

ECONOMICS & WATER QUALITY

Mapping a collision course

In California, nine regional water quality control boards develop basin plans, which designate beneficial uses for surface water and groundwater, set narrative and numeric objectives and describe implementation programs. The plans also incorporate by reference all other pertinent policies and plans, including total maximum daily loads (TMDLs). These plans are reviewed and updated every three years as necessary.

Nearly all urban areas in southern California are covered by regional Phase I National Pollution Discharge Elimination System permits. Of the 10 municipal permits covering areas from Ventura County to the Mexican border, all but two are overdue for renewal. A draft tentative Ventura permit was released earlier this year and has stoked a fiery debate over the incorporation of numeric action levels and TMDL waste load allocations as well as prescriptive guidance requiring implementation of low-impact development strategies. It is widely recognized that battles over these and other issues in the Ventura permit will set the stage for development of subsequent and, with any luck, less contentious permits.

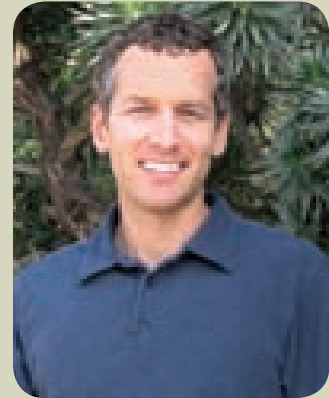
In July, days before a scheduled workshop on the Ventura permit, a writ of mandate was issued by an Orange County Superior Court judge in response to a challenge of the triennial basin plan review process by a coalition of cities and the Building Industry Legal Defense Fund. The group asserted that the Water Board had not considered certain legally required factors such as whether the standards were reasonably achievable and their economic impact on other city services.

The writ ordered the state water board to cease, desist and suspend all activities relating to the implementation, application and/or enforcement of the standards in the basin plan, as applied or to be applied to storm water." As a result, the Ventura permit workshop was cancelled because it incorporated TMDLs and contained numeric performance standards. All work on TMDLs was also suspended.

These events bring fundamental economic and environmental questions to the forefront. Meeting all current water quality standards listed in the basin plan is not achievable without major new sources of revenue or decimating other municipal programs. But would the enormous cost also be a wise investment? The current approach of adopting standards that are not reasonably achievable and failing to enforce their attainment is not working. By adopting such an approach, we are tacitly agreeing not to reach the point where beneficial uses are met. It would be more honest to make an objective assessment of the costs of compliance and compare that cost to the economic benefit of having restored water bodies.

I am optimistic that the enormous costs of repairing our degraded waters would be borne out by the resulting economic gains. The recent decision by the Orange County Superior Court may be a step toward making these public resource value judgments in public view and, I hope, lead to a more efficient expenditure of available funds. Unfortunately, in the meantime we will be stuck pouring money into the least effective best management practice—litigation. SWS

For more information related to this article, visit www.estormwater.com/lm.cfm/090801. For more information, write in 5001 on this issue's Reader Service Card.



Vaikko Allen II, CPSWQ

“

The current approach of adopting standards that are not reasonably achievable and failing to enforce their attainment is not working.

”

Vaikko Allen II, CPSWQ, is western regulatory relations manager for CONTECH Stormwater Solutions. Allen can be reached at 805.485.0154 or by e-mail at allenv@contech-cpi.com.