

Los Angeles Water Board Response to Specific Written Comments by Joyce Dillard, dated August 30, 2015, on the Dominguez Channel Draft EWMP

Comment No.	Joyce Dillard Comment	Los Angeles Water Board Response
1	<p align="center">EWMP IMPLEMENTATION COSTS AND FINANCIAL STRATEGY</p> <p>7. EWMP Implementation Costs and Financial Strategy</p> <p><i>Currently, most of the projects described in this EWMP are not explicitly funded from a dedicated revenue source. Obtaining funds for all of the activities identified in the EWMP is anticipated to take many years. This section describes the probable costs of the projects, the amount of funding currently available to meet the needs described in the EWMP, and potential funding sources that may be available to fund elements of the program.</i></p> <p>And</p> <p>7.1.1 Probable EWMP Program Costs</p> <p><i>The purpose of this section is to present the probable order-of-magnitude cost opinions to implement the EWMP. The cost opinion for program costs were developed using feasibility study level engineering cost estimation procedures. The EWMP identified projects to be completed along a timeline.</i></p> <p><i>These projects are broken into four categories:</i> <i>(1) Minimum Control Measures (MCMs),</i></p>	<p>Comment considered. Comments were included in the Los Angeles Water Board's Dominguez Channel Draft EWMP Review Letter, dated October 23, 2015 (hereafter, Review Letter) directing the Dominguez Channel Group to provide additional information regarding their financial strategy. Specifically, Comment 7 in Enclosure 1 of the Review Letter directed the Group to provide a prioritization of specific financing strategies; to update the financial strategy with any new information regarding the Group's efforts and the challenges related to securing funding; and to specify sources of funding for near-term projects and/or identify their process for securing this funding. The Dominguez Channel Group addressed these comments in its revised EWMP. Overall, Section 7 of the Dominguez Channel EWMP adequately discusses the Group's financial strategy and meets the permit requirement.</p> <p>Part VI.C.1.g.ix of the Los Angeles County MS4 Permit requires EWMP groups to "ensure that a financial strategy is in place." The permit does not require that each element of the financial strategy is fully developed before the Board can approve an EWMP. Further, it does not elaborate on specific requirements for a financial strategy, such as review by an economist.</p> <p>Further, it must be noted that the Los Angeles Water Board recognizes the sizable investment that Permittees will need to comply with the EWMPs and has committed to supporting, as it is able, Permittees' efforts to secure funding. Since submittal of the draft EWMPs, and in response to concerns raised regarding the cost of EWMP implementation, the Board has held and invited Permittees and other stakeholders to attend two additional workshops on the proposed EWMPs on November 5,</p>

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	<p><i>excluding implementation of LID ordinances for new and re-development,</i> <i>(2) LID ordinance implementation for new and redevelopment,</i> <i>(3) regional projects, and</i> <i>(4) distributed projects, which are primarily green streets</i></p> <p style="text-align: center;">COMMENTS</p> <p>There is no Financial Strategy. The costs have not been reviewed by an economist versed in municipal costs.</p> <p>Funding addressed is:</p> <ul style="list-style-type: none"> - EPA Section 319 - Clean Beaches Initiatives - TIGER Discretionary - Supplemental Environmental Project Funds: - Clean Water State Revolving Fund - California Infrastructure Development Bank–Infrastructure State Revolving Fund Program <p>We question the availability and grant/loan maximums. Implementation takes cash outflow, yet debt financing is not addressed.</p> <p>As a sample, the City of Los Angeles CONSOLIDATED ANNUAL FINANCIAL REPORT (FY June 30, 2015) requires disclosure under NOTES TO BASIC FINANCIAL STATEMENT:</p> <p style="text-align: center;"><i>Total Maximum Daily Loads (TMDLs)</i></p>	<p>2015 and March 3, 2016. The costs of EWMP implementation were a central topic of both workshops. In particular, the November 2015 workshop included a staff presentation on cost considerations and a focused “funding strategies panel” that included presentations from the authors of the <i>Stormwater Funding Options</i> report prepared for the California Contract Cities Association and the League of California Cities (Los Angeles County Division); the City of Los Angeles; Heal the Bay; and the State Water Board Office of Chief Counsel. Public comments were also heard during this workshop. The Los Angeles Water Board also coordinated with USEPA Region IX to host an “East Coast/West Coast Knowledge Exchange” on local stormwater financing strategies in February 2015, which was attended by many Permittees participating in an EWMP.</p> <p>Finally, Permittee efforts to fund EWMP implementation that involve increases in fees or taxes will, as appropriate, require voter approval or separate public notification process (e.g., Proposition 218 (1996)).</p>

