CALIFORNIA WATER PARTNERSHIP

CALIFORNIA COASTKEEPER ALLIANCE
COMMUNITY WATER CENTER
EL CENTRO COMUNITARIO POR EL AGUA
Heal the Bay
NRDC
LOS ANGELES WATERKEEPER
American Rivers
Rivers Connect Us
CLEAN WATER FUND

October 13, 2015

Chair Felicia Marcus and Board Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Sent via electronic mail to: commentletters@waterboards.ca.gov

RE: Comment Letter – Storm Water Resource Plan and Proposition 1 Funding Guidelines

Dear Chair Marcus and Board Members:

On behalf of the above-listed organizations, members of the California Water Partnership, we are writing to provide input into the development of the Storm Water Resource Plan (SWRP) and Proposition 1 Funding Guidelines. The California Water Partnership is dedicated to securing a sustainable and equitable water future for California. Our partnership advocates for adoption and implementation of the principles and practices of integrated water management. Our work ensures that water management practices benefit our public health, our environment and all Californians.

In order to evaluate the efficacy of the grant program in achieving these benefits, we looked for the following information in the draft guidelines:

- The extent to which state priorities are addressed;
- The identification and evaluation of multiple benefits; and
- Specific measures to address the water-related needs of disadvantaged communities (DACs).

We commend the State Water Board for advancing the critical issue of integrated watershed management by prioritizing projects that maximize public benefits. However, in order to provide progressive guidance on how public agencies should prioritize stormwater capture projects, we offer the following recommendations to the SB 985 Guidelines:

(1) Provide notice to public agencies that the Guidelines are subject to change and are expected to be binding regulations once statewide post-construction standards incorporate watershed management zones;
(2) Develop a two-tiered funding structure to focus on planning grants in the first round, while dedicating the second round to the implementation of projects;
(3) Include a role for NGOs in the planning process, and ensure that projects which NGOs identify, design and plan will be eligible for Stormwater Grant Program funding;
(4) Stormwater Resource Plans should be living documents, one which allows agencies and non-agency partners to identify, plan, and implement projects, now and in the future;
(5) Improve objective metrics and quantitative methods for evaluating project performance and prioritizing investments; and

(6) Retain a minimum 85th percentile retention standard, and encourage stormwater capture projects to be sized to capture a 95th percentile storm event where feasible.

We offer the following recommendations to the Proposition 1 Stormwater Guidelines to facilitate the effective evaluation of Proposition 1 stormwater projects:

(1) Remove redundancies in the Multi-Benefit Section of the Prop 1 Guidelines;
(2) Require all projects to contribute to NPDES compliance by removing permit compliance as a benefit, and provide additional scrutiny to proposals that address Total Maximum Daily Load (TMDL) compliance;
(3) Provide implementation scoring points to public agency proposed projects that are a high-priority in their SB 985 Plans;
(4) Credit only stormwater projects that verifiably result in improvements to instream flows in the Bay-Delta or other rivers and waterbodies;
(5) Require all planning grants to identify a robust stakeholder engagement process to ensure NGOs are not precluded from stormwater funding;
(6) Re-define "functionally equivalent" to incorporate SB 985's statutory language and be explicit that stormwater capture projects need to be prioritized using a metrics-based evaluation of multi-benefits; and
(7) Prohibit planning grants to be used for development of alternative compliance plans.

Part 1 - Storm Water Resource Plan Guidelines

I. SENATE BILL 985 GUIDELINES SHOULD BE BINDING REGULATIONS THAT CREATE AN OPPORTUNITY, NOT A BARRIER, TO IDENTIFY AND IMPLEMENT MULTI-BENEFIT STORMWATER CAPTURE PROJECTS.

We continue to have strong reservations about the State Water Board's inclination toward considering the SB 985 Guidelines to be "non-binding." While there may be a legitimate need for flexibility to allow local entities to create "functionally equivalent" plans as a way of complying with SB 985, our reading of the statute is that Storm Water Resource Plans (SWRPs) *shall* adhere to any guidelines issued by the State Water Board. We note that this approach is entirely in line with all of the Prop 1 funding guidelines issued by other state agencies and the various conservancies. Applicants for funding under those programs are required to comply with the priorities, metrics, and goals set forth in the respective guidelines for those programs.

The State Water Board should notify the public that the SB 985 Guidelines will be revised in the future to become binding regulations. We understand the State Water Board's urgency to finalize the Guidelines out in order to begin dispersing Prop 1 funding. However, we also see SB 985 as an opportunity to advance the prioritization of the most beneficial stormwater capture projects.

As the SB 985 guidelines are being developed, there is a separate stormwater planning program underway in the Central Coast region. Over the past ten years, the Central Coast Regional Board collaborated with stakeholders to identify watershed management zones (WMZs) that reflect the variations in watershed processes in the region. A similar zoning analysis was considered in the recently adopted MS4 Phase II Permit, but at the adoption hearing the State Water Board decided it "will incorporate runoff retention and hydromodification control criteria in the next permit term that will be keyed to specific watershed processes as identified by the State Water Board within specific WMZs."[1] The State Water Board went on to find that "WMZs will be used to identify applicable areas and appropriate criteria for runoff retention and hydromodification control."[2] The incorporation of watershed management zones into statewide post-construction standards would be an ideal opportunity for the State Water Board to re-adopt its SB 985 Guidelines as binding regulations.

We recommend that the State Water Board *provide notice to public agencies that the SB 985 Guidelines are subject to change and that the Board expects the Guidelines to become binding regulations once statewide post-construction standards incorporate watershed management zones*.

[1] State Water Resources Control Board, MS4 Phase II Fact Sheet, pg. 19; *available at* http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/fs_final_sidenote.pdf.
[2] *Id.*

SB 985 Guidelines should apply to all stormwater projects, not just stormwater capture projects. We are concerned about the State Water Board's narrow interpretation of the applicability of these Guidelines solely to projects that capture and retain stormwater and dry weather runoff. Admittedly, the language of the statute does require plans that "[i]dentify and prioritize stormwater and dry weather runoff capture projects…";[3] however, the express intent of this section is to maximize multiple benefits, including "water quality." Our concern is less with the legality of the State Water Board's interpretation and more with the potential it has to defeat the opportunity created by SB 985. If the requirements for drafting a SWRP are perceived to be onerous, and if one way to avoid the requirement to produce such a plan is to simply re-label all projects as "treatment," then the Guidelines will act as a barrier to critically needed multi-benefit stormwater capture projects and fail to provide much needed incentives for integrated management of stormwater as a resource for drinking water and other benefits.

In order to avoid the SB 985 Guidelines being a barrier to investing in stormwater capture projects, we recommend that the State Water Board *require all projects – including treatment projects – be part of a SB 985 Plan; and to develop a two-tiered funding structure where the first round of grants focuses primarily on planning, while the second round of grants be dedicated to implementation*.

II. SENATE BILL 985 GUIDELINES SHOULD BE INCLUSIVE OF NGOS, AND PRODUCE "LIVING" STORMWATER MANAGEMENT PLANS THAT EVOLVE AS CALIFORNIA'S STORMWATER PROGRAM IMPROVES.

