



City of Grover Beach

Mayor John P. Shoals Mayor Pro Tem Bill Nicolls
Council Member Chuck Ashton, Council Member Karen Bright, Council Member Stephen C. Lieberman

Bob Perrault
City Manager

November 18, 2008

Roger W. Briggs, Executive Officer
California Regional Water Quality Control Board - Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

**RE: REQUEST FOR EXTENSION OF TIME FRAME FOR THE REVIEW OF THE
DRAFT STORM WATER MANAGEMENT PROGRAM**

Dear Mr. Briggs:

First, I would like to take the opportunity to thank you for the time you and your staff afforded the City Managers from agencies within San Luis Obispo County last week. I found the dialogue increased my understanding of the Storm Water Management Program (SWMP) review process.

As was discussed at our meeting, we are beginning to work with other jurisdictions in order to identify the SWMP areas where we can work cooperatively. I am expecting that cost efficiencies will result from this cooperative effort while increasing the overall quality of required program implementation. Today, annual cost estimates for the implementation of the draft SWMP are estimated at \$130,000 should we take on the implementation of the programs independent of any joint cooperation. Consequently, I am requesting a four- (4) month extension of the SWMP review process time frame in order to permit the cooperative efforts to bear fruit. This request takes into account the potential lost time due to the approaching holiday season and the estimated time to complete this process.

Should you have any questions, please feel free to contact me.

Sincerely,

ROBERT PERRAULT
City Manager

Tamara Presser, Regional Water Quality Control Board Staff
Jim Garing, City Engineer
Pat Beck, Interim Community Development Director

STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
NOV 20 2008
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SAN LUIS OBISPO, CALIFORNIA 93401-7906

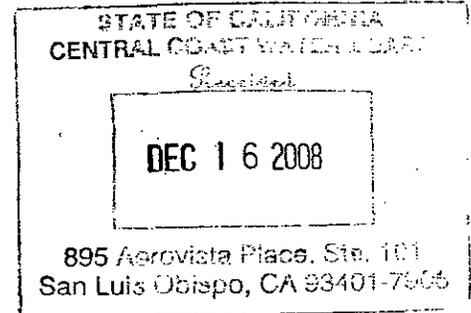
154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.grover.org



City of Grover Beach

December 16, 2008

Roger W. Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906



SUBJECT: REQUEST FOR A HEARING BEFORE THE REGIONAL WATER QUALITY CONTROL BOARD

Dear Mr. Briggs:

During the Council meeting held on December 15, 2008, the Grover Beach City Council authorized me to send this letter requesting a hearing and commenting on the Draft Storm Water Management Program. This letter is being issued within the 60-day comment period as prescribed by your office. The request for a hearing is based on the following comments on the Draft Plan:

1. The schedule for implementing the Best Management Practices (BMPs) over the five-year period covered by the plan is overly aggressive and expensive. Many of the BMPs that are scheduled to be completed within the first few years of the plan are related to public information, education and the legislating of local ordinances. The costs associated with implementing these BMPs are between \$100,000 and \$150,000 annually. More time is needed to work with other jurisdictions to ensure that these programs are being implemented in a cost-effective and efficient manner.
2. Costs associated with portions of the hydromodification program are unknown at this time. We recognize that the City of Grover Beach will be required to test the quality of water in Meadow Creek from time to time to ensure that the creek is not being further degraded as a result of development. Additionally it should be noted that the quality of the water in Meadow Creek is to a certain extent beyond the control of the City in that it is influenced by a variety of conditions, including runoff from Highway 101, and water flowing in the creek from Arroyo Grande, City of Pismo Beach and County of San Luis Obispo areas. We remain uncertain as to the financial impact of providing such tests. We are also concerned that the testing of sites post-development may also be burdensome and the actual science to perform such tests is not readily available.
3. We understand that the law provides the Regional Water Quality Control Board the authority to require agencies to implement BMPs that will enable the agency to comply with federal regulations to the Maximum Extent Practicable. It is our concern that required implementation of the BMPs as listed in the Draft Storm Water Management Program for the City of Grover Beach

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are costly and overly burdensome and therefore exceed the test of Maximum Extent Practicable. Consequently the City reserves the right to further comment on the Program during the hearing process and further reserves any and all rights to challenge mandates of the Program and the process by which it is imposed.

It is for the reasons outlined above that we ***request a hearing before the Regional Water Quality Control Board***. We understand your authority to regulate storm water to ensure the waters of the State are protected, but, as a recipient of that regulation, we desire that the implementation be conducted in a manner that is fair, equitable, and practical to all stakeholders.

Sincerely,



JOHN P SHOALS
Mayor

c: City Council



City of Grover Beach

Mayor John P. Shoals Mayor Pro Tem Bill Nicolls
Council Member Karen Bright, Council Member Robert C. Mires, Council Member Debbie Peterson

Bob Perrault
City Manager

February 25, 2009

Roger W. Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007-2680-0003-2374-6292

SUBJECT: COMMENTS ON THE STORM WATER MANAGEMENT PROGRAM

Dear Mr. Briggs:

In December, the City requested an extension to the 60-day comment period on the City's draft Storm Water Management Program. The original comment period was to end in December, and the City's enrollment process was to come to a close during the first quarter of 2009. Subsequently, the City also requested a hearing before the Board on the Program. In late December, you responded affirmatively to the request for a time extension with the comment period closing on March 1, 2009, and you informed the City that the hearing for the draft Program by the Regional Water Quality Control Board would be held on May 8, 2009. The purpose of this letter is to provide you with the City's comments on the draft Plan prior to the March 1st deadline.

The Council considered the draft Storm Water Management Program during the meeting held on February 16, 2009. While the Council is supportive of the Board's mission to require small municipalities to reduce pollutants in their storm water discharges to the Maximum Extent Practicable (MEP), the Council has expressed certain concerns with the draft Program and has directed that these concerns be forwarded to you as comments:

- 1. The interim requirements to maximize infiltration and minimize runoff as stated in the Plan are overly restrictive and, in some cases, difficult to achieve.**

In your February 15th letter to each jurisdiction outlining the municipal enrollment process, you identified the following acceptable control standards for hydromodification:

- For new and redevelopment projects, Effective Impervious Area (as you define) shall be maintained at less than five percent (5%) of total project area; and
- For new and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post construction hydrographs shall match within (1%) of the pre-construction runoff hydrographs for a range of events with return periods from 1 year to 10 years.

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The interim requirements are the basis for the Best Management Practices for Post Construction noted on pages 51-57 of the draft Storm Water Management Plan.

As you may be aware, the City has required new development generated storm water to be retained on-site in parts of the City for a number of years. This policy was recognition by the City of the need to return water to the aquifer while limiting the increase of storm water flow from development. In June of 2006, this requirement to retain water on-site was extended throughout the City and included redevelopment projects.

The City now has the benefit of at least two years experience with the current policies. Our experience with water retention policies is that it works well in some cases but becomes absolutely impractical in others. This is particularly true of redevelopment and infill projects. According to property owners and project proponents, too often the requirement to retain storm water on-site becomes cost prohibitive for an infill or redevelopment project. Additionally, in some cases the requirement to retain on-site also is in conflict with other regulatory agencies. Finally, natural constraints of the land often dictate that water retention cannot be done. Consequently, the Council has directed that staff prepare a review of the City's current requirements with an eye towards creating practical flexibility to address these issues.

Thus, the enrollment process should be further delayed until the issues of water retention and hydromodification can be finalized at the local level.

2. The Draft Storm Water Management Program as drafted exceeds the "Maximum Extent Practicable (MEP) rule and is thus an Unfunded Mandate of the State.

In its deliberations on the draft Program, the Council was deeply concerned that the Program is not financially feasible for the City of Grover Beach to implement. At present and in the foreseeable future, we have no source of revenue for the implementation of the Storm Water Management Program. As cited in your letter of February 15, 2009:

"The federal Clean Water Act (CWA) provides that National Pollutant Discharge Elimination System (NPDES) permits for MS4s must require municipalities to reduce pollutants in their storm water discharges to the Maximum Extent Practicable..."

The City has estimated that the annual cost to implement all of the Best Management Practices contained in the Draft Storm Water Management Program will exceed \$150,000. For a small City, this amount is excessive and unreasonable.

Additionally, the requirements contained in your letter of February 15th and further expressed in the Best Management Practices Post Construction of the City's Draft Storm Water Management Plan seem to exceed EPA and Clean Water Act requirements. According to our understanding of the Act, the regulation of storm water generated by development is tied to development that exceeds a minimum of one acre. The requirements noted in your letter would extend water retention and hydromodification to virtually all development and are the basis for the Best Management Practices.

Based on the facts noted above, it is the City's position that the draft Storm Water Management Program in its present form creates an excessive financial burden on the City and exceeds federal requirements. The implementation of the Program is impracticable and cannot be undertaken by the City without a guarantee of full reimbursement of costs by the State for Program implementation.

As I have noted, it is the City's intent to work collaboratively with the State in developing a Storm Water Management Plan that will meet the requirements of federal policy, result in limiting future discharges of pollutants into the storm water system, and is cost effective and responsible to implement.

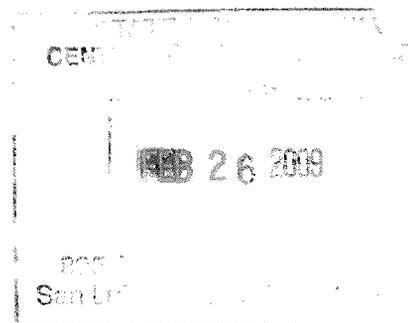
While I recognize the time remaining before the Board hearing on this matter is short, my staff and I are ready and available to discuss these issues with RWQCB staff members.

Sincerely,



ROBERT PERRAULT
City Manager

c: Mayor and City Council
City Attorney
City Engineer
Interim Community Development Director
Public Works Superintendent
Tamara Presser, State Regional Water Quality Control Board Staff
Home Builders Association Central Coast, Attn: Jerry Bunin, Government Affairs Director







EPI-Center, 1013 Monterey Street, Suite 207, San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

Central Coast Regional Water Quality Control Board
ATTN: Tamara Presser
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

December 16, 2008

Subject: City of Grover Beach Stormwater Management Plan

Dear Ms Presser,

Thank you for the opportunity to review and comment on the proposed Stormwater Management Plan of the City of Grover Beach.

San Luis Obispo **COASTKEEPER**®, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with agencies and officials responsible for enforcing water quality, watershed and coastal planning regulations on the California Central Coast. As such, the SLO **COASTKEEPER**® and our 800 central coast supporters are concerned that the proposed SWMP:

- Is impermissibly vague for many components.
- Does not clearly identify the proposed programs and the financial resources available to implement the proposed program.
- Fails to identify specific effectiveness measurements to meet the MEP standards

Our specific comments for RWQCB to request the City of Grover Beach to include in the City's proposal follow in the attached table.

In conclusion, I urge Regional Board to direct additional modification of the Grover Beach SWMP to meet federally mandated MEP standards.

