

# **Construction Industry Coalition on Water Quality**

August 31, 2015

Mr. Ivar Ridgeway, Chief, Storm Water Permitting  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Via Email: [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov)

RE: Opportunity for Public Comment on Draft Enhanced Watershed Management Programs Submitted Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit (NPDES Permit No. CAS004001; Order No. R4-2012-0175)

Dear Mr. Ridgeway:

The Construction Industry Coalition on Water Quality (CICWQ) is submitting comments concerning the preparation of Enhanced Watershed Management Program Plans for twelve watershed management groups in Los Angeles County (EWMPs or Plans). These Plans are also accompanied by Coordinated Integrated Monitoring Program Plans (CIMP). We are submitting this letter on behalf of the CICWQ membership, which is described below.

CICWQ is an advocacy, education, and research 501(c)(6) non-profit group of trade associations representing builders and trade contractors, home builders, labor unions, landowners, and project developers. CICWQ membership is comprised of members of four construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Engineering Contractors Association, and Southern California Contractors Association, as well as the United Contractors located in San Ramon. Collectively, members of these associations build a significant portion of the transportation, public and private infrastructure, and commercial and residential land development projects in California.

In preparing this comment letter, we have reviewed twelve Enhanced Watershed Management Plans and their thousands of pages of combined content. Our comments are informed by our membership's collective experience and through CICWQ's years of involvement in the development of regulatory requirements for managing municipal stormwater discharges in the Los Angeles region. Our intent here, rather than to comment on each Plan or CIMP specifically, is to provide input based on some common themes and elements contained in the Plans.

Comments from CICWQ concern four primary areas: (1) Aggregation of Watershed Management Plan Data is Necessary to Understand the Entirety of the Compliance Obligation; (2) The Timing of Monitoring and Capital Expenditures for Monitoring Should Be Commensurate with Installation of Appropriate Best Practices; and (3) The Capital Expenditures Required for Plan Implementation are Staggering and Appear Infeasible.

### **I. Aggregation of Watershed Management Plan Data is Necessary to Understand the Entirety of the Compliance Obligation**

After a review of the 12 EWMPs, it is our recommendation that Regional Board staff aggregate important physical, hydrological, demographic, best practices implementation, and cost data, and place the data collected in context with the entirety of the MS4 permit compliance obligation that is theoretically being addressed through the preparation of Watershed (WMPs) and Enhanced Watershed Management Plans. At the current time, there is no clear comprehensive picture of what is being proposed, and what the proposal will cost. There are 12 different plans prepared, with no understanding of their interconnections, or their interconnections to any other WMPs or individual Plans. We requested such an aggregation approximately one year ago when the DRAFT WMPs were released for public review and note that no aggregation has been provided to date.

### **II. The Timing of Monitoring and Capital Expenditures for Monitoring Should Be Commensurate with Installation of Appropriate Best Practices**

Reviewed collectively, the Plans all appear to place a heavy emphasis and requirement to monitor stormwater discharges during wet weather events at hundreds and perhaps even thousands of locations throughout Los Angeles County. Requiring extensive and costly stormwater discharge monitoring at the outset of watershed plan implementation is counter intuitive and, in our opinion, a waste of financial resources and should be performed in opposite order. Only after the planned networks of regional and distributed best practices are implemented over the years should additional monitoring be required, as this would then inform the Regional Board and stakeholders of effectiveness at an appropriate time.

Requiring more and expensive monitoring at this time is both unnecessary and unhelpful to achieving compliance. Current monitoring programs have demonstrated where impairments or problem areas exist very clearly, and the RAA done for all the Plans acknowledges this fact and lays out a modeled approach for meeting water quality objectives through implementation of existing structural and operational controls and planned structural best practices for installation at a future date. Monitoring is needed when additional best practices are in place, not vice versa. We urge the Regional Board to re-think and change its approach to monitoring.

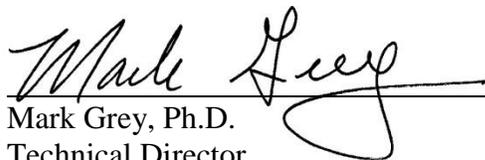
### III. The Capital Expenditures Required for Plan Implementation are Staggering

Using data contained in the twelve EWMPs, the combined cost of implementation is approximately \$17.3 Billion, and in most instances this amount appears to also include annual operations and maintenance for time periods running generally through the years 2025 to 2030, although this is not always clear in the Plan documents. In addition, in reviewing the EWMPs and their companion CIMPs, we could not determine each of the 12 CIMP implementation costs, and whether or not these costs were included as part of the annual O&M costs presented in the 12 EWMPs. We ask and urge the Regional Board to make it clear to stakeholders the total cost of program implementation, and the relative proportions that constitute to the total cost.

Regardless of the completeness of the cost obligation presented in the EWMPs, the combined costs of EWMP implementation are staggering, and we do not believe given the current state of stormwater management funding that there is any possibility that LA County or its municipal co-permittees will have the resources to fund EWMP implementation, nor implementation of any group or individual WMPs. Dividing the total proposed EWMP cost of implementation of \$17.3 billion by 15 years (assuming across the board compliance in year 2030), yields an annual expenditure of more than \$1 billion per year to achieve compliance. This level of annual expenditure appears infeasible, and we can imagine the participating municipalities will have their own challenges in obtaining funding when other pressing needs exist for community health and well-being, and public safety and protection. We urge the Regional Board to recognize and address our request to aggregate all the Watershed Plan information, and allow those projects and practices that will yield immediate water quality improvement results, and at the same time augment regional ground water supplies. In our opinion, these projects are generally identified in the EWMPs as regional watershed control measures.

CICWQ's membership is in the forefront of water quality regulation, providing to water quality regulators practical ideas and solutions that are implementable and that have as their goal clean water outcomes. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7310, ext. 210, (909) 525-0623, cell phone, or [mgrey@biasc.org](mailto:mgrey@biasc.org).

Respectfully submitted,



Mark Grey, Ph.D.

Technical Director

Construction Industry Coalition on Water Quality