Safe, Clean Water Program

Appendices to 10/19/20 Staff Memo to ROC and DRAFT framework
(language from ordinance, guidance documents, or transfer agreements)

Partial Funding

Adopted Implementation Ordinance Language (Chapters 16 and 18 of the Los Angeles County Flood Control District Code):

Ordinance Language:

"Leverage other funding sources to maximize SCW Program Goals" (Section 18.04.D)

"Projects, Feasibility Studies, scientific and technical studies, and other activities selected for inclusion in a Stormwater Investment Plan should be recommended to receive funding for their total estimated costs, unless a lesser amount has been requested" (Section 18.07.B.2.g)

"each Watershed Area Steering Committee, in conjunction with its Watershed Coordinator(s), shall help potential infrastructure Program Project Applicants identify potential partners and additional resources of funding to augment and leverage SCW Program revenues for Projects and Programs" (Section 18.07.G.3.c)

Adopted Template Fund Transfer Agreement Language and Requirements

Definitions:

"Activity Completion" means that the Funded Activity is complete to the reasonable satisfaction of the District based on review of reports and other documentation as deemed appropriate by the District. If the Funded Activity is an Infrastructure Program Project on District Right-of-Way a separate use and maintenance agreement is required.

"Activity Costs" means the total costs necessary to achieve Activity Completion. The Activity Costs for the Funded Activity are described in Exhibit A.

"Budget Plan" means a Recipient's plan for funding Activity Completion, including a description of all sources of funds for Activity Costs and a description of how the SCW Program Contribution will be allocated among the tasks identified in the Scope of Work within each fiscal year. Recipient's Budget Plan is described in Exhibit A.

"Funded Activity" means the Infrastructure Program Project, or Scientific Study described in Exhibit A – Scope of Work, including the Stakeholder and Community Outreach Plan and all other tasks and activities described in Exhibit A.

"Safe Clean Water (SCW) Program Contribution" means the portion of the Activity Costs to be paid for with Regional Program funds provided by the District from the SCW Program as described in the Budget Plan.

Exhibit B- General Conditions

B-10 (Completion of Funding Activity by Recipient)

"The Recipient agrees to pay any and all Activity Costs in excess of the SCW Program Contribution necessary for Activity Completion. The Recipient expressly acknowledges and agrees that if the SCW Program Contribution is not sufficient to pay the Activity Costs in full, the Recipient shall nonetheless complete the Funded Activity and pay that portion of the Activity Costs in excess of the SCW Program Contribution....."

B-28 (Notice)

The recipient shall notify the District promptly of the following:

a. Any significant deviation from in the submitted scope of the Funded Activity for the current Fiscal Year, including discussion of any major changes to the scope of the Funded Activity, noteworthy delays in implementation, anticipated reduction in benefits, and/or modifications that change the SCW Program Goals intended to be accomplished by the Funded Activity. Under no circumstances may the Recipient make changes to the scope of the Funded Activity without receiving prior approval.....
c. Any circumstance, combination of circumstances, or condition, which is expected to or does delay Activity Completion;

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Disadvantaged Community (DAC) Benefit

Adopted Implementation Ordinance Language (Chapters 16 and 18 of the Los Angeles County Flood Control District Code):

Definitions

"Community Investment Benefit" means a benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit also includes a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect and increasing shade or planting of trees or other vegetation that increase carbon reduction/sequestration and improve air quality. (Section 16.03.F)

"Disadvantaged Community" ("DAC") means a Census Block Group that has an annual median household income of less than eighty percent (80%) of the Statewide annual median household income (as defined in Water Code section 79505.5). (Section 16.03.H)

"Disadvantaged Community (DAC) Benefit" means a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefits directly to a DAC population. (Section 16.03.I)

"Project" means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance, of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District. (Section 16.03.Y)

"Water Quality Benefit" means a reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system. (Section 16.03.NN)

"Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: reuse and conservation practices, diversion of Stormwater or Urban Runoff to a sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment or available yield, or offset of potable water use. (Section 16.03.OO)

Ordinance Language

- Infrastructure Program funds…

  - Shall be allocated such that funding for Projects that provide a DAC Benefit is not less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area; (Section 16.05.D.1.d)
  - Shall be programmed, to the extent feasible, such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs; (Section 16.05.D.1.e)
- Funding for Projects that provide DAC Benefits shall not be less than one hundred and ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area. To facilitate compliance with this requirement, the District will work with stakeholders and Watershed Coordinator(s) to utilize existing tools to identify high-priority geographies for water-quality improvement projects and other projects that create DAC Benefits within DACs, to help inform WASCs as they consider project recommendations; (Section 18.07.B.2.c)Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated annually over a rolling five (5) year period; (Section 18.07.B.2.d)

Requirements in the Feasibility Study Guidelines

A Feasibility Study must include the following as it pertains to DACs, as applicable:

- If the Project is located within a Disadvantaged Community (DAC), a summary of how the Project will benefit that DAC and a discussion of measures on displacement avoidance.