Respectfully Submitted,

Gordon Hensley,
San Luis Obispo **COASTKEEPER**



MCM	WHAT IS REQUIRED	WHAT IT DOES	COASTKEEPER COMMENT
Intent	<p>1. Small MS4s develop and implement BMPs, measurable goals and timetables for implementation of the Public Education and Outreach Minimum Control Measure.</p>	<p>PLAN NAME: Grover Beach SWMP</p>	<p>Must provide a mechanism to adapt its educational program in the future. This is to assure a definitive commitment to implement this program for all five years of the permit.</p>
	<p>2. Must target a number of audiences and must be designed to focus on why stormwater pollution prevention is important, the benefits of stormwater pollution prevention, and how each individual plays a role.</p>	<p>Conducting School, Commercial (incl. Res.), General Public (Incl. Res.), Industrial, Development/Developer, Construction/Contractor, Municipal Employee (add. training programs for MS4 SWMP impl. personnel), & School Teacher SWP Programs. BMP - PE1A,B,C,D,E,F,G,H - Document the number of presentations, attendance, issue, participatory certificates and report annually Goal - One presentation annually Measures - changing behaviors of the SWMP targeted audience: Effectiveness determined by: a. number of presentations yearly and MS4s performance in meeting measurable goal, b. number of attendees in relationship to number of individuals/firms eligible to attend within the MS4.</p>	<p>We urge that the permit include mechanisms facilitating the update of the educational programs.</p> <p>Must identify the General Public specifically Must be more specific to determine how documentation of presentation will show public outreach and education. Must be more specific to what kind of presentation it will be (Workshop, Seminar, Informational) Must be more specific to show how the presentation will be effectiveness in public outreach and education and how measures will support the effectiveness. Must specify number/percentage of attendee to presentation as goals for each SWMP targeted audience per year. Must broaden its education plan and programs. For the proposed BMP to be effective it must demonstrate that it achieves education of the community about specific pollutant sources and includes follow-up measures demonstrating that urban runoff pollution has been reduced to the maximum extent practicable.</p>
	<p>3. Implementation of a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce stormwater pollution</p>	<p>Participating in public events, water quality promotional organizations and distribute educational materials BMP - PE1I - Document public event participation and report annually Goal - One presentation annually and distribution of 100 education printed items. BMP - PE1J - Provide Public display to community organizations to borrow for their events and activities and report annually Goals - Create display and lend to community organizations Measures - Changing behaviors. Use of display at a min of 5 events per year BMP - PE1K - Participate in public activities such as presentations before other MS4s and the Water Resource Advisory Committee and attendance at SLO County Partners for Water Quality and report annually Goals - Attend 4 meetings of SLO County Partners for Water Quality and 1 meeting of WRAC annually and record attendance Measures - Changing behavior. Effectiveness determined by attainment of measurable goal</p>	<p>Recommend additional documentation such as effectiveness of each participation may help enhancing public outreach and education in the future. Must determine how effectiveness of public display be measured to determine success Must also foster participation through outreach events to measurably increase the knowledge of the target audience regarding municipal storm sewers, impact of urban runoff on receiving waters, and potential BMP solutions for the target constituencies. Recommend to include activities that specifically target the specified audience. For the educational MCM, the draft must include activities that tailor to address specific problems associated with that audience and can communicate these messages more effectively than programs that adhere to the General Public. Must identify an outreach event under the Storm Drain marking Education and Outreach Events. The intent and the measurable goals and outcomes of the BMP currently do not appear to comply with the BMP. There is no indication of actually holding the outreach event proposed</p>

<p>3. CONT.</p>	<p>Participating in regional partnerships BMP - PE1L - Use collaborative regional partnerships to leverage shared resources to distribute stormwater pollution prevention public education and outreach information, materials and activities throughout the City. Target Audience include General Public, disadvantaged communities, Res., Comm., Business, Ind., Cons., Dev., Municipal and Quasi-governmental agencies, Tourists, School Age, Children, and College Students. Goals - Efficient use of City and regional resources Measures - Changing behavior: Effectiveness determined by use of at least one regional vehicle to distribute information for each local potential POC. Educating restaurant owners BMP - PE1M - Distribute printed materials, in Eng. & Span, to all restaurant owners about the proper disposal of restaurant wastes, including grease clogging, wash water and may cleaning. Goals - Decrease of the number of grease clogs in sanitary sewers and public complaints of restaurant stormwater quality abuses. Measures - Changing behavior: Effectiveness determined by maintaining and analyzing City maintenance records for clogs and public complaints. 1st year - establish the base. anticipated reduction of 20% annually will be considered effective</p>	<p>Measuring the success of Public education and outreach is very unclear and hard to determine. Must identify how cloggings of sanitary sewers will be managed. Must identify how complaints will be gathered and recorded</p>
<p>4. Permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.</p>	<p>Broadcasting 30 sec TV PSAs/Radio PSAs on local stations and/or cable BMP - PE2A,B - Measure and record the reach and frequency achieved using TV/Radio Public Service Announcements (PSAs). Use 30 sec TV/Radio PSAs on at least one local TV/Radio channel at least two times per year. Partner with other public agencies. Goals - One survey per year to all utility customers containing brief 5 questions in order to motivate interest, participation and return of survey forms. Year 1 goal shall be to reach 20% of the local community citizens that view TV/listen to radio. Measures - Changing behavior: Effectiveness determined by the percent of viewers and listeners reached.</p>	<p>Must identify and be more specific about how to record the PSAs and determine reach of 20% of local community and what data will be gathered to show effective public outreach and education.</p>
<p>4. CONT.</p>	<p>Distributing printed materials targeting residents, general commerce, industries, development/construction community/industries, & specific commercial and industrial industries and POCs with which they are most closely identified and contribute. Distribution may be by mail, door to door, at community events. BMP - PE3A,B,C,D,E,F - Document each distribution, including dates, distribution methods, items distributed, audiences targeted, POCs targeted, numbers distributed item sample and report annually. Goal - Distribute as frequently as necessary to meet the Effectiveness Measure Measures - Changing behavior: Effectiveness determined by a. distribution to 100% of the MS4s SWMP targeted audience population, establishments b. All POCs audience addressed in the annual distribution. Distributing printed materials targeting all groups and POCs electronically BMP - PE3G - Post all printed materials distributed on the City stormwater web site and report annually Goal - Record all web site postings and report annually Measure - Changing behavior: Effectiveness determined by percentage of printed materials produced and distributed which are posted on the web</p>	<p>Must be more specific about "all groups". It is too vague to say General Public or all groups. It is recommended to list all the potential audience to reach a broader range of scope. Online post does not show how public education and outreach will be determined. What will be recorded to determine effectiveness? how is it relevant or necessary? Must be more specific about the printed materials in terms of what types of brochure and what topics will be covered in each brochures and who to target audience will be pertaining to the types of brochures. Each type of brochure must get the message out and raise public awareness about urban runoff pollution and its impact on the Cities water resources to the maximum extent practicable. Must be more specific on what will be measured and recorded to demonstrate the effectiveness of implementing this BMP. The draft must specify how measures and records will identify improvement in water quality of the City. The draft must include measure that demonstrate changes in the behavior of target communities and thereby reduces pollutants released to the municipal storm drain system and the environment.</p>

			<p>Should identify topics covered in Educational materials to be broader in Scope. We urge the inclusion of the following topics to provide a broader range of additional relevant topics that support the proposed BMP: The topics currently covered are:</p> <ul style="list-style-type: none"> • impacts of urban runoff • distinction between municipal storm sewer and sanitary sewer systems • proper lawn and garden care • sustainable landscaping • proper household hazardous waste storage and disposal including used motor oil • proper pot waste disposal • water conservation • integrated pest management and use of less toxic household products • illegal dumping and illicit discharge prohibition • public hotline reporting mechanisms • State and Federal water quality laws • Requirements of local municipal permits and ordinances • traffic reduction, alternative fuel use • BMP maintenance • Topics for restaurants: mat washing, cleaning up spills, water and energy conservation, waste reduction, and recycling <p>All of the topics listed above are critical for consideration to develop a complete understanding of how everyday activities impact storm water pollution as well as meet MEP and protect water quality. The draft Morro Bay Proposal must demonstrate a commitment of budget and staff to implement BMPs for each of the listed topics by the end of the permit term. Messages could be easily conveyed through already proposed mechanisms by the draft Morro Bay Proposal: radio and tv broadcast, brochures, and events.</p>
	<p>5. Must educate the public in its permitted jurisdiction about the importance of the stormwater program and the public's role in the program.</p>	<p>Providing public with easy access to stormwater information BMP - PE3H - Establish a SWPP telephone information line and hotline for gathering swp information and reporting pollution problems and report annually Goal - Install, activate, and maintain Hotline and Information Line Measure - Changing behavior: Effectiveness determined by changing information line quarterly. Assessing Hotline daily and reporting responses. Providing public with easy access and understanding of stormwater information BMP - PE3I - Establish a public access library and publicize its existence and report annually Goal - Include all printed swp materials at a facility open to public without cost and note library's availability in printed materials Measure - Changing behavior: Effectiveness determined by inclusion of all printed materials in library and public use BMP - PE3J - Use familiar logos and easily recognizable symbolism for stormwater educational materials and report annually Goal - Include 'Sammy the Steelhead', 'You are the solution to stormwater pollution', 'Sammy's Kids Club', 'Don't Trash California' and other widely distributed visual and audio symbolism in educational materials distributed. Measure - Changing behavior: Effectiveness measured by inclusion of at least one symbolism in each printed item distributed</p>	<p>Must identify how the general public will be informed about the availability of the new Hotline or Information line. Must identify how complaints will be followed up Must be more specific about how the use of library materials will be documented Effectiveness measure must have a numerical value to determine who is using it and how it is being used. Does not provide factual evidence of its success.</p>

<p>5. CONT.</p>	<p>Providing pet owners with pet waste disposal information BMP - PE3K - Provide informational materials at dog parks, to veterinarians, pet shops, and through general public printed matter, radio, television, web site, library and other media and distribution vehicles and report annually. Goal - Creation of an information dispensing station created at the dog park and distribution of at least 1,000 informational pieces that promote pet spay/neuter efforts Measure - Changing behavior: Effectiveness determined by distribution of a min. of 1,000 informational pieces annually and creation and maintenance of a dog park information dispensing station. Also by the evaluation of local veterinarian and animal shelter information annually</p>	
<p>5. CONT.</p>	<p>Increasing public awareness of proper use of storm water system BMP - PE3L - Mark storm drain inlets with 'This Inlet Drains to Meadow Creek' or 'Your Groundwater Quality Depends on Stormwater Only' and report annually Goal - All inlets stenciled and maintained Measure - Changing behavior: Attainment and maintenance of measurable goal BMP - PE3M - Add 'Do Not Dump' signs in areas of illegal dumping and report annually Goal - Signs installed and maintained Measure - Changing behavior: Attainment and maintenance of measurable goal BMP - PE3N - Install public display at City Hall and report annually Goal - Display installed and maintained Measure - Changing behavior: by providing easy access for public to information</p>	<p>Must identify what will be reported annually for markings on storm drain inlets Must be more specific how annual reports of BMP show effectiveness of public outreach and education</p>
<p>6. Determination of appropriate best management practices and measurable goals for the public education and outreach minimum control measure</p>	<p>Conducting general public surveys BMP - PE4A - Conduct and analyze the initial (baseline) survey in year One. City utility bills or their address base shall be used as the means of survey distribution. Survey households in the permit coverage area. Target to achieve a 20% response rate or better Goal - To determine how many residents have been exposed to educational programs, materials, and PSAs and the nature of the basic information they gained Measure - Changing behavior: Effectiveness measures by 20% response rate and determination that a min. 50% of respondents indicate their stormwater pollution prevention knowledge increased BMP - PE4B - Conduct and analyze follow up surveys to measure changes in Years 3 and 5. Target to achieve at least a 50% increase in awareness by Year 5. Goal - To determine if educational programs, materials and PSAs increased indicate their stormwater pollution prevention knowledge by at least 50% over the Year 1 results Measure - Changing behavior: Effectiveness measures by 50% increase in respondent knowledge BMP - PE4C - Use survey results to update the program for continuous improvement Goal - Modification of educational materials to improve public knowledge in areas where knowledge is lacking Measure - Changing behavior: Effectiveness measures analysis of surveys and altering or</p>	<p>SLO Coastkeeper urges that Proposal include activities that specifically target the specified audience. For the educational MCM, the draft must include activities that tailor to address specific problems associated with that audience and can communicate these messages more effectively than programs that adhere to the General Public. We also urge that the Proposal specifically identify an outreach event under the Storm Drain marking Education and Outreach Events. The intent and the measurable goals and outcomes of the BMP currently do not appear to comply with the BMP. There is no indication of actually holding the outreach event proposed.</p>