SB 985 should include a robust stakeholder process to ensure NGO projects are not precluded from Prop 1 funding. We have two fundamental concerns with the draft Guidelines: the uncertainty and inconsistency in the role afforded to NGOs in the implementation of SWRPs, and the apparent necessity that all projects must be included in the SWRP in order to be supported by current and future water bond funds.

1. Stormwater Resource Plans should include a role for NGOs.

We appreciate and support the Board's recognition that non-governmental environmental and community organizations have an important role to play in the development and implementation of SWRPs. This is clearly reflected in Section B of the Draft Guidelines. However, by Sections E and F, the role of NGOs in actually applying for funding for and implementing individual projects is far less clear. Section E.2.c specifically and narrowly refers to identifying "Agency(ies) responsible for project implementation" as a recommended component of a SWRP. Section F.iii calls for public education mechanism to "engage communities in project design and implementation" but fails to provide a role for community organizations to plan and implement stormwater projects. Across all Prop 1 grant programs, NGOs have been and will continue to be leaders in applying for funding and implementing multi-benefit water quality and conservation projects. The SWRP structure must *include a role for NGOs as partners, and ensure that projects which NGOs identify, design and plan will be eligible for Stormwater Grant Program funding*.

2. Adequately address the water needs of disadvantaged communities.

As written we are concerned that the guidelines do not adequately identify or address the water needs of disadvantaged communities.

First, the definition of "disadvantaged communities" (DACs) and small disadvantaged communities" lacks geographic specificity. When the term was created for Prop 50 implementation, it referred to public water systems, which have identified boundaries. The lack of specificity in this definition would allow projects to be labeled DAC without directing the benefits to the actual impacted community. We suggest that language be added either to the definition or to the specific plan requirements that identifies eligible DACs as those who meet the income requirement and who are divisible from surrounding communities for the purposes of identifying disproportionate impacts of specific plan/project benefits.

Second, the plan does not currently require identification of disadvantaged communities or their water –related needs that could be addressed by stormwater management. These are specific requirements for Integrated Regional Water

[3] Water Code sec. 10562(b)(2), as amended by SB985 (2014).

Management Plans (IRWMPs), and the public engagement requirement for these plans provides an opportunity to ground truth the DAC portions of local IRWMPs. We suggest that this requirement could be included in *VI.A Description of Watershed and sub-Watersheds.*

3. *Provide mechanisms to ensure Stormwater Resource Plans identify, plan, and implement future stormwater projects identified by all stakeholders.*

SWRPs should be built around specific criteria, benefits, and metrics which enable "yet to be designed" projects to be eligible for Prop 1 funds. The State Water Board has specified that Stormwater Grant Program funds will be dispersed in 2016 and 2018. While this short timeframe would appear to favor "shovel ready" or already designed projects, we note that the lifespan of an SWRP will likely extend beyond the Prop 1 funding timeframe; indeed the Draft Guidelines specify that a SWRP is a "condition for receiving funds from *any* bond approved by the voters after January 2014." (*emphasis* added) As a result, the Guidelines must express clear requirements for procedures to update SWRPs, and for projects that are not identified in the original SWRP to obtain funding in the future, as long as they comport with the priorities and metrics identified in the SWRP, or its amendments. In short, *the SWRP must be a living document, one which allows agencies and non-agency partners to identify, plan, and implement projects with stormwater funding, now and in the future*.

III. IMPROVE OBJECTIVE METRICS AND QUANTITATIVE METHODS FOR EVALUATING PROJECT PERFORMANCE.

The California Water Partnership is a strong supporter of objective metrics and quantitative methods for evaluating project performance and prioritizing investments. We support the Board's efforts to develop these tools for SWRP developers. However, we have some concern that the metrics described in Section C, Table 3 may be too vague, too narrow, and occasionally not representative of the benefit with which they are associated. In particular, we recommend that:

1. Water quality metrics be expanded to include other units of measurement. MeHg, pesticide and pathogenic pollutants are measured in units considerably smaller than lbs/day;
2. Water supply metrics be expanded to include metrics that reflect supply security and reliability, including diminished risk and avoided cost of expanded or alternate supply;
3. Flood management metrics be expanded to include acreage or linear feet of expanded floodplain or flood channel;
4. Environmental metrics be reviewed for consistency with other state agency Prop 1 grant programs, to ensure complementarity and adequacy; and
5. Community metrics be expanded based upon community input.

The point about consistency with other Prop 1 grant programs is worth repeating. There may be opportunities for SWRPs to leverage these other sources of funding, which in turn are tied to objective, metric based evaluation criteria. There is considerable interest in ensuring that, where appropriate, individual projects can meet overall state objectives while satisfying the multiple criteria of these other programs. We also encourage staff to *look to other metrics that have been developed for multi-benefit stormwater projects as models [See Attachment One]*. One example may be the matrix approach developed through the Los Angeles Clean Beaches project, a copy of which can be found in Attachment One.

One specific note, the Guidelines suggest that individual stormwater management projects will be designed to "capture() …at a minimum, the first flush from an 85th percentile, 24 hour storm event." C.b.i. This performance level is a baseline, minimum measure of compliance for some, although not all, stormwater projects and PLANS, regulated under NPDES permits issued by the State and Regional Boards. Under Section 438 of the Energy Independence Security Act of 2007 ("EISA"), all new and redeveloped United States federal facilities over 5,000 square feet are directed to meet stormwater runoff requirements that, under guidance developed by the U.S. EPA, include as the default compliance option retention of the 95th percentile storm event onsite.[4] In setting this default 95th

[4] *See* United States Environmental Protection Agency, Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act, pg. 12 (Dec. 2009), *available at* http://water.epa.gov/polwaste/nps/upload/eisa-438.pdf.

percentile standard, EPA relied on a detailed technical analysis, including assessment of multiple case studies, to demonstrate that retention of the 95th percentile storm event is technically feasible for a range of site conditions and building designs throughout the country.[5] Public funding for individual projects in California should provide a comparable level of public and environmental benefit. We recommend the State Water Board *continue to set at a minimum 85th percentile retention requirement, and encourage stormwater capture projects to capture a 95th percentile storm event*.

We also appreciate the State Water Board's flexibility in allowing SWRPs to include projects that do not meet the sizing criteria, but provide additional multi-benefits. On page 23 of the Guidelines, it states that "the Plan must include discussion of the crucial multiple benefits resulting from the capture and use projects that do not meet the 85th percentile, 24-hour storm threshold." We agree that any project not meeting the 85th percentile standard should be required to demonstrate additional multiple benefits, and we request the State Water Board continue to require such a demonstration.

The multiple benefits list – both that contained in Table 3 and the more specific metric-based analysis in VI.C.2. – provides little opportunity to identify or quantify DAC benefits. While we agree that adding tree canopy to a DAC community does provide a benefit for stormwater capture and climate resilience that is far from the only potential DAC-related stormwater benefit. Other potential benefits include

- Groundwater recharge and infiltration that reduces groundwater contamination;
- Reduction of peak stormwater flows in flood-prone communities (an overlay of local flood maps and maps of DACs generally show a strong correlation);
- Increasing green space in an underserved DAC (can be measured using state guidance or by comparing green space in DAC with that of the community at large on an acres/population basis)
- Providing employment opportunities through plan or project implementation for residents of a DAC.

