



October 5, 2023

Safe Clean Water Program
Regional Oversight Committee
900 S. Fremont Ave, Alhambra, CA 91803

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Monterey Park
Pasadena
Pomona
Rosemead
San Dimas
San Gabriel
San Marino
Sierra Madre
South El Monte
South Pasadena
Temple City
Walnut
West Covina
First District, LA County
Unincorporated Communities
Fifth District, LA County
Unincorporated Communities
SGV Water Districts

RE: Safe Clean Water Program Biennial Progress Report

Dear Chair Guerrero and Members of the Committee:

The SGVCOG includes the membership of 31 cities, three Supervisorial Districts, and three Municipal Water Districts, representing over 2 million residents. We understand and take seriously stewardship of environmental resources. Our 2023 legislative priorities passed by the Governing Board (Attachment) relating to water include:

- Advocating for Safe Clean Water Program funding for cities' MS4 projects.
- Advocating for enhancements to the implementation of the Safe Clean Water Program to ensure that the funding is effectively, efficiently, and equitably used for projects that focus on ensuring clean water for all residents and cities' compliance with the MS4 Permit.
- Advocating for regional projects that provide drinking and stormwater quality, supply, and resiliency benefits to the San Gabriel Valley.
- Supporting regional coordination among cities and local water agencies in combating the ongoing drought and implementing water conservation best practices.

31 of the 88 municipalities in Los Angeles County are in the San Gabriel Valley and are mandated to develop infrastructure projects to improve stormwater quality and reduce pollution as part of the region's compliance with the Federal Clean Water Act. These 31 cities benefit from the Safe Clean Water funding for development of local and regional multi-benefit stormwater capture projects and programs to comply with the Clean Water Act.

There are several concerns cities in the San Gabriel Valley Council of Governments have regarding the process relating to the progress report. First, the progress report is not the appropriate venue to bring up critical changes to the program or project scoring. These considerations have been brought up at multiple instances throughout the term of the SCWP, but establishing parameters for the project progress report does not mean revisiting concerns about broad program components and project scoring criteria.

Additionally, the process of deliberating these considerations at the ROC level prioritizes the input of the most proactive stakeholders and does not ensure equal participation. Historically, program components related to projects have been discussed and coordinated at the level of the WASC, then elevated to the Scoring Committee and ROC for their engagement. As cities have been the primary practitioners of SCWP project implementation and will be most impacted by decisions made regarding this progress report, they are the most appropriate party to weigh in on these considerations.

However, the current process has been insufficient to obtain meaningful input from city practitioners. An alternative process might have included watershed coordinators' development and evaluation of a potential progress report, which would then be provided for input by the Scoring Committee, then the ROC and community stakeholders. At a minimum, the draft progress report should have been brought before the WASCs during the process.

For any questions about these comments, please do not hesitate to reach out to Mackenzie Bolger, SGVCOG Senior Management Analyst (mbolger@sgvcog.org).

Sincerely,



Marisa Creter
Executive Director
San Gabriel Valley Council of Governments

Attachments:

[SGVCOG 2023 Legislative Priorities](#)



Public Comment Form

Name*: Maggie Gardner

Organization*: OurWaterLA

Email*: maggie@lawaterkeeper.org

Phone*: (310) 651-3360

Meeting: ROC

Date: 12/7/2023

☐ LA County Public Works may contact me for clarification about my comments

*Per Brown Act, completing this information is optional. At a minimum, please include an identifier so that you may be called upon to speak.

Phone participants and the public are encouraged to submit public comments (or a request to make a public comment) to SafeCleanWaterLA@dpw.lacounty.gov. All public comments will become part of the official record.

Please complete this form and email to SafeCleanWaterLA@dpw.lacounty.gov by at least 5:00pm the day prior to the meeting with the following subject line: "Public Comment: [Watershed Area] [Meeting Date]" (ex. "Public Comment: USGR 4/8/20").

Comments

Please see attached letter



November 30, 2023

SCWP Regional Oversight Committee
Sent via email

RE: OWLA's SCWP Biennial Review Recommendations

Chair Guerrero, Vice-Chair Faustinos & Committee Members,

On behalf of the OurWaterLA (OWLA) coalition, the undersigned strongly urge the Regional Oversight Committee (ROC) to consider the following recommendations in their review of the biennial SCWP Progress Report.

