



Environmental ADVISORY ■

SEPTEMBER 18, 2014

California Legislature Passes SB 985, Revising the Stormwater Resource Planning Act

On August 28, 2014, the California State Legislature passed SB 985, amending the Stormwater Resource Planning Act, which Governor Brown is expected to soon sign into law. The Act authorizes a city, county or special district to develop a stormwater resource plan. Stormwater resource plans list and prioritize projects geared toward capturing stormwater for underground storage, thus increasing local groundwater supplies and reducing the need to purchase imported water, an important policy objective given the continuing severe statewide drought. Such “multibenefit” projects have the added advantage of reducing the pollution stormwater carries to receiving water bodies such as lakes, rivers and the ocean, which in turn can assist agencies with compliance with applicable MS4 permits and total maximum daily loads (TMDL).

The major features of the Act include:

- **Watershed scale interagency planning:** As revised by SB 985, the Act now authorizes multiple public agencies to work together to engage in watershed-scale planning efforts and collaborate on the creation of stormwater resource plans.
- **Non-stormwater runoff:** The new law also expands the Act’s standards to include non-stormwater runoff, including discharged process water and vehicle wash runoff.
- **Quantitative standards:** Under SB 985, stormwater resource plans will now be required to identify stormwater and non-stormwater runoff capture projects using quantitative, metric-based standards geared toward maximizing water supply, water quality and the reduction of pollution.
- **Grant funding:** Another important feature of the Act is it requires compliance in order to receive grants for stormwater and non-stormwater runoff capture projects from bond acts approved by the voters after January 1, 2014.
- **Elimination of need to be consistent with integrated regional water management plans:** The Act eliminates the requirement for stormwater resource plans to be consistent with integrated regional water management plans, which had hindered prior compliance efforts. Instead, the Act requires the applicable regional water management oversight agency to simply adopt stormwater resource plans into integrated regional water management plans.

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- **Reliance on existing plans:** As under the prior version of the Act, an agency can rely on already-existing plans such as urban water management plans or watershed management plans to meet the requirements of the Act. So long as the existing plan complies with the requirements of Water Code Section 10562(b), it complies with the Act.
- **Upcoming regulations:** Finally, SB 985 requires the State Water Resources Control Board to promulgate regulations for compliance with the Act by July 1, 2016.

If you have any questions regarding the Act, please feel free to contact [Ed Casey](#), [Andrew Brady](#) or one of the attorneys in Alston & Bird's [Water Resources Group](#).

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