Part 2 - Proposition 1 Stormwater Funding Guidelines

IV. THE MULTIPLE BENEFITS SECTION SHOULD BE REVISED TO CREATE A MEANINGFUL EVALUATION OF PROJECT APPLICATIONS TO ENSURE CALIFORNIANS ARE RECEIVING THE MOST FOR THEIR MONEY.

The Guidelines' identified multi-benefits are overly broad and undermine the state's intent of maximizing multi-benefit projects. Water Code Section 79747 provides $200 million in grant funds specifically for multi-benefit storm water projects. As indicated in the Water Code § 79747(a), only multi-benefit storm water management projects are eligible for grant funds. We applaud the Legislature for requiring only multi-benefit stormwater projects to be eligible for grant funding; however, the State Water Board's identified benefits undermines this legislative intent by being overly broad.

1. *Remove redundancy and double-counting of benefits.*

Redundancies in the Guidelines eviscerate any eligibility requirement set forth by the Legislature. Page 7 of the Guidelines states that "multi-benefits include, but are not limited to, a project that addresses…" and then goes on to list 21 benefits that applicants can use to justify a project's eligibility. Unfortunately, there are numerous benefits that are either directly or indirectly redundant. For example, the State Water Board blatantly repeats "increased urban green space" and "reduced energy use" in two separate sections of the multi-benefits section. As currently drafted, a stormwater project would be eligible as a "multi-benefit stormwater project" simply by double-counting the project's benefit of increased urban green space in both the environmental and community criteria. Therefore, we request the State Water Board *delete the double reference to "urban green space" and "reduced energy use" in the Multi-Benefit Section of the Prop 1 Guidelines*.

In addition to direct repetition, the State Water Board also indirectly repeats benefits simply by rewording them. For example, any stormwater retention project will be eligible for numerous benefits under the Water Supply criteria: "water supply reliability", "groundwater management", "runoff capture and reuse", "augmentation of drinking water

[5] *See Id*. at 25-54.

supply", and "water conservation". Each of these benefits amount to the same concept – the capture and reuse of stormwater. These benefits – only stated different ways – should not be counted as multi-beneficial. The same is true for the criteria under Flood Management. Reducing runoff volume is the same benefit as reducing flood risk and/or reducing sanitary sewer overflows (SSO). It is the same benefit – capturing stormwater reduces the risk of over capacity of the MS4 or SSO. And finally, under Environment, improving habitat, wetlands, or riparian areas is the same benefit – improving watershed processes. Therefore, we request the State Water Board *remove indirect redundancies in the Water Supply, Flood Management, and Environment criteria in the multi-benefit section of the Prop 1 Guidelines*.

We appreciate all of the multiple-benefits that stormwater capture provides, but repeating and rewording benefits dilutes the evaluation of project proposals – leading to true multi-benefit projects being lost in the sea of average projects with well-worded applications. The multi-benefits identified in the Prop 1 Guidelines only undermines the Legislature's intent to restrict eligibility to those projects that truly provide Californians with the greatest multiple benefits.

Even as the guidelines double count some benefits, they fail to count others – please see our comment above about appropriately identifying and quantifying DAC benefits.

2. *Contribution to compliance with applicable permit and/or TMDL requirements should be an eligibility standard, not a multi-benefit.*

All Prop 1 stormwater funds should go towards projects that contribute to improving stormwater regulatory compliance. Page 7 of the Guidelines states that one benefit is the: "contribution to compliance with applicable permit and/or total maximum daily load (TMDL) requirements." *Contribution* to compliance with a NPDES permit is overly broad. It is hard to imagine any stormwater project that would not – in some way – contribute to stormwater compliance. Moreover, permittees have a legal responsibility to comply with its stormwater permit – including TMDL provisions. It seems inequitable to allow permittees to count permit compliance as a multi-benefit when it is an undisputed legal requirement. Therefore, the State Water Board should *require the contribution to compliance with an NPDES permit be an eligibility requirement; and remove it as a multi-benefit*.

We understand and appreciate the State Water Board's intent to meet TMDL requirements through a regional integrated watershed management approach. However, there are significant equity concerns with allowing individual permittees to comply with a TMDL through public funding, while other responsible parties under the same TMDL remain out of compliance because they were not granted Prop 1 assistance. We recommend that any credit given to a project proposing to meet TMDL requirements be reviewed with strict scrutiny. The proposal should be required to address the watershed's entire impairment – not just the applicant's pollutant load. Furthermore, the State Water Board should require any TMDL compliance project to be inclusive of all parties responsible under the TMDL. The project should address the entire portion of the impaired watershed and advance integrated water management by including all responsible parties under the TMDL. Therefore, we request the State Water Board *provide additional scrutiny to grant applications receiving multi-benefit credit for TMDL compliance, by only providing additional points for projects that address the entire watershed impairment and is inclusive of all responsible parties under the TMDL*.

3. *Provide incentive for public agencies to propose projects prioritized in SB 985 Plans.*

Public agencies should be submitting applications for their high-priority stormwater capture projects identified in their SB 985 Plans. The legislative intent of SB 985 was to require public agencies to plan and implement stormwater capture project in a strategic way to promote multi-benefit projects. However, there is no binding requirement in the Prop 1 Guidelines to require public agencies to apply for grants based on their SB 985 prioritization. We understand the practical realities that not all projects will be eligible for grants, so a strict adherence to a SB 985 Plan prioritization is not feasible or necessary. However, project applicants that propose projects with a high-prioritization should be rewarded for achieving the legislative intent of SB 985.

To achieve SB 985's goal of strategically implementing stormwater capture projects that provide the maximum public benefits, the State Water Board should *provide implementation scoring points to public agency proposed projects that are a high-priority in their SB 985 Plans*. For non-public agency proposed projects, similar *credit should be given to projects that propose to collaborate with other stormwater stakeholders to achieve integrated water management*.

4. Require real, verifiable reductions of imported water.

The State Water Board should provide credit for projects that *verifiably* result in improvements to instream flows in the Bay-Delta or other rivers and waterbodies. Reducing imported water is critical to California's water resiliency, but the reduction of imported water is not a multi-benefit without verification that imported water is actually being reduced. Far too often we hear project proponents advertise their water supply proposal as reducing pressure on the Delta or other instream flows. Yet, there has never been a voluntary commitment to actually leave water instream due to a water supply project that "reduces imported water." New water supplies, particularly in Southern California, only supplement imported water – they do nothing to reduce imported water. The same amount of water is still imported, it only now goes to other regions for increased growth.

The State Water Board should prioritize stormwater projects that *actually* result in reductions of imported pumping. Only when actual improvements to instream flows exist does one see the benefits of watershed health and reduction in GHG emissions resulting from reduced imported water. Therefore, the State Water Board needs to *make it explicit that priority will be given to stormwater projects that verifiably result in improvements in instream flows in the Bay-Delta or other rivers and waterbodies.*

As recommended above, we provide the following revisions to the Prop 1 Guidelines to ensure multi-benefit projects are truly promoted through the State Water Board's stormwater funding program.

