



## **Flood Control and Water Conservation**

## Stormwater Funding - (State)

**Issue:** Local governments lack resources necessary to effectively implement federally mandated stormwater management programs.

**Action:** Promote legislation that enables local governments to effectively develop stormwater utilities, Joint Powers Authorities (JPA) and/or other innovative local and regional governance structures necessary to develop effective programs for, pool revenue for, and reduce costs of, state and federal stormwater quality mandates.

Promote legislation that allocates state funding resources to local stormwater programs and/or provides local governments with flexibility to develop new revenue streams where appropriate.

Promote legislation that facilitates integrated management of stormwater runoff and other water resources. SB 485 (Hernandez), Chapter 678, Statutes of 2015 provides an example of this approach by demonstrating how stormwater and wastewater can be jointly managed to the benefit of local communities.

**Background:** For nearly two decades the Regional Water Quality Control Boards have administered federal Clean Water Act stormwater quality programs on behalf of the US Environmental Protection Agency (EPA) through permits issued to the joint operators of municipal storm drain systems (cities and Counties). This federally mandated program is exempt from State Mandate claims under the California Constitution.

Municipal stormwater permits initially focused on development and iteration of education programs and best practices to improve management of stormwater quality over time. Starting in 2010, stormwater permits began requiring direct compliance with water quality standards. This created a multi-billion dollar mandate for cities and counties without a commensurate infrastructure to fund, develop and manage programs. Local governments across the state are now looking for creative and innovative ways to refine and address these mandates.

Although local governments broadly support livable communities and healthy environments, the method of regulation imposes a major burden on communities. Legislative actions, such as those identified above, can facilitate compliance efforts and could ease local burdens.

## **Proposition 1 Funding Water Quality, Supply and Infrastructure Improvement Act of 2014 (AB 1471, Chapter 10) - (State)**

**Issue:** Challenges arising from persistent drought and the prospect of El Nino create flood and water conservation project opportunities in Riverside County. Prop 1 guidelines focus upon Northern California and Central Valley needs.

**Action:** Riverside County needs to compete vigorously for Prop 1 funding to address present and future local community needs. Implementation language should promote “fair share” funding for the allocation of Prop 1 monies. Legislation should be introduced to streamline grant application, award and administration processes, enabling local leaders – including those from disadvantaged communities – to propose and secure grant project funds that provide precise benefit to those communities.

**Background:** State and federal legislation in recent years has focused on drought relief in the Central Valley and environmental mitigation of drought-related impacts. Discussion of the governor’s California Water Fix occupies center stage. Although Prop 1 funding offers a significant opportunity for infrastructural improvements, the California Water Action Plan objective to deliver “a more resilient and sustainably managed water infrastructure” may not be successfully realized for stormwater projects in Riverside County. Requirements for ancillary plans and reports, such as Stormwater Management Plans and Groundwater Management Plans, impede local efforts to apply for water bond grants and should be phased in to facilitate compliance.

## Accountability for Operators of Subsurface Installations - (State)

**Issue:** Subsurface Utility operator accountability. There is a lack of competent record keeping and responsiveness to municipal agencies with franchise authority over these underground facilities.

**Action:** Legislation that imposes significant consequences on subsurface operators for non-compliance with existing “One Call” laws and franchise agreements allowing use of the public right of way is necessary. Increased civil penalties and stronger regulatory language would be of immense public benefit.

**Background:** Subsurface operators, particularly telecommunications companies, have facilities that interfere with critical new municipal infrastructure, e.g., water, sewer, storm drain, street improvements, etc. These operators often refuse to comply with the terms of the franchise agreements under which they operate. This creates enormous cost increases and delay and public inconvenience when undisclosed interfering subsurface facilities are discovered during project construction.

## Water Resource and Environmental Regulation (Water Resource Management) - (State)

**Issue:** State regulatory approaches do not always balance social, economic and environmental needs. Communities need regulatory requirements to consider capacity to comply.

**Action:** There is a need to examine and, where indicated, revise regulations to account for differences in communities and their ability to comply. The “one size fits all” approach to regulation is ultimately ineffective in achieving goals uniformly. A “*Serrano v. Priest*” solution – one that measures a community’s ability to comply in terms of tax structure, revenue streams and SES – might provide communities with different timetables to achieve what regulations require.

**Background:** Agriculture remains the largest user of the state’s water. Competing industrial, municipal and residential use present economic opportunities that demands an ever-increasing amount of water. Environmental protection and mitigation claim, even demand, an irreducible share of fresh water available.

Capture, re-use, conservation and reduction in water usage offer substantial increases in the availability of future water resources. But communities struggling to achieve compliance or reduction goals need a blended regulatory approach that enables them to succeed within their own capacity.

Current regulations impose an unrealistic standard on struggling communities. There needs to be a modification of the regulatory structure to accommodate communities and ensure their success.

## **Water Resource and Environmental Regulation (Exemptions for Emergency Activities) - (State)**

**Issue:** Regulations are too narrowly drawn, failing to provide exemptions for emergency activities necessary to protect public health and safety.

**Action:** The list of exemptions should be expanded to include critical flood control and water resource management projects.

**Background:** There is a list of activities exempt from regulation in the federal Clean Water Act, Section 404(f). California conservation emergency regulations provide an exemption from prohibitions on water use where there is a need to protect public health and safety. A clarification of such exemptions to include critical flood control and water resource management projects would protect public health and safety.