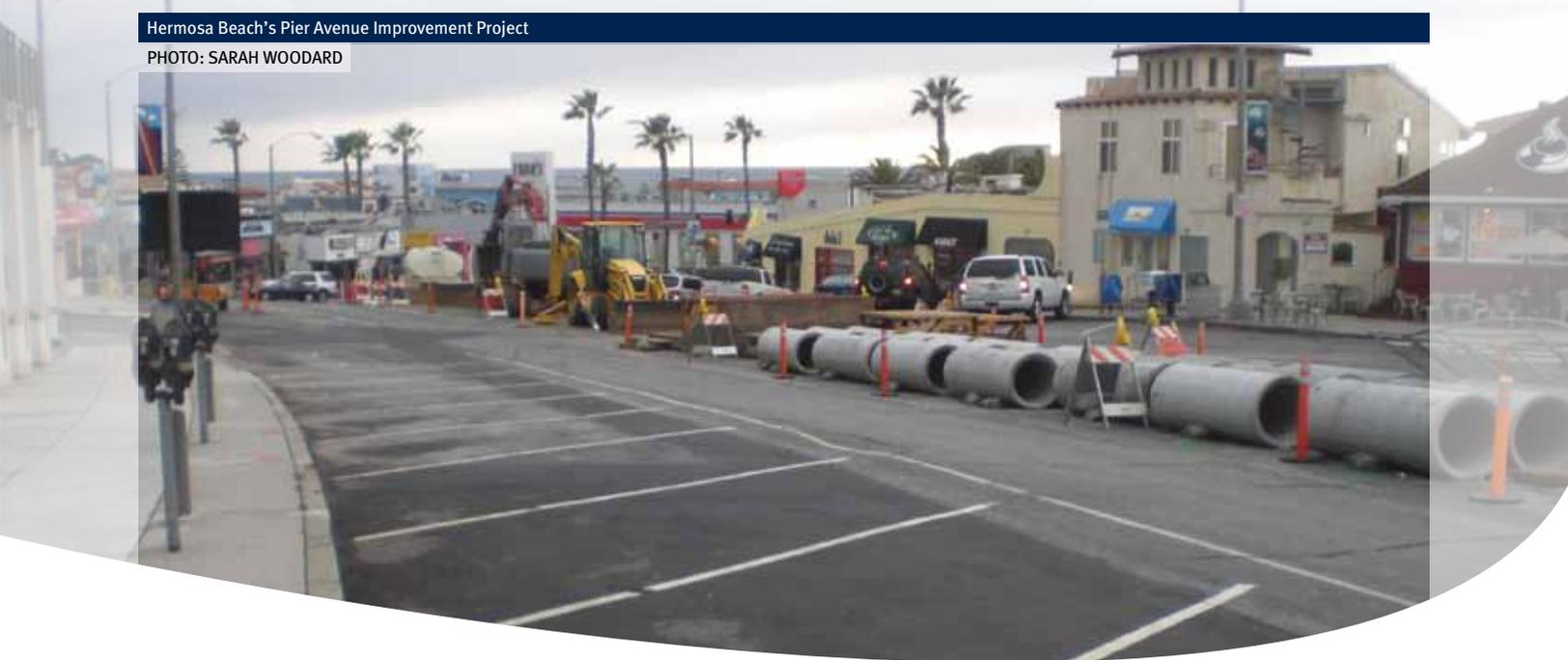


Hermosa Beach's Pier Avenue Improvement Project

PHOTO: SARAH WOODARD



Funding for a Healthy Bay

MARK GOLD

THE HEALTH OF THE SANTA MONICA BAY has come a long way in the last two decades. In particular, great progress has been made in the areas of habitat preservation, sewage treatment plant upgrades, and Bay water quality and ecology adjacent to treatment plant outfalls. However, other than limited progress on summer beach water quality along the Bay and trash discharge reductions from Ballona Creek, efforts to reduce pollutant loads and the impact of urban runoff have not yet resulted in significant Bay water quality improvement.