- Water Quality:
  - o Increased filtration and/or treatment of runoff
  - o ~~Contribution to compliance with applicable permit and/or total maximum daily load (TMDL) requirements~~
  - o Nonpoint source pollution control
  - o Reestablished natural water drainage and treatment

- Water Supply:
  - ~~o Water supply reliability~~
  - ~~o Groundwater management~~
  - o Runoff capture and reuse
  - ~~o Augmentation of drinking water supply~~
  - o Real and verifiable reduction of ~~necessary~~ imported water
  - ~~o Water conservation~~

- Flood Management:
  - ~~o Reduced runoff rate and/or volume~~
  - o Reduced flood risk and/or sanitary sewer overflows

- Environmental:
  - o ~~Environmental and h~~Habitat protection and improvement; wetland enhancement and/or creation; or riparian enhancement and/or instream flow augmentation and improvement
  - o ~~Wetland enhancement and/or creation~~
  - ~~o Stream/riparian enhancement and/or instream flow augmentation~~
  - o Increased urban green space
  - o Reduced energy use, greenhouse gas emissions, or provides a carbon sink

- Community:
  - ~~o Increased urban green space~~
  - o Enhanced and/or created recreational and public use areas

o Public and community outreach, education, and participation
~~o Reduced energy use~~

V. REMOVE BARRIERS TO FUNDING NGO PROPOSED STORMWATER CAPTURE PROJECTS.

NGOs are valuable partners in identifying and prioritizing stormwater capture projects, and the State Water Board should remove any barriers that would prevent an NGO stormwater project to be considered under the Prop 1 Stormwater Guidelines. However, the Guidelines express that "priority will be given to those planning projects that include collaboration between all municipal separate storm sewer system (MS4) permittees and/or co-permittees within the watershed." As discussed below, if a NGO stormwater project is not consistent with a SWRP then it is ineligible for Prop 1 funding under the Guidelines. Therefore, it is imperative that planning documents include a robust public process and stakeholder engagement. Prioritizing projects that only include collaboration between permittees is insufficient, and will lead to NGO stormwater projects being ineligible for Prop 1 funding. We request the State Water Board *require all planning grants to identify a plan for robust stakeholder engagement to ensure NGOs are not precluded from submitting stormwater project proposals*.

The Guidelines planning scoring criteria should include NGO outreach. On page 25 of the Guidelines, the State Water Board evaluates whether "the applicant provide the process in which DACs/EDAs will be contacted and involved in the development of the Storm Water Resource Plan? Does the applicant provide sufficient documentation that outreach and support to the DACs/EDAs will occur within their watershed?" We applaud the State Water Board for prioritizing planning proposals that are inclusive of disadvantaged communities. However, *NGO stakeholders need to be identified in an applicant's planning grant outreach plan*.

The Implementation Eligibility Criteria cannot exclude NGO stormwater proposals. We are deeply concerned that the Implementation Eligibility Criteria provides a significant barrier to NGO proposed stormwater projects. Page 34 of the Guidelines states that the "Eligibility Criteria listed below will be used to screen Proposals. State Water Board staff will complete the eligibility review. A "No" response to any of the following will deem the proposal ineligible for funding." Among the Eligibility Criteria, the State Water Board will evaluate whether "the project [is] included and implemented in an adopted IRWMP? And whether the "project [is] a Storm Water and Dry Weather Runoff Capture Project? If so, did the applicant include a copy of the Storm Water Resource Plan, or equivalent, which addresses all SB 985 requirements and is consistent with the Storm Water Resource Plan Guidelines?" If the answer to either question is "no" then the project is ineligible for Prop 1 stormwater funding. However, this criteria should only apply to public agencies and NGO proposals should be exempt. This evaluation further illustrates why it is critical to have a robust planning process to ensure NGO projects are identified and prioritized accordingly in a SB 985 Plan. We therefore request the State Water Board *exempt NGOs from the Implementation Eligibility Criteria*.

VI. FUNCTIONALLY EQUIVALENT PLANNING DOCUMENTS SHOULD BE NARROWLY DEFINED AND BE REQUIRED TO PRIORITIZE STORMWATER CAPTURE PROJECTS.

Prior to the passage of Prop 1 in November 2014, the California Legislature adopted Senate Bill (SB) 985 entitled Stormwater Resource Planning Act (SB 985). SB 985 amended Water Code1 sections 10561, 10562, 10563, 10573, and added sections 10561.5 and 10565 to require the development of a SWRP to receive grants for storm water and dry weather capture projects from a bond act approved after January 1, 2014. *SB 985 requires public agencies to "*[i]dentify and prioritize stormwater and dry weather runoff capture projects for implementation in a quantitative manner, using a metrics-based and integrated evaluation and analysis of multiple benefits to maximize water supply, water quality, flood management, environmental, and other community benefits within the watershed." The State Water Board acknowledges this requirement in its Prop 1 Guidelines by finding that a SB 985 plan "must include a prioritized list of projects to address storm water capture and use and urban runoff pollution on a regional watershed basis."

In the draft Resolution Storm Water Resource Plan Guidelines, the State Water Board provides public agencies with an alternative compliance to the SB 985 mandate. Page 2 of the Resolution states:

Existing planning documents and local ordinances may be utilized as a functionally equivalent Storm Water Resource Plan, including but not limited to: watershed management plans, integrated resource plans, urban water management plans, or similar plans that include storm water and dry weather runoff capture and use as a component of their goals and objectives. A collection of local plans and ordinances and regional plans may constitute a functionally equivalent plan, if the plans and ordinances collectively meet all of the requirements of Water Code section 10560 et seq.

We do not want to see SB 985 become an impediment to funding for multi-beneficial stormwater projects. However, the draft Resolution's "functional equivalent" definition is overly broad and allows inappropriate planning documents to be used in lieu of a SWRP. The adoption of SB 985 establishes the Legislature's intent to require public agencies to conduct more effective planning when implementing stormwater capture projects. If the Legislature believed other planning documents – on their own – were sufficient, then SB 985 would have not been necessary. In other words, the mere passage of SB 985 dictates the Legislature's intent that more effective planning be conducted. Therefore, the State Board's overly inclusive definition of the "functional equivalent" of SB 985 Plans undermines the Legislature's intent.

Allowing funding for plans that are "functionally equivalent" to a SWRP should *only be allowed if* they are true functional equivalents. As the law requires, Stormwater Resource Plans – or the functional equivalent – must "identify and prioritize stormwater and dry weather runoff capture projects" that use a "metrics-based and integrated evaluation and analysis of multiple benefits to maximize water supply, water quality, flood management, environmental, and other community benefits." We request the State Water Board *re-define "functionally equivalent" to incorporate SB 985's statutory language and be explicit that stormwater capture projects need to be prioritized using a metrics based analysis to maximize multi-benefits*.

Urban water management plans, integrated resource plans, and certain watershed management plans are not sufficient on their own to be the functional equivalent of SB 985 plans. Urban water management plans and integrated resource plans simply do not prioritize stormwater capture project nor do they use metrics based evaluations to maximize multi-benefit projects. The State Water Board should *be explicit that urban water management plans or integrated resources plans – on their own – do not suffice as the functional equivalent of SB 985 plans*. Additionally, the State Water Board should be explicit that certain watershed management plans are insufficient to be the functionally equivalent of SB 9085 plans. For example, there are two types of watershed management programs under the 2012 Los Angeles County MS4 Permit that serve as alternative compliance approaches – Watershed Management Programs (WMPs) and Enhanced Watershed Management Programs (EWMPs). While the EWMP requires retention of the 85th percentile, 24-hour storm event, the WMP does not have any stormwater capture requirements. Therefore, we request the State Water Board *be explicit that "functional equivalent" does not include WMPs as defined in the 2012 Los Angeles County MS4 Permit*.

