Maybe the City of Los Angeles. I complained a couple of weeks ago that during the (rare) times when the Southland gets a downpour, all the water get sent out to sea ASAP, even though cistern technology exists that could conserve water, reduce pollution, and reduce the costs of purchasing it from elsewhere.

Well, as it turns out, Paula Daniels at the Los Angeles Board of Public Works (a former environmental fellow at UCLA) has been working on the problem for a while, and has developed a partial solution:

> A proposed law would require new homes, larger developments and some redevelopments in Los Angeles to capture and reuse runoff generated in rainstorms.
>
> The ordinance approved in January by the Department of Public Works would require such projects to capture, reuse or infiltrate 100% of runoff generated in a 3/4 -inch rainstorm or to pay a storm water pollution mitigation fee that would help fund off-site, low-impact public developments.

With all the complaints that government gets from all quarters, it's good to see that someone is trying to think through things proactively.

In typical fashion, the BIA is opposing some aspects of the regulation, and has gotten the city to lower the fees, but it is heartening to see that it has avoided its usual attitude, which can best be described as, well, antediluvian. It's not accident that its more pragmatic position comes from the local chapter, as opposed to the state association, which often seems to be a chapter of the Tea Party set.

Let's assume that the ordinance passes. The question then becomes how to retrofit existing buildings, a far more challenging and complex measure. And we will have lots of battles, perhaps through litigation, about what constitutes "new construction" requiring the technology, and what is simply maintenance — an issue that has repeatedly occurred in the "New Source Review" provisions of the Clean Air Act. When Dick Cheney was Vice President, he tried to redefine "maintenance" as basically the construction of new plants to allow them to avoid Clean Air Act requirements. Even conservative federal appellate courts didn't allow this one.