6. CONT.	<p>Conducting quizzes of attendees at live presentations</p> <p>BMP - PE4D - Quiz attendees at educational programs and issue attainment certificates for acceptable knowledge of material presented. Each audience category will be asked 5 questions pertaining to that category and the answers recorded and evaluated to determine progress of marketing efforts. No less that 10 individuals will be surveyed in each category. 2 categories will be surveyed annually</p> <p><u>Goal</u> - Quiz after live presentations and provide certificates to those providing correct answers</p> <p><u>Measure</u> - Changing behavior: Effectiveness determined by all audience categories averaging 90%</p> <p>BMP - PE4E - Quiz specialized attendees at educational programs and issue attainment certificates for acceptable knowledge of material presented and include them in a 'Clean Water Business Certification Program'.</p> <p><u>Goal</u> - Quiz after live presentation and provide certificates to those providing correct answers. Maintain a list of 'Clean Water Business Certification Program' performers on the web-site and on public display in City Hall.</p> <p><u>Measure</u> - Changing behavior: Effectiveness determined by decreasing complaints of violations within each specialized category of attendees</p>	
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MCM	WHAT IS REQUIRED	WHAT IT DOES PLAN NAME:Grover Beach SWMP	COASTKEEPER COMMENT
Intent	1. Determine the appropriate best management practices and measurable goals for the public participation and involvement minimum control measure		MCM lacks in providing best BMPs for public involvement and participation. Includes programs but lacks implementation measures Must include a detailed Public Participation and Outreach Program that covers all five years in order to assure a definitive commitment to implement the programs. The objective of the Public Participation and Involvement MCM is to include the public in developing, implementing, and reviewing the stormwater management program. The BMP intent must be more specific with program development and implementation to raise public awareness about urban runoff through involvement and involving the public in the development and implementation process. This public involvement provides the opportunity to generate support of the stormwater management plan to protect water quality.
	2. comply with all State and local public notice requirements when implementing a public participation and involvement program 3. comply with applicable State and local public notice requirements	<p>Advertising and promoting involvement opportunities BMP - PP1A - Comply with public notice legal requirements <i>Goal</i> - Documentation of each event and its compliance with legal public notice <i>Measure</i> - Changing behavior - Effectiveness confirmation in annual report that legal notice requirements were met for all water quality meetings BMP - PP1B - Publish notice all meetings and events on web site one week prior to meeting when feasible <i>Goal</i> - Documentation of web site publishing BMP - PP1C - Publish notice of all meetings, events, and water quality activities in the newspaper whenever estimated participation will exceed 100 attendees <i>Goal</i> - Documentation of publication and attendance figures at all public water quality events. Goal is to publish 100% of all such meetings <i>Measure</i> - Changing behavior: Effectiveness confirmation in annual report that newspaper notice requirements were met for all water quality meetings where attendance exceeded 100 participants</p>	Does not show how to involve public more to attend these meetings. Must include mechanisms for engaging the general public in activities by providing advertising and incentives for public participation to increase public participation. The current BMP is too vague and lacks a clear explanation of how the specific objective of the MCM will be achieved.
	4. promote community support for the SWMP and to ensure that the community has opportunities to provide input and direction regarding SWMP implementation	<p>Conducting search for resources BMP - PP2A - Hold public involvement Stakeholder Meetings/Workshops to identify volunteer educators, speakers, workers and their links to other resources which include people, organization and information <i>Goal</i> - Conduct two meeting annually <i>Measure</i> - Changing behavior: Effectiveness determined by at least 10 individuals participating in additional pollution prevention activities after attendance at a Stakeholder meeting BMP - PP2B - Publicize the need for volunteer participants for each event or opportunity for involvement to be held <i>Goal</i> - Use website, news releases and postings to identifying needs for events such as Beach and Creek Cleanup Day, inlet stenciling, Snapshot Day, etc. and record. Involve a min of 100 participants in Year 1. <i>Measure</i> - Changing behavior - Effectiveness determined by records of each events volunteers. Volunteer participation should increase by 5% min annually.</p>	All data must be recorded in the annual report.

<p>4. CONT.</p>	<p>BMP - PP2C - Coordinate search efforts and information with other MS4s and SLO County Partners <i>Goal</i> - Schedule discussions with other agencies for discussions and links to untapped resources and record. Also, record value of such information and its applicability to the City. Develop a min of 2 additional means in Year 2 to develop <i>Measure</i> - Changing behavior: Effectiveness determined by identification of information and links to information gathered and reported as well as value and applicability ratings BMP - PP2D - Conduct internet searches for information leading to involvement opportunities <i>Goal</i> - Search internet monthly and record results. To develop at least one additional vehicle to search for public participants. <i>Measure</i> - Changing behavior: Effectiveness determined by identification of information and links BMP - PP2E - Use information obtained in BMPs PP2A thru PP2D to prepare a plan to increase public participation the following year <i>Goal</i> - Analyze data and records and prepare plan. To publish an annual Plan <i>Measure</i> - Changing behavior: Effectiveness will be determined by printing the plan which includes goal of increasing public participation a min of 5% annually</p>	
<p>5. Engage the community, instill a sense of personal ownership for water quality issues, and encourage behavioral changes that can lead to water quality improvement.</p>	<p>Conducting activities which involve the public in stormwater pollution prevention activities BMP - PP3A - Hold meeting in which public can review and recommend amendments to the SWMP and its BMPs and activities <i>Goal</i> - Record attendance and report. Record public comments and recommendations. To conduct one meeting annually <i>Measure</i> - Changing behavior: Effectiveness measured by a. participation b. value of recommendations and comments c. min. of 5% increase in attendance at the meeting over the previous year BMP - PP3B - Post of the SWMP annual report on the web site. For public review. <i>Goal</i> - Record postings and responses to postings. Min. of 2 responses desired to reach goal <i>Measure</i> - Changing behavior: Effectiveness measured by number of response to the web posting</p>	<p>Must provide opportunity for the public to provide input on the status of the program and the effectiveness of BMPs through workshops and meetings. The draft must state when the meetings and workshops will be held during the year. The purpose of these workshops should be to gather public input regarding the status of the program and effectiveness of BMPs. Such workshops should be formatted as roundtable discussions and opportunities for the gathering of measurable information by the City for use in the annual report to RWQCB. Programs lacks to specify how the program is conducted and, what is being done Must include at least two meetings annually. One informational and other comments. Need to specify when 1005 inlet stenciling will be completed. year 1? by year 2?</p>
<p>6. ensure program reflects community values and priorities and has the greatest potential for success</p>	<p>BMP - PP3C - Conduct an annual Creek and Shore Cleanup Day involving the public <i>Goal</i> - Record events, attendance and POCs collected. To conduct one event annually. <i>Measure</i> - Changing behavior: Effectiveness measured by attendance and POCs collected BMP - PP3D - Conduct a Inlet Stenciling Day involving the public <i>Goal</i> - Record events, including maintenance, participation, and locations stenciled. To conduct one event annually <i>Measure</i> - Changing behavior: Effectiveness measured by attendance and number of stenciling and maintenance performed. Goal to reach 1005 inlet stenciling by public BMP - PP3E - Conduct a Snapshot Day involving the public <i>Goal</i> - Collect snapshots, provide samples to media, award participants. To conduct one event annually <i>Measure</i> - Changing behavior: Effectiveness measures by photographers recognizing water quality problems to photograph and bringing examples to public attention</p>	<p>Each involvement day should precede with education/information station so all participants are aware of the cause</p>

Minimum Control Measure 3:

**Illicit Discharge
Detection and Elimination**

OBJECTIVE: Detect, eliminate, prohibit illicit discharges.

MCM	WHAT IS REQUIRED	WHAT IT DOES	COASTKEEPER COMMENT
Intent	1. adopt and enforce ordinances or take equivalent measures that prohibit illicit discharges	<p>PLAN NAME: Grover Beach SWMP</p> <p>Adopting, implementing, and enforcing new and existing measures</p> <p>BMP - IL1A - Adopt an ordinance to detect and prohibit illicit discharges, including enforcement provisions and penalties. The ordinance will also address the categories of illicit and non-storm water discharges or flows listed in Section D.2c.(6) of the MS4 General Permit. Model ordinances will be used to help draft this ordinance</p> <p>Goal - adopt in Year 1</p> <p>Measure - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, esp. emphasizing BMPs that reduce POCs. Effectiveness measured by adoption with Year 1 and ordinance content's inclusion of all requirements.</p> <p>BMP IL1B - BMP IL1A shall be implemented and enforced</p> <p>Goal - implementation in Year 2 and enforcement thereafter as provided by the adopted ordinance</p> <p>Measure - Effectiveness measured by Year 2 implementation and ordinance compliance and enforcement measures tracking and annual reporting</p>	<p>MCM lacks in providing how plans or programs will eliminate discharges. It provides that it will detect illicit discharge and who will detect the discharges however lacks to specify how it will be eliminated. The objective of this MCM is to adopt and enforce ordinances and to implement a program to detect and eliminate illicit discharge. The document includes these objectives but lacks the mechanisms to assure Regional Board of the public that eliminating illicit connection/discharge will result. Must adopt a temporary ordinance to enforce BMP measures while new or revisions are in progress</p>
	2. Implement a program to detect illicit discharges	<p>Adopting, implementing and enforcing new measures</p> <p>BMP - IL1C - Include stormwater illicit connections and discharges in construction plan review and building inspections on an ongoing basis for all new development and redevelopment projects</p> <p>Goal - Detect and prevent illicit connections and discharges before they are created through development/redevelopment in Year 1</p> <p>Measure - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, especially emphasizing BMPs that reduce POCs. Effectiveness measured by thorough plan reviews and inspections and documentation of violations</p> <p>BMP - IL2D - Track and trend violations to determine additional preventive and corrective actions that may be needed. Report these results annually</p> <p>Goal - Determine if improved or additional actions/procedures are necessary annually</p> <p>Measure - Effectiveness measured by accurate documentation and evaluation</p> <p>BMP - IL1E - Revise inspection checklists and procedures to prohibit illicit connection and discharge to the storm sewer system</p> <p>Goal - Same as IL2D</p> <p>Measure - Effectiveness measured by accurate documentation of revisions to checklists and procedures</p>	<p>The document is vague and unclear regarding how enforcement will be carried out given current staffing levels and budget allocations. The absence of a commitment to funding this element clearly does not provide enough information to determine if illicit discharges will actually be detected or, in fact eliminated. Must have a program to implement the program continuously.</p>
	2. CONT.	<p>BMP - IL1F - Survey City stormwater system outfalls to determine adverse water quality impacts, if any and provide recommendations for correction, if any</p> <p>Goal - Determine if the outfalls have a negative effect and document what actions, if any, are necessary for corrective action</p> <p>Measure - Effectiveness measured by a comprehensive report and corrective actions where necessary each year</p> <p>BMP - IL1G - Inspect all restaurants annually through the health inspection program. Health inspectors will report all stormwater violations to the Public Works Department for follow up. For violations that occur within the permit coverage area, the City must follow up on all reports, and include response actions and response times in the Annual Report</p> <p>Goal - Prevent illicit discharges to the system</p> <p>Measure - Effectiveness measured by analysis of violation trending and a decrease of violations of 50% in Year 3 and 10% annually thereafter</p>	

Minimum Control Measure 3:

**Illicit Discharge
Detection and Elimination**

OBJECTIVE: Detect, eliminate, prohibit illicit discharges.

2. CONT.		<p>BMP - IL1H - Public Works and the City Engineer will continue to provide standards for water and sewer utilities to prevent cross-connections and to advise the public / BMP - IL1I - City Public Works and the City Engineer will continue to provide standards for water and sewer utilities to prevent illicit cross-connections and advises public</p> <p><i>Goal</i> - Continue providing graphic and written materials for distribution to the public at the permit counter</p> <p><i>Measure</i> - Effectiveness measured by including a copy of these materials in the annual report with a statement that it has been distributed at the counter during the course of the past year</p>	Effectiveness measure must show that illicit discharge is being detected and eliminated.
3. develop, if not already completed, a storm sewer map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls		<p>Preparing and publishing the map</p> <p>BMP - IL2A - Complete storm sewer maps showing all required criteria</p> <p><i>Goal</i> - Prepare and publish and report in year 1</p> <p><i>Measure</i> - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, esp. emphasizing BMPs that reduce POCs. Effectiveness determined by publishing the map with all required criteria contained</p> <p>BMP - IL2B - Update maps on an annual basis to include new and modified storm sewer facilities</p> <p><i>Goal</i> - Update and report</p> <p><i>Measure</i> - Effectiveness determined by updating annually</p>	
4. Develop, implement, and enforce a program to detect and eliminate illicit discharges into the regulated Small MS4		<p>Adopting measures, procedures, enforcement and actions</p> <p>BMP - IL3A - Adopt an ordinance to prohibit non-stormwater discharges, including enforcement measures and penalties. Model ordinances may be used.</p> <p><i>Goal</i> - Adopt in Year 1</p> <p><i>Measure</i> - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, esp. emphasizing BMPs that reduce POCs. Effectiveness measured by adoption with Year 1 and the ordinance content's inclusion of all requirements</p> <p>BMP - IL3B - BMP IL3A be implemented and enforced</p> <p><i>Goal</i> - implementation in year 2 and enforcement thereafter as provided by the adopted ordinance</p> <p><i>Measure</i> - Effectiveness measured by year 2 implementation and ordinance compliance and enforcement measures tracking and annual reporting</p> <p>BMP - IL3C - Adopt and enforce a pet waste ordinance according to schedule. The ordinance adoption process includes public review</p> <p><i>Goal</i> - Reduce pet waste introduction to surface runoff and groundwater infiltration</p> <p><i>Measure</i> - Effectiveness measured by adoption and implementation in Year 2</p>	Must immediately develop a policy outlining what discharges are permitted into the storm sewer system and what discharges will be considered illicit. The municipality needs to establish a policy specifying the flows or discharges that it will allow to be discharged to the storm drain system and those that it will control via its illicit connection/discharge program. As currently proposed, the City is committed to just determining what storm water discharges are a significant source of storm water pollution.
5. detect and eliminate sources of illicit discharge and illegal dumping is required			How will the ordinance detect and prohibit illicit discharges Urges to include more specific enforcement and penalty provisions to eliminate illicit discharge. Typically, an ordinance outlining a progressive enforcement regime is appropriate. Administrative and/or legal action against an entity that continues illicit activity past the deadline for compliance must result in escalating enforcement until compliance is achieved. A program of escalating enforcement that includes educational efforts with mechanisms to facilitate a proper disposal to meet MEP and water quality standards will aid efforts to prevent improper disposal of wastes. Ultimately however, the ordinance must explicitly provide for fines for violators.

