



# San Gabriel Valley Council of Governments

## AGENDA AND NOTICE OF THE **SPECIAL** JOINT MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, March 12, 2019, 10:00 AM

**Monrovia Public Works Yard - 600 S. Mountain Ave; Monrovia, CA**

### Water Policy Committee

**Chair: Judy Nelson**  
City of Glendora

**Vice-Chair:**  
**Gloria Crudgington**  
City of Monrovia

**Members**  
Claremont  
Glendora  
Monrovia  
Rosemead  
Sierra Madre  
South Pasadena  
West Covina  
LA County District 1  
Upper San Gabriel Valley  
MWD

### Water TAC

**Chair: Tom Love**  
Upper San Gabriel Valley  
Municipal Water District

**Vice Chair: Alex Tachiki**  
City of Monrovia

**Members**  
Alhambra  
Arcadia  
Bradbury  
Covina  
Duarte  
Monrovia  
Pomona  
Sierra Madre  
LA County DPW  
San Gabriel Valley MWD  
Upper San Gabriel Valley  
MWD

**Ex-Officio Members**  
LA County Sanitation  
Districts  
SG Basin Watermaster

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvco.org](http://www.sgvco.org). Copies are available via email upon request ([sgv@sgvco.org](mailto:sgv@sgvco.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**PUBLIC PARTICIPATION:** Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**PRELIMINARY BUSINESS**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

**CONSENT CALENDAR** (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes – Page 1  
*Recommended Action: Approve Water Committee/TAC meeting minutes.*

**ACTION ITEMS**

6. AB 755 (Holden): California Tire Fee/Stormwater Permit Compliance Fund – Page 5  
*Recommended Action: Recommend the Governing Board support AB 755 (Holden).*
7. AB 1093 (Rubio): Stormwater Financial Capability Analysis – Page 17  
*Recommended Action: Recommend the Governing Board support AB 1093 (Rubio).*
8. AB 1204 (Rubio): Primary Drinking Water Standards Implementation Date – Page 23  
*Recommended Action: Recommend the Governing Board support AB 1204 (Rubio).*

**UPDATE ITEMS**

9. Measure W Implementation Update  
*Recommended Action: For information only.*
10. E/WMP Updates  
*Recommended Action: For information only.*
11. Water TAC Chair Report  
*Recommended Action: For information only.*
12. Water Supply Update  
*Recommended Action: For information only.*
13. Water Boards Update  
*Recommended Action: For information only.*
14. Stormwater Litigation Update  
*Recommended Action: For information only.*
15. Revised Definition of “Waters of the United States” – Page 27  
*Recommended Action: For information only.*
16. Correspondence – Page 31  
*Recommended Action: For information only.*

**CHAIR’S REPORT**

**ANNOUNCEMENTS**

**ADJOURN**



**SGVCOG Joint Water Policy Committee/TAC **Special Meeting**  
Unapproved Minutes**

Date: January 14, 2019  
Time: 10:00 AM  
Location: Upper San Gabriel Valley Municipal Water District  
602 E. Huntington Drive, Monrovia, CA

**PRELIMINARY BUSINESS**

1. Call to Order: The meeting was called to order at 10:04 A.M.
2. Roll Call

**Water Policy Committee Members Present**

M. Clark, Rosemead  
J. Nelson; G. Boyer, Glendora  
J. Capoccia, Sierra Madre  
D. Mahmud, South Pasadena

**Water Policy Committee Members Absent**

Claremont  
LA County District #1  
West Covina  
A. Fellow, USGVMWD  
G. Crudgington, Monrovia

**Water TAC Members Present**

L. Waters; J. Chavez, Alhambra  
M. Jiang, Arcadia  
J. Carver, Pomona  
T. Love, USGVMWD  
A. Tachiki, Monrovia  
J. Carlson, Sierra Madre  
M. Lombos; R. Wang; F. Villaluna LACDPW  
E. Reyes, SGVMWD  
Bradbury, K. Kearney

**Water TAC Members Absent**

S. Costandi, Covina

**Ex Officio Members Present**

S. Green, LACSD  
K. Gardner, SG Watermaster

**Ex Officio Members Absent**

**Guests**

M. A. Lutz, Former Mayor of Monrovia  
B. Lathrop, City of Bradbury  
Y. Serna; A. Hamilton, Duarte  
B. Jensen, SGVEP  
B. Faustinos, Nature for All

B. Pence, Congresswoman Napolitano  
W. La, SGMRC  
M. Liteufild, Three Valleys MWD  
M. Lyons, Assemblymember Holden

**SGVCOG Staff**

P. Hubler  
K. Ward

3. Public Comment.  
No public comment.
4. Changes to Agenda Order.  
No changes to the agenda order.

**CONSENT CALENDAR**

**5. Water Committee/TAC Meeting Minutes**

**There was a motion to approve the consent calendar. (M/S: D. Mahmud/M. Clark).**

**[MOTION PASSED]**

<b>AYES:</b>	Alhambra, Arcadia, Bradbury, Monrovia Pomona, Glendora, Sierra Madre, South Pasadena, Rosemead, USGVMWD, LACDPW, SGVMWD
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Covina, Claremont, West Covina, LA County District #1

**PRESENTATION**

**6. Safe Clean Water Program Update - Kirk Allen, Los Angeles County Public Works**

K. Allen presented on this item. K. Allen reviewed the implementation timeline for the Safe, Clean Water Program. A question was raised that implementation of the program is already being done prior to the implementation ordinance being adopted by the Board of Supervisors. K. Allen will follow-up to address the discrepancy between the activities being conducted and adoption of the implementation ordinance. K. Allen indicated that outreach for the remaining vacant seats (community and business) has commenced and has been sent to all city managers and public works director in LA County. City selection committee meeting notices will be sent out in the next two weeks. Lower SGV and Lower LA have been scheduled and will meet this Thursday. A short bio would be helpful to have at the self-selection meeting to be considered for an appointment. Cities/Watershed areas are able to decide how the member is selected, could be weighted, the County simply wants to provide guidance for process. The Committee also raised the question that it would be beneficial to host a County-wide meeting to discuss frequently asked questions. Business Watershed Committee appointment will be picked by the Board of Supervisors (BOS), by late February County staff will generate a nominee list and is now currently gathering a short-list to share with the BOS. If individuals have an idea for qualified individuals for the business seat appointment, this nominee can be sent to K. Allen to share with the BOS for consideration. K. Allen mentioned that a timeline for the credit program is still being developed. A question was raised on the flexibility of changing the scoring criteria, K. Allen will clarify if scoring criteria is still able to be changed/modified.

