# SMMART WATER, NOT STORMWATER

SPECIFIC * MEASURABLE * MULTI-BENEFIT * REINVESTING IN COMMUNITIES * TRANSPARENT

## CLEAN WATER AND HEALTHY ECOSYSTEMS FOR ALL RESIDENTS OF THE LOS ANGELES REGION:

## MUNICIPAL STORMWATER PERMIT GUIDING PRINCIPLES

**WHEREAS:**

1. The people of Los Angeles have a fundamental right to enjoy rivers, creeks, lakes, and coastal waters that are safe, healthy, and clean.

2. The vast majority of Los Angeles County's rivers, creeks, and coastal waters are severely polluted, as evidenced by the State Water Resources Control Board's listing 208 waterbodies in the Los Angeles Region as impaired, and by the 2019 Water Report Card released by UCLA assigning a grade of 'D/Incomplete' for Los Angeles County's surface waters.

3. Urban runoff through the municipal separate storm sewer system (MS4), including both dry-weather runoff and stormwater runoff, is the leading source of impairment to the Los Angeles region's inland and coastal waters. It is estimated that nearly 100 million gallons of polluted runoff fouls our waterways every day; this total can increase to 5 billion gallons or more during a storm event. This 'urban slobber' carries pesticides and herbicides from our homes; oils and grease from our roads; heavy metals and other toxins from Los Angeles' businesses; and trash, bacteria, and other contaminants from local communities, all of which flows untreated into our rivers, creeks, lakes, and ocean.

4. Epidemiological studies have concluded that urban runoff – which often contains harmful amounts of bacteria and pathogens – damages human health, with a 2006 UCLA study finding between627,000 and 1.5 million cases of beach-related gastroenteritis annually in Los Angeles and Orange Counties. Residual contaminants like PCBs and DDT can lead to longer-term chronic human health impacts either from direct contact or, more likely, through bioaccumulation in fish that are then eaten.

5. Dry-weather runoff and stormwater runoff pose a serious economic threat to the region as a result of reduced recreation owing to beach notices and river closures, the cost of cleaning up our contaminated waterways, and the cost associated with negative health impacts (estimated conservatively at $21M-$51M annually for LA and Orange County beaches, with some studies pegging the total as high as $414M annually for the two counties).

6. Dry-weather runoff and stormwater runoff have disastrous local and global effects on the health of our aquatic ecosystems. Contaminated runoff can have both immediate and long-term impacts on river and sea life, and even relatively low concentrations of contaminants can have a negative cumulative impact on ecological health. Such impacts are getting worse as a host of emerging contaminants (pharmaceuticals, personal care products, PFAS - often referred to as 'forever chemicals', etc.) are increasingly found in our waters and marine life.

7. Dry-weather runoff and stormwater runoff are also leading causes of plastics and trash in our waters. Plastics, which stay in our environment for up to 1,000 years and never fully biodegrade, threaten hundreds of species of marine animals and kill one million sea birds worldwide annually. Recent studies have found that plastics may outweigh fish in the ocean by 2050.

8. Historically under-resourced frontline communities are disproportionally burdened by urban runoff and water pollution. Many of our most contaminated waterways (e.g., the LA River, Compton Creek, Dominguez Channel, and Los Cerritos Channel) flow primarily through heavily urbanized and industrialized frontline communities that often lack green space, which could help infiltrate and treat runoff. Additionally, low-income communities and communities of color are most likely to be subsistence anglers and thus are disproportionately harmed by the contaminants accumulating in fish due to runoff pollution.

9. The current stormwater infrastructure in the Los Angeles area is outdated and wastes 100 billion gallons of water annually as stormwater flows through the storm drain system and out to the ocean without being treated, used, or stored for future use.

10. Our current regulatory management of dry-weather runoff and stormwater runoff has proven ineffective, despite the fact that it has been more than 70 years since the first federal clean water law was passed (Federal Water Pollution Control Act of 1948), more than 50 years since the passage of California's Porter-Cologne Water Quality Control Act (1969), nearly 50 years since the passage of the federal Clean Water Act (1972), and 30 years since the adoption of the first permit for Los Angeles County that specifically regulated stormwater pollution (1990).

11. The lack of accountability and transparency in the 2012 Los Angeles County MS4 Permit (the current local Stormwater Permit), stemming from the lack of measurable goals and lack of clear reporting and enforceability, has not changed this course of noncompliance. In fact, the vast majority of watershed groups progressed less than 10% towards final water quality requirements during the2012 permit term. These watershed groups continue to be woefully behind schedule to meet Clean Water Act standards.

12. Voters throughout Los Angeles County demonstrated their commitment to address dry-weather runoff and stormwater runoff by passing Measure W (the Safe, Clean Water Program or SCWP) in2018 with nearly 70% of the vote. Starting in 2020, the SCWP will provide approximately $280million per year for multi-benefit stormwater projects in perpetuity.

13. The Los Angeles Regional Water Quality Control Board has reissued a draft MS4 permit for the region, which is expected to be adopted in final form in late 2020 or early 2021. The draft permit largely mirrors the 2012 permit, including its lack of clear goals, lack of clear reporting standards, and lack of enforceability.

