidly begin the shift from a 'thing-oriented' society to a 'person-oriented' society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered." - Dr. Martin Luther King, Jr. (April 4, 1967: Martin Luther King Jr. Delivers "Revolution of Values" Speech)

From:	Manal Aboelata
Sent:	Thursday, June 6, 2019 1:31 PM
То:	Matthew Frary
Cc:	
	; DPW-SafeCleanWaterLA; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;
Subject:	RE: Safe Clean Water Program - Comment Period Extension and Additional Public Meetings

Dear Mr. Frary,

Given the requirement to finalize the process is August 1<sup>st</sup>, we'd like to amend the below date and suggest extending the period until July 9<sup>th</sup>, not the 29<sup>th</sup>. Thank you.

-Manal

From: Manal Aboelata
Sent: Thursday, June 06, 2019 11:26 AM
To:
Cc:
safecleanwaterla@pw.lacounty.gov;

Subject: Re: Safe Clean Water Program - Comment Period Extension and Additional Public Meetings

Dear Mr. Frary,

Thank you for speaking with Elva Yanez, Prevention Institute's Director of Health Equity, as a follow up to my email regarding the Safe Clean Water public review and comment period and process.

We are glad to hear that the County is considering holding additional public review open house meetings to provide an overview of the current Program status and documents related to the implementation ordinance. The additional meetings are essential given the size of Los Angeles County and subject matter as technically complex as stormwater.

Given our previous role as a subcontractor to the Safe, Clean Water Program and Funding Measure to conduct community outreach and engagement in 10 high need communities, we believe that the County would maximize its earlier investments by conducting these meeting in the same communities where engagement work was conducted by embedded community-based organizations (CBOs) in 2018. Since it is probably not feasible to conduct 10 additional meetings within the programs deadlines, we strongly recommend that you at least conduct additional meetings in three prioritized communities where stormwater capacity has grown since the County's initial investment: Boyle Heights, Inglewood/South Los Angeles and Long Beach.

We also would like to urge you to extend your public comment period to July 9<sup>th</sup> to be meaningful and inclusive. Given the amount and complexity of materials to review, this additional time will help to increase participation in the public feedback process.

Thank you for your responsiveness to our initial communication and these recommendations to expand this process to be consistent with a more substantive and inclusive approach.

Respectfully,

### Manal

Cc: Keith Lilly; Katy Yaroslavsky; Leslie Friedman-Johnson; Our Water LA

Manal J. Aboelata, MPH Deputy Executive Director Prevention Institute Oakland | Los Angeles | Washington, DC | Houston

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From: Sent: To: Cc: Subject: Attachments: Melissa You Friday, June 21, 2019 7:02 PM DPW-SafeCleanWaterLA

City of Long Beach Comments on Measure W Ordinance City of Long Beach Measure W Implementation Ordinance Comment Memo 06.21.19.pdf; City of Long Beach Measure W Implementation Ordinance Comment Memo 06.21.19.doc

**Good Evening:** 

Thank you for conducting the Measure W workshops this month. Please find attached the City of Long Beach's Comments to the Measure W Implementation Draft Ordinance for your review and consideration in both pdf and word.

Long Beach would like to note that it was stated at the workshops that Municipalities will likely see funding in Spring 2020. However, there has been communication amongst other agencies that funding may not be seen by Municipalities till mid-year July 2020. Kindly take into consideration that many Cities have already included anticipated Measure W funding in next fiscal year's budget. Long Beach highly encourages the County to ensure that municipal funds of Measure W be available as early as possible without delay as this does affect budgets and project implementation for many agencies.

Please feel free to contact me with an questions or concerns regarding the City of Long Beach's comments.

