



April 24, 2015

The Honorable Brian Maienschein
Chair, Assembly Local Government Committee
State Capitol
Sacramento, CA 95814

Re: Assembly Bill 1315 (Alejo)—Oppose [as amended 04.21.15]
Hearing Date: April 29, 2015 – Assembly Local Government Committee

Dear Assembly Member Maienschein:

The organizations listed below must regrettably oppose Assembly Bill 1315 (Alejo) related to stormwater pollution prevention. We represent a broad group of public agencies and organizations that plan, approve, construct, and maintain an extensive range of essential public infrastructure. Unfortunately, as currently written, AB 1315 would add significant new costs and inefficiencies to the delivery of this infrastructure.

On projects that encompass at least one acre of land, Stormwater Pollution Prevention Plans (SWPPPs) must be developed to ascertain potential sources of stormwater pollution on construction sites and identify the control measures needed to be taken during the construction process. SWPPPs must be written, amended and certified by qualified personnel who are knowledgeable in the principles and practice of erosion and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality. Public agencies rely on the expertise of qualified SWPPP developers, known as QSDs, to conduct this work, as agencies do not have the resources nor the regular workload required to employ such personnel throughout the year.

SWPPPs are currently created in accordance with the general contractor's construction plans. As construction progresses, SWPPPs must often be modified to accommodate the constantly changing conditions of a construction site. The general contractor is in the best position to create the construction plan and contract for the corresponding SWPPP.

A general contractor-developed SWPPP can incorporate an optimal construction sequence selected by the contractor, thereby maximizing efficiency and reducing costs. A separate entity developing a SWPPP would have to assume a sequence of work that might occur under one construction scenario but not another.

AB 1315 would turn this standing process on its head by prohibiting public agencies from contracting with the general contractor to develop a SWPPP and statutorily restricting their remaining options to an engineer or architect. Public agencies, engineers and architects simply do not have the direct control over the day-to-day construction, let alone the expertise, to perform this function.

Ultimately, the success or failure of a SWPPP lies with the general contractor carrying it out. If the legislature statutorily shifts the development and liability of the SWPPP to the public agency, or to a design professional or architect, it will create confusion and conflict within the public works process. AB 1315 will only further disconnect the entity responsible for the development of the SWPPP from the entity that performs the work related to the SWPPP. This is akin to asking the public agency or design professional to separately plan and contract for the security of the general contractor's equipment on the job site, the number of portable restrooms needed or any other function that is intimately connected to the performance and sequence of a construction project.

For the aforementioned reasons, we must respectfully oppose AB 1315 as currently drafted. Please do not hesitate to contact any of the signees below if you have any questions about our position.

Sincerely,



Jimmy MacDonald
Associate Legislative Representative
California Special Districts Association



Amber Wiley
Senior Legislative Advocate
Association of California Healthcare Districts



Laura Preston
Legislative Advocate
Association of California School Administrators



Whitnie Wiley
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Jessica Gauger
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California Association of Sanitation Agencies



Enrique Ruacho
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Danielle Blacet
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Jennifer Whiting
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Richard Hansen
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