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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

DRAFT STORM WATER RESOURCE PLAN GUIDELINES

WHEREAS:

1. In 1992 the state legislature passed Assembly Bill 3030 (Stats., 1992, ch. 947, § 1), allowing local agencies to voluntarily create a groundwater management plan and address issues such as sea water intrusion into drinking water wells, groundwater overdraft and contaminated groundwater. On August 31 2002, the state legislature passed Senate Bill 1938 (Stats., 2002, ch. 603, §§ 1-8), requiring public agencies seeking state funding for groundwater projects to submit a groundwater management plan to the California Department of Water Resources with specified components. These two laws encouraged groundwater management planning in California.
2. Also on August 31, 2002 the state legislature passed Senate Bill 1672 (Stats., 2002, ch. 767, § 1), the Integrated Regional Water Management Planning Act, authorizing a regional water management group, as defined in the bill, to prepare and adopt an integrated regional water management plan that addresses programs, projects, reports, or studies relating to water supply, water quality, flood protection, and related matters which any participating local public agency has authority to undertake.
3. On September 8, 2009, the state legislature approved Senate Bill 790 (Stats., 2009, ch. 620, §§ 1-3), the Stormwater Resource Planning Act, authorizing bond-funded grants (Propositions 84 and 50) for low-impact development projects proposing to improve water quality, reduce storm water discharge, or implement a specified storm water resource plan.
4. In January 2014, in the midst of extreme drought conditions, Governor Edmund G. Brown Jr. released the California Water Action Plan to meet three broad objectives: (1) Create reliable water supplies; (2) restore important species and habitat; and (3) create resilient, sustainably managed water resources systems (water supply, water quality, flood protection, and environment) that can withstand inevitable and unforeseen pressures in the coming decades. The Action Plan outlines the following ten actions: (1) Make conservation a California way of life; (2) increase regional self-reliance and integrated water management across all levels of government; (3) achieve the co-equal goals for water quality-based and water supply-based beneficial uses of the Delta; (4) protect and restore important ecosystems; (5) manage and prepare for dry periods; (6) expand water storage capacity and improve groundwater management; (7) provide safe water for all communities; (8) increase flood protection; (9) increase operational and regulatory efficiency; and (10) identify sustainable and integrated financing opportunities.
5. On September 16, 2014, Governor Brown signed the Sustainable Groundwater Management Act (made up of Senate Bill 1168 (Stats. 2014, ch. 346, §§ 1-10), Assembly Bill 1739 (Stats. 2014, ch. 347, §§ 1-23), and Senate Bill 1319 (Stats. 2014, ch. 348, §§ 1-3)), mandating the creation of local groundwater sustainability agencies that will, among other tasks, monitor and report groundwater extraction and create sustainability plans that must achieve groundwater sustainability goals within 20 years of implementing a plan. The Department of Water Resources was given expanded

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responsibilities under the legislation, including requirements to revise groundwater basin boundaries and create guidelines to guide local agencies preparing groundwater sustainability plans.

6. On November 4, 2014, Proposition 1 (Assembly Bill 1471, Stats., 2014, ch. 188, §§ 1-13), was approved to fund \$7.5 billion in general obligation bonds for water projects and programs as part of a statewide, comprehensive water plan for California. The bond funds will be distributed through a competitive grant process overseen by various state agencies, including the Department of Water Resources, the State Water Resources Control Board (State Water Board), and the California Water Commission. Bond money will be granted for state water supply infrastructure projects, such as surface and groundwater storage; ecosystem and watershed protection and restoration; drinking water protection; water supply management; water recycling and advanced water treatment technology; and flood control.
7. In September 2014, Senate Bill 985 (Stats. 2014, ch. 555, §§ 1-6) refined the Stormwater Resource Planning Act by amending sections 10561, 10562, 10563, and 10573 of, and adding sections 10561.5 and 10565 to the Water Code. Water Code section 10562 requires a Storm Water Resource Plan as a condition of receiving funds from any bond approved after January 2014, including Proposition 1, which authorized \$200 million in grants for multi-benefit storm water management projects. Water Code section 10565 requires the State Water Board to establish Storm Water Resource Plan development guidance that shall include, but is not limited to, the following:
 - a. Identifying types of local agencies and nongovernmental organizations that need to be consulted in developing a Storm Water Resource Plan;
 - b. Defining appropriate quantitative methods for identifying and prioritizing opportunities for storm water and dry weather runoff capture projects;
 - c. Defining the appropriate geographic scale of watersheds for storm water resource planning; and
 - d. Other guidance the [State Water Board] deems appropriate to achieve the objectives of Water Code section 10565.
8. The purpose of the Storm Water Resource Plan Guidelines (Guidelines) is to establish guidance for the development of Storm Water Resource Plans in accordance with Water Code section 10562.

The Guidelines apply to public agencies that receive grant funds for storm water and dry weather runoff capture projects, as further described in Section III of the Guidelines. Each public agency must develop a Storm Water Resource Plan consistent with the Guidelines and compliant with the Water Code prior to applying for applicable bond funds associated with storm water and dry weather runoff capture projects.

Existing planning documents and local ordinances may be utilized as a functionally equivalent Storm Water Resource Plan, including but not limited to: watershed management plans, integrated resource plans, urban water management plans, or similar plans that include storm water and dry weather runoff capture and use as a component of their goals and objectives. A collection of local plans and ordinances and regional plans may constitute a functionally equivalent plan, if the plans and ordinances collectively meet all of the requirements of Water Code section 10560 et seq.

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9. The Storm Water Resource Plan Guidelines do not apply to:
 - a. Funds provided for the purpose of developing a Storm Water Resource Plan; or
 - b. A grant for a disadvantaged community as defined in Water Code section 79505.5, with a population of 20,000 or less, and that is not a co-permittee for a municipal separate storm sewer system National Pollutant Discharge Elimination System permit issued to a municipality with a population greater than 20,000.

(Wat. Code § 10563(c).)
10. The Storm Water Resource Plan Guidelines (Attachment 1 of this Resolution) consist of a guidance document for the State Water Board and other grant-dispensing agencies to use in administering funds. The Guidelines also contain appendices consisting of: Checklists of Water Code requirements and Guideline Recommendations (Appendix A), and web links to useful information including Regional Water Quality Control Board Basin Plans and the State Water Board's statewide data management systems (Appendix B).
11. On August 28, 2015, the State Water Board issued draft Storm Water Resource Plan Guidelines to the public for a forty-five day review and comment period. During the public comment period, State Water Board staff conducted three stakeholder outreach meetings, as required by Water Code section 10563(c), on the following dates:
 - September 29, 2015 in Fresno, California
 - September 30, 2015 in southern California
 - October 1, 2015 in northern California
12. On October 6, 2015, the State Water Board held a public hearing to allow stakeholders to present their concerns regarding the proposed Storm Water Resource Plan Guidelines directly to the Board.
13. The State Water Board has considered all public comments and testimony received on the draft Storm Water Resource Plan Guidelines and made appropriate revisions.
14. Adoption of the Storm Water Resource Plan Guidelines is not subject to the California Environmental Quality Act because it is not a "project" as defined in section 15378 of title 14 of the California Code of Regulations. The Guidelines do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Accordingly, adoption of the Guidelines has no potential to result in a foreseeable direct or indirect change on the environment.
15. The Guidelines are consistent with the California Water Action Plan and Water Code section 10560 et seq. requirements.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the Storm Water Resource Plan Guidelines including its appendices as attached hereto (Attachment 1).

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on _____, 2015.

Jeanine Townsend
Clerk to the Board