Minimum Control Measure 3:

**Illicit Discharge
Detection and Elimination**

OBJECTIVE: Detect, eliminate, prohibit illicit discharges.

<p>6. Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste</p>	<p>Inform public and employee of good stormwater management practices BMP - IL4D,E - Train restaurant health inspectors/City inspectors in illicit discharge detection and elimination <i>Goal</i> - Inform/train all inspectors in Year 1 and to train all new inspectors annually thereafter <i>Measure</i> - Changing awareness and behavior: Effectiveness measured by training records demonstrating 100% inspector training BMP - IL4F - Include the SLO City IWMA Recycling and Household Hazardous Waste Programs in the Stormwater Pollution Prevention public education and outreach and public participation and involvement activities <i>Goal</i> - Inform employees and the public in proper hazardous household waste disposal and local locations for disposal <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by recording the increase of hazardous household wastes at local disposal locations BMP - IL4G - Coordinate activities with the IWMA <i>Goal</i> - Share effective pollution prevention measures <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by City attendance records for IWMA meetings</p>	<p>When will training begin? How will training be done?</p>
<p>6. CONT.</p>	<p>BMP - IL4H - Emphasize IDDE in the municipal operations employee training program <i>Goal</i> - Inform employees of effective IDDE measures <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by emphasizing IDDE in employee Training Manual BMP - IL4I - Include IDDE in public education and outreach activities <i>Goal</i> - Inform the public of effective IDDE measures <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by documenting inclusion</p>	
<p>7. To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanisms, non-stormwater discharges into the MS4 and implement appropriate enforcement procedures and actions</p>	<p>Adopting specific categories for potential significant contributors to Meadow Creek BMP - IL5A - Identify court-supported actions that can be taken <i>Goal</i> - Determine if previous litigation on the stream requires pollution control measures that are not enforce <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by a comprehensive report to the City by the City Attorney in Year 1 BMP - IL5B - Request voluntary compliance of sedimentation reduction by upstream agencies and Coastal San Luis Resource Conservation District <i>Goal</i> - Improve water quality absent legal or other actions <i>Measure</i> - Changing awareness/behavior: Effectiveness measured voluntary compliance by other agencies affecting stream water quality in Year 2. BMP - IL5C - Meet with Nacimiento Avenue residents and property owners to discuss stormwater concerns and potential solutions and prepare a List of Public Concerns <i>Goal</i> - Document public concerns regarding stormwater quality and flood hazards prior to meeting with IL5B and IL5D agencies <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by involving affected public in the process of finding solutions to water quality and flooding issues</p>	<p>We urge language in the draft Morro Bay Proposal that contains commitments by the city to respond to all sewage spills from all sources, and prevent the entry of sewage into the storm drain system. It must include a program for monitoring the entire storm drain system identified on the proposed map of the system.</p>

Minimum Control Measure 3:

**Illicit Discharge
Detection and Elimination**

OBJECTIVE: Detect, eliminate, prohibit illicit discharges.

<p>8. Address the following categories of non-stormwater discharges or flows only where they are identified as significant contributors or pollutants to the Small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltrations to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and dechlorinated swimming pool discharges.</p>	<p>BMP - IL5D - Presentation of List of Concerns and discussion of issues at F&G Headquarters in Sacramento <i>Goal</i> - Modify F&G actions inhibiting water quality and flooding improvements <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by positive action and response by F&G BMP - IL5E - Request Coastal San Luis Resource Conservation District to Address the impact of the Pismo ecological Lake operations upon Meadow Creek water quality and to publish a comprehensive analysis and report recommending corrective operational actions where necessary <i>Goal</i> - Determine if salt introduction to the creek at the lake is accurate and what actions are necessary, if any, to improve the water quality in Year 2. <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by the District's publication of a comprehensive report of findings and improved lake operations, if necessary</p>	
<p>8. CONT.</p>	<p>BMP - IL5F - Request the State Department of Parks and Recreation to address the impact of golf course operations upon Meadow Creek water quality and provide a report containing recommendations for corrective actions, if necessary <i>Goal</i> - Determine if nitrogen is introduced to the creek and what actions are necessary, if any, to improve the water quality in Year 2. <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by the State's publication of a comprehensive report of findings and improved golf course operations, if necessary BMP - IL5G - Request the LeSage recreational vehicle park address the impact its stormwater system and operations upon Meadow Creek water quality and provide a report containing recommendations for corrective actions, if necessary <i>Goal</i> - Determine POCs are introduced to the creek and what actions are necessary, if any, to improve the water quality in year 2 <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by park's publication of a comprehensive report of findings and improved park operations, if necessary</p>	
<p>8. CONT.</p>	<p>BMP - IL5H - Request RWQCD to include Coastal San Luis Resource Conservation District to be added to the General Permit Non-Traditional Small MS4 List <i>Goal</i> - Fix responsibility for water quality resulting from agency's property and operations <i>Measure</i> - Changing awareness/behavior: Effectiveness measured by adding agency to the General Permit Non-traditional Small MS4 List</p>	
<p>9. Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping to the system that are not authorized by a separate NPDES permit</p>	<p>Preparation of a Non-Stormwater Discharge Plan BMP - IL6A - City shall prepare a formal Plan to guide municipal employees and the public in the detection and elimination of non-stormwater discharges to the system. Plan shall address illegal dumping and enforcement and will include BMPs <i>Goal</i> - Prepare a comprehensive document to guide City efforts <i>Measure</i> - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, esp. emphasizing BMPs that reduce POCs. Effectiveness determined by publication of the Plan in Year 2 BMP - IL6B - The City shall implement the Non-Stormwater Discharge Plan in Year 2 <i>Goal</i> - Reduce non-stormwater discharges to the system by 30% in the year after implementation and 10% each year thereafter <i>Measure</i> - Effectiveness determined by tracking recorded violations as provided in the Plan</p>	

Minimum Control Measure 3:

**Illicit Discharge
Detection and Elimination**

OBJECTIVE: Detect, eliminate, prohibit illicit discharges.

9. CONT.	<p>BMP - IL6C - Adopt and enforce a pet waste ordinance according to schedule. Ordinance adoption process includes public review</p> <p><u>Goal</u> - Reduce pollutants in stormwater runoff by adopting and enforcing a pet waste ordinance to prohibit the introduction of animal wastes into water bodies and groundwater</p> <p><u>Measure</u> - Effectiveness measured by tracking and evaluating City maintenance crew records of pet waste cleanup and disposal. Decrease in City pet waste disposal shall be adequate basis for a conclusion that the introduction of pet waste into stormwater runoff and absorption has been reduced</p> <p>BMP - IL6D - The Integrated Waste Management Authority (IWMA) will continue to provide public education and outreach materials on behalf of City for waste reduction, disposal of household hazardous materials, composting and recycling</p> <p><u>Goal</u> - Involve public in implementation of the Plan</p> <p><u>Measure</u> - Changing awareness/behavior: Effectiveness determined by recording the City's distribution of materials provided by the IWMA</p>	
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MCM	WHAT IS REQUIRED	WHAT IT DOES	COASTKEEPER COMMENT
Intent	1. program must include the development and implementation of, at a minimum:	PLAN NAME: Grover Beach SWMP	Must develop a construction and grading review/approval process of construction plans to ensure that pollutant discharges be reduced to the MEP and assure compliance with water quality standards. The review process must specify ordinances, construction and grading project requirements, and verification of permits and plans. Recommends to specify predicted effective measurements that meets BMP and MCM requirements
	<p>a. An ordinance or other regulatory mechanisms to require erosion and sediment controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State, or local law</p> <p>b. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs</p> <p>c. Requirements for construction site operators to control waste such as discarded building materials, concrete truck without, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.</p> <p>d. Procedures for site plan review which incorporate consideration of potential water quality impacts</p>	<p>Adopting, implementing, and enforcing a new ordinance (Construction Runoff Control Ordinance) reducing stormwater discharges requiring erosion and sediment controls, inspection, enforcement actions against violators and sanctions/penalties to ensure compliance.</p> <p>BMP - CON1A - Prepare and adopt a Construction Runoff Control Ordinance</p> <p><u>Goal</u> - Adopt in Year 1</p> <p><u>Measure</u> - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions, esp. emphasizing BMPs that reduce POCs. Effectiveness measured by adoption with Year 1 and the ordinance content's inclusion of all requirements</p> <p>BMP - CON1B - Include requirements for construction site operators to implement appropriate erosion and sediment control BMPs in ordinance</p> <p>BMP - CON1C - Include requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality</p> <p>BMP - CON1D - Include requirements for site plan review which incorporate consideration of potential water quality impacts</p> <p><u>Goal CON1B,C,D</u>- Adopt in Year 1</p> <p><u>Measure CON1B,C,D</u>- Effectiveness measured by adoption in Year 1</p>	Must specify a stronger development and implementation of a construction site inspection program that meets MEP and assures compliance with water quality standards.
	e. Procedures for receipt and consideration of information submitted by the public	<p>BMP - CON1E - Include requirements for procedures for receipt and consideration of information submitted by the public</p> <p>BMP - CON1F - Include requirements for site inspection and enforcement control measure procedures in ordinance</p> <p><u>Goal CON1E,F</u> - Adopt in Year 1</p> <p><u>Measure CON1E,F</u> - Effectiveness measured by adoption in year 1</p> <p>BMP - CON1G - Implement adopted ordinance requirements</p> <p><u>Goal</u> - Adopt in year 2</p> <p><u>Measure</u> - Effectiveness measured by implementation in year 2</p> <p>BMP - CON1H - Review applications and approve/deny applications based upon ordinance criteria</p> <p><u>Goal</u> - adopt in year 2 and every year thereafter</p> <p><u>Measure</u> - Effectiveness measured by the review of all applications and imposition of requirements to reduce pollutant runoff</p>	All activities must be recorded to be reported in the annual report to assure commitment for the Permit years

Minimum Control Measure 4:

Construction Site
Runoff Control

OBJECTIVE: Reduce pollutants from construction sites

<p>f. Procedures for site inspection and enforcement of control measures</p>	<p>BMP - CON1I - Inspect development, enforcement penalties and sanctions for violations <i>Goal</i> - Inspect and enforce all ordinance requirements and maintain records for such activity in year 2 and every year thereafter <i>Measure</i> - Effectiveness measured by inspection and enforcement records for all development impacted by this ordinance BMP - CON1J - All City land use plan, conditional use permit and local coastal plan approvals address construction site runoff control standards <i>Goal</i> - Continue this legally required practice <i>Measure</i> - Effectiveness measured annually by a statement signed by the Community Development Director that all City's land use plan, conditional use permit and local coastal plan approvals addressed construction site runoff control standards BMP - CON1K - The General Plan, Area Plans, Local Coastal Plan and Zoning Ordinances support the minimization of sprawl and shall be retained and upgraded as permitted by law <i>Goal</i> - Continue this practice <i>Measure</i> - Effectiveness measured annually by a statement signed by the Community Development Director that the City's General Plan, Area Plans, Local Coastal Plan and Zoning Ordinances support the minimization of sprawl</p>	
<p>f. CONT.</p>	<p>Reviewing, preparing, adopting, implementing, and enforcing a revised grading ordinance BMP - CON2A - Revise existing grading ordinances to require additional specific construction site runoff control measures as required by the MS4 General Permit and Construction Stormwater General Permit including, but not limited to: use of good site planning, minimization of soil movement, erosion and sediment control BMPs, good housekeeping practices for recycling and disposal of discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites. Ordinance revisions must include provisions for enforcement and penalties for noncompliance. <i>Goal</i> - Grading ordinances be revised by the end of permit year 2 <i>Measure</i> - Protecting and restoring runoff and receiving water quality and improving beneficial use conditions esp. emphasizing BMPs that reduce POCs. Effectiveness measured by adoption in year 1 and ordinance content's inclusion of all requirements BMP - CON2B - Implement adopted ordinance requirements <i>Goal</i> - Adopt in year 2 <i>Measure</i> - Effectiveness measured by implementation year 3</p>	<p>Must develop construction site BMP policy and procedures guidance manual within the first year of the draft Proposal's adoption. It must inventory existing construction projects, require specific construction site BMPs and designate additional BMPs based on review EPA's Menu of BMPs that are MEP and assure compliance with water quality standard. This must be completed within the first year of the adoption of draft proposal.</p>
<p>2. develop a program to control the discharge of pollutants from construction sites greater than or equal to one acre in size within its permitted jurisdiction. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program.</p>	<p>BMP - CON2C - Implement procedures for reviewing grading plans to verify that erosion and sediment control BMPs are included and are adequate before issuing permits for projects that involve one acre or more of land disturbance and smaller projects that are part of a common plan of development that is one acre or more in size according to schedule <i>Goal</i> - adopt in year 3 and every year thereafter <i>Measure</i> - Effectiveness measured by all applications reviewed and required to reduce pollutant runoff BMP - CON2D - Inspect development, enforce requirements and enforce penalties and sanctions for violations <i>Goal</i> - Inspect and enforce all ordinance requirements and maintain records for such activity in Year 3 and every year thereafter <i>Measure</i> - Effectiveness measured by inspection and enforcement records for all development impacted by this ordinance</p>	