14. With the long-term and significant negative impacts of urban runoff on the health of our waterways, our economy, and our communities (particularly frontline communities); with agencies' business-as-usual regulatory approach having failed to address this chronic source of pollution for decades; and with cities now having more resources than ever to tackle this leading source of water pollution; NOW is the time to take a more comprehensive, transparent, and enforceable approach to regulate dry-weather runoff and stormwater runoff.

## THEREFORE, BE IT RESOLVED THAT THE UNDERSIGNED URGE THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD TO ADOPT AN MS4 PERMIT FOR THE LOS ANGELES REGION THAT:

1. Prioritizes above all other considerations improving water quality across the Los Angeles region and protecting the health of all the region's residents, as well as their fundamental right to clean water and healthy ecosystems as a matter of environmental justice.

2. Has clear and straightforward requirements so that the objectives of the permit are simple and transparent for the benefit of the permittees, the regulatory agency, and all stakeholders including non-governmental organizations, community-based organizations, and members of the public.

3. Sets measurable short-term and final goals with strict deadlines to ensure that all stakeholders know what has been completed, what still needs to be completed, and by when those actions must be completed.

4. Requires transparent and standardized reporting that is available online and accessible to the public(i.e., well organized and presented in a way that is easily understandable) to ensure that all stakeholders know how quickly progress is being made towards achieving water quality objectives and whether short-term or final goals are completed on time as required under the federal Clean Water Act.

5. Is clearly enforceable by the Los Angeles Regional Water Quality Control Board, and by third party groups (including non-governmental organizations and community-based organizations), to drive meaningful action towards achieving water quality objectives by holding permittees accountable to their requirements under the federal Clean Water Act to reduce stormwater pollution.

6. Requires that fines/penalties for non-compliance with the permit be reinvested back into impacted communities through Supplemental Environmental Projects or similar mechanisms managed by local non-governmental organizations and community-based organizations to the maximum extent possible.

7. Prioritizes and incorporates vegetated nature-based solutions to capture, clean, and reuse the 100 billion gallons of stormwater that currently flows through our storm drain system each year to achieve multiple social, environmental, and ecosystem benefits, including reduced water pollution, increased local water supply, improved wildlife habitat and biodiversity, mitigation of the urban heat island effect, increased carbon sequestration, improved air quality, reduced flooding, and much more.

Tori Kjer
Executive Director
LA NEIGHBORHOOD LAND TRUST

David Diaz
Executive Director
ACTIVESGV

Marissa Christiansen
President & CEO
FRIENDS OF THE LOS ANGELES RIVER

Belinda Faustinos
Executive Director
OUR WATER LA

| | | | |
|---|---|---|---|
| David Weeshoff<br>Conservation Chair<br>SAN FERNANDO VALLEY AUDUBON | Tim Little<br>Executive Director<br>ROSE FOUNDATION FOR COMMUNITIES AND THE ENVIRONMENT | Christy Zamani<br>Executive Director<br>DAY ONE | Leslie Tamminen<br>Director<br>7TH GENERATION ADVISORS |
| Dennis Arguelles<br>Los Angeles Program Manager<br>NATIONAL PARKS CONSERVATION ASSOCIATION | Bruce Reznik<br>Executive Director<br>LOS ANGELES WATERKEEPER | Graham Hamilton<br>Los Angeles Coordinator<br>SURFRIDER FOUNDATION | Andrea Leon-Grossmann<br>Climate Action Director<br>AZUL |
| Shelley Luce<br>President and CEO<br>HEAL THE BAY | Charming Evelyn<br>Chair - Water Committee<br>SIERRA CLUB ANGELES CHAPTER | Cori Bell<br>Program Attorney, Water<br>NRDC | Veronica Padilla<br>Executive Director<br>PACOIMA BEAUTIFUL |
| Claire Robinson<br>Managing Director<br>AMIGOS DE LOS RIOS | Tiffany Wong<br>Policy & Research Associate<br>SCOPE | Belinda Faustinos<br>Executive Director<br>NATURE FOR ALL | Manny Gonez<br>Director of Policy Initiatives<br>TREEPEOPLE |
| Scott Culbertson<br>Executive Director<br>FRIENDS OF BALLONA WETLANDS | Cynthia Babich<br>Director<br>DEL AMO ACTION COMMITTEE | J.P. Rose<br>Urban Wildlands Staff Attorney<br>CENTER FOR BIOLOGICAL DIVERSITY | Lauren Ahkiam<br>Director, Water Project<br>LAANE |
| Azita Yazdani, P.E.<br>Founder & CEO<br>EXERGY SYSTEMS, INC. | Jennifer Ganata<br>Senior Staff Attorney<br>COMMUNITIES FOR A BETTER ENVIRONMENT | Shona Ganguly<br>External Affairs Advisor<br>THE NATURE CONSERVANCY | Tim Brick<br>Managing Director<br>ARROYO SECO FOUNDATION |
| Martha Camacho-Rodriguez<br>Grassroots/ Organize/ Educator/ Director<br>SOCIAL ECO EDUCATION- LA | Azucena 'Susy' Hernandez<br>Co-Director of Community Transformation<br>PROMESA BOYLE HEIGHTS | | |