IRWD STORMWATER AND DRY WEATHER RUNOFF MANAGEMENT AND CAPTURE POLICY PRINCIPLES
JULY 14, 2014

ISSUE SUMMARY:

As California faces another drought, policy discussions throughout the state have again turned to identifying new ways to promote the planning, investment and development of new water resources. Because the majority of water in California begins as a storm flow and has the potential to become stormwater runoff, achieving multi-benefit and sustainable solutions for California's water supply issues require that the water community evaluate stormwater and dry weather runoff management and capture as one method to enhancing water quality and water supplies within the state.

Historically, California's stormwater and dry weather runoff management have been designed to capture and convey water away from people and property. As a result, stormwater and dry weather runoff have traditionally been underutilized resources which are too often viewed only as a source of flooding or nuisance flows that needs to be disposed of instead of as a potential water source. While this objective remains critical, the management of these flows must be adapted to include capturing this water for beneficial uses.

As a leader in state and federal water resources public policy and governance, the Irvine Ranch Water District (IRWD) promotes policy initiatives that allow the District, along with other water purveyors in California, to enhance the quality and reliability of local water supplies throughout the state. As a means of providing input into the discussions surrounding stormwater and dry weather runoff management and capture in California, and in order to guide the District's advocacy efforts related to these discussions, the following policy principles have been adopted by the IRWD Board of Directors.

POLICY PRINCIPLES:

- Urban water is regulated as a waste and is comprised of both stormwater and non-stormwater. California policy should be amended to treat stormwater and dry weather runoff as a resource wherein flood protection, water quality, and water supply improvements are complementary goals.

- Regional, watershed/subwatershed-specific stormwater and dry weather runoff planning efforts that engage key stakeholders in the planning process, and allow for consideration of local factors that may impact the appropriateness of stormwater and dry weather runoff capture, infiltration and use within a region should be encouraged.

- Stormwater and dry weather runoff capture, use and recharge of groundwater should be encouraged where appropriate and cost effective.

    - Factors such as pollutant loading, local hydrology and geology, land use conditions, environmental impacts, water quality effects and the amounts and variability of precipitation and runoff should be considered in determining the appropriateness of a stormwater and dry weather runoff capture and use projects.

- Stormwater and dry weather runoff capture, use and recharge projects should not be pursued where the project may impact ongoing pollution clean-up efforts or where the risk of spreading underground contaminants is present.

- Stormwater and dry weather runoff capture, use and recharge projects should be implemented only when there is no impact to existing water rights.

- Low-impact development (LID) standards, as it applies to stormwater, should be implemented where site appropriate and should be balanced with other treatment options such as regional natural treatment systems. LID standards should not be encouraged where they would exacerbate pollution clean-up efforts, where there is a risk of spreading contaminants, where development would occur over bedrock, where infiltration would result in perched water, or where they would exacerbate the challenges associated with high levels of naturally occurring constituents such as selenium.

- Stormwater and dry weather runoff management and capture planning should be done regionally and not on a parcel-by-parcel basis. Regional boards should move away from parcel-by-parcel water quality requirements, and focus on regional compliance in order to encourage large-scale regional stormwater and dry weather runoff capture, retention, diversion, use and recharge.

- While state and federal policy should encourage and prioritize stormwater and dry weather runoff management and capture projects which seek to obtain multiple public benefits, state and federal policy should take into account the importance of smaller-scale stormwater and dry weather runoff capture projects that may assist in compliance with TMDL implementation plans or target removal of a single pollutant creating benefits for the environment or a receiving water. Where possible stormwater and dry weather runoff capture projects should be coordinated with habitat, recreation, transportation and other infrastructure improvements to ensure that cost effective solutions are optimized.

- State policy should encourage, not discourage, the planning and development of stormwater and dry weather runoff capture, use and recharge projects.

    - Stormwater and dry weather runoff management and capture planning requirements and/or policies should consider the complex nature of stormwater capture planning and should not contain inflexible, prescriptive and burdensome requirements. Voluntary regional planning should be encouraged. In general, the State should limit mandatory requirements for inclusion in stormwater resource plans, and should maximize flexibility for local agencies undertaking stormwater planning.

    - State and federal agencies should be directed to develop streamlined environmental review and permitting requirements which would accelerate the development and construction of regional stormwater and dry weather runoff capture and use projects. The processes for obtaining a Streambed Alteration Agreement should be examined to ensure that the process does not discourage stormwater and dry weather runoff capture projects.

    - The State should work with the appropriate federal agencies to streamline federal permit requirements to accelerate the development and construction of stormwater and dry weather runoff capture and use projects.

- In order to encourage stormwater and dry weather runoff capture, use and recharge projects, which also enhance habitat and other environmental resources, state and federal law should clearly provide that maintenance of stormwater and runoff capture facilities is exempt from the California Environmental Quality Act, the National Environmental Policy Act, additional environmental review, and additional permitting and mitigation requirements.

- MS4 water quality permits should consider broader public benefits in order to allow for multi-benefit projects and not only water quality goals. Language should be added to state and federal law to encourage regulatory incentives for stormwater and dry weather runoff capture, infiltration and use to facilitate the application of resource towards these projects.

- State and federal law should take a "no penalty" approach to overflows from stormwater and dry weather runoff impoundments that release water into the same watershed in which the water was captured. State and federal law should take a "no penalty" approach to overflows from recycled water impoundments if the overflow is due to the inflow and attempt to capture stormwater during a storm event.

- State and federal law and water policy should encourage and recognize wetland treatment processes in removing contaminants in stormwater and dry weather runoff. Recognition could come in the form of offset credits for upstream discharges.

- *Griffiths v. Parajo Water District* should be codified to clarify that all costs associated with stormwater and dry weather runoff capture and recharge projects, for the purpose of water supply augmentation, are costs associated with providing "water service."

- State funds for regional water supply enhancement and other public funds should be made available for stormwater and dry weather runoff capture projects including associated data collections efforts and programs to improve stormwater quality. Stormwater and dry weather runoff management programs should be sufficiently flexible to focus limited local, state and federal resources on actions that support community priorities and produce measurable results. This will increase opportunities to pool and leverage scare resources among permittees, and garner additional resources from other stakeholders and partners.

- The State should encourage research on long-term maintenance and anti-clogging measures to ensure stormwater and dry weather runoff capture and infiltration facilities continue to operate at maximum capacity. Clogging of the infiltrating surface and resulting reductions in infiltration rates are a challenge of all artificial recharge systems. Recharge facilities need to be designed and maintained with biological and sediment clogging in mind.