One of the largest obstacles to progress in reducing urban runoff pollutant loads has been lack of funding. The cost of stormwater pollution prevention and reduction is extremely high for a built-out urban environment such as the greater part of the Santa Monica Bay watershed. Some progressive efforts have occurred to date, most notably the \$500 million Proposition O for capital improvement projects for cleaning up Los Angeles' rivers, lakes, beaches, and bays. The bond measure was approved by an impressive 76% of the vote, and funds are now going towards year-round dry weather runoff diversions, catch basin trash excluder devices, stormwater infiltration, and lake clean up and restoration efforts. Proposition O has complemented state bond efforts such as Propositions 13, 40, 50, and 84 that allocated hundreds of millions of dollars for capital improvement projects designed to reduce dry weather and stormwater runoff pollution.

However, there is a problem: As Los Angeles continues to construct these much needed projects, the shortcomings of relying exclusively on the bond measure approach to tackling runoff pollution are such that problems continue to magnify. Bond measures can only fund capital

improvements, so with every project that is built using city or state bond funds, the operation and maintenance funding shortfall continues to grow. The stormwater infrastructure crisis has expanded beyond the initial need to fund the construction of multi-use, green infrastructure projects, and we now struggle with inadequate funding to operate and maintain these new projects, let alone continue with basic stormwater programs such as street sweeping, catch basin cleaning, and public education.

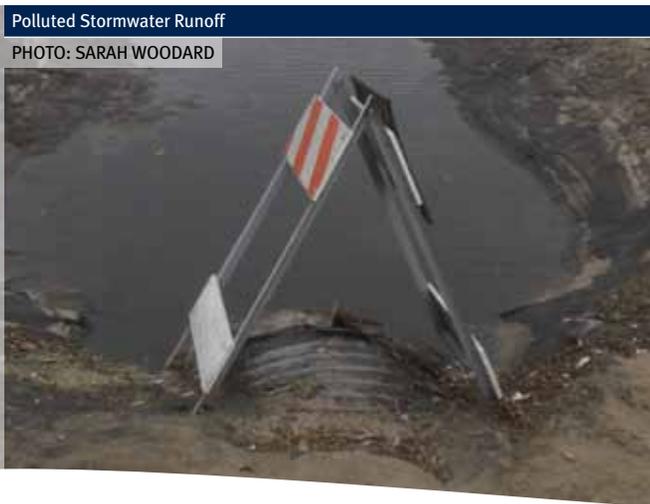
With beneficial uses, such as recreational water contact and aquatic life, severely impaired because of urban runoff, local municipalities and LA County have had no choice but to aggressively reduce runoff pollution in order to comply with the Federal Clean Water Act's stormwater and Total Maximum Daily Load requirements. However, raising revenues for this purpose is a daunting task. Unlike sewer service charges or water rates, local governments cannot increase flood control or stormwater revenues without a two-thirds vote from the public or a majority vote of impacted property owners. Proposition 218 requires this super-majority vote despite the fact that flood control protects life and property, and stormwater pollution prevention protects public health. A simple state law can't change this burdensome situation. Instead, a two-thirds majority of the legislature is needed for a constitutional amendment, an unlikely outcome when the legislature can barely get a super-majority to approve a state budget.

The Proposition 218 hurdle is tremendous, but overcoming it is possible. In 2007, the City of Santa Monica barely approved Measure V with 100 votes to spare. Although the additional \$2.3 million a year (overall, about \$120 per parcel a year) has been a boon to Santa Monica's efforts

Funding Challenges

Polluted Stormwater Runoff

PHOTO: SARAH WOODARD



to clean up its beaches and transform the city into a low impact development community, the razor thin margin of success was not encouraging for Los Angeles County and the other 84 cities regulated under the County's stormwater permit

For the last two years, LA County and the City of Los Angeles have been discussing countywide stormwater pollution prevention measures. The need for funding can't be exaggerated: For example, Los Angeles' program currently costs approximately \$60 million a year, representing a drain of over \$30 million a year from the City's general fund. The City's Watershed Protection Division estimates the cost of implementing their superb Water Quality Compliance Master Plan – a stormwater cleanup program that will lead the City to Clean Water Act compliance – will exceed \$120 million, and probably hit \$150 million, every year. Clearly, more stormwater funds are sorely needed and the most viable source is a citywide, or countywide, funding measure.