Minimum Control Measure 4:

**Construction Site
Runoff Control**

OBJECTIVE: Reduce pollutants from construction sites

<p>3. develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the Small MS4 from construction activities that result in land disturbance of greater than or equal to one acre.</p>	<p>BMP - CON2E - The City shall continue reviewing existing grading and building plans for design, drainage, erosion control and flood hazard BMP - CON2F - City shall continue providing plan checking and inspection services for construction projects, subdivisions, development plans and administering the CEQA review process <u>Goal CON2E,F-</u> Continue current practices until the revised grading ordinance is implemented <u>Measure CON2E,F-</u> Effectiveness measured by a signed statement from the Community Development Director in the annual report that the current practice was enforced prior to implementation of the new ordinance</p>	
<p>3. CONT.</p>	<p>Educating construction permit applicants BMP - CON3A - Prepare construction site education and outreach information for distribution in the Public Education and Outreach Program and to construction site and grading permit applicants <u>Goal</u> - Preparation is Year 1 <u>Measure</u> - Changing behavior: Effectiveness measured by information preparation and distribution records BMP - CON3B - Revise construction site education and outreach information to reflect criteria and standards included in the adopted Construction Runoff Control Ordinance and Revised Grading Ordinance <u>Goal</u> - Preparation is Year 2 <u>Measure</u> - Changing behavior: Effectiveness measured by information preparation and distribution records BMP - CON3C - Issues the current construction site education and outreach information to all construction site and grading permit applicants <u>Goal</u> - issue information to all applicants <u>Measure</u> - Changing behavior: Effectiveness measured by distribution to all applicants and its recording BMP - CON3D - Post the current construction site education and outreach information on the web site <u>Goal</u> - Post information annually and maintain records <u>Measure</u> - Changing behavior: Effectiveness measured by records of postings</p>	
<p>3. CONT.</p>	<p>BMP - CON3E - Develop a comprehensive municipal inspectors and planning staff training program specifically designed to address good municipal practices, requirements and procedures for construction runoff control and administration of City policies and ordinances <u>Goal</u> - Publication of the program and training in Year 1 <u>Measure</u> - Changing behavior: Effectiveness measured by completion of at least one training course per year per employee BMP - CON3F - Train Hotline operators in the proper and effective use of the service, including maintaining records of responses <u>Goal</u> - Complete training in year 1 <u>Measure</u> - Changing behavior: Effectiveness measured by all operators training and SWMPC evaluation that procedures have been followed and records properly maintained BMP - CON3G - Develop and disseminate a construction site BMP policy and procedures Manual. (The CASAQA Construction BMP Manual may be used) <u>Goal</u> - Adopt and disseminate the Manual via the web site and hard copies at City Hall annually <u>Measure</u> - Changing behavior: Effectiveness measured by contractor use of BMPs contained with the Manual</p>	<p>SLO Coastkeeper urges the inclusion of language to specify mechanisms that will be used to ensure commitment of the program by:</p> <ul style="list-style-type: none"> • beginning construction site inspections immediately. • provide training for specific types of staff and rank criteria, frequency of inspections, and mode of enforcement. • identify prioritized sites and conduct inspections of all constructions sites on a weekly basis which includes a checklist that provide enforcement requirements for complaint and non-compliant sites.

MCM	WHAT IS REQUIRED	WHAT IT DOES PLAN NAME: Grover Beach SWMP	COASTKEEPER COMMENT
Intent	1. determine the appropriate best management practices and measurable goals for the post-construction runoff minimum control measure		<p>We applaud the inclusion of requirements for "Low Impact Development". Many of the LID techniques incorporate greater use of permeable surfaces and have become accepted as Best Management Practice.</p> <p>However, the lack of a budgetary commitment to this element may render this measure impotent and ultimately fail to meet the federally mandated maximum extent practicable (MEP) standard. The proposed BMP's intent fails to show that the BMPs meet the objective of the MCM.</p>
	2. develop, implement, and enforce a program to address runoff from new development and redevelopment projects that disturb greater than or equal to one acre including projects less than one acre that are part of a larger plan of development or sale, that discharge to the Small MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts 3. stress (a) low impact design (b) source controls © treatment controls	<p>Maintaining existing standards BMP - PC1A - Continue to enforce City requirements for all development and redevelopment to contain all stormwaters on-site Goal - Maintain the existing standard as an improved standard is being prepared Measure - Comply with General Permit or RWQCB requirements: Effectiveness measured by maintaining standard in Year 1 BMP - PC1B - Prepare and adopt a LID ordinance that will incorporate the existing concept of on-site retention with the addition of a LID Manual to assist project designers and municipal staff in the incorporation of good retention design, source controls and treatment controls Goal - Prepare and adopt a new standard at the end of Year 1 Measure - Comply with General Permit or RWQCB requirements: Effectiveness measured by adoption by end of year 1 BMP - PC1B2 - Develop and implement a LID Design Standards Manual. City of SB's Manual can/may be used as a model for developing this manual Goal - Prepare and adopt a new standard at the end of Year 1 Measure - Effectiveness measured by adoption by the end of year 1</p>	<p>Must provide specific procedures for review of post-construction management in the development review process. It must adopt a plan for review of construction projects to ensure that pollutants and runoff from the development will be reduced to the MEP and will not cause or contribute to exceedence of water quality standards. It must ensure that all development will be in compliance with applicable storm water ordinances, local permits, other applicable ordinances and requirements.</p>
	4. Permittee require long-term post-construction BMPs that protect water quality and control runoff flow to be incorporated into new development and significant redevelopment projects 5. reduce the generation of nonpoint source pollution from urban runoff through construction planning and design prior to development	<p>Implementing and enforcing improved standards BMP - PC1C - Implement and enforce the LID ordinance and Manual cited in PC1B/B2 in Year 2 Goal - Implement and enforce new standard in Year 2 and maintain in following years Measure - Effectiveness measured by implementation and enforcement in year 2 BMP - PC1D - Inspect project sites one acre or more in size and smaller projects that are part of a common plan of development that is one acre or more in size for compliance with post-construction stormwater management controls as defined in the revised City land Use ordinances. Ordinances shall specify the frequency and prioritization of site inspections and include a tracking system for approved treatment and flow/volume-based BMPs. Site inspections will be tracked and re-inspected to determine BMP effectiveness. City will establish a self-certification and long-term maintenance program which includes spot checking post construction BMPs to ensure continued compliance. Inspections must include a check to verify that post-construction runoff controls have been implemented and are being maintained Goal - Implement and enforce new standard in year 2 and maintain in following years Measure - Effectiveness measured by implementation and enforcement in Year 2 BMP - PC1E - Amend Zoning Ordinance to include LID Ordinance requirements Goal - Assure all zoning districts are affected by the new standard Measure - Effectiveness measured by maintaining</p>	<p>In order to obtain City approval, each construction plan must ensure that pollutant discharges and runoff flows from development are reduced to the MEP and that receiving water quality standards are not violated throughout the life of the project. To assure the City's authority to enforce this BMP, Proposal must require applicants to provide verification of maintenance provisions including a signed statement from developers.</p>

Minimum Control Measure 5:

**Post-Construction
Runoff Control**

OBJECTIVE: Reduce pollution / new and redevelopment

<p>6. use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. Requirements must at least include the design standards constrained in Attachment 4 of the MS4 General Permit or a functionally equivalent program that is acceptable to the appropriate RWQCB</p>	<p><i>Using an ordinance prohibiting all post-construction runoff from new development and redevelopment</i> BMP - PC2A - Continue to enforce City requirements for all development and redevelopment to contain all stormwaters on-site <u>Goal</u> - Maintain existing standard as an improved standard is being prepared <u>Measure</u> - Effectiveness measured by maintaining standard in year 1 BMP - PC2B - Prepare and adopt a LID ordinance that will incorporate the existing concept of on-site retention with the addition of a LID Manual to assist project designers and municipal staff in the incorporation of good retention design, source controls, and treatment controls <u>Goal</u> - Prepare and adopt a new standard at the end of Year 1 <u>Measure</u> - Effectiveness measured by adoption by end of year 1 BMP - PC2C - Implement and enforce the LID ordinance and Manual cited in PC1B in Year 2 <u>Goal</u> - implement and enforce new standard in Year 2 and maintain in following years <u>Measure</u> - Effectiveness measured by implementation and enforcement in year 2 BMP - PC2D - Amend Zoning Ordinance to include LID Ordinance requirements <u>Goal</u> - Assure all zoning districts are affected by new standard <u>Measure</u> - Effectiveness measured by implementation and enforcement in year 2</p>	<p>Must provide for inspection commencing immediately upon the implementation of revision or adoption of new standards. Procedure and guidance document development should occur simultaneously with the revision.</p>
<p>7. develop and implement strategies, which include a combination of structural and/or nonstructural BMPs appropriate for the community</p>	<p><i>Developing and adopting structural and non-structural BMPs for post-development and redevelopment</i> BMP - PC3A,B - Prepare and adopt a Post-Development/Redevelopment Ordinance which provides a strategy for incorporating post-development/Redevelopment structural BMPs and requirements for all new projects <u>Goal</u> - Establish standards by end of Year 1 <u>Measure</u> - Effectiveness measured by adoption in Year 1 BMP - PC3C - Implement and enforce the adopted Post-Redevelopment/Redevelopment Ordinance in Year 2 <u>Goal</u> - Require all new development and redevelopment is inspected, maintain and assure performance starting in Year 2 <u>Measure</u> - Effectiveness measured inspection reports and enforcement records BMP - PC3D - Include post-construction stormwater management in the City inspection process for City stormwater facilities <u>Goal</u> - Help ensure that all new development and redevelopment is inspected, maintained and performed starting in year 2 <u>Measure</u> - Effectiveness measured by maintenance and review of inspection records</p>	
<p>8. integrate basic and practical stormwater management techniques into new development and significant redevelopment to protect water quality</p>	<p>BMP - PC3E - Revise existing ordinances to require specific post-construction stormwater management controls including the Design Standards specified in Attachment 4 of MS4 General Permit according to the schedule shown. City will include BMPs and/or other control measures to establish and maintain a min 30-ft buffer zone for riparian areas and wetlands. City will establish more substantial buffers where necessary, based on habitat degradation, water quality, and land management practices. Final ordinance/revisions will be adopted and enforcement provisions implemented by the end of permit year 3 <u>Goal</u> - Comply with the MS4 General Permit <u>Measure</u> - Effectiveness measured by development of buffers in Year 3</p>	<p>While in the process of revision, we urge the City to adopt a temporary ordinance for all development to meet MEP standards.</p>

Minimum Control Measure 5:

