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State and Regional Water Boards

They Must Do More to Ensure That Local Jurisdictions' Costs to Reduce Storm Water Pollution Are Necessary and Appropriate

Background

To curb harmful effects of pollution from storm water runoff, federal law requires the State to set restrictions on the pollutants that can be discharged into water bodies and requires local jurisdictions—cities, counties, and other public entities—to obtain storm sewer permits. The permits implement pollutant control plans—which the State's nine regional water quality control boards (regional boards) develop—and require local jurisdictions to monitor their storm water discharge to reduce the pollutants to safe levels. The State Water Resources Control Board (State Water Board) and the regional boards regulate storm water pollution. We reviewed the State Water Board's and three regional boards' regulatory activities.

Our Key Recommendations

- The Legislature should direct the State Water Board to assess whether a study of a specific water body is justified, and if so, require the appropriate entity to conduct the study.
- The State Water Board should do the following:
 - » Set and monitor adherence to guidance for local jurisdictions on tracking storm water management costs and for regional boards to develop and document estimates of the overall storm water management costs to local jurisdictions when considering pollutant control plans.
 - » Revise its trash policy to focus it on local jurisdictions that have water bodies that are harmed by trash.

Key Findings

- The regional boards have not adequately considered the overall costs that local jurisdictions would incur to implement pollution control requirements they impose—the city of Los Angeles estimates it will spend \$8.8 million over three years to comply with one requirement and that another pollutant control plan could cost 41 jurisdictions in the Los Angeles region over \$1.4 billion.
 - » For eight of the 20 plans we reviewed, the regional boards either used inappropriate methods for developing estimates or did not document sources they used to develop the estimates.
 - » The regional boards did not consider all of the costs that local jurisdictions had previously incurred from implementing other requirements for 12 of the 20 plans we reviewed.
- The regional boards do not have consistent information on the costs that local jurisdictions incur in complying with storm water requirements.
 - » Although the State Water Board has been aware of inconsistent information, it has not provided guidance to local jurisdictions on how to track or report their costs.
 - » One regional board did not collect cost information from local jurisdictions despite federal requirements directing it to do so.
- The State Water Board and regional boards have established some pollutant control requirements using outdated information or without obtaining sufficient information on the water bodies they are regulating to adequately tailor plans, which has resulted in unnecessary costs for local jurisdictions.
- The State Water Board's statewide policy prohibiting local jurisdictions from discharging trash into water bodies has forced local jurisdictions to direct resources to reduce trash rather than other pollutants of greater concern.