

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



FROM: Supervisor John J. Benoit, District 4

SUBMITTAL DATE: April 17, 2012

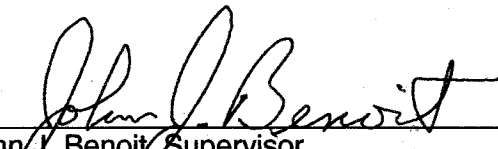
SUBJECT: Comments to Governor Brown regarding Regional Water Quality Control Board Restructuring Proposal

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."

(Continued on Page 2)

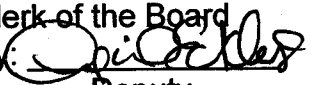


John J. Benoit, Supervisor
Fourth Supervisorial District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 17, 2012
xc: Supvr. Benoit, EO, Governor Brown

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. ref.

Dist. ALL

AGENDA NO.

3.34

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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.



Board of Supervisors

District 1	Bob Buster 951-955-1010
District 2	John F. Tavaglione 951-955-1020
District 3	Jeff Stone 951-955-1030
District 4	John J. Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: Regional Water Quality Control Boards – Restructuring Proposal

Dear Governor Brown:

On behalf of the County of Riverside Board of Supervisors, we are pleased to provide the following comments on the Administration's proposed changes to the structure of the Regional Water Quality Control Boards.

Our experience in administering the three Municipal Separate Storm Sewer System (MS4) permit compliance programs for three areas of the County and working with three Regional Boards with different perspectives and approaches to water quality regulation provides the District with a unique perspective on the administration of water quality regulation in California. Two of the MS4 permits issued to Riverside County cover semi-arid areas and are issued by the San Diego and Santa Ana Regional Water Quality Control Boards. These Regional Boards also issue MS4 permits to San Diego and Orange Counties, which discharge to coastal receiving waters. The Colorado Regional Water Quality Control Board has issued an MS4 permit for the Coachella Valley area, which is in the desert area of the County.

The County has also participated in the Little Hoover Commission 2008 hearings regarding Improving Performance and Outcomes at the State Water Boards and reviewed the Little Hoover Commission's January 2009 Report (Clearer Structure, Cleaner Water: Improving Performance and Outcomes at the State Water Boards). In general, the County supports the recommendations of the Little Hoover Commission and we believe that the Administration's proposed changes to the Structure of the Regional Water Quality Control Boards is intended to address the recommendations made by the Little Hoover Commission.

However, the Administration's proposal makes critical changes to the recommendations contained in the Little Hoover Commission Report that the County of Riverside does not support. The Administration's proposal also additionally recommends the dissolution of the Colorado River Region Regional Water Quality Control Board, which is a recommendation not contained in the Little Hoover Commission January 2009 Report. We also oppose this recommendation.

Dissolution of the Colorado River Regional Water Quality Control Board

The Colorado River Region Regional Water Quality Control Board regulates a unique desert region of the State of California. This region is hydrologically and climatically different than areas regulated by other Regional Water Quality Control Boards, particularly the coastal Regional Boards, such as the San Diego Regional Board. The region regulated by the Colorado River Region Regional Water Quality Control Board is highly arid, with much of the valley area receiving less than 3" a year of rainfall. Stream systems are strictly ephemeral, and dominated by shallow, sandy channels with poorly defined banks. These systems are hydrologically and ecologically different than the incised and defined channels that dominate semi-arid and coastal climatic regions. Further, the Colorado River Region regulates drainage to the Salton Sea, one of the State's most significant receiving waters and water quality concerns.

The Colorado River Region Regional Water Quality Control Board has historically worked closely with Riverside County and other local stakeholders to address the significant and important issues of the Salton Sea and other arid desert water resources. The local staff has built a unique expertise in addressing these significant and unique issues. This has resulted in regulatory approaches that are appropriate to, and specifically design for, this climatic area.

The regulatory transfer of these regions to the San Diego Regional Water Quality Control Board could significantly upset existing regulations, agreements and understanding 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 economies. The San Diego Regional Board is currently in the process of developing a single "Regional" Stormwater Permit that is intended to serve their entire jurisdictional area including southwest Riverside County, southern Orange County and all of San Diego County. Should the Administration's proposal be enacted, we would expect the San Diego Regional Board to attempt to extend this permit to cover the arid desert regions of eastern Riverside County as well. This MS4 Permit is not adapted or appropriate for desert climates.

We are also concerned that the appointment of future Board Members under the proposed San Diego and Colorado River Basin Regional Water Quality Control Board would be dominated by representatives from the coastal areas regulated by the current San Diego Region due to the larger population base. This may further hinder development of regulations and permits that respect the unique conditions of arid desert environments.