Post-Construction
Runoff Control

OBJECTIVE: Reduce pollution / new and redevelopment

<p>9. Ensure adequate long-term operation and maintenance of BMPs</p>	<p><i>Providing for long-term operation and maintenance of development/redevelopment BMPs</i> BMP - PC4A - Add post-construction stormwater management to development review beginning in Year 1. City must insure that development applications are only deemed complete if they include post-construction BMP selection, sizing, and siting <u>Goal</u> - Eliminate post-construction runoff on new development and redevelopment through preventative measures such as CEQA <u>Measure</u> - Effectiveness measured by revision in year 2 BMP - PC4B - Provide LID public education and outreach information to all permit applicants, property owners and general public and maintain records of distribution <u>Goal</u> - Assist with general long-term knowledge and acceptance of the LID concept <u>Measure</u> - Effectiveness measured by number of proposed projects submitted for plans review which voluntarily incorporate LID concepts and BMPs</p>	<p>All revision must be completed in Year 1 of the permit year.</p>
	<p>BMP - PC4C - Include long-term maintenance and operation requirements upon property owners as conditions of approval on development permits. Include these requirements in the Post-Development/Redevelopment Ordinance and a requirement for owner submission of a development facility inspection reports to the City annually <u>Goal</u> - Ensure adequate long-term BMP operation and management <u>Measure</u> - Effectiveness measured by annual owner and City inspection results for developments/redevelopments receiving conditions of approvals BMP - PC4D - Provide LID public education and outreach for municipal staff, project applicants, contractors, developers, architects, property owners, and other interested parties <u>Goal</u> - Ensure adequate long-term BMP operation and management <u>Measure</u> - Effectiveness measured for municipal staff by results of tests where the goal shall be 90% correct responses. Effectiveness for other shall ten participants annually in a training session. certificates for attainment shall be provided to participants</p>	<p>Reports must be accessible by public and other stakeholders to increase easy access to information and to gain future public input and involvement.</p>
	<p>BMP - PC4E - Municipal staff shall receive LID and HM training and education on the requirements as contained in City's SWMP, LID Manual and ordinances. Training and education program shall be specified in City's SWMP Training Manual <u>Goal</u> - Ensure adequate long-term BMP operation and management <u>Measure</u> - Effectiveness measured for municipal staff by results of tests where the goal shall be 90% correct responses. Certificates for attainment shall be provided to participants BMP - PC4F - City will measure LID education program effectiveness by measuring the quantity of applications after the first submittal that includes adequate HM and LID components to meet the City's ordinances <u>Goal</u> - Measure LID education program effectiveness <u>Measure</u> - Effectiveness measured by quantity of applications after the first submittal that includes adequate HM and LID components meeting City ordinance</p>	<p>Must indicate when and how the education program will be conducted and reported to consistently carry out the program to assure commitment</p>

Minimum Control Measure 5:

**Post-Construction
Runoff Control**

OBJECTIVE: Reduce pollution / new and redevelopment

	<p>BMP - PC4G - Include policies for post-construction stormwater management in the revision of the Conservation Element. Stormwater management control measures will be integrated into all aspects of land use planning and development to protect healthy watersheds. Element shall identify plan to pool resources with the County, Pismo Beach, and Arroyo Grande to define water quality and watershed issues and conditions. City will ensure they plan to limit EIA to no more that 3-10% of their jurisdictional area</p> <p><u>Goal</u> - Provide for long-term operation and maintenance of development/redevelopment BMPs</p> <p><u>Measure</u> - Effectiveness measured by amendment of the current Conservation Element as scheduled and required by State law in year 5</p>	
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Minimum Control Measure 6:

Good Housekeeping
and Pollution Prevention

OBJECTIVE: MS4 operations
minimize contaminating stormwater discharge

MCM	WHAT IS REQUIRED	WHAT IT DOES	COASTKEEPER COMMENT
Intent	1. determine the appropriate best management practices and measurable goals for the pollution prevention/good housekeeping minimum control measure	PLAN NAME: Grover Beach SWMP	The Pollution Prevention/Good Housekeeping program is vague and fails to meet the federally mandated maximum extent practicable (MEP) standard. SLO Coastkeeper urges that specific pollution prevention programs that meet the MEP standard be identified. The BMP intent must identify, develop, and implement BMPs/good housekeeping procedures to address urban runoff pollution associated with municipal operations.
	2. develop and implement an operation and maintenance program that includes a training component and has the ultimate goals of preventing or reducing pollutant runoff from municipal operations	<p>Development of municipal operations and facilities plans</p> <p>BMP - MO1A - Implement current Corporation Yard Plan (Appendix C) <i>Goal</i> - Have an operational Plan prior to implementation of MO1B <i>Measure</i> - Complying with General Permit or RWQCB requirements: Effectiveness determined by prevention BMPs and measures contained within the Plan</p> <p>BMP - MO1B - Prepare and adopt a new corporation Yard Plan addressing all operations and facilities within (See MO1A) <i>Goal</i> - Adopt program in Year 1 <i>Measure</i> - Effectiveness measured by adoption within Year 1</p> <p>BMP - MO1C - Implement a new Corporation Yard Plan and record its required activities <i>Goal</i> - Reduce and/or prevent pollutant runoff <i>Measure</i> - Effectiveness measured by implementation of Plan in year 2, required facility and operations inspections, documentation and evaluations of prevention measures progress</p> <p>BMP - MO1D - Implement current Municipal Operations Program (Appendix C) <i>Goal</i> - Have an operational Program prior to implementation of MO1E <i>Measure</i> - Effectiveness determined by prevention BMPs and measures contained within the Programs</p>	<p>Must provide specific hazardous material storage BMPs and require that these be incorporated into an ordinance to be adopted in year 1 of the program. Guidance documents and inspection procedures should be developed simultaneously with the ordinance no later than year 2 of the program.</p> <p>Must develop a program to implement procedures to prevent stormwater runoff pollution from City vehicle fuel dispensing and maintenance facilities, City vehicle and equipment washing, and City landscaping and lawn care. This program must provide mechanisms to show commitment through the entire permit period.</p>
	3. develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system	<p>BMP - MO1E - Prepare and adopt a Municipal Operations Program addressing municipal facilities, street and hard surface sweeping cleaning, repair and maintenance, landscaped areas and parks, storm sewer inlets, pipe cleaning, detention and retention basins <i>Goal</i> - adopt the program in year 1 <i>Measure</i> - Effectiveness measured by adoption within year 1</p> <p>BMP - MO1F - Implement the Municipal Operations Program and record its required activities <i>Goal</i> - Reduce and/or prevent pollutant runoff <i>Measure</i> - Effectiveness measured by implementation of Plan in year 2, required facility and operations inspections, documentation and evaluations of prevention measures progress</p>	

Minimum Control Measure 6:

Good Housekeeping and Pollution Prevention

OBJECTIVE: MS4 operations minimize contaminating stormwater discharge

<p>3. CONT.</p>	<p>BMP - MO1G - Implement routine inspection and cleaning procedures and schedules for storm drain catch basins and other components of the storm sewer system that require cleaning at least twice per year on an ongoing basis. Additional cleaning may be needed based on historical need in specific locations. Storm sewer collection system inspection program will include inspecting all catch basins and other storm drain components twice per year. Catch basins and other storm drain components will be cleaned at least twice per year unless the inspections demonstrate that cleaning is not necessary. Preferably, cleaning will occur prior to wet season. City should re-inspect problem areas of debris accumulation during wet season</p> <p>BMP - MO1F - Use of self-inspection checklist to inspect City facilities for stormwater pollution prevention practices and procedures. List and map of City facilities to inspect is located in Appendix I</p> <p><u>Goal MO1G,F-</u> Reduce and/or prevent pollutant runoff</p> <p><u>Measure MO1G,F-</u> Effectiveness measured by implementation of the Plan in Year 2, required facility and operations inspections, documentation and evaluations of prevention measures progress</p>	<p>Must be more specific of inspection time and schedule to assure commitment of meeting BMP.</p>
<p>4. include employee training on how to incorporate pollution prevention/good housekeeping techniques into municipal disturbances, and stormwater system maintenance,</p> <p>5. program must educate staff on pollution prevention and minimize pollutant sources</p> <p>6. using training materials that are available from the U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and stormwater system maintenance</p>	<p>Municipal employee SWMP education and training for existing and new employees in Public Works, Planning, Inspection and Administration</p> <p>BMP - MO2A - Identify course content, employee course requirements and methods of training and training administration for park and open space maintenance, fleet and building maintenance, new construction and land disturbances, street and hard surface maintenance, storage, corporation yard, government buildings and water treatment facilities, and stormwater system maintenance</p> <p><u>Goal -</u> Include and train all employees in good pollution prevention practices</p> <p><u>Measure -</u> Changing behavior: Effectiveness measured by adoption and implementation of a comprehensive Training Manual in Year 1 and commencing training in Year 1</p> <p>BMP - MO2B - Conduct and document training received and certificates received and report annually</p> <p><u>Goal -</u> Assure all employees identified for training receive training and are recognized</p> <p><u>Measure -</u> Changing behavior: Effectiveness measured by training of all identified personnel</p> <p>BMP - MO2C - See BMPs 1G, \$B, IL4D, IL2B, IL4E, PE4B, CON3E, & CON3F for related training</p> <p><u>Goal -</u> train all employees in good pollution prevention practices</p> <p><u>Measure -</u> Changing behavior: Effectiveness measured by adoption and implementation of a comprehensive training manual in Year 1 and commencing training in year 1</p>	<p>Must identify the categories of employees to be trained and provide mechanisms to commit in training specific categories of employees.</p> <p>Must record all activities in annual report to assure commitment of programs and education of employee training.</p>

Minimum Control Measure 6:

Good Housekeeping
and Pollution Prevention

OBJECTIVE: MS4 operations
minimize contaminating stormwater discharge

<p>7. Permittee examine its own activities and develop a program to prevent the discharge of pollutants from these activities</p>	<p>Reviewing and adopting appropriate BMPs and measurable goals BMP - MO3A - Review and adopt BMPs contained in the California Municipal BMP Handbook and those adopted by other MS4s which are applicable and appropriate Goal - Adopt BMPs applicable to City operations and facilities that will effectively prevent and/or eliminate pollution runoff Measure - Comply with General Permit or RWQCB requirements: Effectiveness measured by adoption of the CM Handbook in Year 1 and an annual review of BMPs adopted by other MS4s BMP - MO3B - Include the solicitation and adoption of measures and goals from municipal employees in the City training program Goal - Adopt BMPs and measurable goals applicable to City operations and facilities that most likely will prevent and/or eliminate pollution runoff Measure - Effectiveness measured by solicitations of employees for improved and new BMPs and measurable goals on a continuing basis and the number adopted BMP - MO3C - Review adopted measurable goals of other MS4s Goal - Review web site postings by other MS4s of adopted measurable goals which have applicability to the City and to adopt Measure - Effectiveness measured by reviewing all MS4s in SLO and SB counties in Year 1 and implementing those most applicable</p>	
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Home Builders Association

OF THE CENTRAL COAST

creating quality housing and communities

Dec 12, 2008

Tamara Presser
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Phase II MS4 Storm Water Management Plan – City of Grover Beach

Dear Tamara Presser:

The Home Builders Association appreciates the opportunity to comment on the City of Grover Beach's Storm Water Management Plan (SWMP) published on your web site, with public comment due by Dec. 16, 2008.

Our goal remains to advocate for storm water management plans that achieve the maximum extent practicable for handling rainfall cleanly in a practical, achievable, and fiscally and technically feasible manner. We support solid science and the flexibility necessary to make sure each situation is treated based on local conditions and realities.

General Comments and Information Requests

City's Efforts to Comply Underestimate Complexity and Workload: The Home Builders Association is concerned that Grover Beach, like other local cities, is sincerely interested in meeting the Central Coast Regional Water Quality Control Board (CCRWQB) deadlines and goals. Unfortunately, that has led Grover Beach to overestimate what it can do in short time period and to underestimate the complex nature of the scientific assessments needed to manage stormwater effectively.

Request Withdrawal of the Interim Hydromodification Criteria Proposed in the Feb. 15 Letter because the Proposed Interim Criteria will Negatively Impact Redevelopment/Infill/Smart Growth Projects: Current land planning philosophies, being encouraged and mandated on municipalities and counties, are designed to encourage infill development in order to limit the negative environmental impacts of sprawl. The full application of the proposed Interim Hydromodification Criteria will make "Smart Growth" and infill strategies infeasible.

We are concerned that Grover Beach is following the Feb. 15 letter by addressing redevelopment of 5,000 square feet and requiring the post-construction hydrograph to match the pre-development hydrograph. We believe this is contrary to federal guidelines in the EPA's Stormwater Phase II Final Rule. We have not found where the authority is granted to go down to this level and believe that one acre is the minimum standard. Where is the authority delineated to regulate down to 5,000 square feet?

Our smart growth concern has been documented in the EPA publication "Using Smart Growth Techniques as Stormwater Best Management Practices". A table with the heading "Language **Hindering** Creation of Joint Smart Growth and Stormwater Policies" (emphasis added) lists among those hindrances:

- "Language specifying that post-development hydrology match the pre-development hydrology";
- "Language requiring that BMPs replicate natural systems or non-structural natural BMPs"; and
- "Impervious coverage limitations"

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Additionally, the EPA publication sites the Wisconsin Department of Natural Resources as an example of incorporating infill into Stormwater Regulations. Those regulations state (emphasis added):

- “For the infiltration standards, redevelopment sites *are exempt*” and
- “The peak discharge standards *do not apply to*: Sites classified as redevelopment and infill development less than 5 acres”.