We have attended the biennial review ROC meetings and we are heartened by the robust discussion we have heard from committee members. We agree with the plan to keep the Progress Report short and to focus on clear findings and recommendations. We believe the first draft had some good information, but that it was lost due to the length and organization of the report. The final report should celebrate the many successes of the SCWP, but also not be afraid to explicitly identify components of the program needing improvements with clear recommendations on how to move forward that include specific prioritization, deadlines, and leads.

Findings:

We agreed with the findings included in the draft Progress Report, but found that some content lacked details or was missing. The content we believe needs to be added is provided below.

Regional Program:

1. **Clear, measurable goals for the program** such as hardscape removal and stormwater capture. This lack of goals makes assessing the success of program implementation difficult to quantify.
2. **Explicit explanation of the uncertainty in benefits quantified** and how that uncertainty could be mitigated, such as
 - a. risk of double counting water supply of upstream/downstream projects, lack of Watermaster concurrence, and unbuilt wastewater recycling plants;
 - b. claimed Disadvantaged Community Benefits (discrepancies identified by UCLA Stantec Equity in Stormwater Investments Report);
 - c. claimed Community Investment Benefits; and
 - d. potential overbuilt projects.
3. **Address the lack of hardscape removal and green schools.**
4. **What steps are being taken to shift to a proactive approach to SCWP.**

Municipal Program:

1. **Transparency and accountability** of funds spent.

District Program:

1. **Breakdown of funds spent and funds remaining**, specifically for how much money is allocated to different programs, like education, are remaining and what has been accomplished with the funds spent.
2. **What steps are being taken to roll out education, outreach, and workforce development programs.**

Recommendations:

We have redlined the recommendations from the first draft of the Progress Report below. While we recognize that there is another draft in progress, we wanted to offer our recommendations on how we would have edited the first draft to share as guidance with ROC members as they review the changes made for the second draft.

Recommendations 1-65: Set Targets, Identify Resource Needs, and Implement Metrics Planning and Tracking Modifications

1. Expedite watershed planning efforts to include numeric and time bound program goals and interim milestones for water quality compliance achievement, creation of new water [particularly through groundwater recharge], replacement of hardscape with new greenspace, tree canopy coverage, school greening, etc) with implementation plans. Development of goals and implementation plans should ~~consideration of previous plans~~ (e.g., OurCounty Plan, County Water Plan, etc.) and concurrent studies, and include ~~conferring~~ with subject-matter experts, and incorporate input from Watershed Area Steering Committees (WASCs) related to watershed-specific priorities (consistent with July 25 motion by Supervisor Lindsey P. Horvath: Accelerating Implementation of the SCWP) (Tier 1 and Tier 2)
2. Identify resource needs (including leveraging targets) to meet established goals, and identify potential cost-share (e.g., Measures A & M, BIL/IRA, state climate programs) and partnerships required to secure resources necessary for success (Tier 1 and Tier 2)
- 2-3. Implement new metrics, monitoring, and project assessment criteria into Regional Program Application and Reporting Modules, including on workforce impacts and compliance with the County's Community Workforce Agreement/Project Labor Agreement (Tier 1, Tier 2 and Tier 3)
- 3-4. Assess separate processes for projects applying for different stages of the Infrastructure Program (design, construction, operations and maintenance) and different project sizes, with the overarching goals of (1) streamlining application processes, (2) achieving the program goal to provide a spectrum of project sizes and types from neighborhood to regional scales, specifically looking at distributed nature-based projects and those that use treatment trains, and (3) providing accessibility to NGO/CBO applicants (consistent with July 25 Board Motion) (Tier 1 and Tier 2)
- 4-5. Implement new metrics, monitoring, and project assessment criteria for the Municipal Program Annual Plan and Annual Reporting processes. These metrics should include community engagement standards comparable to the Regional Program (Tier 1 and Tier 3)

