



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.

This advisory is published by Alston & Bird LLP to provide a summary of significant developments to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation. This material may also be considered attorney advertising under court rules of certain jurisdictions.

- **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](#).

If you would like to receive future *Environmental Enforcement Advisories* electronically, please forward your contact information to **environmental.advisory@alston.com**. Be sure to put "**subscribe**" in the subject line.

If you have any questions or would like additional information, please contact your Alston & Bird attorney or any of the following:

Doug Arnold
404.881.7637
doug.arnold@alston.com

Edward Casey
213.576.1005
ed.casey@alston.com

Mark Johnson
213.576.1089
mark.johnson@alston.com

Jocelyn Thompson
213.576.1104
jocelyn.thompson@alston.com

Sarah Babcock
404.881.7632
sarah.babcock@alston.com

Lee DeHihns
404.881.7151
lee.dehinhns@alston.com

Clay Massey
404.881.4969
clay.massey@alston.com

Andrea Warren
213.576.2518
andrea.warren@alston.com

Ward Benshoof
213.576.1108
ward.benshoof@alston.com

Skip Fulton
404.881.7152
skip.fulton@alston.com

Elise Paeffgen
202.239.3939
elise.paeffgen@alston.com

Jonathan Wells
404.881.7472
jonathan.wells@alston.com

Meaghan Goodwin Boyd
404.881.7245
meaghan.boyd@alston.com

Maureen Gorsen
916.498.3305
maureen.gorsen@alston.com

Bruce Pasfield
202.239.3585
bruce.pasfield@alston.com

Diane Wizig
404.881.4954
diane.wizig@alston.com

Andrew Brady
213.576.2527
andrew.brady@alston.com

Ronnie Gosselin
404.881.7965
ronnie.gosselin@alston.com

Geoffrey Rathgeber
404.881.4974
geoff.rathgeber@alston.com

Nicki Carlsen
213.576.1128
nicki.carlsen@alston.com

Maya Lopez Grasse
213.576.2526
maya.grasse@alston.com

Beverlee Silva
404.881.4625
beverlee.silva@alston.com

ALSTON & BIRD LLP

WWW.ALSTON.COM

© ALSTON & BIRD LLP 2014

ATLANTA: One Atlantic Center ■ 1201 West Peachtree Street ■ Atlanta, Georgia, USA, 30309-3424 ■ 404.881.7000 ■ Fax: 404.881.7777
BRUSSELS: Level 20 Bastion Tower ■ Place du Champ de Mars ■ B-1050 Brussels, BE ■ +32 2 550 3700 ■ Fax: +32 2 550 3719
CHARLOTTE: Bank of America Plaza ■ 101 South Tryon Street ■ Suite 4000 ■ Charlotte, North Carolina, USA, 28280-4000 ■ 704.444.1000 ■ Fax: 704.444.1111
DALLAS: 2828 North Harwood Street ■ 18th Floor ■ Dallas, Texas, USA, 75201 ■ 214.922.3400 ■ Fax: 214.922.3899
LOS ANGELES: 333 South Hope Street ■ 16th Floor ■ Los Angeles, California, USA, 90071-3004 ■ 213.576.1000 ■ Fax: 213.576.1100
NEW YORK: 90 Park Avenue ■ 12th Floor ■ New York, New York, USA, 10016-1387 ■ 212.210.9400 ■ Fax: 212.210.9444
RESEARCH TRIANGLE: 4721 Emperor Blvd. ■ Suite 400 ■ Durham, North Carolina, USA, 27703-85802 ■ 919.862.2200 ■ Fax: 919.862.2260
SILICON VALLEY: 1950 University Avenue ■ 5th Floor ■ East Palo Alto, California, USA, 94303-2282 ■ 650.838.2000 ■ Fax: 650.838.2001
WASHINGTON, DC: The Atlantic Building ■ 950 F Street, NW ■ Washington, DC, USA, 20004-1404 ■ 202.756.3300 ■ Fax: 202.756.3333