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Community Engagement and Support

Adopted Implementation Ordinance Language (Chapters 16 and 18 of the Los Angeles County Flood Control District Code):

Ordinance Language:See 16.05.C.3 /18.06.D.2i / 18.09.B.f regarding engagement of stakeholders in the planning processes and the municipal program.

Requirements in the Feasibility Study Guidelines

- A Feasibility Study must include the following as it pertains to Community Engagement and Support, as applicable:
    - A plan for outreach/engagement to solicit, address, and incorporate stakeholder input the Project, which should also address issues related to displacement and gentrification.
- Of the total 110 points maximum, Project applicants can attain a total of 4 points for implementation of Community Support. See description and point distribution in the table below.

E. Leveraging Funds and Community Support	10 points max	The Project achieves one or more of the following:
	6 points max	E1. Cost-Share. Additional Funding has been awarded for the Project. • >25% Funding Matched = 3 points • >50% Funding Matched = 6 points
	4 points	E2. The Project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.

Adopted Template Fund Transfer Agreement Language and Requirements

- A-8. Stakeholder and Community Outreach/Engagement Plan:
    - The Recipient shall submit a Stakeholder and Community Outreach/Engagement Plan for Infrastructure Program Projects and include a discussion of how local NGOs or CBOs will be involved, if applicable, and if not, why. Additional outreach/engagement activities, even if funded by other sources, should be referenced to provide an overview of anticipated overall project approach. The plan shall, at a minimum include:
        - 1. Community outreach activities to provide information to residents and information about upcoming meetings or other engagement activity event is scheduled. Outreach methods used should be appropriate in scale and type to the community being served. Outreach methods include but are not limited to: Online Media Outreach (email blasts, social media, publication on a website) Local Media Outreach (newsletters, local and regional newspapers, and local radio and television) and/or Grassroots Outreach (door-to-door canvassing, phone banking, surveys and focus groups, and distribution of flyers or other printed materials). The District will support outreach efforts through web-based platforms if requested at least four weeks prior to the requested publish date. The District should be included in all social media outreach and notified of all meetings and other engagement events.

- 2. Community engagement activities solicit, address and seek input from community members for Funded Activities. These events may occur as part of any public meeting with multiple agenda items such as council, commission or committee meetings where public input is invited; or at festivals, fairs, or open houses where a table or booth may be set up.
- 3. Stakeholder and Community Outreach/Engagement Plan requirements: Stakeholder and Community Outreach/Engagement Plan activities should occur at the onset of the project, during the design phase, and during construction.

Infrastructure Program Project Funds	Required Activity 1	Required Activity 2
Up to $2 M	Outreach or Engagement	
Up to $10 M	Outreach	≥1 Engagement
Over $10 M	Outreach	≥ 2 Engagements

- If the Funded Activity is for the O&M of an Infrastructure Program Project Stakeholder and Community Outreach/Engagement Plan activities should occur biennially to remind communities of the SCW Program Contribution.
- Activities and measures to mitigate against displacement and gentrification. This includes, as applicable, an acknowledgment that the Funded Activity will be fully subject to and comply with any County-wide displacement policies as well as with any specific anti-displacement requirements associated with other funding sources.

- B-33. Reporting:
  - Quarterly Progress/Expenditure Reports.
    - j. Photo documentation (e.g. photos of community outreach events, stakeholder meetings, groundbreaking ceremonies, and project site that may be used on the publicly accessible District website) of the phases or tasks of the Project completed during the reporting period, as appropriate;

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Nature Based Solutions

Adopted Implementation Ordinance Language (Chapters 16 and 18 of the Los Angeles County Flood Control District Code):

Definition of Nature Based Solutions (Section 16.03.V)

…means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities. Nature-Based Solution includes Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

Ordinance Language:

- Projects implemented through the Municipal Program shall include a Water Quality Benefit. Multi-Benefit Projects and Nature-Based Solutions are strongly encouraged. Municipalities receiving funds shall prepare progress reports that detail expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature- Based Solutions, and Community Investment Benefits are realized through use of Municipal Program Funds (Section 16.05.C.1)
- Regional Program's Infrastructure Program funds shall be programmed, to the extent possible, such that Nature-Based Solutions are prioritized. (Section 16.05.D.f)
- One of the SCW Program Goals is to prioritize Nature-Based Solutions (Section 18.04.F)
- Regional Oversight Committee and Scoring Committee contain subject matter experts with knowledge in Water Quality Benefits, Water Supply Benefits, Nature Based Solutions and Community Investment Benefits and other fields related to stormwater capture or reduction of stormwater or urban runoff pollution (Section 16.05.E, Section 18.07.C.4.a, and Section 18.08.A.1)
- Watershed Area Steering Committee shall develop Stormwater Investments Plans in accordance with various criteria's and one of the criteria's is to prioritize Nature-Based Solutions to the extent feasible (Section 18.07.2.f)

Requirements in the Feasibility Study Guidelines

- A Feasibility Study must include the following as it pertains to NBS, as applicable:
    - An explanation, with supporting analysis and information, of how the Project will implement or mimic natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances or restores habitat, green space or usable open space.

