

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2009-0035
May 8, 2009**

**City of Grover Beach Stormwater Management Program
San Luis Obispo County**

The Regional Water Quality Control Board, Central Coast Region ("Water Board" or "Central Coast Water Board") finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency ("EPA") promulgated regulations under authority of the Clean Water Act ("CWA") Section 402(p)(6). These regulations require NPDES stormwater permits for operators of small municipal separate storm sewer systems ("Small MS4s") that discharge to waters of the U.S.
2. On April 30, 2003, the State Water Resources Control Board ("State Water Board") adopted Order No. 2003-0005 DWQ (NPDES Permit No. CAS000004) Waste Discharge Requirements for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("General Permit").
3. The General Permit requires regulated Small MS4s to develop a stormwater management program ("SWMP") designed to reduce pollutant discharge to the maximum extent practicable ("MEP") and to protect water quality. The SWMP must contain Best Management Practices ("BMPs") that address six Minimum Control Measures. SWMPs must incorporate measurable goals and implementation time schedules, and must be available for public review and comment and are subject to a public hearing if requested prior to approval. Upon approval of a SWMP by the appropriate regional water quality control board or its Executive Officer, permit applicants obtain coverage under the General Permit.
4. The State Water Board found, and the Water Board concurs, that implementing stormwater quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.
5. The State Water Board found the General Permit to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Water Board's Basin Plan.
6. This action to approve the City of Grover Beach ("City") SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.
7. The City evaluated local water quality, BMP applicability, expected BMP effectiveness, and technical and economic feasibility in developing the SWMP. Specific BMPs were

identified from community input, review of other programs, and evaluation of various BMP manuals and lists.

8. The City submitted a SWMP and Notice of Intent to comply with the General Permit on October 27, 2003. In response to Water Board staff review and comments, the City prepared two revised SWMPs.
9. Following public notice in accordance with state and federal laws and regulations, the Water Board, in a public hearing on May 8, 2009, heard and considered all comments on the SWMP.
10. The Water Board finds that the SWMP, including the Required Revisions attached to this Resolution, is designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP meets and/or exceeds the Phase II General Permit requirements for all six Minimum Control Measures; 2) the chosen BMPs address both the research-based urban pollutants, and the locally-documented pollutants of concern; 3) the SWMP employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the five-year program prescribed by the SWMP provides a logical progression of BMP implementation to meet a full program realization within the permit term.
11. Section 402(p)(3)(B)(iii) of the Clean Water Act requires controls that reduce pollutants to MEP, and "such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." The General Permit requires permittees to develop a SWMP designed to reduce the discharge of pollutants to MEP and to protect water quality. (General Permit Finding 14, page 3 and Provision D, pg.8.)
12. The General Permit allows permittees five years from the date of SWMP approval to fully implement the SWMP.
13. The SWMP requires the City to develop and implement programs and ordinances within five years to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review. The General Permit allows the Executive Officer to require changes to the SWMP (including the ordinances and other program details) as necessary to meet the MEP standard, and to require additional monitoring and reporting.
14. Some of the SWMP elements that the City will develop during the permit term are ordinances regulating illicit discharges, construction and post-construction; and inspection programs.

THEREFORE, BE IT RESOLVED THAT:

1. The Water Board hereby approves the City of Grover Beach Stormwater Management Program, subject to Paragraph 2. Coverage under the General Permit commences on the date this Resolution is adopted.

2. Pursuant to Section G of the General Permit, the City is required to amend the SWMP no later than July 7, 2009, to include the revisions found in the **ATTACHED TABLE OF REQUIRED REVISIONS**. Failure to make these revisions may subject the City to enforcement action.
3. The City shall provide a copy of the revised SWMP to the Water Board no later than July 7, 2009, pursuant to Water Code Section 13383.
4. The Executive Officer will notify the City and other interested persons of the acceptability of the City's proposed interim hydromodification criteria for new development and re-development. The Water Board shall provide interested persons the opportunity for comment and a hearing before the Water Board if any party is aggrieved by the staff's determination prior to Water Board action being final.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on May 8, 2009.