Recently, the City and County agreed upon a countywide stormwater measure, the basis of which made up the language in AB 2554 (Brownley), recently signed into law by Governor Schwarzenegger. The law enables the Los Angeles County Flood Control District to raise revenues for stormwater pollution prevention in compliance with Proposition 218. Also, the law makes it clear that the County is moving to a true watershed based approach to improving water quality. The region will be broken down into nine regions, including the Santa Monica Bay watershed and the Ballona Creek watershed. Revenues generated within a watershed will stay in that watershed, and 90% of the funds will go to the cities for programs and projects with 10% going to the County for administration and monitoring. With this long awaited breakthrough, the funding measure is scheduled to be on the ballot in November 2012.

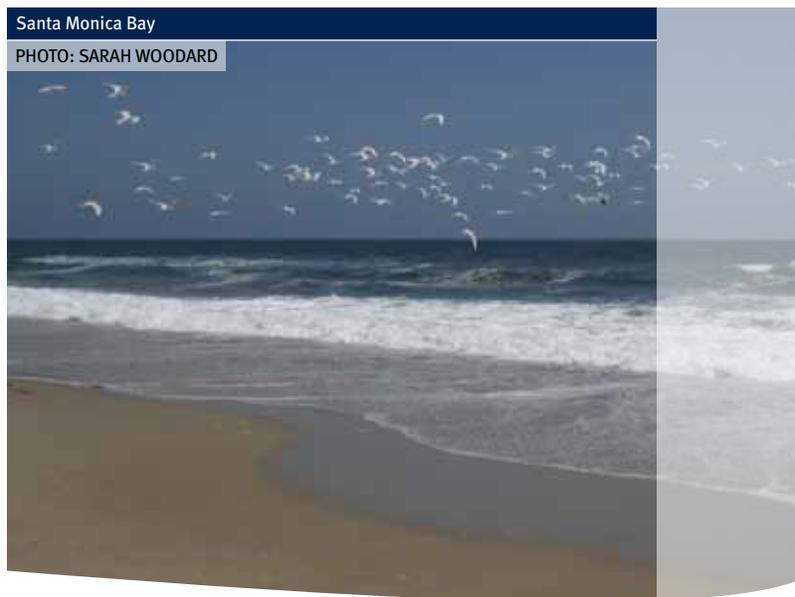
Meanwhile, urban runoff continues to be the biggest source of pollution in Santa Monica Bay and the biggest obstacle to Bay restoration. The City and the County are well on their way to negotiating a final stormwater funding measure that would include a watershed protection approach to

compliance with water quality standards. Strict project and program eligibility criteria need to be developed and adhered to. Also, there needs to be public and technical oversight on how the funds will be spent. Misusing the funds for the pet projects of those elected, or to make up for park infrastructure maintenance shortcomings, should be prohibited.

The environmental harm caused by polluted runoff has occurred locally, and it is clear that hoping for the state legislature or Congress to provide adequate resources to solve these problems is a pipe dream. Meaningful legislative reform to modify Proposition 218 is not yet a priority in Sacramento: the state and federal government still appear wedded to the unsustainable paradigm of providing grants and loans to construct pollution prevention infrastructure. Although the benefits of these projects are tangible, the long-term water quality and the public health benefits are illusory because the money needed to operate and maintain them is not there. The most viable solution continues to be local, ongoing funding. The question is, can our locally elected officials, watershed protection agencies, environmental groups, and business communities get together to overcome the super-majority hurdle? Without this critical funding, a healthy Santa Monica Bay will not be achievable in the foreseeable future.

Santa Monica Bay

PHOTO: SARAH WOODARD



MARK GOLD is President of Heal the Bay, an environmental group dedicated to making Southern California coastal waters and watersheds, including Santa Monica Bay, safe, healthy, and clean. Mark received his Bachelors and Masters in Biology and his doctorate in Environmental Science and Engineering from UCLA. Currently, Mark is vice chair of the National Estuary Program's Santa Monica Bay Restoration Commission, and he sits on the Board of UCLA's Institute of the Environment and Sustainability.