The Regional Boards were originally created by the legislature to address the differences in precipitation, topography and population, as well as recreation, agriculture and industrial development that exist throughout California. Although we understand and support efforts to streamline government, the Colorado River Region Regional Water Quality Control Board serves a critical role in providing regulations that fit local conditions unique to the desert regions of California, as originally intended by the Porter-Cologne Water Quality Act. The County of Riverside therefore strongly opposes the dissolution of the Colorado River Regional Water Quality Control Board due to the potential loss of staff expertise in regulating desert climates and the threat of the creation of a Board that does not appropriately represent or weight the interests of desert communities.

Reduce Number of Board Members/Eliminate Associational Requirements

The County concurs with the recommendations and findings of the March 2, 2012 letter to you from the California State Association of Counties, Regional Council of Rural Counties and the League of California Cities (March 2 letter).

The Administration's proposal would reduce the number of regional water board members from nine to seven. The proposal would also eliminate existing associational requirements and give the Governor flexibility to appoint board members "on the basis of demonstrated interest and proven ability in the field of water quality".

While we do not oppose the reduction in size of the regional boards, we do strongly oppose the elimination of the two seats reserved for local government. Counties and cities play a significant role in stormwater management and wastewater treatment. Losing their representation on the regional boards would remove the perspective of a substantial segment of the regulated community. In addition, with the requirement that the two municipal members be elected officials, their presence will generally represent the interests of the general public to a degree greater than any of the other board members. We believe that the local government representatives tend to bring the broadest perspectives to the decision-making process.

We also concur with the March 2nd letter's recommendation that the reduction from nine to seven members be accomplished by reducing the number of unaffiliated appointees from three to one. This is more closely aligned with the Little Hoover Commission's original recommendations regarding restructuring the Regional Boards. Preserving the current associational requirements will continue to encourage diverse representation on the regional boards.

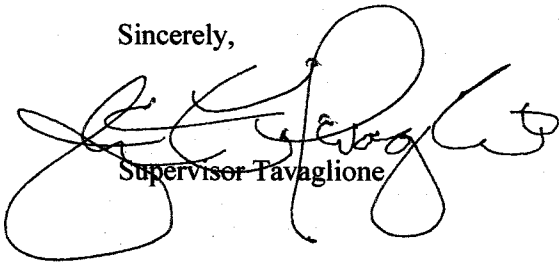
Appointment of Board Chair

Currently each regional board is authorized to select a chair at its first meeting each year. The Administration's proposal would authorize the Governor to select the chair of the Regional Boards.

Although this was recommended by the Little Hoover Commission, the County supports the March 2nd letter's recommendation that the Board chair should continue to be appointed by the Regional Board members.

In conclusion, we respectfully request your consideration of the concerns we have raised. We look forward to continuing to discuss these issues with your staff.

Sincerely,



Supervisor Tavaglione

Grant, Diana

From: DeArmond, Michelle
Sent: Thursday, April 12, 2012 2:48 PM
To: Grant, Diana; Gann, Alex
Cc: Roush, Jana
Subject: RE: Colorado River Regional Water Quality Control Board

Autopen is OK.

From: Grant, Diana [<mailto:Dgrant@rceo.org>]
Sent: Thursday, April 12, 2012 2:42 PM
To: DeArmond, Michelle; Gann, Alex
Cc: Roush, Jana
Subject: RE: Colorado River Regional Water Quality Control Board

Hi, Michelle: We are finalizing. Is it okay for COB's office to use Supervisor Benoit's auto pen on this form 11?

Diana M. Grant

CEO's Executive Assistant
Phone: (951) 955-1103
Fax: (951) 955-1105
E-mail: dgrant@rceo.org

From: DeArmond, Michelle
Sent: Thursday, April 12, 2012 2:27 PM
To: Gann, Alex
Cc: Roush, Jana; Grant, Diana
Subject: RE: Colorado River Regional Water Quality Control Board

Thanks for the work on this, Alex. I made relatively minor changes, although check to make sure I didn't do anything damaging. I also left a couple questions on the side.

From: Gann, Alex [<mailto:AGann@rceo.org>]
Sent: Thursday, April 12, 2012 2:11 PM
To: DeArmond, Michelle
Subject: RE: Colorado River Regional Water Quality Control Board

Michelle,

Thanks – Can you include Jana Roush & Diana Grant on your email as I will need to leave at 2:40 for an appointment.

Alex Gann

Principal Management Analyst
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