



March 30, 2021

SENT VIA: USPS

The Honorable Bill Quirk, Chair  
Assembly Environmental Safety and Toxic Materials Committee  
Legislative Office Building, Room 171  
Sacramento, CA 95814

SUBJECT: AB 377 (Rivas) – Oppose

Dear Assembly Member Quirk:

I write on behalf of the Russian River Watershed Association (RRWA) to respectfully oppose AB 377 (Rivas).

RRWA formed in 2003 and is a coalition of 11 cities, counties, and agencies within the 1,485 square mile Russian River watershed that work together for clean water, habitat restoration, and watershed enhancement.

**AB 377 IS FUNDAMENTALLY FLAWED IN ITS APPROACH AS IT AIMS TO CIRCUMVENT THE REGULATORY PERMITTING PROCESS THROUGH LEGISLATION**

All aspects of AB 377 are permitting discussions that have, and should be, part of the public process that establishes each permit. This approach therefore not only circumvents the regulatory authority of the State Water Resources

Control Board and the nine Regional Water Quality Control Boards, but it also makes moot the knowledge and expertise of their staff as well.

Stormwater regulation is extraordinarily complex. Each permit is often the result of many years of detailed discussions that include all parties (State and / or Regional Water Boards, Permittees, environmental community, and the public). While this letter could go into detail on each individual aspect of AB 377, the larger and more important point is that those discussions are simply regulatory discussions, not legislative discussions. Therefore, no amendments can be offered that would resolve this fundamental flaw of AB 377.

**AB 377 DOES NOT OFFER SOLUTIONS THAT WILL LEAD TO THE PROTECTION OF WATER QUALITY**

As a member organization of CASQA, we share the goal to improve and protect water quality. In fact, CASQA has established a [Vision for Sustainable Stormwater Management](#) to achieve the following:

*California sustainably manages stormwater as an essential component of the state's water resources that supports human and ecological needs, protects water quality, and enhances and restores our waterways.*

#### MEMBER AGENCIES

- City of Cloverdale
- City of Cotati
- City of Healdsburg
- City of Rohnert Park
- City of Santa Rosa
- City of Sebastopol
- City of Ukiah
- County of Mendocino
- County of Sonoma
- Sonoma County Water Agency
- Town of Windsor

#### ANDY RODGERS

Executive Director

300 Seminary Avenue  
Ukiah, CA 95482  
(707) 508-3670

[cleanwater@rrwatershed.org](mailto:cleanwater@rrwatershed.org)

[www.rrwatershed.org](http://www.rrwatershed.org)

However, AB 377 does not offer any concrete actions that will help to achieve this shared goal. Rather, it proposes to simply reduce the amount of time for implementation and to increase penalties and enforcement. This approach presumes that the tools needed to achieve the desired outcome are available and simply more motivation is needed. This presumption is false. Neither less time nor more enforcement will result in actions that will improve water quality.

### **THE SOLUTIONS THAT NEED SUPPORT ARE IDENTIFIED IN CASQA'S VISION FOR SUSTAINABLE STORMWATER MANAGEMENT**

As clearly detailed in CASQA's [\*Vision for Sustainable Stormwater Management\*](#), there are very real and actionable solutions that must be implemented to protect water quality: (1) provide dedicated funding to stormwater programs, (2) increase supplemental funding (e.g., grants), (3) maximize stormwater capture, (4) minimize pollution through true source control, and (5) maximize effectiveness of best management practices (BMPs).

### **FROM A LEGISLATIVE PERSPECTIVE, THE MOST CRITICAL SOLUTION IS FUNDING**

Funding is needed to implement all of these solutions – at the local level, statewide level, and federal level. Unlike all other water resources, stormwater remains unfunded. As a point of contrast, the federal government, and State of California, have invested billions of dollars into building and maintaining the infrastructure necessary to support drinking water and wastewater systems. Yet no such investment has been made in stormwater.

In addition, the vast majority of stormwater programs in California lack a dedicated funding source, largely due to Proposition 218 that established significant barriers to new property taxes. Even those stormwater programs that have some level of dedicated funding cannot implement their programs based on that funding alone. Therefore, all stormwater programs rely to a significant extent on the General Fund. In the best of times, municipalities face significant challenges in meeting the needs of their community and stormwater programs must compete for that funding with police, fire, libraries, social services, etc.

COVID-19 has devastated local economies, creating unprecedented shortfalls in the General Fund. Municipalities will struggle more than ever to secure funding for stormwater programs and will face the reality of budget cuts to staff as well as programs. COVID-19 has not changed how stormwater programs are funded, but it highlights the very real need to move past the General Fund and establish dedicated funding, on par with other water resources.

Simply asking municipalities to do more, in less time, under threat of financial penalties, is neither realistic or effective. Instead, significant state and federal funding must be provided to implement the infrastructure and programs that will achieve our common goals and protect water quality.

### **AB 377 WILL MOST DETRIMENTALLY IMPACT THE SMALL COMMUNITIES IT AIMS TO PROTECT**

While all communities in California lack sufficient funding for stormwater programs, the smallest communities struggle the most to obtain funding through their General Funds. These communities need financial support, not financial penalties. The significant fines that would

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result from AB 377 would not increase funding for any program; rather, the fines would be paid from the General Fund, exacerbating the existing financial struggle of smaller communities.

Thank you for the considering the concerns of the stormwater community. We respectfully request the California Legislature to work with CASQA and its member organizations to advance the solutions detailed in CASQA's [Vision for Sustainable Stormwater Management](#), especially funding to implement actions related to stormwater capture and use, true source control, and BMP effectiveness. If you have any questions, or would like to set up a meeting to discuss the needs of stormwater, please contact me at **Arodgers@westyost.com**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andy Rodgers', with a long horizontal stroke extending to the right.

Andy Rodgers, RRWA Executive Director

cc: RRWA Board of Directors