~~5-6.~~ Assess and revise scoring criteria for the Regional Program to account for metrics proposed by the MMS and others, including cost indexing, the addition of Disadvantaged Community scoring criteria, clear metrics for Community Investment Benefits, community engagement with a minimum requirement of “involve” based on the Spectrum of Community Engagement to Ownership, a scale dependent scoring rubric for hardscape removal, sliding scale nature-based solutions scoring that incorporates a metrics-based “good, better, best” framework, workforce impacts, a graduated sliding scale to award points for leveraged funding, full cost accounting, and other goal-specific considerations (Tier 2)

Recommendations ~~7-11-6-10:~~ Clarify Definitions and Guidance ~~Goal-specific Guidance~~
Clarifications

~~6-7.~~ Clarify definitions for locally available water supply with consideration to environmental use and establish initial water supply targets for each of the nine watershed areas with focus on areas of greatest opportunity, starting with an estimate based on percentage of runoff captured and adapting as appropriate over time and in consideration of other existing information and targets (or portions of targets) established through other efforts (e.g., Integrated Regional Water Management [IRWM] Program, California Water Plan [CWP], One Water LA 2040 Plan, MS4 compliance ~~Enhanced Watershed Management and~~ Watershed Management Plans [~~EWMPs~~/WMPs], Los Angeles Basin Study, etc.) (Tier 1 and Tier 2)

~~7-8.~~ Expand Disadvantaged Community guidance to establish a clear process for determining and defining Disadvantaged Community Benefits informed by the MMS, including calculating Disadvantaged Community Benefits based on proportionality for 110% determination and project scoring and requiring applicants to demonstrate indirect displacement avoidance strategies (Tier 1 and Tier 2)

~~8-9.~~ Develop Community Investment Benefit (CIB) guidance to include specific metrics for both scoring projects and tracking outcomes, clarify definitions such that applicants must demonstrate community need for the project CIB via data and/or community needs assessment, and quantify benefits informed by the MMS and comprehensive watershed planning (Tier 1 and Tier 2)

~~9-10.~~ Revise Feasibility Guidelines to require distinction between nature-based solutions and nature-mimicking solutions, and clarify what it means to prioritize Nature-Based Solutions (Tier 1 and Tier 2)

~~10-11.~~ Convene a panel of ROC members and outside experts to a Assess water quality metrics, monitoring, and assessment criteria within the context of other regional water quality programs and projects, and better characterize upstream and downstream project interactions (Tier 1 and Tier 2)

**Recommendations ~~12-15~~12: Enhance Community Engagement~~Community Outreach~~
and Engagement**

~~11.~~12. Immediately roll out Community Engagement (March 2024 if not sooner), Education (June 2024 if not sooner), and Workforce Development (Dec 2024 if not sooner) programs. (Tier 1)

~~12.~~13. In conjunction with Watershed Coordinator annual Strategic Outreach and Engagement Plans (SOEP) and other SCWP outreach efforts, leverage the education and engagement grants program to increase Program participation by community groups, schools, and ~~other stakeholders~~tribes (Tier 1)

14. To ensure substantial engagement and consultation with local Tribes, the Los Angeles County government shall initiate government-to-government outreach. If tribal representation is available and interest is demonstrated, priority for committee participation will be accorded, along with appropriate compensation. Additionally, consideration may be given to adding an extra seat for tribal representation. The County should also lead with support of the Watershed Coordinators an effort to ensure local Tribal consultation on projects and project design and guidance to project proponents to identify tribes whose ancestral land their project may be located on. (Tier 1 and Tier 3)

~~13.~~15. In conjunction with Watershed Coordinator SOEPs, establish a means to solicit and incorporate community input and needs in an ongoing manner for the Technical Resources Program (TRP), Infrastructure Program, and Scientific Studies, ~~the results of which are publicly accessible~~ (Tier 1, Tier 2, and Tier 3)

**Recommendations ~~16-18~~13-15: Improve Program Administration
Administrative/Procedural**

~~14.~~16. Refine the process and timeline for the ROC to evaluate whether Program Goals are being advanced at the Program and watershed levels per the Ordinance, including bringing Stormwater Investment Plans (SIPs) to the ROC as they are approved by the WASCs to allow for more timely review and deliberation, ~~assessing WASC performance~~, and developing a public monitoring dashboard to assess Program-wide benefits (Regional Program, Municipal Program, and District Program) over time. This dashboard would be an appropriate place to compare benefits to community needs identified through recommendation 15 (Tier 1 and Tier 2)