- An explanation, with supporting analysis and information, of how the Project will utilize natural materials such as soils and vegetation with a preference for native vegetation. •
- An engineering estimate for how much impermeable area is removed after the construction of the Project. Compares the impermeable area of the site to before construction to after the Project is completed.
- If Nature-Based Solutions are not utilized, an explanation, with supporting analysis and information, of why it is not feasible to do so.

- Of the total 110 points maximum, Project applicants can attain a total of 15 points for implementation of NBS. See description and point distribution in the table below.

D. Nature-Based Solutions	15 points max	The Project implements Nature-Based Solutions
	15 points	D1. Project: • Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points • Utilizes natural materials such as soils and vegetation with a preference for native vegetation = 5 points • Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points

Adopted Template Fund Transfer Agreement Language and Requirements

- BOTH Regional Program Fund Recipients and Municipalities:
  - To consider using and incorporating Nature-Based Solutions for their projects.
  - To Include in their Progress reports (quarterly and annual)/ Expenditure report a summary whether and how their projects achieve a good, better, best for each of the 6 NBS methods in accordance with guidance **(See below for the good/better/best guidance for Nature-Based Solutions)**
  - To include in their Progress reports (quarterly and annual)/ Expenditure Reports a discussion of any considerations taken to maximize the class within each NBS method. If at least 3 NBS methods score within a single class, the overall project can be characterized as that class.
  - Must attach a copy of the matrix for each Project with the good, better, or best column indicated for each method, to facilitate District tracking of methods being utilized.

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NBS Best Management Practices Matrix
Good/Better/Best Guidance

METHODS	GOOD	BETTER	BEST
Vegetation/Green Space	Use of climate-appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 5%-15% covered by new climate-appropriate vegetation	Use of native, climate-appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 16%-35% covered by new native vegetation	Establishment of plant communities with a diversity of native vegetation (groundcover, shrubs, and trees) / green space that is both native and climate-appropriate More than 35% covered by new native vegetation
Increase of Permeability	Installation of vegetated landscape – 25%-49% paved area removed Redesign of existing impermeable surfaces and/or installation of permeable surfaces (e.g. permeable pavement and infiltration trenches)	Installation of vegetated landscape – 50%-74% paved area removed Improvements of soil health (e.g., compaction reduction)	Installation of vegetated landscape – 75%-100% paved area removed Creation of well-connected and self-sustained natural landscapes with healthy soils, permeable surfaces, and appropriate vegetation
Protection of Undeveloped Mountains & Floodplains	Preservation of native vegetation Minimal negative impact to existing drainage system	Preservation of native vegetation Installation of new feature(s) to improve existing drainage system	Creation of open green space Installation of features to improve natural hydrology
Creation & Restoration of Riparian Habitat & Wetlands	Partial restoration of existing riparian habitat and wetlands Planting of climate appropriate vegetation - between 11 and 20 different climate-appropriate or native plant species newly planted No potable water used to sustain the wetland	Full restoration of existing riparian habitat and wetlands Planting of native vegetation - between 21 and 40 different native plant species newly planted No potable water used to sustain the wetland	Full restoration and expansion of existing riparian habitat and wetlands Planting of plant communities with a diversity of native vegetation – between 41 and 50 different native plant species newly planted No potable water used to sustain the wetland

New Landscape Elements	Elements designed to capture runoff for other simple usage (e.g. rain gardens and cisterns), capturing the 85th percentile 24-hour storm event for at least 50% of the entire parcel	Elements that design to capture/redirect runoff and filter pollution (e.g. bioswales and parkway basins), capturing the 85th percentile 24-hour storm event from the entire parcel	Large sized elements that capture and treat runoff to supplement or replace existing water systems (e.g. wetlands, daylighting streams, groundwater infiltration, floodplain reclamation), capturing the 90th percentile 24-hour storm event from the entire parcel and/or capturing off-site runoff
Enhancement of Soil	Use of soil amendments such as mulch and compost to retain moisture in the soil and prevent erosion Planting of new climate-appropriate vegetation to enhance soil organic matter	Use of soil amendments such as mulch and compost that are locally generated to retain moisture in the soil, prevent erosion, and support locally based composting and other soil enhancement activities Planting of new native, climate-appropriate vegetation to enhance soil organic matter	Use of soil amendments such as mulch and compost that are locally generated, especially use of next-generation design with regenerative adsorbents (e.g. woodchips, biochar) to retain moisture in the soil, prevent erosion, and support on-site composting and other soil enhancement activities Planting of new native, climate appropriate vegetation to enhance soil organic matter