**LEGISLATIVE UPDATES**

**7. Update to 2019 Water/Stormwater Legislative Priorities**

P. Hubler reported on this item. He reviewed the updates to the priorities that the Committee and TAC adopted at the November meeting. There was a request to incorporate language in the FCA priority that directs the EPA to update the federal FCA guidelines. The Committee and TAC suggested that the capital projects priority could be modeled after similar legislation for school projects that legislate guidelines. The water rights priority will be updated to clarify that water rights refers to new, captured water.

**8. Water Infrastructure Improvement Act**

S. Green reported on this item. The Act is consistent with previously supported provisions of the SGVCOG. There was a request by the Committee to send a letter of appreciation to Congresswoman Napolitano for her work on the Act.

**UPDATE ITEMS**

**9. E/WMP Updates.**

No update was given.

**10. Water TAC Chair Report**

T. Love reported on this item. The TAC is working on topics to provide technical expertise to the Policy Committee. There was a request by the Policy Committee for the TAC to provide technical assistance, specifically as it relates to data gathering for future talks with the Regional Board regarding municipal costs of stormwater compliance.

**11. Water Supply Update**

T. Love and K. Gardner reported on this item.

**12. Water Boards Update**

D. Mahmud reported on this item. She announced two new appointments to the Water Board. A retreat is scheduled and will determine new Chair of the Regional Water Board.

**13. Stormwater Litigation Update**

D. Mahmud reported on this item. She provided an update on the Duarte/Gardena court. The Judge in the case ruled that no language in administrative record that cost/numerical was considered in the issuance of the MS4 permit.

**14. EPA and Army "Waters of the United States" Definition**

D. Mahmud reported on this item. This will not be incorporated until published in the Federal Register.

**CHAIR'S REPORT**

**ANNOUNCEMENTS**

**ADJOURN**

The meeting adjourned at 12:02 p.m.



# REPORT

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DATE: March 12, 2019

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

**RE: AB 755 (HOLDEN): CALIFORNIA TIRE FEE**

## **RECOMMENDED ACTION**

Recommend the Governing Board support AB 755 (Holden).

## **BACKGROUND**

At the February 2019, Governing Board meeting, members adopted Resolution 19-03 identifying stormwater legislative priorities for 2019 and directing the Water Committee to engage with State legislators to support these priorities. Staff and Water Committee members have engaged with San Gabriel Valley representatives who have agreed to sponsor legislation. As a result of these efforts, several bills have been introduced. One bill, AB 755 (Holden) would increase the tire recycling fee and the money would be used for stormwater cleanup.

Currently, the California Tire Recycling Act requires a person who purchases a new tire to pay \$1.75 per tire, for purposes related to air quality and tire recycling. This bill would increase the tire fee by \$1.50 to be deposited in the Stormwater Permit Compliance Fund and would make the moneys available to the State Water Resources Control Board Division of Financial Assistance. The bill would continuously appropriate moneys in the fund for competitive grants for projects and programs for MS4 permit compliance requirements that would prevent or remediate zinc pollutants caused by tires in the state and for an annual audit of the fund.

In 2017, the SGVCOG introduced AB 1180 (Holden) to address the source of zinc, a major contributor to stormwater pollution, by applying a \$1.50 fee for each new tire. This bill did not make it out of Assembly Appropriations. At the time, there was hesitation to promote multiple fees at the same time, which included SB 1 and other major funding initiatives.

Prepared by:  \_\_\_\_\_

Katie Ward  
Senior Management Analyst

Approved by:  \_\_\_\_\_

Marisa Creter  
Executive Director

## ATTACHMENTS

Attachment A – AB 755 (Holden)



**ASSEMBLY BILL****No. 755**

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**Introduced by Assembly Member Holden**February 19, 2019

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An act to amend Sections 42885 and 42889 of, and to add Section 42888.5 to, the Public Resources Code, relating to tires, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 755, as introduced, Holden. California tire fee: Stormwater Permit Compliance Fund.

The California Tire Recycling Act, until January 1, 2024, requires a person who purchases a new tire to pay a California tire fee of \$1.75 per tire, for deposit, except for 1½% retained by retailers and as provided below, in the California Tire Recycling Management Fund for expenditure by the Department of Resources Recycling and Recovery upon appropriation by the Legislature for prescribed purposes related to disposal and use of used tires. Commencing January 1, 2024, existing law reduces the California tire fee to \$0.75 per tire and changes the retailers' share to 3%.

Existing law, until January 1, 2024, requires that \$0.75 per tire on which the California tire fee is imposed be deposited in the Air Pollution Control Fund with these moneys to be available upon appropriation by the Legislature for use by the State Air Resources Board and local air districts to fund programs and projects that mitigate or remediate air pollution caused by tires in the state, as provided.

This bill would increase the California tire fee by \$1.50. The bill would deposit the additional moneys in the Stormwater Permit

Compliance Fund, which would be established by the bill, and would make the moneys available to the State Water Resources Control Board Division of Financial Assistance. The bill would continuously appropriate moneys in the fund for competitive grants for projects and programs for municipal storm sewer system permit compliance requirements that would prevent or remediate zinc pollutants caused by tires in the state and for an annual audit of the fund. Money in the fund would be available upon appropriation for the administrative expenses of the fund, not to exceed 3% of the overall revenue annually deposited in the fund, except as specified. The bill would also make conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 42885 of the Public Resources Code, as
- 2 amended by Section 31 of Chapter 401 of the Statutes of 2013, is
- 3 amended to read:
- 4 42885. (a) For purposes of this section, “California tire fee”
- 5 means the fee imposed pursuant to this section.
- 6 (b) (1) A person who purchases a new tire, as defined in
- 7 subdivision (g), shall pay a California tire fee of ~~one dollar and~~
- 8 ~~seventy-five cents (\$1.75)~~ *three dollars and twenty-five cents*
- 9 *(\$3.25)* per tire.
- 10 (2) The retail seller shall charge the retail purchaser the amount
- 11 of the California tire fee as a charge that is separate from, and not
- 12 included in, any other fee, charge, or other amount paid by the
- 13 retail purchaser.
- 14 (3) (A) The retail seller shall collect the California tire fee from
- 15 the retail purchaser at the time of sale and may retain 1 ½ percent
- 16 of the fee as reimbursement for any costs associated with the
- 17 collection of the fee. ~~The~~
- 18 (B) *The* retail seller shall remit the remainder to the state on a
- 19 quarterly schedule for deposit in the California Tire Recycling
- 20 Management Fund, which is hereby created in the State ~~Treasury.~~
- 21 *Treasury, the Air Pollution Control Fund, and the Stormwater*
- 22 *Permit Compliance Fund, established pursuant to Section 42888.5.*

1 *Of this amount, for each tire subject to the California Tire Fee,*  
2 *seventy-five cents (\$0.75) shall be deposited in the Air Pollution*  
3 *Control Fund pursuant to Section 42889, one dollar and fifty cents*  
4 *(\$1.50) shall be deposited in the Stormwater Permit Compliance*  
5 *Fund, and the balance shall be deposited in the California Tire*  
6 *Recycling Management Fund.*

7 (c) The department, or its agent authorized pursuant to Section  
8 42882, shall be reimbursed for its costs of collection, auditing, and  
9 making refunds associated with the California Tire Recycling  
10 Management Fund, but not to exceed 3 percent of the total annual  
11 revenue deposited in the fund.