Thank you,



Melissa You Stormwater/Environmental Compliance Officer, Public Works

www.longbeach.gov/pw/



**Date:** June 21, 2019

To: Safe Clean Water LA

**From:** Melissa You, Stormwater/Environmental Compliance Officer, City of Long Beach

## **Subject:** City of Long Beach Measure W Implementation Ordinance Comments

Measure W Implementation Ordinance Comments as follows:

**Pg. 15** – Section 5, 16.05 – Purpose Elements

C. Projects implemented through the Municipal Program shall include a Water Quality Benefit. Multi-Benefit Projects and Nature-Based Solutions are strongly encouraged.

City of Long Beach Comment: To what extent? What is the minimum? This is what we need to know. Can we just add a full trash capture devices? Or do we need to do more?

## Pg. 17 - Section 5, 16.05 – Purpose Elements

D-1-d. Infrastructure Program. This program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit, as well as, either a Water Supply Benefit or Community Investment Benefit, or both. Infrastructure Program funds: Shall be allocated such that funding for Projects that provide a DAC Benefit is not less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.

City of Long Beach Comment: County should be responsible for generating maps showing allocations provided to each watershed area.

## Pg. 17 - Section 5, 16.05 – Purpose Elements

D-1-i. Infrastructure Program. This program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit, as well as, either a Water Supply Benefit or Community Investment Benefit, or both. Infrastructure Program funds: Shall be prioritized and spent on Projects that, to the extent feasible, assist in achieving compliance with Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01 NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm Sewer System (MS4) Discharges Within The Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From The City of Long Beach MS4 and Order No. R4-2014-0024 (As Amended By Order No. R4-2014-0024-A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sever System Uscharge Requirements For Sever System Discharge Requirements For Municipal Separate Storm Sever Sever Municipal Separate Storm Sever Sever Sever Municipal Separate Storm Sever Sever Sever A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sever Sever Sever Sev

June 21, 2019 Page 2

Long Beach, or successor permits issued by the Los Angeles Regional Water Quality Control Board for such permits.

## City of Long Beach Comment: How is this affected by the recent MS4 Permit litigation?

**Pg. 25** – Section 13, 16.13 – Audit Recordkeeping

B. The following recordkeeping and audit requirements shall apply: Municipalities, Infrastructure Project Developers, and the District shall retain, for a period of seven (7) years after Project completion, all records necessary in accordance with Generally Accepted Accounting Principles to determine the amounts expended, and eligibility of Projects and Programs implemented using SCW Program funds.

City of Long Beach Comment: We have a 5-year record retention policy for projects. Can we get some flexibility here? 5-7 years, depending on the agencies existing records retention procedures.

Pg. 37 – Section 18, 18.06 – Municipal Program Implementation

B-1. Each Municipality receiving Municipal Program funding from the SCW Program shall perform the following functions as part of the Municipal Program: Prioritize the development of Projects that, to the extent feasible, assist in achieving compliance with the Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board.

## City of Long Beach Comment: May need to reword this considering the recent MS4 Permit litigation.

**Pg. 49** – Section 18, 18.07 Regional Program Implementation

C-2-f-Table. Infrastructure Program Implementation - Scoring Committee -The Scoring Committees shall evaluate Projects and Feasibility Studies using the Infrastructure Program Project Scoring Criteria, described In Table \_\_\_\_, below. Infrastructure Program Project Scoring Criteria:

Section	Score Range	Scoring Standards
A.1 Wet Weather	50 points max	The Project provides
Water Quality		A.1.1: For Wet Weat (Cost Effecti
Benefits		in \$Millions)
	l	• <0 4 (acre feet c

City of Long Beach Comment: Cities that have already done projects, will have already built projects in the "easier" and more cost effective areas. Cities that have done less, will have more available areas and will be able to find cheaper areas to build and be more competitive. Cities that have done less will have an advantage.