VII. LIMIT PLANNING GRANTS AND REQUIRE MONITORING FOR PLANNING GRANTS THAT COULD BE USED AS A REASONABLE ASSURANCE ANALYSIS.

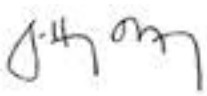
Planning grants should be limited to applicants that truly encounter SB 985 as a barrier to funding stormwater capture projects. Water Code section 79704 allows up to ten percent of the Prop 1 stormwater funds (up to $20 million) for "…planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized…". We appreciate and support the use of Prop 1 funding for planning purposes – where those planning documents are not being used as alternative compliance for other stormwater compliance requirements.

Alternative compliance planning is inappropriate to receive Prop 1 funding. Alternative compliance plans are already being developed as a permittees optional requirement for permit compliance. Prop 1 planning grants should be directed only to those communities that are not in the process of developing alternative compliance plans. These communities are the ones that will find SB 985 a barrier for receiving public funding for their multi-beneficial projects. To reduce this regulatory burden on communities without existing alternative compliance plans – particularly for DACs – we request the State Water Board *prohibit planning grants to be used for development of alternative compliance plans*.

***

Thank you for providing an opportunity to comment on the State Water Board's Storm Water Resource Plan and Proposition 1 Funding Guidelines. We look forward to working with you to create a strong program that will protect and restore California's important watersheds and ecosystems.

Sincerely,



Sean Bothwell
Staff Attorney
California Coastkeeper Alliance

Jeffrey Odefey
Director, Clean Water Supply Programs
American Rivers

on behalf of the California Water Partnership

ATTACHMENT ONE

Clean Water, Clean Beaches Project Selection Criteria*

The purpose of this document is to establish criteria to be employed by Watershed Area Groups (WAG) when selecting which projects to fund.

The document is organized in the following parts:

- Introduction
- Part I: Overarching Criteria and Goals from Ordinance
- Part II: Project Selection Criteria Guidelines
- Part III: Infrastructure Guidelines
  - Project Criteria Scoring Framework
  - Project Selection Process Schedule
- Part IV: Community Education Program Criteria Guidelines

***NOTE: These are draft criteria guidelines; they have not yet been approved**

Introduction

The Clean Water, Clean Beaches Project Selection Criteria Committee (PSCC) met to provide input into the quantitative and qualitative criteria that will be used to select projects funded in whole or in part with Clean Water fee revenues. The specific charge to this group was to:

- Advise Los Angeles County Flood Control District (District) staff on how to determine the types of projects and programs that can best achieve the ultimate goal of the Clean Water, Clean Beaches Ordinance, which is to improve and protect water quality in the lakes, rivers, creeks, coastal waters and the ocean within the District, as well as to provide other beneficial uses of water, including enhancing local supplies of drinking water.
- Establish criteria that will be used to determine the funding eligibility of proposed water quality improvement projects and their potential to achieve the goals of the Ordinance.
- Serve as a communication link between the District and organizations and municipalities that have stakeholder interest in the Ordinance and the implementation of the Clean Water, Clean Beaches Program

The group reviewed existing criteria used by other funding entities, met six times in person, and conducted online meetings to review and revise these Draft Project Selection Criteria. The resulting Criteria reflect the consensus of the committee, although not every decision was unanimous.

Project Committee

Committee members represent a diverse group of cities geographically and in size, and community stakeholders with a proven interest and expertise in developing multi-objective projects to manage stormwater. The following municipalities and organizations comprised the Project Selection Criteria Committee:

- Angela George, County of Los Angeles
- Sharam Kharaghani, City of Los Angeles
- Tom Modica, City of Long Beach
- Ken Farfsing, City of Signal Hill
- Neal Shapiro, City of Santa Monica
- Heather Maloney, City of Monrovia
- Joe Bellomo, City of Westlake Village
- Kirsten James, Heal the Bay
- Rebecca Drayse, TreePeople
- Shelley Luce, Santa Monica Bay Restoration Commission
- Claire Robinson, Amigos de los Rios
- Belinda Faustinos, Rivers and Mountains Conservancy (formerly)

Part I: Overarching Criteria and Goals from Ordinance

The draft Clean Water/Clean Beaches Ordinance outlines overarching criteria and goals:

1. Required Water Quality Project Criteria.

a. All water quality projects funded in whole or in part with Water Quality Fee revenues will be required to comply with the following criteria:

(1) That the water quality project demonstrates the ability to provide and sustain long-term water quality benefits.

(2) That the water quality project is based on generally accepted scientific and engineering principles and the best available information.

(3) Pursuant to the Los Angeles County Flood Control Act, only the costs of the water quality benefit(s) provided by a water quality project can be funded with revenues from the Water Quality Fee. Other costs of water quality projects are not eligible to be funded with revenues from the Water Quality Fee.

b. All regional projects funded under this chapter are required to be included in an approved WQIP that is prepared in accordance with the Implementation Manual.

2. Water Quality Project Goals.

In determining the water quality projects to be funded with revenues from the Water Quality Fee, Municipalities, Watershed Authority Groups, and the District will be required to consider, where applicable, the following water quality project goals:

a. That the water quality project be designed and located to maximize the water quality benefits.

b. That the water quality project not conflict with the Basin Plan adopted by the California Regional Water Quality Control Board for the Los Angeles Region, applicable MS4 Permit, or other related regulatory programs.

c. That the water quality project be coordinated with a State approved Integrated Regional Water Management Plan, and/or other regional water quality-focused and related planning efforts for the watershed area.

d. That the water quality project be coordinated with other water quality projects implemented pursuant to the Program.

e. That the water quality project contribute to achievement of the water quality elements of plans to restore or revitalize rivers, lakes, creeks, streams, ponds, channels, bays, beaches, and coastal

waters within the District, such as the Los Angeles River Revitalization Plan, the Los Angeles River Master Plan, the Sun Valley Watershed Management Plan, the San Gabriel River Master Plan, the Rio Hondo Watershed Management Plan and the Emerald Necklace Vision Plan.

f. That the water quality project maximize the effective use of Water Quality Fee revenues by leveraging other private, local, State, and Federal funds for water quality and other project elements.

h. That the water quality project promotes the creation of jobs.

g. That the water quality project be designed to directly contribute to or support through public education, monitoring and other programs, and management of stormwater and urban runoff to achieve multiple benefits and sustainable solutions, and allow for maximum beneficial use of water resources including:

(1) Protecting and enhancing available sources of drinking water supply via water conservation/use efforts such as rainwater harvesting, groundwater recharge, and pretreatment recharge.

(2) Protecting drinking water from contamination.

(3) Providing flood protection and control.

(4) Protecting and improving public health and safety.

(5) Protecting and improving open space and natural areas.

(6) Providing places for active and passive recreation, such as parks and ball fields.