12 (d) The California tire fee imposed pursuant to subdivision (b)  
13 shall be separately stated by the retail seller on the invoice given  
14 to the customer at the time of sale. Any other disposal or  
15 transaction fee charged by the retail seller related to the tire  
16 purchase shall be identified separately from the California tire fee.

17 (e) A person or business ~~who~~ *that* knowingly, or with reckless  
18 disregard, makes a false statement or representation in a document  
19 used to comply with this section is liable for a civil penalty for  
20 each violation or, for continuing violations, for each day that the  
21 violation continues. Liability under this section may be imposed  
22 in a civil action and shall not exceed twenty-five thousand dollars  
23 (\$25,000) for each violation.

24 (f) In addition to the civil penalty that may be imposed pursuant  
25 to subdivision (e), the department may impose an administrative  
26 penalty in an amount not to exceed five thousand dollars (\$5,000)  
27 for each violation of a separate provision or, for continuing  
28 violations, for each day that the violation continues, on a person  
29 who intentionally or negligently violates a permit, rule, regulation,  
30 standard, or requirement issued or adopted pursuant to this chapter.  
31 The department shall adopt regulations that specify the amount of  
32 the administrative penalty and the procedure for imposing an  
33 administrative penalty pursuant to this subdivision.

34 (g) For purposes of this section, “new tire” means a pneumatic  
35 or solid tire intended for use with ~~on-road~~ *on-road* or off-road motor  
36 vehicles, motorized equipment, construction equipment, or farm  
37 equipment that is sold separately from the ~~motorized vehicle or~~  
38 equipment, or a new tire sold with a new or used motor vehicle,  
39 as defined in Section 42803.5, including the spare tire, *or with*

1 construction ~~equipment~~, *equipment* or farm equipment. “New tire”  
 2 does not include retreaded, reused, or recycled tires.

3 (h) The California tire fee shall not be imposed on a tire sold  
 4 with, or sold separately for use on, any of the following:

- 5 (1) A self-propelled wheelchair.
- 6 (2) A motorized tricycle or motorized quadricycle, as defined  
 7 in Section 407 of the Vehicle Code.
- 8 (3) A vehicle that is similar to a motorized tricycle or motorized  
 9 quadricycle and is designed to be operated by a person who, by  
 10 reason of the person’s physical disability, is otherwise unable to  
 11 move about as a pedestrian.

12 (i) ~~This section shall remain in effect only until January 1, 2024,~~  
 13 ~~and as of that date is repealed, unless a later enacted statute, that~~  
 14 ~~is enacted before January 1, 2024, deletes or extends that date.~~

15 *This section shall remain in effect only until January 1, 2024,*  
 16 *and as of that date is repealed, unless a later enacted statute that*  
 17 *is enacted before January 1, 2024, deletes or extends that date.*

18 SEC. 2. Section 42885 of the Public Resources Code, as  
 19 amended by Section 32 of Chapter 401 of the Statutes of 2013, is  
 20 amended to read:

21 42885. (a) For purposes of this section, “California tire fee”  
 22 means the fee imposed pursuant to this section.

23 (b) (1) ~~Every~~ A person who purchases a new tire, as defined in  
 24 subdivision (g), shall pay a California tire fee of ~~seventy-five cents~~  
 25 ~~(\$0.75)~~ *two dollars and twenty-five cents (\$2.25)* per tire.

26 (2) The retail seller shall charge the retail purchaser the amount  
 27 of the California tire fee as a charge that is separate from, and not  
 28 included in, any other fee, charge, or other amount paid by the  
 29 retail purchaser.

30 (3) (A) The retail seller shall collect the California tire fee from  
 31 the retail purchaser at the time of sale and may retain 3 percent of  
 32 the fee as reimbursement for any costs associated with the  
 33 collection of the fee. ~~The~~

34 (B) *The retail seller shall remit the remainder to the state on a*  
 35 *quarterly schedule for deposit in the California Tire Recycling*  
 36 *Management Fund, which is hereby created in the State Treasury.*  
 37 *Treasury, and the Stormwater Permit Compliance Fund,*  
 38 *established pursuant to Section 42888.5. Of this amount, for each*  
 39 *tire subject to the California Tire Fee, one dollar and fifty cents*  
 40 *(\$1.50) shall be deposited in the Stormwater Permit Compliance*

1 *Fund and the balance shall be deposited in the California Tire*  
2 *Recycling Management Fund.*

3 (c) The department, or its agent authorized pursuant to Section  
4 42882, shall be reimbursed for its costs of collection, auditing, and  
5 making refunds associated with the California Tire Recycling  
6 Management Fund, but not to exceed 3 percent of the total annual  
7 revenue deposited in the fund.

8 (d) The California tire fee imposed pursuant to subdivision (b)  
9 shall be separately stated by the retail seller on the invoice given  
10 to the customer at the time of sale. Any other disposal or  
11 transaction fee charged by the retail seller related to the tire  
12 purchase shall be identified separately from the California tire fee.

13 (e) ~~Any~~ A person or business ~~who~~ *that* knowingly, or with  
14 reckless disregard, makes ~~any~~ a false statement or representation  
15 in ~~any~~ a document used to comply with this section is liable for a  
16 civil penalty for each violation or, for continuing violations, for  
17 each day that the violation continues. Liability under this section  
18 may be imposed in a civil action and shall not exceed twenty-five  
19 thousand dollars (\$25,000) for each violation.

20 (f) In addition to the civil penalty that may be imposed pursuant  
21 to subdivision (e), the department may impose an administrative  
22 penalty in an amount not to exceed five thousand dollars (\$5,000)  
23 for each violation of a separate provision or, for continuing  
24 violations, for each day that the violation continues, on ~~any~~ a  
25 person who intentionally or negligently violates ~~any~~ a permit, rule,  
26 regulation, standard, or requirement issued or adopted pursuant to  
27 this chapter. The department shall adopt regulations that specify  
28 the amount of the administrative penalty and the procedure for  
29 imposing an administrative penalty pursuant to this subdivision.