Section	Score Range	Scoring Standards
A.1 Wet Weather	50 points max	The Project provide
Water Quality Benefits	20 points max	A.1.1: For Wet Wea (Cost Effect in \$Millions) • <0.4 (acre feet ( • 0.4-0.6 (acre feet • 0.6-0.8 (acre feet • 0.8-1.0 (acre feet • >1.0 (acre feet ( <sup>1</sup> . Managerr capacity of a Projec Projects, this would

City of Long Beach Comment: It will be easier for cities that have done little or nothing to date to be more competitive than those that have. It is rewarding them for bad behavior. June 21, 2019 Page 4

**Pg. 50** – Section 18, 18.07 Regional Program Implementation

C-2-f-Table. Infrastructure Program Implementation - Scoring Committee -The Scoring Committees shall evaluate Projects and Feasibility Studies using the Infrastructure Program Project Scoring Criteria, described In Table \_\_\_\_, below. Infrastructure Program Project Scoring Criteria:

D. Nature- Based Solutions	15 points max	The Project impleme
	6	<ul> <li>D1. Project:</li> <li>Implements natu detain, capture, a</li> </ul>

City of Long Beach Comment: What about environmentally friendly solutions? Some water treatment methods use chemicals and methods which are hazardous to residents, while other are safer. We should incentive projects with safety and the environmental in mind.

**Pg. 58 -** Section 18, 18.07 Regional Program Implementation

G-1-d-(6). Watershed Area Steering Committees- Membership Requirements - All persons selected as members or alternates must meet the applicable qualifications described in Table \_\_\_\_, below.

June 21, 2019 Page 5

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MEMBER	YEARS OF EXPERIENC		
Municipalities	Five +		General knowledg Stormwater Progr and TMDL issues Knowledge of the agencies involved supply facilities, a agencies that influ
Groundwater	Five +	•	Experience in one supply, manager Educational back natural sciences, resource-related t
Water Agency	Five +	•	Educational back environmental sci urban planning or Ability to provide Expertise in the p operations of wat transmission and

June 21, 2019 Page 6

At large Community Stakeholders	Two +	<ul> <li>Experience in col</li> <li>Knowledge of an achieve commun</li> <li>Willingness to be Stormwater progr</li> </ul>
Environment al	Two +	<ul> <li>Experience in wa</li> <li>Educational back sciences, land us resource-related</li> <li>Educational back environmental sc urban planning or</li> </ul>
Business	Two +	<ul> <li>Experience in der Urban Runoff cap</li> <li>Knowledge and e achieve water res properties</li> <li>Educational back sciences, land us</li> </ul>

## City of Long Beach Comment: Need to ensure that the WASC representatives are not consultants.

Pg. 62 - Section 18, 18.08 Regional Oversight Committees (ROC)

A-1. The ROC shall be comprised of nine (9) subject matter experts in the areas of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other fields related to Stormwater capture or the reduction of Stormwater or Urban Runoff pollution.

City of Long Beach Comment: Need to try to make sure that the ROC is not filled with consultants.

From: Sent: To: Subject: Attachments:

## mike lewis Tuesday, June 25, 2019 11:24 AM DPW-SafeCleanWaterLA resubmittal of comments on draft documents CICWQ Comments on Implementation Ordinace and Related Documents.pdf

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Construction Industry Coalition On Water Quality

**Coalition Members** 





Building Industry Association of Southern California



Engineering Contractors' Association



Southern California Contractors Association



June 21, 2019

Safe Clean Water Program Department of Public Works Attn: Matthew Frary, Acting Principal Engineer 900 Fremont Avenue Alhambra, CA 91803

RE: COMMENTS ON IMPLEMENTATION ORDINANCE AND RELATED DOCUMENTS

Dear Mr. Frary;

The Construction Industry Coalition on Water Quality (CICWQ) is composed of the largest contracting associations in Southern California including the Associated General Contractors, the Building Industry Association of Southern California, the Engineering Contractors Association, the Southern California Contractors Association and the United Contractors. On behalf of our 3000 contractor members and their 300,000 employees we are pleased to offer the following thoughts on the most recent documents drafted by the County to implement the Measure W storm water funding program.

We would like to see the process for applying for a tax reduction and a low-income senior tax exemption made as simple as possible. It seems unrealistic to expect property owners to reapply every two years. It might make more sense to have the credits and exemptions apply until there is a change in status of the property such as re-development or change of ownership. The proposed process and the documentation required is going to create a paper snowstorm that will overwhelm the division responsible for processing all the claims.