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	<p><i>The USEPA and the LARWQCB are required to develop TMDLs for impaired water bodies. Various watersheds in the Los Angeles area have water body segments that are listed as impaired due to a variety of pollutants. Although some TMDLs have already been released, additional TMDLs will be under development and compliance with both existing and new TMDLs will continue into the next decade. At this time, it is difficult to predict the full impact of TMDLs on the National Pollutant Discharge Elimination System (NPDES) effluent limits at the City's four water reclamation and wastewater treatment plants. In addition, the proposed Greater Los Angeles County Municipal Separate Stormwater Sewer Systems (MS4) permit, adopted by the LARWQCB in November 2012, contains provisions that require compliance with all the adopted TMDLs. It is expected that significant capital improvements funded by Sewer may be required to comply with the TMDLs and their resulting impact on the City's NPDES permits.</i></p> <p>This statement discloses Sewer funds as the source for "significant capital improvements." This permit goes beyond the sewer system into streets and land and the taxpayer has not been notified of the tremendous expected costs.</p>	
2	<p>MULTI-BENEFIT REGIONAL PROJECTS</p> <p>4.2.4 Process of Identifying and Selecting Multi-Benefit Regional Projects (EWMP Regional</p>	<p>The Los Angeles Water Board does not understand the commenter's reference to storage costs and cannot respond to this comment.</p>

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	<p>Projects) states:</p> <p><i>The approach described below was used to identify, screen, and evaluate potential regional projects. This approach included a watershed based assessment of all publicly-owned and some private parcels within the DC WMG to evaluate if they would be suitable to support a regional stormwater enhancement project. The approach to identifying potential regional projects is illustrated in Figure 4-3. The process is discussed generally in the sections below and in detail in Attachment O.</i></p> <p><i>The potential project footprints are based on stormwater storage areas of sufficient size to infiltrate in 72 hours or to store the 85th percentile storm in 10 feet of depth unless otherwise noted. In most cases, areas needed to infiltrate in 72 hours were larger than the area needed to store the storm volume in 10 feet of depth.</i></p> <p>And</p> <p>4.2.6 Multi-Use Benefits from Injection Well Aquifer Recharge states:</p> <p><i>The DC WMG is underlain primarily by the West Coast Groundwater Basin. A small portion of the eastern section of the DC WMG is underlain by the Central Basin Groundwater Basin. Both of these basins are adjudicated. Most water captured by projects in the DC WMG is likely to be injected, if feasible and practicable, into the</i></p>	<p>The EWMPs involve multi-benefit regional projects involving stormwater capture. Potential water rights issues, such as adjudication and groundwater extraction, are outside the scope of the Board’s review of the EWMPs. By approving the EWMP, the Board is not granting any water rights to the EWMP Group. To the extent necessary, separate processes would take place concerning these issues.</p> <p>However, Attachment S of the EWMP further discusses water rights and regulatory challenges associated with capturing and injecting stormwater. This attachment includes a discussion on storage options, storage limitations, and extraction of stored water.</p>

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	<p><i>West Coast Groundwater basin.</i></p> <p>COMMENTS</p> <p>It is not clear how Storage Costs are addressed or where stored. Adjudication issues and groundwater extraction are addressed but not capture in non-adjudicated areas. Capacity issues are unclear.</p>	
3	<p>GREEN STREETS</p> <p>4.2.5 Distributed Projects (Green Streets) states:</p> <p><i>Green streets are consistent with some DC WMG agency plans for various projects. They also provide additional opportunities for volume reduction with the potential for capturing water for municipal use. Once hydrologic and loading scenarios were simulated with the MCM, new and re development (LID ordinance), and regional BMP implementation, the volume associated with capturing the remainder of the 90th percentile load for the limiting pollutant was estimated. Then, the lane miles of green streets to achieve this storage volume was estimated. The green streets represent distributed BMPs and are modeled to the extent that the required volume reduction is satisfied. Green streets were used as distributed BMPs as they are located in the public right-of-way, are distributed throughout the DC WMG area, and could be implemented as streets are rehabilitated. The volume reduction provided by a green street can be replaced with alternative distributed BMPs as desired.</i></p>	<p>Comment considered.</p> <p>The Los Angeles County MS4 Permit regulates discharges of storm water and non-storm water from the MS4, which extends throughout the cities' and unincorporated County's land areas. The EWMP proposes regional and distributed projects such as green streets to address pollutants in MS4 discharges. Green streets are a category of distributed control measures that can be used to treat and/or retain runoff that would otherwise flow freely into storm drains and subsequently into receiving waters. Green street control measures, which manage runoff before it enters storm drains, are sound and established practices used to protect and improve water quality.</p> <p>As these distributed projects are implemented, implementation details pertaining to circulation elements related to transportation, pipelines, groundwater extraction, and methane will be evaluated and addressed by the Permittees through other approvals and processes, if needed. However, these issues are outside the scope of the Board's review and final determination regarding the EWMP.</p> <p>Regarding jurisdictional issues, Section 8 of the EWMP discusses legal authority. Additionally, Attachment W provides legal authority certifications from each Group member.</p>

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	<p style="text-align: center;">COMMENTS</p> <p>No Circulation Element facts are presented and we have no idea who has the Mineral Rights, Groundwater Rights (outside the adjudicated basins) or Pipeline Leases. Methane issues and related de-watering is not addressed. Jurisdictional issues and operations and maintenance responsibility is not addressed.</p>	<p>Regarding operations and maintenance (O&M), the Group includes O&M costs in its EWMP Costs by Jurisdiction analysis in Section 7.1. The Group allocates the costs of O&M for regional BMPs and green streets to group members as a percentage of the capital costs of control measures within that jurisdiction.</p>