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Water Supply

Adopted Implementation Ordinance Language (Chapters 16 and 18 of the Los Angeles County Flood Control District Code):

Definition of Water Supply Benefit (Section 16.03.OO)

… means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: reuse and conservation practices, diversion of Stormwater or Urban Runoff to a sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment or available yield, or offset of potable water use.

Requirements in the Feasibility Study Guidelines

At a minimum, a Feasibility Study must include the following:

- An estimate of (1) the annual average amount of stormwater or urban runoff captured by the Project for reuse onsite and (2) the annual average amount of stormwater or urban runoff captured by the Project to augment water supplies, whether infiltrated or diverted (such as to a spreading facility or to a sanitary sewer for recycled water).
    - The estimate should be based on modeling or other similar approach, with justification.
    - The Feasibility Study should specify whether the Water Supply Benefit claimed will result from offsetting potable demand, increasing water supply, or both (and how). Since not all reuse offsets demand (e.g., if the Project creates new demand), the Feasibility Study should provide an analysis of supply and demand impacts when claiming an offset of potable demand.
    - Stormwater that is treated and released to a storm drain or receiving water should not be considered as reuse.
    - Stormwater that is treated and released to a storm drain or receiving water should not be considered as augmenting the local water supply unless the Project is tributary to a groundwater recharge facility, and/or unless the Project would facilitate the continued recharge of water that would otherwise be prohibited for use in the water supply (eg. the infiltration of mixed or treated reclaimed or recycled water).
    - Where a Project's Water Supply Benefits include an increase in water supply through soil infiltration, the Feasibility Study should include an engineering analysis demonstrating that that the infiltrated water is reaching a managed, usable groundwater aquifer and confirmation that the agency managing the groundwater basin concurs.
    - For Projects that treat and use stormwater to directly offset potable water use through irrigation or similar means, projections of the irrigation demand and use should be included.
    - The estimate of annual average capture should account for the inflow to the Project from the Project capture area, the storage of the Project, and the overflow/bypass during storm events (when capacity is exceeded).

  - The annual average estimate should clearly document the basis for the annual average precipitation/hydrology (e.g., whether a specific year was used as a representative average year with justification, or whether the long-term average was calculated across many years). A minimum of 20-years should be used for the annual average calculations.
  - The Feasibility Study must demonstrate that the diverted water would not otherwise be diverted/captured downstream of the Project site[Note 1].
  - The Feasibility study must identify whether and how the 85th percentile storm is being captured/diverted. If the Project will not capture the 85th percentile storm, the Feasibility Study must explain why.
- The nexus between water supply and the Stormwater and/or Urban Runoff that is captured/infiltrated/diverted by the Project should be clearly documented and justified.
- Total life-cycle cost of the Project based on annualized value.
- [Note 1] In the first year (SIPs for FY20-21), Projects that capture water that is already captured downstream can still be submitted and scored to receive water supply points as applicable. Public Works will continue to evaluate value added in capturing onsite and/or allowing downstream capacity to remain.
- Of the total 110 points maximum, Project applicants can attain a total of 25 points for Significant Water Supply Benefits. See description and point distribution in the table below.

B. Significant Water Supply Benefits	25 points max	The Project provides water re-use and/or water supply enhancement benefits
	13 points max	B1. Water Supply Cost Effectiveness. The Total Life-Cycle Cost[2] per unit of acre foot of Stormwater and/or Urban Runoff volume captured for water supply is: • >$2500/ac-ft = 0 points • $2,000–2,500/ac-ft = 3 points • $1500-2,000/ac-ft = 6 points • $1000–1500/ac-ft = 10 points • <$1000/ac-ft = 13 points *[2]. Total Life-Cycle Cost: The annualized value of all Capital, planning, design, land acquisition, construction, and total life O&M costs for the Project for the entire life span of the Project (e.g. 50-year design life span should account for 50-years of O&M). The annualized cost is used over the present value to provide a preference to Projects with longer life spans.*
	12 points max	B2. Water Supply Benefit Magnitude. The yearly additional water supply volume resulting from the Project is: • <25 ac-ft/year = 0 points • 25 - 100 ac-ft/year = 2 points • 100 - 200 ac-ft/year = 5 points • 200 - 300 ac-ft/year = 9 points • >300 ac-ft/year = 12 points