

LEGISLATIVE AND REGULATORY ISSUES
Technical Advisory Committee
February 7, 2003 Meeting Summary



project clean water

Participants:

Teresa Brownyard, County of San Diego	Anne Lee, Foley and Lardner
Julie Hampel, City of El Cajon	Cid Tesoro, County of San Diego
Todd Snyder, County of San Diego	Charles Crandall, Berryman and Henigar
Larry McKenney, County of Orange	Rod Lorang, County of San Diego
Trish Boaz, County of San Diego	Paula de Sousa, Best, Best and Krieger
Jason Mooney, City of El Cajon	Jon Van Rhyn, County of San Diego
Kirk Ammerman, City of Chula Vista	Laura Zahn, FORCE
Jim Murray, LACEDC	Erika Horn, County of San Diego
George Wilkins, Pacific REMS	

I. Introductions

The Leg TAC chair, Teresa Brownyard (County of San Diego), welcomed attendees and indicated that the purpose of the meeting was to identify and discuss goals that may be used to guide the region's collective pursuit of legislative change. Attendees then introduced themselves.

II. Identify Legislative Goals

Ms. Brownyard began by highlighting some of the issues discussed at the previous Leg TAC meetings. These are areas where participants agreed that legislative change might be warranted:

- Locate a sustainable regional funding source.
- Explore the potential to emulate local hazardous waste programs where authority is delegated to implement local programs as well as state regulatory agencies.
- Require that regulatory programs be based on sound science.
- Ensure that fine money is directed to responsible regulatory agencies or to the local implementing agencies, rather than to the State General Fund.

Ms. Brownyard also reiterated the need to present a clear, united voice for our region and encouraged participants to offer ideas and ongoing activities. Over the course of the meeting, participants put forth several ideas regarding potential areas for legislative change. Ideas included:

- Earmark a certain percentage of Proposition 40 and/or 50 funds for urban runoff pollution abatements programs in the San Diego/Southern California region. In this way, the San Diego region would be guaranteed its fair share of grant monies, and

state cost savings would be realized by devolving administrative costs and allocation decisions to the local level.

- Transition away from a permit-and-penalty regime for municipal dischargers, and toward a state oversight program approach.
- Eliminate dual state/local regulation of industrial facilities and certain construction sites. If this responsibility was delegated to local jurisdictions, municipalities could request that the Regional Water Quality Control Boards provide them with State Permit fee money.
- Remove the state law requirement that municipal stormwater discharges meet receiving water quality objectives. The justification for this change would be that state law goes beyond the federal requirement that stormwater discharges be controlled to the maximum extent practicable (MEP).
- Allow more flexibility in reconciling stormwater programs with other important considerations (i.e. economic development, housing, etc.).
- Allow payment of a fee or some other mitigation measure in lieu of fulfilling all SUSMP requirements on all project sites.
- Seek a clear definition of maximum extent practicable (MEP).
- Require that the Basin Plan be adequately reviewed in order to be enforceable. Also, ensure that the Basin Plan is based on current conditions and sound science.
- Need for clarity of regulation and interagency cooperation and unity.
- Reduce inconsistencies between stormwater requirements and other resource management regulations (i.e. prohibiting non-stormwater discharges, but prohibiting destruction of flora and fauna that rely on non-stormwater discharges for their survival.)

Several other strategies were suggested as the region pursues legislative change:

- Pursue regional mechanisms to combine funds for efficiency. One specific suggestion was to tap into, or model efforts after, existing mechanisms that have proven to be effective (i.e. the 5-County Cooperative Funding Group established for the Multiple Species Conservation Program (MSCP).)
- Pursue a statewide stormwater education campaign.

III. **Conclusions**

At the conclusion of the meeting, the day's discussion was summarized and grouped into five broad principles under which specific priorities can be further pursued:

- Ensure Adequate Funding, Including a Fair Share of Available Monies, for Water Quality Programs in the San Diego Region
 - Allocate proposition money directly to locals
 - Earmark a certain amount of proposition funds to San Diego/Southern Cal.
 - Distribute fine money directly to locals or to the appropriate regulatory agency, rather than to the State General Fund

- Develop or emulate mechanism to enact legislative change based on successful existing models (i.e. MSCP 5-County Cooperative Funding Group)
- Pursue a statewide education campaign
- Support the Development and Refinement of Linkages between Science and Policy
 - Emphasize new approaches and technologies.
 - Ensure that water quality standards and regulatory programs are based on sound science, including adequate funding and staffing for Basin Plan review and independent scientific review of water quality standards as in the Multiple Species Conservation Program (MSCP)
- Support Efforts to Reduce Redundancy of Regulatory Programs
 - Reduce or eliminate the dual state/local regulation of industrial facilities and some construction sites.
 - Shift regulatory oversight to the local level (based on the CUPA model).
- Support Appropriate Local Control Over the Scope and Content of Water Quality Programs
 - Allow more flexibility in balancing stormwater programs with other important considerations (i.e. housing and economic growth)
 - Allow mitigation or fee payment on in-fill development projects in lieu of meeting all SUSMP requirements on all sites.
- Support the Continued Development and Maturation of Effective Water Quality Management Paradigms
 - Integrate water quality programs with other programs (i.e. clean air)
 - Emphasize watershed elements
 - Reduce inconsistencies between stormwater and other regulation and management of other natural resources.

IV. **Next Meeting**

Friday, April 4, 2003 (9:30 a.m. – 11:30 a.m.)
County Administration Center, 1600 Pacific Highway, 8th Floor Tower.