CICWQ is also a very strong advocate for a storm water credit trading program. The ballot measure called for the development of such a program and we view it as critical to the overall success of the storm water compliance effort. This should not be confused with the proposed tax reduction program which the County is inaccurately calling a tax credit program. The Credit trading program will provide the means for property owners to participate in capture projects that are located upstream or downstream of their property in order to achieve compliance off-site. Such a program needs to have several specific components including credit valuations based on compliance costs (not parcel tax values), a means to sell, trade or bank credits and incentives for property owners to join forces to develop projects to accommodate off-site waters.

CICWQ has been working for several years with the Orange County Public Works Department on the development of a storm water credit trading program for the County of Orange. We would be pleased to share with your department the lessons we have learned and the elements we have identified as necessary to develop a successful trading program. Finally, CICWQ would like to address the need to accelerate the construction of the projects envisioned in the ballot measure. The annual \$300,000,000 in revenue is currently proposed to be divided amongst at least 100 different recipients. No one jurisdiction is going to receive sufficient funds in a single year to implement the scale of projects that need to be undertaken to achieve compliance. With the cities able to divert 30% of the funds to existing street- sweeping and monitoring programs, that leaves very little funding for large capital improvements. It is critical that the County and municipalities find a way to finance the early start of these projects, and a backbone system, to demonstrate to the taxpayers the regions commitment to the reduction of pollution in storm water.

CICWQ is available to assist your efforts to implement the Meausre W program and we look forward to participating in the development of future plans and policies.

Sincerely,

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Michael Lewis Senior Vice President

From: Sent: To: Subject: Michelle Staffield Friday, June 7, 2019 4:25 PM DPW-SafeCleanWaterLA Public Review: Draft Credit Program Implementation Procedures and Guidelines

Hello,

I have a few questions/comments regarding the subject document:

Questions:

"Applications must be submitted by December 31st to qualify for credit applied to the following tax year;" Can you clarify whether it is it possible for a parcel to apply and receive credit prior to assessment of the first tax year (i.e. FY 19/20), perhaps through a refund issued similar to Low-Income Senior exemptions received within the first tax year?
 The Engineer's report requires "a copy of the applicable LID...SUSMP...which the credit is being applied;" Can you clarify whether parcels that have installed qualified stormwater and/or urban runoff improvements (i.e. rain barrels, rain gardens, permeable driveways, etc.) without a LID plan or SUSMP already prepared can apply for the Credit Program. For instance, if a home owner has installed rain barrels throughout their property, would the home owner need to hire a Professional Engineer to prepare a LID Plan in addition to the PE preparing/certifying the Credit Program application? Or would the PE be able to submit the Credit Program application without a LID/SUSMP if one was not previously prepared?

**Comments:** 

1) Update definitions section to describe LID (i.e. Low Impact Development)

Thank you in advance for your response.

-- Michelle



Name: Migvel Ramor Email: Phone Organization: <u>The Nature Conserving</u> LA County Public Works may contact me for clarification about my comments	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkOther
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(PROJECT SCORING)

#### SAFE CLEAN WATER PROGRAM

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Name: MIKE ANTOS Email: Phone: Organization: Standac  LA County Public Works may contact me for clarification about my comments	My comments pertain to:Implementation OrdinanceCredit Program Procedures & GuidelinesCredit Program Web ApplicationLow-Income Senior Exemption Procedures & GuidelinesLow-Income Senior Exemption Application FormTax Appeals Process TutorialFeasibility Study Requirements & Scoring CriteriaProject Scoring ModuleWatershed Area Steering Committee Operating GuidelinesWatershed Coordinator Scope of WorkOther
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From: Sent: To: Subject: Antos, Mike Monday, June 17, 2019 2:06 PM DPW-SafeCleanWaterLA WASC and watershed coordinators

Good afternoon,

After reviewing the WASC and watershed coordinator program elements, I wanted to offer a suggestion to review the nearby Santa Ana Watershed Project Authority program called One Water One Watershed (OWOW), which is also the Santa Ana region's Integrated Regional Water Management Program.