The Interim Hydromodification Criteria proposed by the RWQCB in the Feb. 15 letter appear to run counter to the above EPA publication. Grover Beach and other cities trying to implement the Feb. 15 standards will be in conflict with the EPA and smart growth and will prevent local governments from creating the “Sustainable Community Strategies” required by state Senate Bill 375, designed to implement Assembly Bill 32, reduce green house gas emissions, and address climate change.

We recommend that the application of the proposed Interim Hydromodification Criteria be withdrawn for the small MS4s in the Central Coast until the issues relating to hydromodification have been resolved by the larger Phase I MS4s and to the satisfaction of all of the Central Coast stakeholders involved.

Request that RWQCB Staff Provide the Public Record with Supportive Documentation: We request that the Central Coast Board introduce into the public record for Grover Beach’s Storm Water Management Plan the economic and technical information and research that the Regional Board publicly referenced regarding post-construction stormwater management on Page 3, Item 12, in the Oct. 17, Lompoc Resolution R-3 2008-0071. We assume Grover Beach’s resolution will substantially resemble Lompoc’s, where the Water Board stated that it:

- A. “... has been evaluating, as demonstrated in the administrative record, the various options for control of water quality conditions affected by post-construction stormwater discharges and has concluded that controlling hydromodification typically associated with urbanization is reasonably achievable.”
- B. “... considered economics and found that the best information available indicated that controlling hydromodification through, among other approaches, implementation of low impact development principles, is technically feasible, practicable, and cost-effective”; and
- C. “... found that the required revisions would not affect regional housing supply. Hydromodification controls have been applied in this and neighboring regions with no demonstrated affect on housing availability.”

We request that the public record specifically include (a) the methodology and standards used to determine what is “reasonably achievable” in item A above, (b) what “best information available” was used to determine what is “technically feasible, practicable and cost-effective” and how it was determined to be the best information available in item B above, , and (c) what data and methodology were used to decide that hydromodification controls will not impact housing supply or availability and which communities are referenced “in this and neighboring regions” in item C above.

Request for a Written, Detailed Comparison between State and Regional Stormwater Criteria and Standards: The association requests a clear, step-by-step description of the differences between the criteria established in the California MS4 General Order, including Attachment 4, and the criteria identified in the Feb. 15 CCRWQCB letter, and what technical findings support the CCRWQCB differences.

Request Elaboration of the Interim Criteria Language “as effective as”: The City of Lompoc SWMP approval resolution, and apparently other SWMP comments, stated that “The proposed criteria must be effective as ...” We would like specific, detailed, quantifiable clarification as to what “as effective as” means. Additionally, we request that the CCRWQCB assist in this analysis by providing the “technical findings” that demonstrate how effective the CCRWQCB proposed Interim Criteria are. In order to compare effectiveness, we believe that the CCRWQCB should provide it’s analysis of the effectiveness of the criteria it is proposing.

Request Public Hearing: For these reasons, for those cited below specific to the plan and to the Water Board staff’s response, and for a thorough public analysis and understanding of the city’s proposed storm water management plan, the association believes that there are sufficient issues and concerns raised to warrant a public hearing on Grover Beach’s plan before the Water Board. We are so requesting such a hearing as an official appellant with adequate time to present our position at the public hearing.

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Specific Comments Concerning Grover Beach's Storm Water Management Plan

1. **The application of the Interim Hydromodification Criteria should be withdrawn (see above) or the time to complete developing the Interim Hydromodification Criteria should be 2 years:**

If the application of the criteria is not withdrawn as requested above, it would be more realistic for Grover Beach to have two (2) years to create its interim hydromodification criteria, rather than the one (1) year proposed in the city plan. Our association members experience in Southern California found that a one-year deadline to properly develop interim criteria is unachievable. In one year, Grover Beach cannot adequately research and understand the economic, technical, geological, and hydrological features that such criteria must address in order to achieve a scientifically sound method for cleaning stormwater to the maximum extent practicable.

It is obviously critical to protect public safety by insuring that the interim criteria are thoroughly researched before being applied. Criteria should not be "hurried" into practice either to meet an artificial deadline at the risk of unintended consequences that could jeopardize public safety or to implement criteria that does not have "technical findings" that demonstrate their feasibility and effectiveness. Grover Beach, like most Central Coast jurisdictions, has a small, hardworking staff and lacks the human and financial resources to realistically comply with a one (1) year deadline, guarantee public safety, and demonstrate feasibility and effectiveness.

We are attaching for the public record on Grover Beach's plan the June 27, 2008, California Stormwater Quality Association (CASQA) letter to Central Coast Regional Water Quality Control Board Executive Officer Roger Briggs. CASQA, which provides stormwater quality management services to more than 26 million Californians, noted that it is a sequencing error to implement the criteria before determining what is technically possible and that it will take more than a year to do the appropriate, scientifically valid research. CASCQ also noted that larger cities "have been expending significant effort on the technical challenge of developing appropriate hydromodification criteria for a number of years. Since 2001, the San Francisco Bay Area Phase 1 permittees have been working to address this issue, yet there is still no accepted common approach." It would seem wisest to let the larger metropolitan communities, with more human and fiscal resources, conduct thorough technical and financial analysis of how hydromodification/LID can work and then let the smaller, fiscally and staff-challenged Central Coast communities use these models and tailor them to their storm water plans to meet local conditions.

We recommend that the city be given two years to develop interim hydro modification criteria.

2. **Continued Enforcement of Existing Requirements:**

The Water Board staff required revision to Grover Beach's BMP PC1A is unrealistic. Requiring the city to implement quantifiable, numeric criteria within one year of enrollment or eliminate exceptions to onsite retention is fiscally and technically unachievable for a city with Grover Beach's staff and fiscal resources for the reasons stated in Item No. 1 above. It is not good planning or good science to force communities to hurriedly create rules without having time to measure their technical applicability or to anticipate potential unintended consequences.

We recommend that Grover Beach be given two years to revise its existing procedures.

3. **LID Application and Manual:**

For essentially the reasons articulated above in Item No. 1, Grover Beach cannot prepare and adopt an LID manual in year one as it proposes to do in PC1B. The city is technically unready to accomplish this task. Its plan does not address if it has high ground water issues due to its proximity to the Pacific Ocean. High ground water will impact the feasibility of low impact development and hydromodification and must be analyzed at the beginning of storm water management planning, before drafting and implement an LID manual.

In BMP PC1B2, Grover states that it can or may use the City of Santa Barbara's stormwater guidelines as a model for developing Grover's LID manual. That is premature and inapplicable to the local situation. Santa Barbara's plan, while praised by the Water Board staff, has not been approved as an LID manual or a storm

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water plan. Santa Barbara's plan is for a city with far more fiscal and human resources than Grover and radically different building conditions, land values, and land uses.

PC1C and PC1D also need to revise their phased implementation schedule. It will not be possible to draft and implement an LID manual in year two, educate city staff, and begin inspecting construction sites for compliance in year two. Grover will need at least two years to create an LID manual that is thoroughly researched and publicly reviewed and to train staff.

The association agrees with the Water Board staff response in PC4E that city staff "must understand the requirements and principals of LID/hydromodification control prior to implementation," but the Water Board staff required modification will make it even harder for the city staff to achieve that level of knowledge by forcing Grover Beach to develop the standards, draft a manual and educate the staff in the unrealistically short time frame of one year.

We recommend that the city be given two years to develop and implement an LID manual and educate city staff and that the manual focus on local soils and climatic conditions. If that is impossible, it should rely on a more comparable city for a model than the City of Santa Barbara.

4. **SWMP Post-Construction Application Cut-Off Point should be at "Deemed Complete":**

The most effective time to implement hydromodification/LID methods is at the start of a project's design phase. The later in the process a government tries to apply post-construction storm water methods to a project, the greater the cost and timing burdens that are placed on the jurisdiction and the project and the less likely that a technically effective, cost-efficient solution will be achieved.

A Tentative Subdivision Map cut-off point for the application of the new standards, as originally proposed by the Water Board staff is much too late in the design process. A better cut-off point is at the "deemed complete" stage of the project entitlement process. Projects that have not been "deemed complete" would be best able to implement new LID solutions without undue hardship on the jurisdiction or applicant. An application that has been accepted by a jurisdiction ("deemed complete") as ready for processing and a public hearings should not have to be re-designed to meet new standards. By deemed complete, both the jurisdiction and applicant have expended significant time and funds on the project. During the transition process, projects should be encouraged in their pre-application stage to voluntarily use LID methods in development design.

The term "deemed complete" comes from the Permit Streamlining Act. It requires public agencies (including charter cities like Santa Barbara and San Luis Obispo) to follow standardized time limits and procedures for specified types of land use decisions. The act applies to development projects that need adjudicatory approvals such as tentative maps, conditional use permits, and variances. It does not apply to legislative acts, like general plan amendments and rezonings (or development agreements or specific plans), or to such ministerial acts as lot line adjustments, building permits, or certificates of compliance.

Public agencies must establish one or more lists specifying the information an applicant must submit for a development project to be deemed complete. For instance, San Luis Obispo requires an application to include a vicinity map, statement on zoning, site development, description of any common areas and open space, CC&Rs, setbacks, drainage, faulting, slope analysis, technical reports like biological, cultural, noise, traffic, soils, engineering geology, and noise, archaeological recourse inventory, endangered species survey, preliminary title report, school site, environmental assessment, and an affordable housing plan. Some of these studies and reports will not be needed for each application, but getting a project to be "deemed complete" obviously takes extensive work. In addition, once an application is received, the agency has 30 days to either deem the application complete or notify the applicant what needs to be done to be deemed complete. If the city does not respond within 30 days, the application is deemed complete.

Once an application is deemed complete, the environmental review process begins. When the environmental report is approved, the city or county has 60 days if the environmental document is a negative declaration or 180 days if an environmental impact report was required to approve or deny the project. Cities and counties generally approve the environmental document at the same hearing as they approve or deny the project.

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We recommend that projects whose application has been “deemed complete” by the City of Grover Beach before post-construction standards are adopted be exempt from them, but should be encouraged to comply with the regulations on a voluntary basis. Obviously, all projects in later stages of the entitlement, design, or construction process would be exempt from the application of the regulations as well.

5. **Clarify Project Phase-In Period to recognize “Deemed Complete” approach:**

Although it does not seem spelled out in the current plan, we recommend that the plan should clarify that the application of the new post-construction regulations to projects in the entitlement process would begin at the adoption of the City’s Interim Hydromodification Criteria (proposed at two (2) years in item 1 above) and be applied to all projects not “deemed complete” at that time.

In addition, Grover BMP PC4A states: “The City must insure that development applications are only deemed complete if they include post-construction BMP selection, sizing, and siting.” It is impossible for a project to select its BMP and the related sizing and siting until it has actually been approved. Requiring it to be done before “deemed complete” means the project will never be able to proceed since the entire development could be redesigned and changed during the approval process.

This level of detail requested by BMP PC4A requires extensive and costly time and effort, such as detailed grading, engineering and construction drawings necessary to determine the exact size, type and location of a BMP such as a bioswales, rain garden swale, underground cistern, storm water filter, etc., which is not practicable prior to the “deemed complete” stage.

We recommend that PC4A be rewritten as follows:

The City will insure that applications, received after completion of the Hydromodification Standards and LID Manual, are only deemed complete if they include a Preliminary BMP Plan indicating conceptual post-construction BMP selection, and siting. The Preliminary BMP Plan may be included in the Project Site Plan or as a separate document.

6. **Incorporating assessments from project geotechnical and soils consultants is imperative:**

All sites throughout the Central Coast do not have the same soils/site conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure. Applying the standards in those conditions can result in a public safety hazard or simply be impossible.

We suggest following the City of San Diego’s Land Development Manual – Storm Water Standards in which a Geological Investigation Report is required by a registered geologist or certified engineering geologist to indicate where infiltration is feasible or infeasible, what it can achieve, and how to mitigate impacts where it is feasible.

We recommend that the city’s storm water plan include a communitywide analysis by a geotechnical engineer to determine which areas within the urban boundary are suitable for the application of BMPs.

We also recommend that the city’s storm water plan state that it will rely on the applicant’s professional geotechnical/soils consultant’s analysis to determine if and where infiltration/low impact development BMPs are practical, how much is achievable, and what best management practices should be used when infiltration is infeasible or limited.