Roger W. Briggs, Executive Officer

FINAL TABLE of REQUIRED REVISIONS
City of Grover Beach September 2008 Draft SWMP for May 2009 – May 2014

Acronyms/Abbreviations:

- BMP - Best Management Practice
- General Permit - Phase II Small Municipal Separate Storm Sewer Systems General Permit
- LID - Low Impact Development
- MS4 - Municipal Separate Storm Sewer Systems
- POC - Pollutants of Concern
- SWMP - Stormwater Management Program

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	Public Education and Outreach	Formatting	BMP PE3F references BMP PE3G, but there are no specific commercial and industrial industries provided in BMP PE3G as referenced in BMP PE3F.	Modify BMP PE3F or BMP PE3G to correct references.
2	Public Education and Outreach	Community-based Social Marketing Programs	The SWMP does not adequately discuss the expected effectiveness of the Public Education and Outreach BMPs for changing the knowledge and awareness of target audiences. Due to this uncertain effectiveness, the SWMP should focus on more hands-on or interactive approaches to public education. These approaches can evolve over time. One promising approach to public education is community-based social marketing. The City's June 20, 2008 draft SWMP detailed multiple community-based social marketing programs, but the City's most recent SWMP does not include these programs.	Add the City's June 20, 2008 draft SWMP BMPs that committed the City to implementing community-based social marketing programs, or add a BMP committing the City to assessing community-based social marketing strategies, or equivalent marketing strategies, for the City's SWMP by Year 1.
3	Illicit Discharge Detection and Elimination; Post-Construction	Formatting	The SWMP includes duplicate BMPs.	Remove BMP IL1H or BMP IL1I to minimize repetitiveness. Remove BMP PC3A or BMP PC3B to minimize repetitiveness.

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4	Construction Site Runoff Control	Construction Ordinance	Both BMPs CON1A and CON2A detail ordinances with overlapping content. BMP CON1A details the adoption of a new ordinance to address construction runoff control and BMP CON2A details the revision of the City's existing grading ordinance. It is unclear whether the City plans to adopt two separate construction ordinances or one construction ordinance. For example, the SWMP currently explains that both ordinances will address erosion and sediment control. The SWMP details the City will adopt the ordinance described in BMP CON1A by the end of Year 1, but the City won't revise the existing grading ordinance, described in BMP CON2A, to align with the General Permit, until Year 2.	Modify BMP CON1A and/or BMP CON2A to clearly detail if the City plans to use one or multiple ordinances to regulate construction-related stormwater runoff. If the City plans to adopt multiple ordinances, the SWMP must detail the content of each ordinance to ensure the ordinances do not overlap and to avoid confusion. The City must complete the construction site ordinance(s) and ordinance revisions in Year 1.
5	Post-Construction Stormwater Management	Criterion for Projects that Must Meet Hydromodification Control Criteria	Currently the post-construction section only addresses project sites that disturb one acre or more of land and smaller projects that are part of a common plan of development that is one acre or more in size. Water Board staff expect the City to include post-construction measures for smaller sites in certain circumstances (e.g., substantial increase or replacement of impervious surface), as stated in the Executive Officer's February 15, 2008 letter.	Modify the post-construction BMPs that detail the criterion for sites that must meet the future City's post-construction measures, or add a BMP that commits the City to determining what types of projects must meet the City's future post-construction BMPs.
6	Post-Construction Stormwater Management; Appendix H	Interim Hydromodification Control Criteria	BMP PC1A explains that the City currently requires projects to contain all stormwater runoff on the site. The Grading and Drainage Plan Checklist (SWMP Appendix H) details this requirement. However,	Include a commitment in the SWMP to adhere to one of the following compliance paths for controlling hydromodification in the interim: 1) If the City intends to revise its Standards

