



project clean water

Legislative and Regulatory Issues Technical Advisory Committee

The Project Clean Water Legislative and Regulatory Technical Advisory Committee began meeting in November 2000. Since that time, the TAC has provided direction and oversight on water quality-related legislative and regulatory issues throughout San Diego County. During the first phase of Project Clean Water (ending in July 2001), the TAC compiled a baseline inventory and initial assessment of priority legislative and regulatory issues. Based on this initial work, the TAC also developed a list of action items to implement during future phases of Project Clean Water.

The TAC continues to meet monthly to work toward the implementation of identified action items and to further characterize and address priority issues and concerns. During the First Annual Clean Water Summit the TAC will review and update as appropriate the action items listed below:

- 1. Conduct a study of potential funding sources and alternatives by June 2002.**
- 2. Complete a more detailed assessment of priority legal issues in January 2002.**
- 3. Review model ordinances developed in December 2001.**
- 4. Provide general guidance on legal issues.**
- 5. Develop a compliance incentive program for local businesses.**
- 6. Identify opportunities for legislative changes to support water quality protection.**

Legislative and Regulatory Issues Technical Advisory Committee Action Item Progress Report

Action Item 1: Conduct a study of potential funding sources and alternatives by June 2002.

The Legislative and Regulatory Issues TAC conducted an analysis of potential sources of funding for municipal stormwater programs. The study includes an analysis of several types of governance structures under which funding mechanisms could be developed to support the various compliance obligations incurred by municipalities under the Municipal Stormwater Permit. These were categorized as (1) Regional or Watershed Structures, (2) Jurisdictional Structures, and (3) Other Structures. Within these broad categories, a number of options were examined. The TAC concluded that the creation of either a joint powers agency or a legislatively created district empowered to operate on a hybrid regional/watershed basis currently appears to be the most preferable structure for funding and governing stormwater programs in the County.

Action Item 2: Completed a more detailed assessment of priority legal issues in January 2002

The January 31, 2002 Focused Assessment reorganized existing action items and identified additional priorities for the TAC. The Focused Assessment serves two primary purposes. First, it provides a more structured framework within which existing and new action items can be evaluated and pursued. This framework addresses the following three priorities:

- Identify opportunities for regional cooperation, and legislative and regulatory change.
- Explore funding options and alternatives.
- Further compliance.

Second, the Focused Assessment articulates other priorities of the TAC not initially identified in the first phase of Project Clean Water. For instance, the Focused Assessment identified the a need to develop a bill tracking system to assist TAC participants and other interested parties in following current and pending legislation.

Action Item 3: Review model ordinances developed in December 2001.

The *County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance* was adopted by the County Board of Supervisors on January 16, 2002. Prior to its completion, the Ordinance was broadly distributed at various stages of its development so that it could serve as a focus of discussion and a model for the development of other stormwater ordinances throughout the region. The purpose of this and other local stormwater ordinances is to establish the legal authority necessary to implement the provisions of the Municipal Stormwater Permit (Order No. 2001-01). Through County Counsel, the TAC worked closely with the City Attorneys NPDES Workgroup to provide input into the drafting of the Ordinance. To facilitate this

process, the TAC reviewed the Ordinance at various stages of its development and provided a forum for extended review and discussion at two of its monthly meetings.

Action Item 4: Provide general guidance on legal issues.

Providing guidance on legal and regulatory issues to Project Clean Water is an ongoing function of the Legislative and Regulatory Issues TAC. Over the past year, the TAC has addressed this mandate by continuing to explore each of the assigned action items and identifying and exploring other priority issues and tasks that expand and redefine its work. In May 2002, the TAC also began developing impartial summaries of pending legislation as a basis for discussion at its monthly meetings. These summaries are posted to the Project Clean Water website. The TAC also continues to actively solicit the participation of experts in various disciplines of water quality and environmental law and regulation to assist in the identification and evaluation of priority issues.

Action Item 5: Develop a compliance incentive program for local businesses.

In January 2002, the TAC established a technical workgroup to develop incentives for encouraging local businesses to go above and beyond regulatory compliance. The workgroup began meeting to discuss and establish a baseline of available resources, existing model programs, and local industry needs. As a result, an Awards subcommittee and a Green Business subcommittee were formed. The Awards subcommittee developed an awards nomination form, scoring form, judging procedures and a judging panel. The subcommittee will present their "2002 Clean Water Awards" to several local industry associations at the June 21, 2002 Clean Water Summit. The Green Business subcommittee was established to develop a Green Business program to educate local businesses on pollution prevention methods. This subcommittee is developing a program which may be modeled on other Green Business programs or on an evaluation of the specific needs of local industries. The subcommittee continues to meet monthly.

Action Item 6: Identify opportunities for legislative changes to support water quality protection.

Since its inception in November 2000, the TAC has recognized the need to consider the development of legislative change as a means of better addressing existing and potential water quality issues in the region. The approach utilized in addressing this Action Item is incremental. First, the TAC worked to better characterize current water quality laws and regulations through the development of a baseline inventory completed in June 2001. The TAC has also continued to explore priority legislative and regulatory issues at its regular meetings, and began tracking proposed legislation in May 2002 as a basis for continued discussion. In the future, the TAC will work to unite lobbying efforts to pursue agreed upon priorities.