(7) Creating, restoring, or improving wetlands, riparian, upland and coastal habitats.

(8) Providing other public benefits (such as urban blight removal, corollary air quality improvements, celebration of cultural and natural heritage, walkable streets and safe routes to school, outdoor education opportunities, heat island reduction, green house gas uptake, climate action, creation and enhancement of regional green infrastructure networks).

In addition to these criteria and goals, the Project Selection Criteria Committee established by the County developed the following criteria to be employed when selecting specific projects and programs for funding.

Part II: Project and Program Selection Guidelines

The purpose of the criteria described in this document is to provide guidance for selecting the projects and programs best suited to achieve the water quality priorities and targets identified in the Water Quality Improvement Plans (WQIPs) developed by the Watershed Authority Groups (WAGs) for each watershed.

The primary purpose of each project element funded by this Fee must be to improve water quality by reducing pollutant loads to impaired waters within the Los Angeles County Flood Control District. Wherever feasible, projects are to be designed to achieve multiple objectives and purposes, including increasing water supply, improving flood management, creating or enhancing habitat and recreation benefits, and increasing public awareness. Where possible, projects should also be designed to address source control, leverage funds, promote collaboration between other agencies, organizations and community stakeholders, and utilize a strategic adaptive management approach.

In order to address the challenges we face as a region, some projects may be large-scale, high-volume solutions. However, the District's current hydrological modeling of over 2,000 sub-watersheds suggests that many projects funded will be small, distributed solutions, employing multi-objective, community-scale strategies. Additionally, as part of their WQIPs, WAGs will utilize Distributed Water Quality Projects maps that show pollution loads, overlaid with maps of park-poor neighborhoods and disadvantaged communities (as mapped by census tracts) to help determine potential locations for water quality improvement projects.

Eligible Expenditures

Funds may be used for projects and programs, including program design, management and implementation; research and development projects and programs to develop new BMPs or other new technology to address water quality priorities; community engagement, education and outreach programs; capital project design bid and award; project construction and management; operations and inspection; monitoring; and operations and maintenance.

Eligible Funding Recipients

Project proposal applicants include public agencies, municipalities, non-profit organizations and other entities as determined by the WAGs.

Eligible Project Types

Eligible projects and programs shall include, but are not limited to:

- Urban runoff reduction, cleanup, control and diversion (including bacterial and pathogen control, and trash reduction and capture).
- Distributed and regional stormwater capture/conservation/use facilities

- Projects that employ low impact development (LID), and natural solutions including wetlands, constructed wetlands, bioswales and coastal, upland and other habitat restoration
- Programs that support achievement of WQIP water quality targets and objectives including, but not limited to, public education, K-12 curriculum development, and training of local workers to implement and maintain projects
- Public/private partnerships to support pollution reduction
- Retrofits, including the installation of rain barrels, cisterns and larger tanks; permeable pavement; downspout disconnects; and rain gardens
- Research and development
- Projects that employ native plant landscaping, urban forestry and other "green" water quality solutions
- Park development, improvement and retrofits (including multi-objective micro parks, street-end parks, municipal park retrofits – with bioswales, constructed wetlands, LID elements, urban forestry)
- Public building and school projects
- Green street and parking lot projects to improve permeability and stormwater capture
- Coastal habitat restoration
- Incentive programs for private property BMP projects
- Maintenance and monitoring of stormwater improvements
- Maintenance of projects constructed prior to passage of this measure, or funded by sources other than the Water Quality Fee may be considered for funding if it is determined that such funding is necessary to meet WQIP priorities and targets.
- Community education programs that support water quality improvement goals

In order to be eligible:

- No project shall lead to a net loss of habitat, hardening of creeks or rivers or net loss of recreation access.
- No project shall exacerbate any existing environmental problems in the vicinity or downstream of the project.
- Large scale and regional projects shall be monitored for effectiveness pre- and post-construction.
- Project shall incorporate operation and maintenance components and the associated costs shall be included in the proposal.

Part III: Infrastructure Criteria

This narrative provides additional information about the criteria for the purpose of reducing subjectivity when applied to specific proposed projects. The criteria used to score infrastructure projects are described below and should be used in conjunction with the scoring framework that follows. The primary criteria are divided into five categories (A through E), with the criteria in category "A" being mandatory. Within each category there are several sub-criteria that will help to determine the overall ranking of each proposed project. Partial points may be given for any category in B through E, on a sliding scale.

The infrastructure criteria shall be applied in the following manner:

- Small projects (those that manage runoff from up to 10 acres, which may be an aggregation of several non-contiguous projects in a linked system serving a total of 10 acres or less) and large projects (>10 acres) shall be evaluated against like-sized projects. WAGs shall allocate some minimum level of funding to small projects.

A. The Proposed Project Improves Water Quality

To be eligible for funding, projects must achieve all of the sub-criteria in this category. These sub-criteria are mandatory. Projects that do not initially meet all the sub-criteria in category A will be given feedback about what is missing or inadequate and a 60-day time period in which to resubmit a revised application. Projects that do successfully meet all A sub-criteria move onto the scoring phase beginning with Category B.

A1. Project addresses TMDLs from current 303(d) lists and/or anticipated future pollutants of concern, providing sustainable water quality benefits.

A1-1. Application describes the pollution problem and the current loads for the drainage area served, lists and quantifies pollutants to be reduced, describes dry and wet weather current loads and load reductions separately.

A1-2. Project is located in a high priority catchment area as identified by water quality modeling and/or monitoring.

A1-3. Application describes the magnitude and percent of overall load reduction predicted by the implementation of BMP.

A1-4. Project helps to achieve water quality standards compliance for the impaired waters.

A2. The project addresses priorities and targets for water quality improvement established in the WQIP.

A2-1. An assessment of conditions in the watershed determines that the project helps meet water quality goals, given existing research, study findings and other relevant information.

A2-2. The project addresses pollutants affecting the watershed area as identified in the WQIP.

A2-3. The project is consistent with potential water quality project concepts outlined in the WQIP.

A2-4. The project does not increase other pollutants of concern or reduces them.

A3. The requested funds are directed only to activities necessary to provide the water quality benefit(s) that will be provided by the project.

A3-1. The application breaks down all costs, assigning costs for aspects not associated with water quality-related project elements to other funding sources.

A4. Project is based on best available scientific and engineering principles.

A4-1. BMPs have been demonstrated to be effective in similar settings (i.e. soil conditions, weather conditions, geography).

A4-2. The BMP is a proven BMP for pollutant removal of the types described, based on performance data (ASCE, USEPA, or site-specific BMP performance data). An exception will be made for projects specifically designed to test new technologies and expand the body of performance data.

A5. The proposal describes how the proposing organization has or will acquire the technical ability to implement, operate and maintain the project over its life time. Costs for maintenance, operations and monitoring of WAG projects shall be included in each infrastructure proposal.

A6. Verification of performance is incorporated into the project.

A6-1. Baseline levels of the pollutant(s) the project is designed to reduce have been determined.

A6-2. A plan explaining how performance of the project will be verified has been submitted.

A6-3 Large-scale and regional projects include monitoring for water quality benefits pre- and post-construction.

A6-4 Small-scale projects, at a minimum, incorporate collective monitoring and performance data.

