

# Another scheme for stormwater taxes gathers steam in Sacramento: Susan Shelley

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Money is no object when you're spending somebody else's.

If those words haven't yet replaced "Eureka" as the official state motto of California, they soon will. The Legislature is back in session.

The chairs were barely warm when lawmakers advanced yet another sneak attack on property owners. This time it's a gut-and-amend bill to allow the Los Angeles County Flood Control District to levy special taxes for stormwater management projects.

Created in 1915, the L.A. County Flood Control District provides flood control and water quality services to 85 cities and the unincorporated county area. Assembly Bill 1180 would give the district a new method to raise revenue, or, as the analysis prepared for the Senate Governance and Finance Committee put it, "yet another way for the District to exact monies from taxpayers."

If AB 1180 becomes law, it's likely that the flood control district would put a new parcel tax on the 2018 ballot for voter approval.

The bill is currently in the state Senate. It has already passed in the Assembly, except that when the bill was in the Assembly it was about tires, not taxes. When AB 1180 arrived in the Senate, it was gutted like a fish and stuffed with an entirely new bill to allow the L.A. County Flood Control District to levy special taxes. If the bill is passed by the Senate, it will return to the Assembly for a vote to approve the "amended" version.

How much could property owners pay if a parcel tax for stormwater projects is approved?

The San Gabriel Valley Council of Governments estimated that the cost per parcel to comply with the most recent stormwater regulations could be as much as \$1,400 per parcel per year. The total cost for L.A. County's compliance is estimated at \$20 billion. Local governments that don't comply face fines of up to \$250,000 per day.

You might expect that any requirement that triggered such enormous costs would have been debated and passed by elected officials, but you'd be wrong about that. The regulations were created by the Los Angeles Regional Water Control Board, in cooperation with the State Water Resources Control Board and the federal Environmental Protection Agency, as part of the implementation of the 1972 Clean Water Act.

The Clean Water Act allows the federal government to regulate "the waters of the United States," which had traditionally been defined as navigable waters. Over the decades, regulators expanded the definition to include "waters" in storm drains, ditches and even temporary ponds that only appeared during rainy seasons.

President Donald Trump has directed the EPA to go back to the traditional definition of "waters of the U.S.," but California is ignoring him. The Los Angeles Regional Water Control Board is hanging on to the ghostly mandate that storm drain and flood-control systems must clean the water to drinking water standards in order to comply with the Clean Water Act.

And somebody has to come up with \$20 billion to do it.

Stormwater regulations are enforced through a permitting system. L.A. County's MS4 (municipal separate storm sewer system) permit has uniquely tough requirements, adopted in late 2012.

If you were buying a new dishwasher, and there was one for \$400 that



## Assembly Bill 1180. How does a bill about used tires turn into a tax on stormwater?

would get the dishes clean, and another one for \$20 billion that would get the dishes a little cleaner, which one would you buy?

Suppose there was a fine of \$250,000 per day for not buying the one that costs \$20 billion.

You probably still wouldn't buy the \$20 billion dishwasher, because you probably don't have \$20 billion.

Neither does the L.A. County Flood Control District, or the county, or the 84 cities that have to comply with this permit. That's why they're all looking for a way to get you to pay hundreds or thousands of dollars per year in new taxes.

Sen. Bob Hertzberg's SB 231 would make it possible for local governments to raise taxes for stormwater projects without voter approval, simply by redefining "sewer" to include stormwater. Unless a majority of property owners filed a protest in time, the huge new charge would just show up on property tax bills.

Wouldn't it make more sense to demand a full review of the MS4 permit to see if it meets any reasonable standard of cost-effectiveness and feasibility?

This would be a good time to call the L.A. County Board of Supervisors (213-974-1411) and your representatives in the state Senate and Assembly (<http://findyourrep.legislature.ca.gov>) and ask them that question.

