

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Jan O'Hara)
MEETING DATE: November 17, 2004

ITEM: 10

SUBJECT: **Santa Clara Valley Urban Runoff Pollution Prevention Program - Status Report on Hydromodification Plan Approval and New and Redevelopment Control Measure Implementation Issues**

CHRONOLOGY: February 2001 – Program's Permit reissued
October 2001 – Program's Permit amended

DISCUSSION: Board staff plans to present two stormwater items to the Board for its consideration in February: the Santa Clara Valley Hydromodification Management Plan and an amendment to the New and Redevelopment Performance Standards in the Santa Clara Program's Permit. This status report provides background information in preparation for these actions.

Hydromodification refers to the effects of urbanization on stormwater runoff and stream flows. Urbanization results in more impervious surface (roads, roofs, etc.), which leads to a higher volume and rate of stormwater runoff discharging to creeks. This results in increased erosion of creek beds and banks, and excess deposition of sediment further downstream.

Hydromodification is controlled by temporarily detaining and slowing excess runoff. All stormwater programs are required to develop a Hydromodification Management Plan (HMP) that establishes how, when, and where increases in runoff flow and volume will be managed.

The Santa Clara Program has submitted two draft HMPs, which provide a sound technical approach to controlling increased flows from development projects. While the second draft makes big improvements over the first, the connection between the technical analysis and the proposed implementation remains tenuous. The current draft calls for excluding large portions of the Santa Clara Valley, while the technical analysis indicates that creeks are unstable in areas of planned growth and development there. Because the HMP is essentially complete except for these implementation issues, staff intends to bring a modified HMP for the Board's consideration and approval in February, to avoid any further delay in its implementation.

Regarding the status of New and Redevelopment Performance Standards, some Santa Clara Valley cities are misinterpreting the language of the Program's Permit to greatly delay or avoid implementation of the Permit's requirements to include stormwater treatment measures at new development and significant redevelopment projects. San Jose has adopted a policy that

renders very few new/redevelopment projects subject to the Permit's requirement for stormwater treatment. In addition, we are finding that some cities are exempting projects from all New and Redevelopment Performance Standard requirements when a project is in the early stages of approval. Cities are claiming that such projects are "deemed complete," and thus not subject to these requirements, as early as the date a project is proposed and initial development fees are paid, when many or even most aspects of the project's site design are not complete. Some of these projects are quite large and will have significant stormwater impacts.

We believe the Board intended for such projects to include stormwater controls, and we are considering issuing permits directly to these projects until the issue can be resolved. We are in the process of discussing a permit amendment to clarify these and other, relatively minor, permit requirements with the Santa Clara Valley permittees. The amendment also would make the Santa Clara Program's permit more consistent with the other Bay Area stormwater program permits. We plan to bring the amendment to the Board for its consideration at the February meeting.

RECOMMEN-
DATION: Information item – no action required.

File No. 2182.05 (JBO)

Appendix A: Staff Report

APPENDIX A – Staff Report