

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor John J. Benoit, District 4

**SUBMITTAL DATE:** April 17, 2012


**SUBJECT:** Comments to Governor Brown regarding Regional Water Quality Control Board Restructuring Proposal

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Oppose the elimination of the Colorado River Region Regional Water Quality Control Board (RWQCB);
2. Authorize the chairman of the Board to send a letter to Governor Brown opposing his three-point proposal to restructure the Regional Water Quality Control Boards, and;
3. Direct the Executive Office to engage our legislative advocates to monitor and actively oppose this issue on behalf of the County.

**BACKGROUND:** Riverside County is unique as it is the only county in California to be regulated by three Regional Water Quality Control Boards (RWQCBs). The RWQCBs issue various water quality-related permits, certifications and activities that affect the County, including its cities, businesses and residents. These requirements profoundly impact public and private development, including road development and maintenance projects. Although the State Water Resource Control Board is charged by the California Constitution with overseeing and coordinating the regulatory activities of the RWQCBs, the SWRCB has not exercised its authority. The RWQCBs therefore operate with autonomy and have widely varying approaches to discharging their duties. As noted in a January 2009 Little Hoover Commission report evaluating the SWRCB and RWQCB effectiveness, this autonomy has resulted in "a system that lacks consistency, accountability and transparency, and is unable to match resources to priorities."

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John J. Benoit, Supervisor  
Fourth Supervisorial District

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**BACKGROUND continued:** The Little Hoover Commission Report recommended 13 actions to address these issues. On March 14, the Governor proposed a budget trailer bill to SB900 that would have addressed two of the Little Hoover Commission's recommendations:

- 1) Reducing the Regional Board Members from 9 to 7 members, with membership based on a demonstrated interest and proven ability in the field of water quality;
- 2) Allowing the Governor to appoint a chairperson of each Regional Water Quality Control Board.

The budget trailer bill also included a third action not recommended by the Little Hoover Commission:

- 3) Eliminating the Colorado River Region Regional Water Quality Control Board. The portions of Riverside County that are currently regulated by the Colorado River Region Regional Water Quality Control Board would become part of the new San Diego and Colorado River Basin Regional Water Quality Control Board.

The budget trailer bill made it out of the Assembly Budget Committee and will be heard in the Senate on April 25, 2012.

County staff has reviewed the Governor's proposal, as well as comment letters on the proposal sent by the California State Association of Counties and the California League of Cities. Staff conclusions are summarized below:

- 1) The proposal to reduce the number of Board Members from 9 to 7 also eliminates the designated seats for local government representation on the Regional Boards. This was not part of the Hoover Commission's original recommendations. Dedicated local government representatives, who have historically been elected officials, better represent the interests of the general public and tend to bring the broadest perspectives to the decision-making process rather than representatives with a general interest in water quality. County staff recommend that the Governor's proposal be modified consistent with the recommendations of CSAC and the League of Cities to ensure dedicated seats for local government representation;
- 2) Along with CSAC and the League of Cities, we believe that the Board Chair should continue to be appointed by the Regional Board members;
- 3) The proposal to eliminate the Colorado River Region Regional Water Quality Control Board would effectively transfer control of the eastern half of Riverside County to the San Diego Regional Water Quality Control Board. This has very damaging potential consequences as the Colorado River Region Regional Water Quality Control Board has historically worked closely with Riverside and Imperial counties to address the significant and important issues of the Salton Sea. The regulatory transfer could significantly upset existing agreements and understandings related to management of the Salton Sea and its tributaries. Further, the San Diego Regional Water Quality Control Board has historically taken a "one size fits all" approach to regulation that could have significant negative ramifications to ephemeral desert ecosystems, local water supply management efforts and local municipal economies. The San Diego Regional Board is currently in the process of developing a single "regional" stormwater permit that is intended to serve the board's entire jurisdictional area including southwest Riverside County, southern Orange County and all of San Diego County.

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Should the Governor's proposal be enacted, we would expect the San Diego Regional Board to attempt to extend this permit to cover eastern Riverside County as well. Elimination of the Colorado River Region Regional Water Quality Control Board was not included in the Little Hoover Commission recommendations and Riverside County does not support it.