The OWOW Program has a regional Steering Committee, and is staffed by SAWPA, which has Watershed Managers onstaff. It is constituted very similarly to the WASC, and serves a similar role. The Watershed Managers are not exactly like the watershed coordinators as they are currently envisioned, but have some parallels.

I would encourage the Clean Safe Water Program to invite SAWPA staff to make presentations or otherwise communicate their lessons-learned from the 10+ years of their effort.

Mike Antos Ph.D. Senior Integrated Water Management Specialist

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From: Sent: To: Cc: Subject: Neal Shapiro Wednesday, May 29, 2019 1:23 PM

DPW-SafeCleanWaterLA RE: Safe, Clean Water Program Implementation Update

FYI, if you are planning to schedule committee meeting end of summer, early fall, please check calendar for the many watershed/rainwater/stormwater conferences in August, September and October. As well as the major Jewish holidays end of September and mostly in October, Rosh Hashana, Yom Kippur and Sukkos.

There are 2 major conferences in August; 2 in September, and 1 in October.

July is conference and holiday free.

From: Sent: Wednesday, May 29, 2019 12:56 PM

Subject: FW: Safe, Clean Water Program Implementation Update

Good afternoon,

Please see the latest update on the Safe Clean Water Program.

Best Regards,

Los Angeles County Public Works

From: Los Angeles County Public Works <<u>DPW@subscriptions.lacounty.gov</u>> Sent: Tuesday, May 14, 2019 3:23 PM

To: Ruby Wang

Subject: Safe, Clean Water Program Implementation Update



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## **PROGRAM IMPLEMENTATION UPDATE**

With the successful passage of Measure W last November, we are now in the process of implementing the Safe, Clean Water Program. There is much to do to get the Program going, and we have a lot of progress to report. Below is the first of our monthly updates on the status of Safe, Clean Water Program\* implementation. Please don't hesitate to contact us at SafeCleanWaterLA@pw.lacounty.gov if you have any comments or questions about the information provided.

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\* The Safe, Clean Water Program will provide local, dedicated funding to increase our local water supply, improve water quality, and protect public health. The Program will generate approximately \$300 million per year from a special parcel tax of 2.5 cents per square foot of impermeable surface area on private property within the L.A. County Flood Control District. Publicly owned parcels. including schools, are exempt under state law. Credits for property owners who have installed stormwater-capture improvements will be available. Qualifying low-income seniors and non-profit organizations are also eligible for exemption.

## Safe, Clean Water Program Updates:

What follows is a report on the status of specific Safe, Clean Water Program elements. For context please see our website, <u>www.safecleanwaterla.org</u> , where you can find the full text of the <u>Board</u> action, adopted by the Board of Supervisors in July 2018.

## Implementation Ordinance

An Implementation Ordinance that clarifies and sets in law certain elements of the Safe, Clean Water Program is under development. We invite you to be a part of this important process. Here is the projected timeline:

A Draft Implementation Ordinance to codify certain program elements is expected to be available for public review by early summer. The final Implementation Ordinance is tentatively scheduled to be adopted by the County Board of

Supervisors on July 30, 2019.

Regional Program

50% of the Safe, Clean Water Program will be implemented at the watershed level, guided by 9 Watershed Area Steering Committees. These committees, as well as a Regional Oversight Committee, are currently being formed, and several other regional programs are under development.

#### Watershed Area Steering Committees (WASCs)

Watershed Area Steering Committee (WASC) Municipal member self-selection was completed in February.

Board of Supervisors' appointments of WASC Agency/ Community members are in process. Board of Supervisor's action to formally appoint members is expected in early summer, 2019. The Committees are expected to begin meeting in late-summer 2019.