B. The Proposed Project Provides Multiple Benefits

Depending on either the type or number of additional benefits, projects can receive up to 30 points for achieving other benefits. First, projects that demonstrate a water supply benefit will receive an additional 1-6 points. Second, projects can receive up to another 24 points (1-3 points each for B2 through B9, on a sliding scale), based on how many of the other benefits and the magnitude of the benefits they are also able to achieve.

In all cases, projects must describe and document the magnitude of the additional benefit. Projects that claim to have multiple benefits but do not initially receive points will be given feedback about what is missing or inadequate and a 60-day time period in which to resubmit a revised application.

B1. Water supply (up to 6 points)

B1-1 The project augments, remediates or protects water supply, documented through modeling, engineering or technical studies. Scoring is related to the magnitude of water supply benefit to be achieved.

B2. Flood control (up to 3 points)

B2-1. The project reduces regional or local flood risk through increased stormwater conveyance or retention capability or other means of flood reduction

B3. Public health and recreation (up to 3 points)

B3-1. The project creates or enhances recreational opportunities that promote physical activity in outdoor settings at the project site and/or will link up with a connected recreational system, e.g. regional bike or hiking trail; enhanced school sites.

B3-2. The recreational opportunities address an environmental justice issue or environmental inequity issue. For example, it is in an area underserved for parks as shown in the Distributed Water Quality Projects maps.

B3-3. Project contributes to a multi-objective park or school site demonstration project

B3-4. Project is designed to provide other public health benefits, e.g. improves walkability by creating better pedestrian pathways, or provides a tree canopy to reduce heat islands and improve air quality.

B4. Disadvantaged communities (up to 3 points)

B4-1. Project benefits a Disadvantaged Community (DAC). For example, a community (based on census tracts) where the median household income is below 80% of the statewide median household income level (additional points awarded for communities where the median household income level is below 70% and below 60% of the statewide median household income level), as shown in the Distributed Water Quality Projects maps.

B5. Economic development/job creation (up to 3 points)

B5-1. The project demonstrates how many local or youth corps jobs will be created during planning, construction, operations and ongoing maintenance

B5-2. The project includes an outreach program designed to involve local, minority- or women-owned businesses and contractors

B5-3. The project describes and, where possible, quantifies how the area addressed will be enhanced economically

B5-4. The project is part of a training program for local youth

B5-5. The project is a public/private partnership

B6. Habitat protection and/or restoration (up to 3 points)

B6-1. The project protects, enhances or creates open space and/or habitat value at the project site, including, but not limited to:

- Removal of invasive, non-native species
- Recovery of native habitat and species diversity appropriate to the site

- Protection, enhancement, restoration and/or creation of wetlands, riparian, upland or coastal habitats
- Provides adequate buffers along aquatic systems
- Creates wildlife linkages using riparian corridors.
- Project converts grass and high water use plantings to native and habitat friendly low water use plantings
- Protects open space

B7. Public education (up to 3 points)

B7-1. Educational elements of project extend beyond basic labels or stencils on storm drains.

B7-2. Site-specific educational and interpretive materials to be available and/or displayed on site or on line that describe BMPs, pollutants mitigated by project, etc.

B7-3. The educational materials are culturally and linguistically relevant to local community members.

B7-4. The project allows local students to actively engage in learning about water pollution reduction.

B7-5. Provides habitat discovery or nature education areas.

B7-6. Project boosts awareness of ways community can proactively protect water quality.

B8. Demonstration projects (up to 3 points)

B8-1. The project is a replicable demonstration project.

B8-2 The project is scalable so as to be replicable at different scales in different situations.

B8-3. The project demonstrates BMP effectiveness.

B8-4. The project adapts BMPs and stormwater programs that were successfully implemented in other regions.

B8-5. The project provides data to improve the WQIPs of one or more WAGs.

B9. Additional resources from other sources (up to 3 points)

B9-1. The project leverages funds from other private, local, state or federal sources that increase available funds by 10% or more.

B9-2. The proposing entity has partnered with other agencies, cities, non-profit organizations or private donors to leverage additional funds or other resources, including in-kind

B9-3. Additional funds or other resources, including in-kind, are documented as either already obtained or as having a strong likelihood of being obtained.

C. Magnitude of Water Quality Improvements

Projects can receive a maximum of 40 points, depending on whether they effectively target TMDLs, the degree of load reduction, the magnitude of impact, and consistency with watershed management and/or other water quality improvement plans.

C1. Consistency with TMDL or other watershed management plans and requirements, including approved TMDLs or other anticipated TMDLs on the 303(d) list, and other pollutants of concern (up to 10 points)

C1-1. The project has a high level of alignment with TMDL implementation plans and/or compliance schedules, including pollution problems identified by an adopted TMDL and specific strategies selected to target those pollutants.

C1-2. The project has a high level of alignment with watershed management plans for the area in which the project is located or will benefit, including pollution problems or the sources of those pollutants as identified by the watershed management plan and specific strategies selected to target those pollutants.

C1-3. The project has a high level and/or multiple areas of alignment with, and links to, specific strategies or requirements in the adopted Basin Plan, MS4 Permit, approved IRWMP, California Ocean Plan, California Toxics Rule and other regional water quality planning efforts or regulations.

C2. Magnitude of Impact (up to 30 points)

C2-1 Degree of targeted TMDL/pollutant load reduction and/or resulting concentration reduction in receiving waters. Based upon the expected pollutant load or concentration reductions, project maximizes reduction in impact within the receiving waters.

C2-2 Project results in reduction of more than one impairing pollutant.

C2-3 Project results in large volume of water treated or diverted relative to project size and cost.

D. The Proposed Project Is Cost-Effective

Projects can receive up to 20 points by demonstrating how the project will maximize the impact of allotted funds. (Additional resources—funds or in-kind services—may be considered insofar as they reduce total cost of project.)

D1. The total cost per unit over the life of the project (i.e., cost per volume, cost per acre, cost per gallon) of pollutant reduction is below average compared to other projects being considered by the WAG for similar pollutants (up to 10 points).

D2. The total cost of operations and maintenance over the life of the project is below average compared to other projects being considered by the WAG for similar pollutants (up to 10 points).

E. The Proposed Project Presents a High-Level of Readiness for Implementation

Projects can receive up to 10 points (up to 2 points for each sub-bullet) if the proposing organization can demonstrate it has undertaken actions required for effectively translating the project from concept to reality, or has developed a project management plan detailing how those steps will be carried out at each stage in its development.

E1. The project has strong support of the WAG Stakeholder Advisory Panel

E2. The project has demonstrable, strong community-based support from stakeholder groups

E3. There is a site available for the project; if it needs to be purchased, there is a plan and a process underway for acquiring the site.

E4. CEQA requirements have been satisfied; CEQA is ready, well underway or expected to be completed within a year.

E5. The project is ready for construction and can be completed reasonably quickly; or is in the concept design phase and will be ready for construction within a reasonable period of time; or a well-conceived multi-year plan is in place for a project with an extended timeframe necessary to move successfully through each phase of its development.