30 (g) For purposes of this section, “new tire” means a pneumatic  
31 or solid tire intended for use with ~~on-road~~ *on-road* or off-road motor  
32 vehicles, motorized equipment, construction equipment, or farm  
33 equipment that is sold separately from the ~~motorized vehicle or~~  
34 equipment, or a new tire sold with a new or used motor vehicle,  
35 as defined in Section 42803.5, including the spare tire, *or with*  
36 construction ~~equipment,~~ *equipment* or farm equipment. “New tire”  
37 does not include retreaded, reused, or recycled tires.

38 (h) The California tire fee ~~may~~ *shall* not be imposed on ~~any~~ a  
39 tire sold with, or sold separately for use on, any of the following:

40 (1) ~~Any~~ A self-propelled wheelchair.

1 (2) ~~Any~~A motorized tricycle or motorized quadricycle, as  
2 defined in Section 407 of the Vehicle Code.

3 (3) ~~Any~~A vehicle that is similar to a motorized tricycle or  
4 motorized quadricycle and is designed to be operated by a person  
5 who, by reason of the person’s physical disability, is otherwise  
6 unable to move about as a pedestrian.

7 (i) This section shall become operative on January 1, 2024.

8 SEC. 3. Section 42888.5 is added to the Public Resources Code,  
9 to read:

10 42888.5. (a) The Stormwater Permit Compliance Fund is  
11 hereby established in the State Treasury. Moneys in the Stormwater  
12 Permit Compliance Fund shall be available to the State Water  
13 Resources Control Board Division of Financial Assistance as  
14 follows:

15 (1) Notwithstanding Section 13340 of the Government Code,  
16 moneys in the fund shall be continuously appropriated, without  
17 regard to fiscal year, for the following purposes:

18 (A) Competitive grants to fund projects and programs for  
19 municipal separate storm sewer system permit compliance  
20 requirements that would prevent or remediate zinc pollutants  
21 caused by tires in the state. Grants that are issued under this  
22 subparagraph shall address zinc impairments and zinc total  
23 maximum daily loads under the federal Clean Water Act (33 U.S.C.  
24 Sec. 1251), and priority shall be given to applicants with zinc levels  
25 that exceed the total maximum daily loads. Grants issued under  
26 this subparagraph are authorized for the development,  
27 administration, and operation of a program to fund a municipal  
28 permittee’s compliance with municipal separate storm sewer  
29 system permit requirements and the costs associated with that  
30 program.

31 (B) An annual audit of the Stormwater Permit Compliance Fund  
32 on the financial status of the Stormwater Permit Compliance Fund  
33 as of June 30. The audit shall be submitted to the State Water  
34 Resources Control Board and shall be posted on the State Water  
35 Resources Control Board’s Division of Financial Assistance  
36 internet website.

37 (2) Moneys in the fund shall be available upon appropriation  
38 by the Legislature for the administrative overhead cost of the  
39 Stormwater Permit Compliance Fund, not to exceed 3 percent of  
40 the total revenue deposited in the Stormwater Permit Compliance

1 Fund annually, or an amount otherwise specified in the annual  
2 Budget Act. If moneys for administrative expenses are not timely  
3 appropriated, those expenses shall be advanced from the  
4 Stormwater Permit Compliance Fund. Expenses advanced pursuant  
5 to this paragraph shall be reimbursed in full to the Stormwater  
6 Permit Compliance Fund upon enactment of an annual Budget Act  
7 that appropriates those moneys.

8 (b) Except as provided in paragraph (2) of subdivision (a),  
9 moneys in the fund shall not be used or borrowed for any other  
10 purpose.

11 SEC. 4. Section 42889 of the Public Resources Code, as  
12 amended by Section 152 of Chapter 35 of the Statutes of 2014, is  
13 amended to read:

14 42889. (a) Of the moneys collected pursuant to *subparagraph*  
15 *(B) of paragraph (3) of subdivision (b) of Section 42885, an amount*  
16 *equal to seventy-five cents (\$0.75) per tire on which the fee is*  
17 *imposed the amount designated there for deposit in the Air*  
18 *Pollution Control Fund shall be transferred by the State Board of*  
19 *Equalization to the Air Pollution Control Fund. California*  
20 *Department of Tax and Fee Administration to that fund. The state*  
21 *board shall expend those moneys, or allocate those moneys to the*  
22 *districts for expenditure, to fund programs and projects that*  
23 *mitigate or remediate air pollution caused by tires in the state, to*  
24 *the extent that the state board or the applicable district determines*  
25 *that the program or project remediates air pollution harms created*  
26 *by tires upon which the fee described in Section 42885 is imposed.*

27 (b) ~~The remaining moneys collected~~ *remitted* pursuant to  
28 *subparagraph (B) of paragraph (3) of subdivision (b) of Section*  
29 *42885 that are designated for deposit in the California Tire*  
30 *Recycling Management Fund shall be used to fund the waste tire*  
31 *program, and shall be appropriated to the department in the annual*  
32 *Budget Act in a manner consistent with the five-year plan adopted*  
33 *and updated by the department. These moneys shall be expended*  
34 *for the payment of refunds under this chapter and for the following*  
35 *purposes:*

36 (1) To pay the administrative overhead cost of this chapter, not  
37 to exceed 6 percent of the total revenue deposited in the fund  
38 annually, or an amount otherwise specified in the annual Budget  
39 Act.

- 1 (2) To pay the costs of administration associated with collection,  
2 making refunds, and auditing revenues in the fund, not to exceed  
3 3 percent of the total revenue deposited in the fund, as provided  
4 in subdivision (c) of Section 42885.
- 5 (3) To pay the costs associated with operating the tire recycling  
6 program specified in Article 3 (commencing with Section 42870).
- 7 (4) To pay the costs associated with the development and  
8 enforcement of regulations relating to the storage of waste tires  
9 and used tires. The department shall consider designating a city,  
10 county, or city and county as the enforcement authority of  
11 regulations relating to the storage of waste tires and used tires, as  
12 provided in subdivision (c) of Section 42850, and regulations  
13 relating to the hauling of waste and used tires, as provided in  
14 subdivision (b) of Section 42963. If the department designates a  
15 local entity for that purpose, the department shall provide sufficient,  
16 stable, and noncompetitive funding to that entity for that purpose,  
17 based on available resources, as provided in the five-year plan  
18 adopted and updated as provided in subdivision (a) of Section  
19 42885.5. The department may consider and create, as appropriate,  
20 financial incentives for citizens who report the illegal hauling or  
21 disposal of waste tires as a means of enhancing local and statewide  
22 waste tire and used tire enforcement programs.
- 23 (5) To pay the costs of cleanup, abatement, removal, or other  
24 remedial action related to waste tire stockpiles throughout the state,  
25 including all approved costs incurred by other public agencies  
26 involved in these activities by contract with the department. Not  
27 less than six million five hundred thousand dollars (\$6,500,000)  
28 shall be expended by the department during each of the following  
29 fiscal years for this purpose: 2001–02 to 2006–07, inclusive.
- 30 (6) To make studies and conduct research directed at promoting  
31 and developing alternatives to the landfill disposal of waste tires.
- 32 (7) To assist in developing markets and new technologies for  
33 used tires and waste tires. The department’s expenditure of funds  
34 for purposes of this subdivision shall reflect the priorities for waste  
35 management practices specified in subdivision (a) of Section  
36 40051.
- 37 (8) To pay the costs associated with implementing and operating  
38 a waste tire and used tire hauler program and manifest system  
39 pursuant to Chapter 19 (commencing with Section 42950).