### Regional Oversight Committee (ROC)

Board of Supervisor's appointments of ROC members are in progress. Board action to formally appoint members is expected in mid-summer 2019.

### Technical Resources Program

#### Watershed Coordinators

Development of a Request for Services and Qualifications (RFSQ) is in process by Flood Control District staff and is scheduled to be released in the summer.

The first evaluation of Watershed Coordinator applicant proposals will be conducted by the LA County Flood Control District to determine whether applicants meet minimum qualifications.

The second evaluation of proposals and recommendations for hiring will be conducted by a WASC panel.

#### Technical Assistance Teams

Will be provided by the District and are currently being assembled.

#### Infrastructure Program

A project scoring process is under development.

Various applications, and guidance documents are under development.

Draft Fund Transfer Agreements are under development by Flood Control District staff and are expected to be available for public review and comment by the fall.

#### Municipal Program

40% of funds will be allocated directly to municipalities.

Draft Fund Transfer Agreements under development by Flood Control District staff and are expected to be available for public review and comment by the fall.

Flood Control District staff are developing guidance documents to help municipalities understand program parameters and opportunities for technical assistance.

### District Program

The County Flood Control District will receive 10% of Safe, Clean Water funds to develop education programs, develop projects, and administer the overall program.

Requests for Qualifications (RFQs)/ Scope of Work for the Stormwater Education Program are under development by Flood Control District staff and expected to be released late this year.

### Other Program Elements under development

#### Credit Program

The Credit Program outlined in the Board letter package is currently under development by Flood Control District staff.

A public review and comment period is expected to occur in early summer.

#### Credit Trading Program

The Credit Trading Program outlined in the Board letter package is currently under development. A public review and comment period is expected to occur in early summer.

### Tax Calculation and Collection Provisions

Tax roll preparation for the FY 2019-2020 tax roll is under development

The Safe, Clean Water Program tax will be seen on property tax bills sent out in fall 2019.

#### FACEBOOK TWITTER INSTAGRAM

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your <u>Subscriber Preferences Page</u>. You will need to use your email address to log in. If you have questions or problems with the subscription service, please visit <u>subscriberhelp.govdelivery.com</u>.

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From: Sent: To: Subject: Neal Shapiro Thursday, May 30, 2019 9:48 AM DPW-SafeCleanWaterLA Stormwater tax credit

Good day,

I am contacting you as a LA city resident, not city employee. I reviewed quickly the application to get a credit from the new parcel fee.

This application is very complicated, especially for the average resident. So an owner must have an engineer do a report and sign off? Really? So the owner has to hire an engineer to do a report.

It is not enough for the owner to complete a simple application of what the property has to collect rainwater and keep onsite, provide photos, and sign a statement that the information is true?

Obviously, making the application super complicated and long and time-consuming will deter many qualified owners who have legitimate systems from filing an exemption. Don't you think?

Or did I interpret the application in error?

For my house, all my precipitation remains onsite. The house has one downspout to the backyard, where I have 6 rain barrels. My garage has one downspout to back and 4 barrels. My driveway is a Hollywood one, so no runoff. Why can't I take photos of these features and submit, and get exempted?

Sincerely Neal

Neal Shapiro, LEED<sup>®</sup>-Green Associate<sup>™</sup>, NGICP, CPSWQ, CSM, ENV SP, PC832 Arrest Enforcement Officer Certified Stormwater Inspector and Manager, and National Green Infrastructure Program City of Santa Monica, Office of Sustainability & the Environment



www.sustainablesm.org www.sustainablesm.org/runoff

Living in the Santa Monica Bay and Ballona Creek Watersheds

"Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime." Maimonides





From: Sent: To: Subject: nkindu49

Thursday, June 20, 2019 6:56 PM DPW-SafeCleanWaterLA Safe Clean Water Question

When will the calculator be working on the website? I only get the County seal when I click on the "Calculator." I would like to know what the estimate is for my tax increase.

Thank you.

SAFE CLEAN WATER PROGRAM

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