Infrastructure Project Scoring Criteria Framework

Framework Component	Score Range	Scoring Standards	Score
A. The proposed project improves water quality	**MANDATORY**	**Projects must incorporate all five elements (A1 to A6) to be eligible for funding consideration:**	Yes/No
		A1. Project addresses TMDLs or impairments from current 303(d) lists or anticipated future pollutants of concern, providing sustainable water quality benefits	
		A2. Project is consistent with the priorities and targets for improvement established in the WQIP.	
		A3. The requested funds are directed only to achieving the water quality benefit(s) that will be provided by the project	
		A4. Project is based on best available scientific and engineering principles	
		A5. The proposal describes how the proposing organization has or will acquire the technical ability to implement, operate and maintain the project.	
		A6. Verification of performance is incorporated into the project	
		Pass or Fail Section A	
B. The proposed project provides multiple benefits	**30 points maximum**	**The project delivers additional benefits beyond water quality.**	Yes/No
	6 points	**B1.** Water supply	
	3 points	**B2.** Flood control	
	3 points	**B3.** Public health and recreation	
	3 points	**B4.** Disadvantaged communities	
	3 points	**B5**. Economic development/job creation	
	3 points	**B6.** Habitat protection and/or restoration	
	3 points	**B7.** Public education	
	3 points	**B8.** Demonstration project with replicability	
	3 points	**B9.** Leverages additional funds	
		Total Points Section B	

C. **The proposed project can achieve significant water quality benefits**	**40 points maximum**	**The project achieves one or more of the following:**	Yes/No
	10 points	**C1.** Consistency with plans and requirements	
	30 points	**C2.** Magnitude of impact	
		Total Points Section C	
D. **The proposed project is cost-effective**	**20 points maximum**	**The project achieves one or more of the following:**	Yes/No
	10 points	**D1.** The total cost per unit of pollutant reduction is below average	
	10 points	**D2.** The total cost of operations and maintenance of the project is below average	
		Total Points Section D	
E. **The proposed project presents a high level of readiness for implementation**	**10 points maximum**	**The project achieves one or more of the following:**	Yes/No
	2 points	**E1.** The project has strong support of the WAG Stakeholder Advisory Panel	
	2 points	**E2.** The project has strong local community-based support	
	2 points	**E3.** There is a site available for the project or a plan and a process underway for acquiring the site.	
	2 points	**E4.** CEQA requirements have been satisfied; CEQA is ready, well underway or expected to be completed within a year.	
	2 points	**E5.** Project is ready for implementation within a reasonable time, or there is a plan demonstrating how it will develop over a more extended time	
		Total Points Section E	
TOTAL POINTS			

Project Selection Process Schedule Guideline

Proposal Submittal

Applications must contain all information described above. Applications shall include detailed project descriptions, attachments with supplemental materials such as feasibility studies, pilot projects, maps, diagrams, examples of application of technology in other locations, and associated monitoring data on project performance, letters of support, copies of agreements, or any other applicable materials.

Step		Time Frame
1.	WAG call for proposals	90 days
2.	Review Process: WAG convenes scoring committee; Reviews Framework Component A only. Projects that pass will move on. Projects that fail will receive notification and a request to prepare re-submittal.	60 days
3.	Projects that passed reviewed for Categories B-E; projects that failed Category A analysis, resubmit.	60 days
4.	Review continues for projects that passed initially. Resubmitted projects reviewed; if pass move on, if not, sent back for future submittal.	15 days
5.	Proposers notified of total points received and ranking for funding.	5 days
6.	WAG includes highest-ranking projects in next Water Quality Improvement Plan (WQIP)	45 days
7.	Flood Control District review WQIPs	60 days
8.	Oversight Board reviews WQIPs	45 days
9.	Board of Supervisors approves WQIPs	<??>
10.	Flood Control District disburses funds	<??>

Part IV: Community Education Program Criteria

Program Goals

The purpose of the criteria described in this document is to provide guidance for selecting the programs best suited to achieve the water quality priorities and targets identified in the Water Quality Improvement Plans (WQIPs) developed by the Watershed Authority Groups (WAGs) for each watershed and/or those identified in water quality improvement plans developed by municipalities.

This narrative provides information about the criteria for the purpose of reducing subjectivity when applied to specific proposed projects. The criteria used to score infrastructure projects are described below and should be used in conjunction with the scoring sheet that follows. The primary criteria are divided into seven categories (A through G), with the criteria in category "A" being mandatory. Within each category there are several sub-criteria that will help to determine the overall ranking of each proposed project. Points will be awarded in categories B through G on a sliding scale of 0 to 7 points each, for a maximum possible total of 42 points.

Score Range

0 Points: Information is lacking/missing, poorly described/written
1-2 Points: Minimal information/description; many questions remain
3-4 Points: Enough information included to describe the concept, but a few questions remain
5-6 Points: All information provided, well described
7 Points: All information provided, well described, well written, includes supporting information

A. Application Contents (check for completion only; pass/fail)

A1. The application contains all of the appropriate documents, sections and signatures
A2. The program adheres to all the Water Quality Improvement Program Guidelines described in Part II of this document

B. Program Analysis (0-7 points)

B1. The need for the program is clearly established
B2. The target audience is clearly identified
B3. The program is relevant to the audience
B4. The proposal describes how many people will be reached and the number of individual impressions
B5. The proposal demonstrates how the program will influence changes in behavior

C. Program Design (0-7 points)

C1. The overall purpose and goal(s) of the program are clearly defined
C2. There are written behavior change goals and measurable objectives consistent with WQIPs.
C3. The objectives and reasonable and appropriate in scope and number

C4. There is an overarching message/theme/big idea identified for the program

D. Program Development (0-7 points)

D1. The program well defined and explained
D2. The materials and methods chosen to deliver the program are appropriate
D3. The content supports the goal(s)
D4. The needed resources are described and included (budget, staffing, time)
D.5 The program has been successfully undertaken previously elsewhere and the proposal describes the proven results

E. Program Implementation (0-7 points)

E1. The program's implementation and delivery are feasible and well explained
E2. The implementation plan includes any necessary staff training, addresses any safety issues, and provides for contingency issues (weather, failure of equipment, etc.)
E3. The program leverages other private, local, State, and Federal funds or in-kind services

F. Significance/Value (0-7 points)

F1. The program is of significant value to water quality education
F2. The program advances the field of water quality education
F3. The program is compatible with school-based standards and existing curricula (the program reinforces and/or complements what is being taught in local schools)
F4. The program encourages or creates partnerships between schools and the proposed program
F5. The implementation plan describes how other organization can replicate/adapt or build on this program
F6. The program will have a significant impact, shown in the numbers of people reached and/or the number of individual impressions

G. Program Evaluation (0-7 points)

G1. There is an evaluation plan that includes front-end, formative, summative and remedial evaluation.
G2. The evaluation methods are appropriate
G3. The evaluation methods are fully explained and/or materials are included
G4. The implementation plan describes how adjustments will be made to the program based on evaluation results if available, or includes considerations for potential adjustments

Education Program Scoring Criteria Framework

Component	Score Range	Score
A. Application Contents	**Mandatory Pass/Fail**	
B. Program Analysis	**0-7**	
C. Program Design	**0-7**	
D. Program Development	**0-7**	
E. Program Implementation	**0-7**	
F. Significance/Value	**0-7**	
G. Program Evaluation	**0-7**	
TOTAL SCORE		