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			<p>according to the drainage section in the City's existing 2006 Standards and Specifications, the City only requires a project to contain all runoff when the existing drainage facilities are already overloaded, where ponding is designed as the method of runoff disposal in the Master Drainage Plan, or where planned facilities do not yet exist. If the City modifies the applicability criteria in the existing Standards and Specifications to expand the category of projects to which the retention requirements apply, the City can use these standards, paired with the Grading and Drainage Plan Checklist, in the place of developing interim hydromodification control criteria. If the City does not commit to modifying its existing Standards and Specifications, the City must commit to developing interim hydromodification control criteria to meet the Water Board's requirements. The commitment to develop interim hydromodification control criteria must ensure Water Board staff that the City will develop acceptable interim hydromodification control criteria.</p>	<p>and Specifications to expand the category of projects to which the retention requirements apply, add a BMP committing to do so within one year of enrollment under the General Permit.</p> <p>2) If the City plans to maintain its existing Standards and Specifications while it develops interim hydromodification control criteria, modify BMP PC1A so that it accurately reflects the language of the City's Standards and Specifications. Also, If the City pursues this option, add a new BMP stating the City will choose one of the following three options for developing interim hydromodification criteria:</p> <p>Option 1: The proposed criteria may include the following types of requirements, which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:</p> <ul style="list-style-type: none"> • For new development and re-development projects, Effective Impervious Area¹ shall be maintained at less than five percent (5%) of total project area. • For new development and redevelopment projects that create

¹ Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-construction² runoff hydrographs, for a range of events with return periods from 1-year to 10-years.</p> <ul style="list-style-type: none"> • For projects whose disturbed project area exceeds two acres, preserve the pre-construction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream³ or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration. <p>OR</p> <p>“As effective as” means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the watershed) to control hydromodification and protect the biological and physical integrity of the City’s watersheds. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:</p> <p>Option 2: Adopt and implement hydromodification criteria developed by another local</p>

² Pre-construction condition is defined as undeveloped soil type and vegetation.

³ A first order stream is defined as a stream with no tributaries.

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				<p>municipality and approved by the Water Board, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria.</p> <p>OR</p> <p>Option 3: Use the following methodology to develop interim flow control and infiltration criteria:</p> <ul style="list-style-type: none"> • Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-development runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses. Pre-development refers to the soil type, vegetation and amount of impervious surface existing on the site prior to the development project. • Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable low-impact development strategies. • Identify the projects, including project type, size and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria will include all those

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				<p>projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.</p> <ul style="list-style-type: none"> • Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, including continuous simulation of the entire rainfall record. • Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.
7	Post-Construction Stormwater Management	LID/hydromodification Control Training for Municipal Staff	Currently the SWMP commits the City to start educating municipal staff on LID/hydromodification control in Year 2. To successfully implement the interim hydromodification control criteria at the beginning of Year 2, municipal staff must understand the requirements and principles of LID/hydromodification control prior to implementation.	Modify BMP PC4E or add a new BMP committing the City to, in Year 1, provide LID/hydromodification control education for City plan reviewers and inspectors so they can ensure new and re-developments meet the City's hydromodification control criteria during plan reviews and site inspections.
8	Post-Construction Stormwater Management	Post-Construction Site Inspections	The SWMP does not detail a clear post-construction site inspection program.	Modify BMP PC1D or add a new BMP to clarify the City will inspect sites during construction to verify post-construction BMPs are built as planned and commit the City to inspecting sites at least once within a specified timeframe after construction termination.
9	Entire SWMP	Regulatory Authorities	The SWMP includes multiple BMPs that include effectiveness measures stating the City will comply with the General Permit or the Central Coast Water Board's requirements. The City must commit to	Modify the BMPs in the post-construction section that detail the City will comply with the General Permit or the Central Coast Water Board's requirements to instead state that the City will comply with the General