~~15.~~17. Revise Regional Program quarterly reporting to twice-yearly in conjunction with Project Modification Reports (Ordinance change, Board Approval) (Tier 3)

~~16.~~18. Establish additional dedicated staff resources to support planning, adaptive management, implementation, and success of SCWP as it continues to expand, including the Board-directed comprehensive watershed planning group (Tier 3)

Thank you for your consideration of these recommendations. Please let us know if you would like further explanation or context for any recommendation or have any questions. We look forward to continuing our engagement with this committee to ensure a better water future for the region.

Sincerely,
OurWaterLA

OWLA Core Team (Heal the Bay, LAANE, LA Waterkeeper, Nature for All, Pacoima Beautiful, SCOPE, The Nature Conservancy and TreePeople)

CC: Kristine Guerrero, Belinda Faustinos, Matt Frary, Kirk Allen

OurWaterLA is a diverse coalition of community leaders and organizations from across Los Angeles County united to create a strong water future for Los Angeles. Our goal is to secure clean, safe, affordable and reliable water for drinking, recreation and commerce now and for the future. We have a deep commitment to uphold the trust that voters had in us when passing this measure and that projects which achieve Safe Clean Water Program objectives of water quality, water supply, nature-based solutions and community investments are prioritized.



Public Comment Form

Name*: Ray Tahir Organization*: TECS Environmental

Email*: rtahir@tecsenv.com Phone*: (626) 396-9424

Meeting: Regional Oversight Committee Date: 12/7/2023

☐ LA County Public Works may contact me for clarification about my comments

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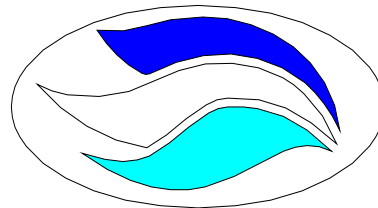
Comments


Have power point for presentation during public comment. See attached.


REGIONAL OVERSIGHT COMMITTEE MEETING


PUBLIC COMMENT

Ray Tahir
TECS Environmental
December 7, 2023



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- Ex-Parte Communication
 - ✓ According to SCWP staff, any communication with the Watershed Area Steering, Scoring, and Regional Oversight committees must be disclosed. This is false.
 - ✓ Staff claims that this requirement is authorized under the Brown Act. Although committees are covered under the act, it mentions nothing about ex-parte communication.
 - ✓ Nothing in the SCWP Ordinance also makes reference to ex-parte communication. Typically, ex-parte communication only applies to adjudicative matters. Committee activities are clearly not adjudicative.
 - ✓ If staff or county counsel disagrees, please say so in writing – if it can't, then remove ex-parte communication as a SCWP guideline

- 
- No Representation for the Dominguez Channel Watershed Area
 - ✓ County SCWP Ordinance requires WASCs for watershed areas. The Dominguez Channel watershed is referenced in the MS4 Permit.
 - ✓ For some reason it has been pushed into the South Santa Monica Bay WASC.
 - ✓ Problem: Dominguez Channel does not drain to the South Santa Monica Bay; it drains to the Los Angeles Harbor.
 - ✓ As a consequence, DC permittees are at a disadvantage when it comes to SCWP funding opportunities. The matter has been called to the attention of Supervisor Mitchell.

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- The Two Minute Limit on Public Comments Needs to be Expanded to at least Three Minutes
 - ✓ Restricting public comment to two minutes is unreasonable. Even the Regional Board allows for 3 minutes or even more during public comment. Together with ex-parte communication, the two minute limit places a serious handicap on the public's ability to access decision makers.
 - At the last meeting, Liz Crosson suggested that the Upper San Gabriel River propose capture projects. It can't because it would require diverting runoff away from the spreading grounds, which raises a CEQA issue. Further, 85-90% of runoff that goes to the spreading grounds is treated. No capture controls are needed.

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- Lastly let me leave you with this from the Brown Act

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”



Date: _____

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Comments

To review the guidance documents and for more information, visit www.SafeCleanWaterLA.org