1 (9) To pay the costs to create and maintain an emergency  
2 reserve, which shall not exceed one million dollars (\$1,000,000).

3 (10) To pay the costs of cleanup, abatement, or other remedial  
4 action related to the disposal of waste tires in implementing and  
5 operating the Farm and Ranch Solid Waste Cleanup and Abatement  
6 Grant Program established pursuant to Chapter 2.5 (commencing  
7 with Section 48100) of Part 7.

8 (11) To fund border region activities specified in paragraph (8)  
9 of subdivision (b) of Section 42885.5.

10 (12) For expenditure pursuant to paragraph (3) of subdivision  
11 (a) of, and paragraph (3) of subdivision (b) of, Section 17001.

12 (c) This section shall remain in effect only until January 1, 2024,  
13 and as of that date is repealed, unless a later enacted statute that  
14 is enacted before January 1, 2024, deletes or extends that date.

15 SEC. 5. Section 42889 of the Public Resources Code, as  
16 amended by Section 153 of Chapter 35 of the Statutes of 2014, is  
17 amended to read:

18 ~~42889. Funding for~~ *The moneys remitted pursuant to*  
19 *subparagraph (B) of paragraph (3) of subdivision (b) of Section*  
20 *42885 that are not for deposit in the Stormwater Permit*  
21 *Compliance Fund shall be used to fund the waste tire program and*  
22 *shall be appropriated to the department in the annual Budget Act.*  
23 *The moneys in the fund shall be expended for the payment of*  
24 *refunds under this chapter and for the following purposes:*

25 (a) To pay the administrative overhead cost of this chapter, not  
26 to exceed 5 percent of the total revenue deposited in the fund  
27 annually, or an amount otherwise specified in the annual Budget  
28 Act.

29 (b) To pay the costs of administration associated with collection,  
30 making refunds, and auditing revenues in the fund, not to exceed  
31 3 percent of the total revenue deposited in the fund, as provided  
32 in subdivision ~~(b)~~ (c) of Section 42885.

33 (c) To pay the costs associated with operating the tire recycling  
34 program specified in Article 3 (commencing with Section 42870).

35 (d) To pay the costs associated with the development and  
36 enforcement of regulations relating to the storage of waste tires  
37 and used tires. The department shall consider designating a city,  
38 county, or city and county as the enforcement authority of  
39 regulations relating to the storage of waste tires and used tires, as  
40 provided in subdivision (c) of Section 42850, and regulations

1 relating to the hauling of waste and used tires, as provided in  
 2 subdivision (b) of Section 42963. If the department designates a  
 3 local entity for that purpose, the department shall provide sufficient,  
 4 stable, and noncompetitive funding to that entity for that purpose,  
 5 based on available resources, as provided in the five-year plan  
 6 adopted and updated as provided in subdivision (a) of Section  
 7 42885.5. The department may consider and create, as appropriate,  
 8 financial incentives for citizens who report the illegal hauling or  
 9 disposal of waste tires as a means of enhancing local and statewide  
 10 waste tire and used tire enforcement programs.

11 (e) To pay the costs of cleanup, abatement, removal, or other  
 12 remedial action related to waste tire stockpiles throughout the state,  
 13 including all approved costs incurred by other public agencies  
 14 involved in these activities by contract with the department. Not  
 15 less than six million five hundred thousand dollars (\$6,500,000)  
 16 shall be expended by the department during each of the following  
 17 fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

18 (f) To fund border region activities specified in paragraph (8)  
 19 of subdivision (b) of Section 42885.5.

20 (g) For expenditure pursuant to paragraph (3) of subdivision (a)  
 21 of, and paragraph (3) of subdivision (b) of, Section 17001.

22 (h) This section shall become operative on January 1, 2024.

23 SEC. 6. This act is an urgency statute necessary for the  
 24 immediate preservation of the public peace, health, or safety within  
 25 the meaning of Article IV of the California Constitution and shall  
 26 go into immediate effect. The facts constituting the necessity are:

27 To help grant recipients achieve municipal separate storm sewer  
 28 system permit compliance requirements that would prevent or  
 29 remediate zinc pollutants caused by tires in the state at the earliest  
 30 possible time, it is necessary that this act take effect immediately.

O

DATE: March 6, 2019

TO: Water Policy/Technical Advisory Committee

FROM: Marisa Creter, Executive Director

**RE: AB 1093 (RUBIO)**

## **RECOMMENDED ACTION**

Recommend the Governing Board support AB 1093 (Rubio).

## **BACKGROUND**

Local governments are required to meet regulatory standards for drinking water, wastewater, and stormwater. The totality of expense in meeting these requirements can create a financial burden on municipalities and often competes for general fund resources creating difficult tradeoffs. Local taxing restrictions and economic realities often preclude passing compliance costs on to ratepayers and in some cases, the regulatory costs associated with water become a financial burden on residents as well.

In recognition of this problem, the Environmental Protection Agency (EPA) created the Financial Capability Assessment (FCA), a framework for assessing a community's ability to finance water-related capital infrastructure and the ability of individual utility customers to pay for water services without undue hardship. The FCA framework identifies the key elements the EPA uses in working with permittees to evaluate how their financial capability should influence compliance schedules. It does not exempt permittees from compliance. The process uses a two-phased approach to consider the burden on both ratepayers and municipalities:

- Ratepayers: The residential share of the Clean Water Act (CWA) obligations is compared to the median household income (MHI).
- Municipalities: FCA assesses the financial strength of the permittee.

The U.S. Conference of Mayors (Mayors) completed an affordability survey that examined the financial capability of a diverse group of California cities. In November 2014, the Mayors released their report, *Public Water Cost Per Household: Assessing Financial Impacts of EPA Affordability Criteria in California Cities*. The study reviewed over 30 California cities using the EPA's affordability criteria under FCA. The study found that 10 of those cities had 20% or more of households that exceeded EPA's threshold spending on combined water costs. Under the FCA process those cities would be eligible to request an extension of their timeline for meeting CWA regulations.

The CWA allows the EPA to grant oversight of compliance to states. California is one of many states that have created their own monitoring agencies; in this case the State Water Resources Control Board and the nine regional water boards. Because of this, FCA does not apply to

California. AB 1093 attempts to close this gap by creating a financial capability assessment program for the state.