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			always complying with the General Permit. The Central Coast Water Board will ensure that the City comply with the requirements of the General Permit.	Permit (i.e., delete, "or the Central Coast Water Board's requirements).
10	Entire SWMP	Program Effectiveness Assessment	The City has not established an effectiveness assessment approach, which should include: quantifiable effectiveness measures for each BMP, including measures that link BMP and program implementation with improvements in water quality, with emphasis on assessment of BMPs targeting POCs.	Develop a BMP for each MCM section or develop one BMP for the entire SWMP that is equivalent to the following: The City shall prepare and follow a SWMP Effectiveness Assessment Plan. The plan will describe the actions the City takes to assess the effectiveness of the SWMP in meeting regulatory requirements and improving water quality. The plan will include: a process to conduct effectiveness assessments; quantifiable measures of BMP and program effectiveness; links between BMP implementation and improvement in water quality; and assessment of BMP implementation in terms of regulatory compliance, changing awareness, changing behavior, pollutant load reductions, and runoff and receiving water quality. (Year 1)
11	Public Education and Outreach	Stormwater Reporting Hotline	The SWMP does not specify how the City will inform the public about its telephone information line and hotline for gathering SWMP information and reporting stormwater related problems. Also, the SWMP does not specify that the City will respond to 100% of the complaints received.	Modify BMP PE3H or add a new BMP to specify how the City will inform the public about its stormwater hotline and that the City will respond to 100% of the reported complaints.
12	Illicit Discharge and Elimination	Illicit Discharge Elimination	BMP IL4E details a training program for City staff on illicit discharge detection and elimination; however, the City does not commit to taking appropriate measures to	Modify BMP IL4E or add a new BMP to specify the City will take appropriate measures to eliminate known illicit discharges.

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13	Post-Construction Stormwater Management	Long-term Watershed Planning	<p>eliminate illicit discharges.</p> <p>BMP PC4G commits the City to integrating stormwater management into the City's land use planning and development decisions by revising the City's Conservation Element in Year 5. To successfully provide long-term watershed protection, Water Board staff anticipates the City will need to spend more than just the last year of the enrollment period to conduct long-term watershed planning.</p>	<p>Modify BMP PC4G or add a new BMP equivalent to the following: The City will develop a strategy, including a schedule (of BMPs), to provide long-term watershed planning, to assist in the development of long-term hydromodification control criteria (Year 1).</p> <p>Add a BMP stating the following or equivalent: The City will begin implementation of its long-term watershed protection plan starting in Year 1.</p>
14	Post-Construction Stormwater Management	Long-term Hydromodification Control Criteria	<p>The City has committed to developing and implementing an LID Manual by the end of Year 1. Appendix H outlines the City's plan to develop a hydromodification management plan, but the City does not specify a schedule for implementing this plan. Additionally, the City has not committed to developing long-term hydromodification control criteria by the end of its five-year permit cycle.</p>	<p>Add a BMP committing the City to developing long-term hydromodification control criteria, by the end of Year 5, that are based on technical assessments and include:</p> <ul style="list-style-type: none"> • Numeric criteria for runoff rate, duration, and volume control for new development and significant redevelopment projects; • Numeric criteria for stream stability impacts for new development and significant redevelopment projects; • Identification of areas within the City where these criteria must be met; • Specific performance and monitoring criteria for installed hydromodification control infrastructure; • Riparian buffer zone requirements; and • Appropriate hydromodification control measures such as low impact

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				development concepts, on-site hydrologic and water quality controls, and in-stream controls.
15	Construction Site Runoff Control	Construction Site Inspection Prioritization Methods	The City has not specified a prioritization method for construction site inspections or set a minimum frequency for inspecting sites.	Modify an existing BMP or add a new BMP to commit the City to developing a prioritization method for construction site inspections and set a minimum frequency for inspecting sites.
16	Post-Construction Stormwater Management	Interim Hydromodification Control Criteria Development Schedule	The City does not include a schedule for submitting revised Standards and Specifications or interim hydromodification control criteria to provide Water Board staff adequate time to review, prior to criteria implementation.	Add a BMP to commit the City to submitting its proposed revised Standards and Specifications or its proposed interim hydromodification control criteria (numeric and non-numeric), no less than three (3) weeks prior to 365 days after enrollment under the General Permit, to provide Water Board staff adequate time to review the proposed criteria. The BMP must include the following language, "The Central Coast Water Board Executive Officer will notify the City and other interested persons of the acceptability of the City's proposed interim hydromodification control criteria for new development and re-development. The Water Board shall provide interested persons the opportunity for comment and a hearing before the Water Board if any party is aggrieved by the Water Board staff's determination, prior to Water Board action being final."