

LEGISLATIVE AND REGULATORY ISSUES
Technical Advisory Committee
September 5, 2003 Meeting Summary



Participants:

Kirk Ammerman, City of Chula Vista
Anne Lee, Foley & Lardner
Jon Van Rhyne, County of San Diego
Todd Snyder, County of San Diego
Bruce Charest, City of Lemon Grove
Larry McKenney, County of Orange
Patti Krebs, IEA

I. Welcome & Introductions

The meeting began with a welcome from Leg TAC co-chair Jon Van Rhyne, County of San Diego. Participants then introduced themselves.

II. Review of Clean Water Summit (Legislative & Regulatory Issues Track)

Larry McKenney, County of Orange, provided an overview of the presentations and discussion that took place in the Legislative and Regulatory Issues Track (Leg Track) at the Clean Water Summit on June 20, 2003. The focus of the Leg Track was on identifying ways to trigger the legislative and regulatory change needed to foster improvement in regional water quality. Mr. McKenney suggested that though the day's events were interesting and informative, there seemed to be few concrete suggestions about how to instigate this change. He briefly outlined each of the five presentations and summarized the group discussion which followed. In short, participants pointed to a number of specific issues that they felt were in need of change, but made few suggestions about how to achieve those ends. One theme that was consistently emphasized throughout the day's discussion was the need for a unified regional voice on issues of a legislative and regulatory nature.

It was suggested that some participants might have felt hesitant to offer new and innovative ideas due to the presence of representatives of the Regional Water Quality Control Board (RWQCB), and the fear that they would be perceived to be attacking the current regulatory system. It was then noted that, whether justified or not, there is a general feeling among municipalities that they must be very careful about what is said in public forums. There is concern that the RWQCB and the environmental community will interpret suggestions for improvement as attempts to undermine the municipal stormwater permit. It was suggested that this, along with the fact that good ideas often become mandatory in the eyes of regulators, decreases the incentive for innovation.

III. Future Directions

Mr. Van Rhyn kicked off the discussion of future directions for the Leg TAC by describing some changes recently made to the overall structure and administration of Project Clean Water. First, in response to stakeholder feedback, the County Board of Supervisors has asked for a slight “scaling back” of the time commitment required to actively participate in Project Clean Water TACs and associated workgroups. As such, TACs are now scheduled to meet quarterly, and more frequently if needed. Second, a Policy Advisory Committee (PAC) that will be chaired by County Supervisors Cox and Slater has been created to assume many of the functions previously performed by the Project Clean Water Steering Committee. The scope and purview of the PAC has yet to be fully defined. Finally, there will be renewed emphasis on distinguishing between issues and positions of interest to Copermittees, and those that are addressed regionally through the Project Clean Water forum.

Mr. Van Rhyn then led a discussion on a possible strategy for following through on an action item identified at the 2002 Clean Water Summit. At the 2002 Summit, participants displayed considerable interest in finding better ways to communicate regional priorities to legislative aides. It was suggested that the Summit could be a potential forum for this type of interaction. The idea would be to bring as many stakeholders together as possible, and through a process of facilitated meetings, put together a consensus agenda that would represent legislative priorities for the entire region. The agenda could then be presented by an impartial facilitator to legislative aides at the 2004 Clean Water Summit. Not only would this approach assist a diverse group of stakeholders in identifying shared priorities, it would improve dialogue, and assist the TAC in achieving its goal of projecting a unified regional voice on certain legislative and regulatory issues.

Participants were receptive to this idea, and there followed considerable discussion about how to structure the process to ensure its success. First, all agreed that the process had to involve a broad and representative selection of interested parties in the region, including environmental groups, regulated entities, regulators, and others. Second, some suggested that there should be an agreement at the inception of this process that “everything is on the table” when brainstorming; there should be no bias toward individuals or organizations suggesting ideas out of conformance with the *status quo*. Finally, all agreed that a smaller planning group was needed to put this process into motion.

A tentative schedule was then suggested:

- **September – November, 2003:** A small, informal workgroup will be convened to better map out timelines, identify key players, and organize the first facilitated meeting, which would take place at the next TAC meeting in late November or early December.
- **Late November / Early December, 2003:** The TAC meeting would consist of a facilitated brainstorming session; participating individuals and groups would exchange ideas about their legislative priorities in an attempt to identify areas of

common ground. For example, it was suggested that improving data collection and allocating more bond money to Southern California might be two platforms on which everyone could agree.

- **February 2004:** The February TAC meeting would build off of the shared priorities identified in November to finalize a consensus regional legislative agenda.
- **June 2004:** The consensus legislative agenda would be presented to legislative aides at the 2004 Clean Water Summit, early enough to influence both the 2005 legislative session as well as the scheduled 5-year revision to the San Diego regional municipal storm water permit. By presenting this agenda in an open forum, Summit participants would also have the opportunity to support or disagree with the information put forth.

Participants then briefly discussed other issues that the TAC should keep on its radar screen. With regard to identifying funding sources for stormwater programs, it was noted that there is progress being made on identifying ways to exempt stormwater fees from Proposition 218 voter approval requirements. Interest was expressed in seeing this item addressed in a future TAC meeting. Finding ways to streamline duplicative state and local inspections of industrial facilities and construction sites was suggested as another item of potential interest. It was decided that since this issue is likely to be pursued in another forum outside the TAC, that an update on these issues could be provided at another meeting.

IV. Pending Water Quality Legislation

Todd Snyder, County of San Diego, provided an update on active water quality legislation in the California legislature. He began by noting that the 2003 legislative session is scheduled to end on September 11, so there will likely be a flurry of activity in the coming week. As of this meeting date, the legislature had passed two water quality bills of potential interest to the region:

- **SB 196** – Mandates that the RWQCB members currently required to be appointed as representatives of "municipal government" and "county government", upon the next vacancy occurring in those respective offices, be a city councilmember or mayor, and a county supervisor, respectively.
- **SB 68** - Establishes the San Diego Bay Advisory Committee for Ecological Assessment. Requires the Committee to prepare a report that would discuss water quality, ecological health, an evaluation of existing toxicity regulations, recommendations for toxicity controls, identification of habitat enhancement projects, and an assessment of economical technologies related to stormwater treatment systems to meet toxicity standards. Chair would be Port District. Describes membership of Committee.

Mr. Snyder wrapped up this discussion by noting that he will be distributing legislative updates on a more frequent basis during the 2004 session (no less than monthly). Impartial summaries of active bills are also regularly updated and posted on the Leg TAC web page at: http://www.projectcleanwater.org/html/tac_legislative_pending_leg.html.

V. Comments

There were no additional comments.

VI. Next Meeting

The Legislative and Regulatory Issues TAC is tentatively scheduled to meet again in late November or early December. A location has yet to be determined.