



Water rule may tap building, infrastructure funds

By **John Howard** | 09/22/11 12:00 AM PST

One state agency's effort to meet federal rules and tighten California's environmental controls over rainwater runoff on hundreds of state roads and Caltrans properties has drawn a sharp response from another state agency – Caltrans -- and road builders who say the draft plan would divert hundreds of millions of dollars away from construction projects.

The State Water Resources Control Board, the state's top water-quality enforcer is drafting and revising the plan, which is intended to go into effect next year. The five-year permit, expanding on existing regulations, is required by the federal Clean Water Act. It applies to all Caltrans facilities throughout California.

"Stormwater runoff is a source of pollution in our waters, and federal law requires it (the Caltrans permit)," said Jonathan Bishop, chief deputy director of the State Water Board. "This is related to how they (Caltrans) manage the road network system and to make sure they are not making the water quality worse."

It's more than an inside-the-government dispute, however: Caltrans believes the cost of meeting the demands of the new permits will cost some \$900 million annually, a dramatic increase in its earlier projections. And that money will be drawn from funds that typically pay for road construction and other projects, which means the builders who do work for Caltrans under contract don't like the idea either.

The \$900 million figure, an estimate provided by Caltrans, emerged Wednesday at a Water Board-sponsored workshop on the issue.

"These new regulations would take \$900 million every year out of job-creating road construction projects and put them into funding bureaucrats and red tape between agencies. We need to put more people to work, not more regulatory burdens," said Michael Quigley, who manages governmental and environmental affairs for the Alliance for Jobs. The Alliance includes labor groups and heavy construction contractors who handle state projects.

The Water Board's proposal, which is not yet completed, is intended to tighten so-called storm water runoff safeguards at Caltrans' construction projects. The rules curb erosion, pollution, sediment and discharges stemming from water that flows across streets and winds up in storm drains, streams or even the ocean. The runoff can grab pollutants as it moves along and deposit them far away, compounding cleanup.

Bishop said the rule is a work in progress and is being rewritten to accommodate the concerns of critics by balancing the competing obligations of environmental protection and fiscal demands.

The Water Board has not done detailed fiscal analyses of the proposed rule, but it realizes the real-world impacts of its decisions and intends to make sure the final document reflects that. "That's what we do," he noted.

The proposed rule builds upon regulations that have been in place for years, although the new plan exceeds federal standards and includes retrofitting requirements, both of which have drawn complaints from Caltrans.

"The number of discharge locations needing retrofit is unknown but could eventually encompass many of the urban areas of the state" noted Scott McGowen, Caltrans' chief environmental engineer.

It also deals with an issue that while not widely known to the public is of intense interest to local jurisdictions and, at least indirectly, can affect the state's construction programs. Caltrans currently has about 800 projects worth about \$10 billion.

Direct runoff rules for state construction are handled under a different permit, which was approved two years ago and has three years to run.

Storm runoff generally doesn't get a lot of attention among the general public, although it is an issue of critical importance to local governments, builders and environmentalists, among others. But the latest proposal is reaching the public's radar, in part because of the heavy construction industry, business and their allies, who have complained publicly about the proposal.

"They need to back off," said Jim Earp, executive director of the Alliance. "Our basic approach is we can clean the water and if we needed to we can ramp up, fine, but no other state is doing the same thing. When you tell them that, the attitude we have seen coming out of the Water Board is well, this is California and we don't really care what other states are doing."

The water board notes that storm water regulation is needed and environmentalists agree, as the debate intensifies over the pocketbook impact of the rule.

"The water boards have been focused for more than 20 years in the area of storm water quality management and regulation," the state said, adding that its goal is to "ensure that surface and groundwater resources remain useful and managed in a sustainable manner for generations to come."