SENATE COMMITTEE ON EDUCATION
Senator Benjamin Allen, Chair
2017 - 2018 Regular

Bill No:	SB 541	**Hearing Date:**	March 29, 2017
Author:	Allen		
Version:	February 16, 2017		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Lynn Lorber		

Subject: School facilities: water capture design standards

NOTE: This bill has been referred to the Committees on Education and Environmental Quality. A "do pass" motion should include referral to the Committee on Environmental Quality.

SUMMARY

This bill requires the California Department of Education, the State Water Resources Control Board, and the Division of the State Architect and Office of Public School Construction (within the Department of General Services), to consult and recommend best design practices that include water capture design standards for all new, reconstructed, or altered public schools, including school grounds.

BACKGROUND

Existing federal law, the Clean Water Act:

1) Establishes the structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

2) Makes it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

3) Provides that the National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Municipal governments (as well as other facilities) are required to obtain NPDES permits to control their discharges go directly to surface waters, including stormwater.

4) Authorizes states to implement and enforce the NPDES permit program as long as the state's provisions are as stringent as the federal requirements. In California, the State Water Resources Control Board is the delegate agency responsible for the NPDES permit program. (United States Code, Title 33 §1251 et seq)

Existing state law requires the State Water Resources Control Board to develop a comprehensive guidance document for evaluating and measuring the effectiveness of municipal stormwater management programs undertaken, and permits issued, in accordance with the federal Clean Water Act. (Water Code § 13383.7)

ANALYSIS

This bill requires several state entities to consult and recommend best design practices that include water capture design standards for all new, reconstructed, or altered public schools, including school grounds. Specifically, this bill:

1) Requires the California Department of Education, the State Water Resources Control Board, and the Division of the State Architect and Office of Public School Construction (within the Department of General Services), to consult and recommend best design practices that include water capture design standards for all new, reconstructed, or altered public schools, including school grounds.

2) Defines "water capture" to control water pollutants, pollutant loads, and water runoff volume to the maximum extent feasible by minimizing impervious surface areas and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bio-retention, and rainfall harvest and use. This bill authorizes water capture to be used in open space, parks, fields, rooftops, streetscapes, parking lots, sidewalks, and medians.

3) Requires the recommendations to be reported to the Governor and Legislature by January 1, 2019, and sunsets the reporting requirement on January 1, 2023.

STAFF COMMENTS

1) ***Need for the bill.*** According to the author, "Cities and counties are required to ensure stormwater discharges meet water quality standards, but many struggle to find adequate funding and open space sites needed to clean up the pollution, particularly in Los Angeles County. Cities are working with their local park districts to find suitable open space sites to capture and begin to treat stormwater, but in many urban areas, school sites are among the largest parcels in otherwise fully built-out municipalities. However, because schools are not currently subject to a stormwater permit, there are no standards or best practices for schools to follow to encourage their partnership. This has made partnership between municipalities and school districts harder."

2) ***Stormwater.*** Stormwater is defined as the runoff generated when precipitation from rain and snowmelt events flows over land or impervious surfaces without percolating into the ground. Stormwater is often considered a nuisance because it mobilizes pollutants such as motor oil and trash. In most cases, stormwater flows directly to water bodies through sewer systems, contributing a major source of pollution to rivers, lakes, and the ocean.

   The Municipal Storm Water Permitting Program, through the State Water Resources Control Board (a division of the California Environmental Protection Agency) regulates storm water discharges from municipal separate storm sewer systems (MS4s).

3) ***No guidance for schools.*** According to the State Water Resources Control Board, they have not traditionally issued guidance for stormwater capture systems. The State Water Resources Control Board's Storm Water Resource

Plan Guidelines include methods for identification and prioritization of stormwater capture projects, including integrated metrics-based analysis. The analysis helps to determine if stormwater systems achieve standards, but the specific designs are determined by the permitted entity. [http://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/docs/prop1/swrp_finalguidelines_dec2015.pdf]

The City of Los Angeles Department of Water and Power utilizes a Stormwater Capture Master Plan, but that plan does not include guidance to schools on water capture design standards. [https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-w-stormwatercapturemp;jsessionid=bRbrYVgMh7vrX3Dyp0NvqJwtVy5YWhFbvJsnY252kLLHFrmpWFDn!-168235981?_afrLoop=23187576910085&_afrWindowMode=0&_afrWindowId=null#%40%3F_afrWindowId%3Dnull%26_afrLoop%3D23187576910085%26_afrWindowMode%3D0%26_adf.ctrl-state%3Dxucs5pzx3_4]

The California Stormwater Quality Association has a Best Management Practices handbook, but the handbook does not include guidance to schools on water capture design standards. [https://www.casqa.org/asca/los-angeles-stormwater-capture-master-plan-harvesting-local-stormwater-municipal-supply]

4) ***Senate Environmental Quality Committee.*** This bill has been double-referred to the Environmental Quality Committee. The main policy considerations of this bill are within that committee's jurisdiction.

SUPPORT

City of Glendora

OPPOSITION

None received

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