

Stormwater Initiative

Why Now?

A Coalition is currently working on a Constitutional Amendment that would allow voters to decide if "stormwater" infrastructure and services should be funded similar to the way water districts and wastewater districts fund their infrastructure and services. Stormwater services include stormwater quality, stormwater retention and infiltration (groundwater), and local and regional stormwater drainage infrastructure. A Constitutional Amendment would require approval by the Legislature, which was also attempted in 2009. There are several reasons why the timing is better today for a successful legislative Constitutional Amendment than in 2009.

Administration Support. The Administration and Governor's office show an interest and recognition of the need for stormwater funding. The Governor's Water Action Plan (2014) supports modifying Proposition 218 for better funding of stormwater and flood protection infrastructure. The Department of Water Resources' report entitled "California's Flood Future" (2013) recommends amending Proposition 218 to improve funding for stormwater and drainage programs.

Phase 2 Communities Impacted. Stormwater regulations were rolled out in two phases. In 2009 stormwater quality regulations imposed by the Regional Water Quality Control Boards on cities and counties only included Phase 1 communities, those communities in the urbanized areas of the state. Now, however, these stormwater quality regulations are imposed on Phase 2 cities and counties, which are in the non-urbanized, rural areas of the state. This increases support for a funding measure.

More Expensive Stormwater Permits. The Regional Water Boards issue clean water permits (NPDES permits) on a five-year cycle. Each new permit issued to cities and counties, and now flood control districts, are more restrictive and costly to implement than the prior five-year permit. Recently issued clean water permits, and those in the process of being issued, are quantum leaps more expensive than prior permits.

Cumbersome Process. Lack of funding has become critical enough in some communities that they have attempted local funding measures under the current process, which requires a vote of the public. These local funding measures are very time consuming and very expensive. Contra Costa County, for example, implemented a local funding measure in 2012 which cost \$1.5 million and took over one and a half years to process. The current process is an inefficient and expensive way to fund a basic, necessary service and takes funding away from badly needed infrastructure. The process to raise funding for stormwater services should be the same process used by water districts and wastewater districts.

Better Available Data. There is more information available today that demonstrates the need for funding stormwater quality and drainage infrastructure services. The Public Policy Institute of California released a report in March 2014 (Paying for Water in California) identifying the need for investing approximately \$1.5 billion per year in stormwater quality and drainage infrastructure. The California Flood Future report indicates one in five Californians live in a floodplain and \$575 billion in structures are subject to flood damage. To protect the California economy, public and private property, and environmental resources, there is a need to invest \$50 billion on flood protection projects that are well defined, and another \$100 billion on flood protection projects that have been identified as a need but not yet defined.

Better Budget Information. Stormwater quality programs in cities and counties have been developing better budgets and estimation of compliance costs to meet stormwater quality permit requirements. The City of San Diego, for example, has estimated their compliance costs at \$4 billion over the next 20 years. Los Angeles County is in the process of developing their compliance cost figures which are anticipated to be more than San Diego.

Aging Infrastructure. Much of the drainage infrastructure constructed in the State occurred during and after the post-World War II building boom. Many of these facilities are now over 50 years old and cities, counties, and flood control districts have begun conditions assessment programs to determine the remaining service life of their infrastructure. These assessment programs are resulting in large replacement costs and pushing aging infrastructure into a top priority issue to compete with other programs for limited revenue.

Drought and Stormwater. The recent drought has increased everyone's awareness of water as a precious resource and its importance to human health and welfare, the environment, and food production. There is also increased awareness that stormwater is a component of that precious natural resource and should be incorporated into an overall water strategy. Support for groundwater regulation underscores this understanding that all components of the total water portfolio are important.

Legislative Interest. It appears there is more interest and support for a Constitutional Amendment today due to increased awareness of water resource needs from the drought and heightened need for constituent funding. Legislative support is perhaps reflected in the vote for AB 2403, which allows charging fees for stormwater use to recharge a groundwater basin if the groundwater is used for drinking water supply. AB 2403 passed the Assembly 77 to 1 and passed the Senate 35 to 0. While AB 2403 only addresses a portion of stormwater funding needs, it perhaps shows increased interest for stormwater funding legislation.

New Project Costs. Prior to 2009 stormwater quality permits around the Regional Water Boards focused largely on program level efforts such as public education, and source studies to remove pollutants. Current stormwater permits require project level efforts to remove pollutants, such as constructing stormwater treatment facilities, modifying roads to include "Green Street" improvements, and installing trash capture devices on drainage inlets. This results in expensive new infrastructure that must be built and maintained.

Impaired Waterbody TMDLs. The Regional Water Boards are required to list all waterbodies that do not meet water quality standards (Impaired Waterbodies) and then develop a maximum amount that can be present in the water for each pollutant (Total Maximum Daily Load). In 2009 there were very few TMDLs in the state. Today, there are over 30 in the Los Angeles area and three in the Bay Area. However, these numbers are about to explode as the Regional Water Boards are currently working on over 120 TMDLs. Implementation of TMDLs to reduce pollutants falls to the cities, counties, and flood control districts, and is extremely expensive.

Basic Services. When Proposition 218 was drafted in 1996, essential basic services associated with property ownership were exempted from a voter requirement to charge fees for providing those services. So basic services such as gas, electricity, sewer, water and garbage collection can adjust service fees without going through a cumbersome and expensive public vote each time. There is more awareness today than in the past that stormwater is an essential basic service similar to water and sewer.

For more information on the Stormwater Initiative, please contact Karen Keene, California State Association of Counties at 916-327-7500 (ext. 511), or Mitch Avalon, County Engineers Association of California at 925-313-2203, or go to www.cccounty.us/stormwaterinitiative.