## **AB 1093 (RUBIO)**

At the February 2019, Governing Board meeting, members adopted Resolution 19-03 identifying stormwater legislative priorities for 2019 and directing the Water Committee to engage with State legislators to support these priorities. Staff and Water Committee members have engaged with San Gabriel Valley representatives who have agreed to sponsor legislation. As a result of these efforts, several bills have been introduced. One bill, AB 1093 (Rubio) establishes FCA guidelines for MS4 permittees that are adequate and consistent when considering the costs to local jurisdictions

This bill would require the state board, by July 1, 2020, to establish FCA guidelines for MS4 permittees that are adequate and consistent when considering the costs to local jurisdictions. The FCA framework does not alter or waive water quality standards but offers alternative compliance pathways to MS4 permittees and achievable schedules for compliance for disadvantaged communities. In developing the guidelines, this bill would require the state board to document any source it uses to develop an estimate of local costs and the overall cost of stormwater management. The state board shall consider, but is not limited to considering, the United States EPA policies in drafting the FCA guidelines.

## **DISCUSSION**

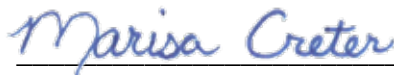
In the 2018 legislative cycle, an FCA bill was introduced by Assemblywoman Rubio as AB 2538. The SGVCOG took a position of support for AB 2538 and was passed by both the Assembly and Senate. AB 2538 was enrolled at Governor Brown's desk for signature but was ultimately vetoed based on the argument that the State Water Board is currently working on guidelines to assist local agencies in estimating and tracking cost of compliance for stormwater permits.

Prepared by:



Katie Ward  
Senior Management Analyst

Approved by:



Marisa Creter  
Executive Director

## **ATTACHMENTS**

Attachment A – AB 1093 (Rubio)

**ASSEMBLY BILL**

**No. 1093**

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**Introduced by Assembly Member Blanca Rubio**

February 21, 2019

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An act to add Section 13185 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1093, as introduced, Blanca Rubio. Municipal separate storm sewer systems: financial capability analysis.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the federal national pollutant discharge elimination system permit program. Existing law requires the state board or the regional boards to issue waste discharge requirements that ensure compliance with the federal Clean Water Act and apply any more stringent effluent standards or limitations necessary to implement water quality control plans, or for the protection of beneficial uses, or to prevent nuisance.

This bill would require the state board, by July 1, 2020, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares as follows:

1 (1) On November 24, 2014, the federal Environmental Protection  
2 Agency, Office of Enforcement and Compliance Assurance,  
3 announced it had adopted a refined financial capability assessment  
4 framework to aid in negotiating schedules for compliance with the  
5 municipal federal Clean Water Act requirements and in developing  
6 integrated management plans.

7 (2) The financial capability assessment framework does not  
8 alter or waive water quality standards, but offers alternative  
9 compliance pathways to municipal separate storm sewer system  
10 permittees and achievable schedules for compliance for  
11 disadvantaged communities.

12 (3) A financial capability assessment is necessary to set  
13 achievable schedules for water quality objectives in water quality  
14 control plans under the Porter-Cologne Water Quality Control Act  
15 (Division 7 (commencing with Section 13000) of the Water Code)  
16 and to develop integrated regional water management plans.

17 (b) It is the intent of the Legislature in enacting this measure to  
18 do all of the following:

19 (1) Comply with the federal Clean Water Act (33 U.S.C. Sec.  
20 1251 et seq.).

21 (2) Help local governments that are making a good faith effort  
22 to be stewards of the environment but lack a dedicated revenue  
23 source for stormwater.

24 (3) Find solutions and share the cost of compliance for local  
25 governments that are participating in a watershed management  
26 program or an enhanced watershed management program.

27 (4) Not weaken environmental protections for lower income  
28 communities but rather to provide funding to achieve the same  
29 protections for all communities.

30 (5) Help the State Water Resources Control Board, the California  
31 regional water quality control boards, and local governments to  
32 prioritize the many competing requirements faced by communities  
33 dealing with funding drinking water, groundwater, sanitary sewer,  
34 flood protection, and stormwater improvements.

35 (6) Give communities time to apply for grants to overcome the  
36 financial constraints of local government without fear of fines and  
37 third-party litigation.

38 SEC. 2. Section 13185 is added to the Water Code, to read:  
39 13185. By July 1, 2020, the state board shall establish financial  
40 capability assessment guidelines for municipal separate storm

1 sewer system permittees that are adequate and consistent when  
2 considering the costs to local jurisdictions, including costs incurred  
3 in previous years. In developing the guidelines, the state board  
4 shall document any source it uses to develop an estimate of local  
5 costs and the overall cost of stormwater management. The state  
6 board shall consider, but is not limited to considering, both of the  
7 following United States Environmental Protection Agency policies  
8 in drafting the financial capability assessment guidelines:  
9 (a) Combined Sewer Overflows—Guidance for Financial  
10 Capability Assessment and Schedule Development, dated February  
11 1997.  
12 (b) Affordability Criteria for Small Drinking Water Systems:  
13 An EPA Science Advisory Board Report, dated December 2002.

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# REPORT

DATE: March 12, 2019

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

**RE: AB 1204 (RUBIO): PRIMARY DRINKING WATER STANDARDS IMPLEMENTATION DATE**

## RECOMMENDED ACTION

Recommend the Governing Board support AB 1204 (Rubio).


## BACKGROUND

At the February 2019, Governing Board meeting, members adopted Resolution 19-03 identifying stormwater legislative priorities for 2019 and directing the Water Committee to engage with State legislators to support these priorities. Staff and Water Committee members have engaged with San Gabriel Valley representatives who have agreed to sponsor legislation. As a result of these efforts, several bills have been introduced. One bill, AB 1204 (Rubio) would establish reasonable timelines for new regulatory water quality requirements enacted by the State Water Board.

Under existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies.

AB 1204 (Rubio) would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. This bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.

Prepared by:   
Katie Ward  
Senior Management Analyst

Approved by:   
Marisa Creter  
Executive Director

## **ATTACHMENTS**

Attachment A – AB 1204 (Rubio)

**ASSEMBLY BILL**

**No. 1204**

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**Introduced by Assembly Member Blanca Rubio**

February 21, 2019

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An act to add Section 116365.1 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1204, as introduced, Blanca Rubio. Public water systems: primary drinking water standards: implementation date.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. The act requires the board to adopt primary drinking water standards for contaminants in drinking water and requires the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by each contaminant for which the board proposes a primary drinking water standard. Existing law requires the state board to consider specified criteria when it adopts a primary drinking water standard, including the technological and economic feasibility of compliance.

