

Legal News is part of our ongoing commitment to providing legal insight to our environmental stormwater clients and our colleagues.

If you have any questions about this issue or would like to discuss these topics further, please contact your Foley attorney or:

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## A Compilation of Stormwater and Other Related Water News

### National News

#### Senators Ask EPA About Plan to Remove Pharmaceuticals From Water

(*BNA Environment Reporter*, March 21, 2008) On March 18, 2008, Sen. Barbara Boxer (D-Calif.) and Sen. Frank A. Lautenberg (D-N.J.) sent an inquiry to U.S. Environmental Protection Agency (EPA) Administrator Stephen Johnson regarding the EPA's plans for regulating the presence of pharmaceuticals in drinking water supplies. The letter requested a detailed summary of EPA plans to research, monitor, and require public disclosure of levels of these products in water.

Posted: <http://pubs.bna.com/ip/bna/ENR.NSF/eh/a0b6f2y5v7>

#### Senate Committee to Convene Hearing to Examine Report of Pharmaceuticals in Water

(*BNA Environment Reporter*, March 14, 2008) Democrats on the U.S. Senate Committee on Environment and Public Works have announced that they will convene a hearing to examine studies that report trace amounts of pharmaceuticals in drinking water supplies across the United States. The date of the hearing has not yet been finalized but it is anticipated to occur in early April 2008.

Posted: <http://pubs.bna.com/ip/bna/ENR.NSF/eh/a0b6e2t1v9>

### California News

#### Sonoma County Water Agency Envisions Energy Independence

(*The Press Democrat*, March 20, 2008) On March 18, 2008, the Sonoma County Board of Supervisors approved a \$1-million initiative for the Sonoma County Water Agency to explore the creation of energy-independent business parks and incentives to encourage electric cars in company fleets. Key ideas include energy-independent islands of office complexes, industrial buildings, and residences where solar panels would provide all of the power demand. The agency also is negotiating with automakers to buy electric vehicles in volume for use by local public agencies and private businesses. The Pacific Gas and Electric Company (PG&E) also has

stated that it will assist agency engineers in developing geothermal heat pumps for use in the plans for energy-independent islands of businesses and residences.

Posted:

[http://www.pressdemocrat.com/EarlyEdition/article\\_view.cfm?recordID=8908&publishdate=03/20/2008](http://www.pressdemocrat.com/EarlyEdition/article_view.cfm?recordID=8908&publishdate=03/20/2008)

## **Department of Water Resources Begins 30-Month Water Supply Study**

(*San Jose Mercury News*, March 18, 2008) On March 18, 2008, the California Department of Water Resources (DWR) began a 30-month study to stabilize unreliable water supplies. The DWR will study the environmental effects of building a canal, along with other methods to transport water from the Sacramento River to the East Bay, San Joaquin Valley, and Southern California. The DWR has begun work on the environmental analysis even though the Bay Delta Conservation Plan has not yet been completed. DWR officials state that the two efforts would nevertheless be coordinated closely.

Posted: [http://www.mercurynews.com/politics/ci\\_8609718](http://www.mercurynews.com/politics/ci_8609718)

## **Southern California**

### **City of Oxnard to Take Over Water District**

(*Ventura County Star*, March 20, 2008) On March 19, 2008, the Ventura Local Agency Formation Commission (LAFCO) unanimously voted to dissolve the Ocean View Municipal Water District and to give responsibility for directly supplying water to the district's 48 agricultural customers to the City of Oxnard. The district had become insolvent and the City of Oxnard, which had provided water delivery services, had written off a debt of approximately \$1.1 million that was owed by the district.

Posted:

<http://www.venturacountystar.com/news/2008/mar/20/oxnard-to-take-over-a-water-district/>

### **Carlsbad Stormwater Regulations**

(*North County Times*, March 26, 2008) The Carlsbad City Council has voted for initial approval of changes to the Carlsbad Municipal Code's stormwater control regulations. The city's new stormwater regulations are part of efforts to bring the San Diego region into compliance with the San Diego Regional Water Quality Control Board's recently issued

National Pollutant Discharge Elimination System (NPDES) permit. The city states that most changes to the Municipal Code are minor, but that the changes also include significant items such as requiring private property owners to inspect their stormwater control devices annually. The city estimates that about 700 stormwater control mechanisms on about 250 privately owned parcels would be affected by the new regulations.

Posted:

<http://www.nctimes.com/articles/2008/03/26/news/coastal/carlsbad/1418096deffe6f85882574180015b7b5.txt>

### **Riverside Landscaping Standards**

(*North County Times*, March 26, 2008) On March 25, 2008, the Riverside County Board of Supervisors approved new landscaping requirements intended to reduce water consumption in new construction projects. Under the new landscaping requirements, new residential and commercial development would be required to landscape smaller areas and use drought-tolerant plants and water-efficient irrigation systems. These new measures are expected to reduce the landscaping water demand by 20 percent.

Posted:

<http://www.nctimes.com/articles/2008/03/27/news/californian/riverside/fd5a581b3cbfca4f88257417007fadf0.txt>

### **Vista Sewage Spill Settlement**

(*North County Times*, March 15, 2008) The San Diego Regional Water Quality Control Board has rejected a \$700,000 fine that the cities of Vista and Carlsbad had negotiated with the board's staff after a corroded pipeline in Carlsbad near Buena Vista Lagoon spilled 7.3 million gallons of raw sewage into the lagoon. In rejecting the proposed settlement, the board now will hold a public hearing in June 2008, where the cities could face a larger fine.

Posted:

[http://www.nctimes.com/articles/2008/03/15/news/top\\_stories/2541\\_353\\_14\\_08.txt](http://www.nctimes.com/articles/2008/03/15/news/top_stories/2541_353_14_08.txt)

## **Announcements**

### **Urban Best Management Practice Performance Tool Available**

The EPA has released its Urban Stormwater Best Management Practice (BMP) Performance Tool, which was developed to provide

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stormwater professionals with easy access to approximately 220 studies assessing the performance of more than 275 BMPs. The new BMP Performance Tool presents information previously compiled by the International Stormwater BMP Database and by the State of California. The EPA hopes to add more studies to the collection, including studies that evaluate the performance of “green infrastructure” or “low impact development” BMPs. The BMP Performance Tool is available on the EPA's Web site at <http://cfpub.epa.gov/npdes/stormwater/urbanbmp/bmpeffectiveness.cfm>.

## Legislation

### SB 1295 (Ducheny)

Senate Bill 1295, introduced February 19, 2008, proposes to amend the California Coastal Act of 1976 (Act). The Act provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone. Existing law provides that, after certification of a local program, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the California Coastal Commission by an applicant for a permit, any aggrieved person, or any two members of the commission. This bill would revise that provision to eliminate an appeal by two members of the California Coastal Commission.

### AB 2112 (Saldana)

Assembly Bill 2112, introduced February 20, 2008, and amended March 24, 2008, proposes to require the State Energy Resources Conservation and Development Commission to adopt, in collaboration with specified parties, building design, construction, and energy and water conservation standards to make new residential constructions that commence on or after January 1, 2020 “zero net energy buildings” as defined in the bill. The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to adopt building design, construction, and energy and water conservation standards to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including energy associated with the use of water.