This bill would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more

stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 116365.1 is added to the Health and  
2 Safety Code, to read:  
3 116365.1. (a) Except as provided in subdivision (b), a primary  
4 drinking water standard adopted pursuant to Section 116365 and  
5 any amendment to a primary drinking water standard for a  
6 contaminant in drinking water not regulated by a federal primary  
7 drinking water standard adopted by the United States  
8 Environmental Protection Agency or that is more stringent than a  
9 federal primary drinking water standard adopted by the United  
10 States Environmental Protection Agency, shall take effect three  
11 years after the date on which the state board adopts or amends the  
12 primary drinking water standard.  
13 (b) The state board may delay the effective date of a primary  
14 drinking water standard described in subdivision (a) by no more  
15 than two additional years as necessary for capital improvements  
16 to comply with a maximum contaminant level or treatment  
17 technique.

O

DATE: March 6, 2019

TO: Water Policy/Technical Advisory Committee

FROM: Marisa Creter, Executive Director

**RE: REVISED DEFINITION OF “WATERS OF THE UNITED STATES”**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

On December 11, 2019, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) proposed a redefinition of “waters of the United States” that clarifies federal authority under the Clean Water Act (CWA). The proposal contains a definition that could result in significant cost savings, protect the nation’s navigable waters, help sustain economic growth, and reduce barriers to business development.

The agencies’ proposal is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with an Executive Order issued February 2017 entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The Executive Order states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the states under the Constitution.

The agencies’ proposed rule would provide clarity so that regulated communities can easily understand where the CWA applies—and where it does not. Under the agencies’ proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. It also details what are not “waters of the United States,” such as features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems. Attachment A contains an infographic to illustrate these changes.

The proposed rule was published in the Federal Register on February 14, 2019 and has a 60-day public comment period. The public comment period will close on April 15, 2019.

# REPORT

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Prepared by:



Katie Ward  
Senior Management Analyst

Approved by:

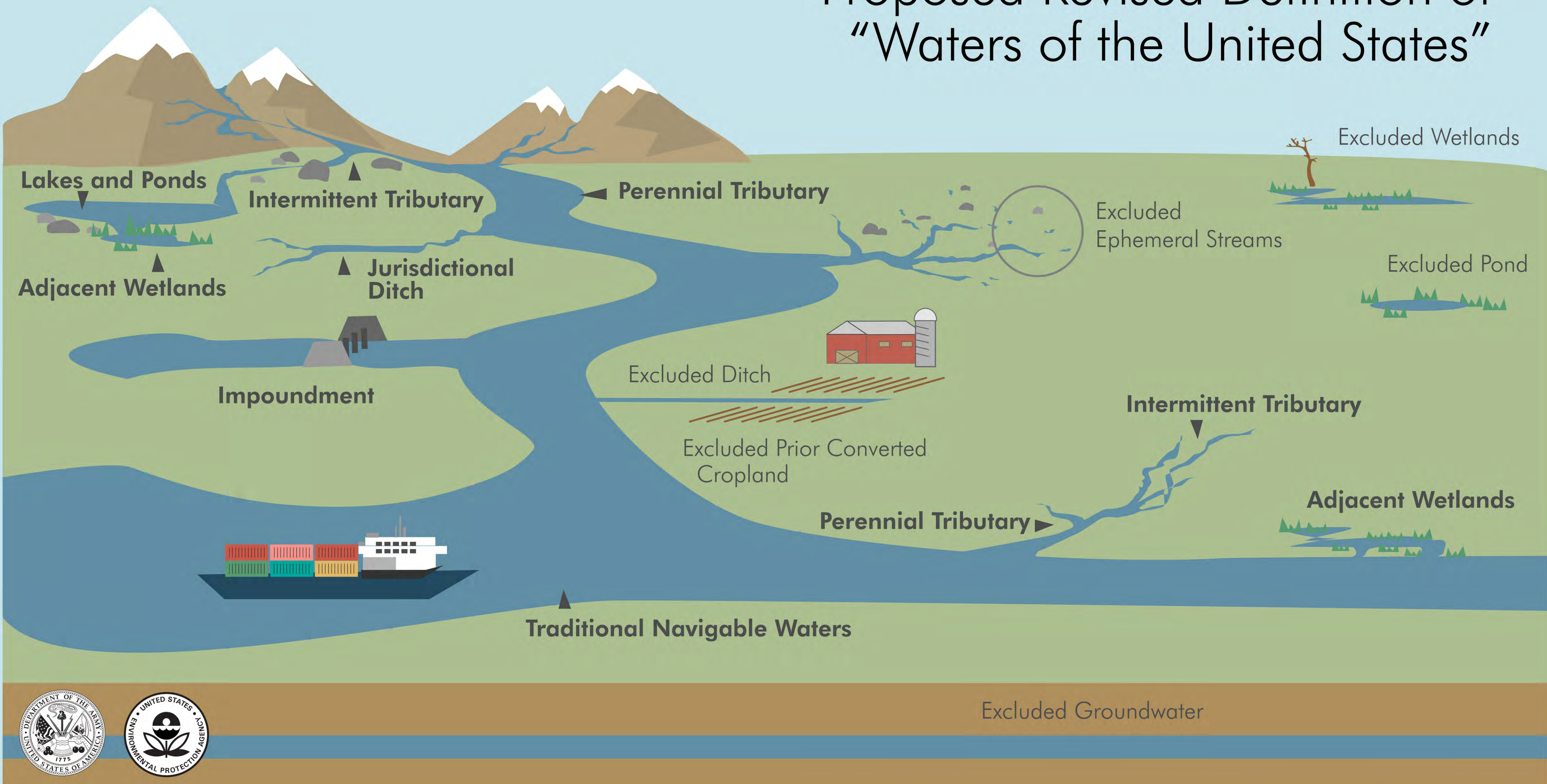


Marisa Creter  
Executive Director

## **ATTACHMENTS**

Attachment A – Proposed Revised Definition of “Waters of the United States” Infographic

# Proposed Revised Definition of "Waters of the United States"



\* For illustrative purposes only. Proposed jurisdictional waters in **bold**.





# County wants authority over L.A. River flood-control channels owned by U.S. government

By LOUIS SAHAGUN  
FEB 24, 2019 | 3:15 PM



Jesse Herrera, 53, carts his belongings along the L.A. River to higher ground before a rainstorm flooded his camp on an island in the middle of the L.A. River near Atwater Village in November. (Genaro Molina / Los Angeles Times)

Los Angeles County officials are proposing to take ownership of 40 miles of flood-control channels along the Los Angeles River from the federal government in order to expedite maintenance and water conservation improvements as climate change increases the frequency of extreme weather. The move was spurred by concerns that the Army Corps of Engineers' World War II-era channels, including a lush soft-bottom stretch of the Los Angeles River between Griffith Park and downtown, have not been adequately maintained because of dwindling federal funds, county officials said on Sunday.

It comes at a time when new research suggests that flood-control systems more than 50 years old were based on 20th century assumptions and hydrological records that do not take into account “whiplashing shifts” in extreme weather caused by climate change.

“Our desire is to have the county solely in charge of maintenance and expediting improvements up and down the river,” Mark Pestrella, director of the Department of Public Works, said in an interview. “That would really help because the corps requires congressional approval to do anything at all.”

“We could complete the study and transfer in five to 10 years,” he said. “We have the funding to keep this river system running efficiently and safely.” The corps' mission, he said, does not include myriad issues his agency's County Flood Control District regards as essential: water conservation, movement of sediment, graffiti removal, ecosystem friendly vegetation, homeless encampments and recreational opportunities.

Bringing the channels under the authority of the county, officials said, could expedite groundwater storage projects, as well as efforts to restore areas for habitat, recreational amenities and residential, commercial and office development.

“Right now,” Pestrella said, “graffiti and weeds are good indications of which flood control channels are under the control of the corps.”

Transfer of ownership, he added, “would require turning over the facilities in a decent state of repair.”

On Tuesday, the Los Angeles County Board of Supervisors is expected to vote on a motion urging local congressional representatives to support the possible divestiture of the corps’ channels and transfer of ownership to the Department of Public Works.

The motion written by Supervisor Hilda Solis says that the corps “needs approximately \$193 million annually to address deferred maintenance, but only receives about 10 to 15 percent of that in any given year.”

“In the current federal fiscal environment, this trend is expected to continue indefinitely,” it says. “The increased risk puts millions in peril while increasing resident’s flood insurance costs.”

Frequent catastrophic flooding prompted civic leaders and the corps a century ago to begin taming the river system with infrastructure. Nearly the entire 51-mile river bottom was sheathed in concrete except a few places where the water table was too high.

They include an eight-mile stretch of quiet pools draining into chutes strewn with trash and shaded by cottonwood trees and invasive cane forests near Griffith Park known as the Glendale Narrows. That area has been targeted for an array of habitat and civic projects.

The corps and the county flood-control district have worked collaboratively to operate their respective networks of water management channels and other infrastructure.

The district's portion includes 14 dams and 500 miles of open channels that manage flood risk for about 10 million residents and roughly 2 million parcels with a value of about \$1 trillion, officials said.

The corps is responsible for four dams and 40 miles of open channels. Concerns about flood risk recently prompted local officials and federal lawmakers led by U.S. Rep. Grace F. Napolitano (D-El Monte) to urge the corps to expedite needed safety repairs at Whittier Narrows Dam, about 13 miles southeast of Los Angeles, their highest budgetary priority.

The corps built the spillway and 56-foot-tall earthen dam in 1957 to control flooding and recharge a critically needed groundwater basin along the occasionally tempestuous San Gabriel and Rio Hondo rivers.

The corps recently found, however, that the dam would fail if water were to flow over its crest or if seepage eroded the sandy soil underneath. In addition, unusually heavy rains could trigger a premature opening of the dam's massive spillway on the San Gabriel River, releasing more than 20 times what the downstream channel could safely contain within its channels.

The corps used computer models to estimate the effects of 900-year, 7,500-year and 18,000-year storm events. In each case, catastrophic flooding could hit 25 cities downstream with water as much as 20 feet deep.

"Millions of people live directly downstream from the dam," Napolitano, the chairwoman of a subcommittee that has jurisdiction over the Army Corps, said in a recent letter to the federal agency, "and the human and economic impact of possible dam failure due to potential seepage and hydrological issues in an extremely rare weather event is unacceptable."

The corps' proposed structural modifications aim to reduce the potential for the dam to fail during mega-storms such as the one that hit California during the rainy season of 1861-62. That's when a series of storms dropped 36 inches

of rain on Los Angeles. So much rain fell that it was impossible to cross the Central Valley without a boat.

Until recently, it was thought that a flood of that magnitude was likely to occur every 1,000 to 10,000 years. New research, however, suggests the chances of seeing another flood of that magnitude over the next 40 years are about 50/50.

The corps estimates that its repair project at the dam could cost up to \$600 million, and be completed by 2026.

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## Louis Sahagun

CONTACT

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Louis Sahagun is a staff writer at the Los Angeles Times. He covers issues ranging from religion, culture and the environment to crime, politics and water. He was on the team of L.A. Times writers that earned the Pulitzer Prize in public service for a series on Latinos in Southern California and the team that was a finalist in 2015 for the Pulitzer Prize in breaking news. He is a CCNMA: Latino Journalists of California board member, and author of the book, "Master of the Mysteries: the Life of Manly Palmer Hall."



NEWS > ENVIRONMENT

# Feds rush Whittier Narrows Dam fix to prevent breach that would flood 1M residents from Pico Rivera to Long Beach

Work on dam gates underway



An aerial view of the Whittier Narrows Dam in the area between Montebello and Pico Rivera. (courtesy of Army Corps of Engineers)

By **STEVE SCAUZILLO** | [sscauzillo@scng.com](mailto:sscauzillo@scng.com) | San Gabriel Valley Tribune

PUBLISHED: January 17, 2019 at 3:31 pm | UPDATED: January 17, 2019 at 4:36 pm

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Nearly three years ago, the Army Corps of Engineers elevated the risk of failure from “high urgency” to “very high urgency” after a re-inspection revealed a greater threat of erosion and breach that would cause massive downstream flooding to one million Southern California residents in the event of a severe storm event.

Inspectors also were alerted to the increased likelihood of spillway gates opening by themselves without prompting.

The possibility of an accidental release caused the Corps to order emergency repair work on gates and locks that began last year and is expected to be completed by the end of this year, said George Sunny, project manager, during a public meeting Wednesday in Alhambra.

## High priority

Sunny said the Whittier Narrows Dam project is the only one of the 13 not yet designed nor shovel ready, putting it far behind schedule.

“The Whittier Narrows Dam’s rating of ‘urgent and compelling’ means it is the first one eligible for funding of the 13, yet this one is not yet in design,” he said.

The Army Corps held two meetings: in Pico Rivera Saturday and Wednesday at the Los Angeles County Department of Public Works headquarters to gather public input.

The final Environmental Impact Statement is expected to be released in May, with a Record of Decision published in June. This would complete the environmental review and allow for the project design, he said, with construction starting in 2021. Completion is expected in 2025.

The Army Corps is not affected by the partial government shutdown since they are under the Department of Defense, which was funded back in September, said Dena O’Dell, deputy chief of public affairs.

## Severe storms

Most severe flooding would occur during a 1 in 10,000-year storm, said Col.

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