7. **Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards:**

When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no “extra” land available, it will not be possible to provide additional land for filtration purposes.

We recommend that normal maintenance of existing infrastructure by home owner associations, public agencies, and developers should not be considered new development and should be exempt from the new standards.

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8. **The “pre-development” definition must be “immediate pre-project”:**

How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site. Defining pre-development as the original natural condition, regardless of current usage, will make many urban infill, smart growth projects fiscally and technically infeasible. Defining pre-development as before anything has been changed on a site is counterproductive to the current sustainability and new urbanism planning concepts and will promote sprawl, long-distance commuting, and increased air pollution.

In addition, a “pre-development” standard harkening to when the land was vacant presents a liability issue that will hamper urban infill by making insurers refuse to support a project because adding more water to an area than has been the standard for a lengthy time period will threaten to undermine nearby buildings constructed to withstand less groundwater. Insurers will not take that risk. Projects will not get built. There will be no improvement in storm water management.

The EPA publication, mentioned in the General Comment Section above, also states with respect to the definition of pre-development that (emphasis added):

“When you write your ordinance, however, you may want to avoid confusion by specifying that the pre-development condition *refers to the site immediately prior to redevelopment.*”

In Attachment C – Definitions, the San Diego Region California Regional Water Quality Control Board in order No. R9-2007-0001 for the incorporated cities of San Diego County, the San Diego Unified Port District, and San Diego County Regional Airport Authority defines:

“Pre-Project or Pre-Development Runoff Conditions (Discharge Rates, Durations, Etc.) – Runoff conditions that exist onsite immediately before the planned development activities occur. This definition is not intended to be interpreted as that period before any human-induced land activities occurred. This definition pertains to redevelopment as well as initial development.”

The requirement that post-construction must meet pre-construction conditions (defined as undeveloped soil type and vegetation) is unwarranted. Under the U.S. Green Building Council, which administers the LEED AP program and certifies buildings, a building site that achieves the highest level, Platinum, does not have to meet this stringent requirement.

We recommend defining pre-development as “the immediate pre-project condition” just as the San Diego Regional Water Quality Control Board has done.

9. **Economic balance:**

As previously mentioned, most Central Coast municipalities have small staffs and very limited financial resources. They and the construction industry face numerous regulations and requirements from a wide variety of government agencies, all with important and legitimate public benefit goals. Neither the governments nor the development community can resolve the often conflicting demands local, state and federal agencies impose.

San Luis Obispo County is preparing to adopt “smart” or “strategic” growth goals into its General Plan, pushing more intense residential development into urban areas at the same time as the storm water plans over-reliance on hydromodification/LID seems likely to make such development prohibitively expensive in places like Grover Beach. Similarly, making urban infill harder to achieve by over-emphasizing increased urban infiltration will leave cities like Grover Beach and San Luis Obispo County unable to meet green house gas reduction goals mandated by AB 32 and part of the efforts to address global climate change.

We recommend that Grover Beach’s plan include a clearly worded BMP that recognizes that maximizing storm water management improvement must be balanced against community need for affordable housing, reduced air pollution, market-place economics, municipal economics, and local public acceptance.

10. **Additional Specific Comments:**

Requirement PC4C also needs to be rewritten to clarify that the long-term maintenance and operation requirements imposed as a condition of approval on the development permit will be enforced against the

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developer “until the time the property is transferred” and then against the property owner or home owners association as appropriate

In requirement PC4G, the city plans to ensure that other nearby governments involved in watershed management adhere to an Effective Impervious Area (EIA) of 3 to 10 % of their jurisdiction. Grover Beach has no control over other nearby governments. Additionally, the CASQA letter referenced above notes that using EIA as a driver for “LID approaches is currently the subject of intense controversy within the stormwater quality management/science community as well as among planners and practicing landscape architects.” The letter specifically notes that the controversy includes if “it (EIA) is compatible with smart growth, and possibly increase urban sprawl.”

11. Continued Collaboration with Stakeholders such as the Home Builders Association:

Grover Beach’s plan requires continued development/modification of various items such as a CEQA Checklist, LID Standards, and Hydromodification Criteria and Plans, throughout the five-year cycle. It is important that these items receive the same public scrutiny as the plan itself.

We recommend that the plan include a BMP stating that the City will continue to provide stakeholder consultation opportunities for all of the items to be developed during the five-year cycle.

12. Countywide Technical Advisory Committee Needed:

As we have mentioned previously, and now believe the Water Board concurred with on Oct. 17, the Water Board should encourage and assist the various jurisdictions of San Luis Obispo County in the formation of a Technical Advisory Committee to share information and advice on preparing stormwater management plans, hydromodification criteria and plans, and LID BMPs. San Diego County is successfully using such an approach. The result should be hydromodification criteria, plans, and BMPs that are feasible, practical, and usable, and achieve the intended objectives of the MS4 Order.

We recommend specifying in Grover Beach’s plan that the Water Board staff will assist in creating and will participate in a Countywide Technical Advisory Committee.

We appreciate your consideration of our comments.

Sincerely yours,



Jerry Bunin
Government Affairs Director
Home Builders Association

cc: Jim Garing, Grover Beach City Engineer
Robert Perrault, Grover Beach City Manager
Roger Briggs, Executive Officer, RWQCB

Attachment

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California Stormwater Quality Association

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

June 27, 2008

Mr. Roger Briggs
Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Subject: 2/15/08 Letter regarding Notification to Traditional Small MS4s on Process for Enrolling under the State's General NPDES Permit for Storm Water Discharges

Dear Mr. Briggs:

The California Stormwater Quality Association (CASQA) would like to take this opportunity to submit this comment letter regarding the subject notification and, in particular, Central Coast Regional Water Board staff's "expectations" for Phase II Stormwater Management Program (SWMP) content to receive approval for complying with the State's April 2003 Phase II General Permit.

CASQA is composed of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to over 26 million people in California and includes most every Phase I and many Phase II municipal programs in the State. CASQA was formed in 1989 to recommend approaches for stormwater quality management to the State Water Resources Control Board (State Water Board).

CASQA typically refrains from commenting on issues associated with a specific Regional Water Board. However, the implications of your notification letter are significant and we believe inconsistent with the current standard of practice of stormwater quality management.

Beginning on page 4 of the subject 2/15/08 notification letter, Central Coast staff outlines its expectations for the smaller MS4s within the Central Coast region for meeting the following "conditions":

- Maximize infiltration of clean stormwater and minimize runoff volume and rate,
- Protect riparian areas, wetlands, and their buffer zones,
- Minimize pollutant loadings, and
- Provide long term watershed protection.

Our concerns primarily regard staff's expectations for meeting the first "condition." These are nearly identical to proposed requirements from the draft¹ Phase I Ventura permit written by Los

¹ Draft Tentative Order Ventura County MS4 permit, 4/29/08, Los Angeles Regional Water Board staff

Angeles Regional Water Board staff. Many of these draft proposed Phase I requirements have not been finalized and adopted by any Water Board. In fact, many of the draft proposed Phase I requirements are the subject of much scientific and technical study and discussion, and accordingly, are being debated and contested by a large number of municipalities and industry representatives. The final outcome of these discussions will likely not be known before December 2008.

We want to recognize and express our support for the Central Coast Regional Water Board's decision to support the implementation of Low Impact Development (LID) through the establishment of an endowment and provision of LID and hydromodification design and implementation services as needed. However, based on the knowledge gained by the Phase I MS4s with the most experience with LID and hydromodification, focusing on implementation before establishing technically sound and integrated criteria and approaches is akin to putting the cart before the horse. As a result, CASQA firmly believes that Central Coast staff has created requirements that the Phase II MS4s will be at a considerable disadvantage, compared to Phase I MS4s, to meet (and may never be able to meet due to technical and economic reasons). We make this statement based on the following insights:

- Hydromodification criteria – Phase I programs have been expending significant effort on the technical challenge of developing appropriate hydromodification criteria for a number of years. Since 2001 the San Francisco Bay Area Phase I permittees have been working to address this issue, yet there is still no accepted common approach (witness the different approaches between the Santa Clara and Contra Costa Counties). Given the need to establish an accepted approach that is fully integrated into water quality management programs, the Southern California Stormwater Monitoring Coalition and the Southern California Coastal Water Research Project have initiated grant-funded efforts to evaluate stream impacts and to develop a series of hydromodification management tools. These tools will support implementation of appropriate hydromodification management actions to better protect the physical, chemical, and biological integrity of streams and their associated beneficial uses². This study is currently in year two of a three-year schedule. These tools will ultimately assist both Phase I and II municipalities in developing appropriate hydromodification management approaches. Consequently requiring Phase II communities in the Central Coast region to independently develop their own criteria/approach to this technically complex subject is unreasonable.
- Effective impervious area – The possible creation of “Effective Impervious Area (EIA)” threshold requirements as a “driver” for LID approaches is currently the subject of intense controversy within the stormwater quality management/science community as well as among planners and practicing landscape architects. Specifically, there is disagreement as to: whether this EIA criterion should be used (and, if used, whether it should be translated from its originally conceived watershed scale and applied on a site-by-site or regional basis) along with the implications upon urban redevelopment – whether it is compatible with smart growth concepts, and possibly increase urban sprawl. For example, underground storage vaults for urban runoff may not be technically feasible on many project sites. Locations with shallow groundwater or underground contamination (i.e.,

² SCCWRP Research Project A6 – Assessment and Management of Hydromodification Effects.

brownfields) may not be able to install tanks to hold stormwater. There are other methods that permittees can use to meet maximum extent practicable (MEP) requirements that should not be eliminated with an EIA criterion. These requirements need thorough evaluation to ensure that societal goals, such as redevelopment of brownfields and infill development are not interfered with, but rather encouraged, by the permit.

Additionally, it is not clear that there is a reasoned technical basis to require such a relatively restrictive site design rule. The concept of total impervious area on a watershed scale has been shown to have a deterministic relationship with channel enlargement in the receiving stream. The studies that have demonstrated this relationship have been in watersheds without contemporary hydromodification mitigation controls. A recent study on this issue (Coleman et. al., 2005)³ notes that effective impervious area is one of the recommended management strategies to be considered, depending on the current conditions of the receiving stream and the future anticipated conditions. The report notes that in-stream strategies are more appropriate for application where the stream course alignment has been altered or there are other drainage improvements in the watershed.

This debate has been taking place on several tracks (e.g., technical, policy) at the local, statewide, and national scales. The recent deliberations of the California Ocean Protection Council (OPC) are particularly noteworthy because the OPC has taken the recent lead on examining from a broader perspective the status of the development and use of LID as a BMP strategy in California. OPC commissioned a report⁴, held two OPC meetings and two public staff workshops, and adopted a resolution last month promoting the use of LID principles, including planned and recommended actions. *Appendix A: Options for Enhancing LID in California Policies* in the report on LID policies provides a list of about 50 recommended "Opportunities and Action Items" (Legislative, Aspirational, and Funding) through which LID can be promoted or enhanced. That report makes several observations, lists issues, and provides recommendations that relate to the development and use of LID as a BMP strategy in California, including:

Observations

In California, there has been an upsurge in district planning. New models of district planning have been launched and fine-tuned in California, including form-based codes, new urbanism, transit-oriented development, and a new Leadership in Energy and Environmental Design (LEED) pilot for neighborhood development (LEED-ND).

Issues

H1. LID requirements are often written to apply to individual projects, which results in uneven application.

³ Coleman, D., MacRae, C., and Stein, E., "Effect of Increases in Peak Flows and Imperviousness on the Morphology of Southern California Streams", Technical Report 450, Southern California Coastal Water Research Project, April 2005.

⁴ *State and Local Policies Encouraging or Requiring Low Impact Development in California – Final Report*, Prepared by Tetra Tech, Inc. for Ocean Protection Council, January 2008

H3. LID often designates hydrology as the indicator of environmental impacts. By their regulatory nature, stormwater rules have the farthest reach into zoning codes. These rules tend to emphasize stormwater peak flow attenuation and volume capture, causing hydrologic performance to outweigh other important environmental issues that are considered in non-regulatory planning documents, such as infill and redevelopment priorities and regional growth patterns that can affect watershed health.

H4. Suburban-style LID requirements can run counter to the planning, transportation and climate emphasis on compact design. Meeting strict stormwater performance standards in urban areas can be much more difficult than in open areas with room for swales, infiltration and detention. While LID techniques can decrease costs for greenfields applications, they can pose higher costs for urban developers, since underground vaults are often needed to augment urban green building, streetscape and landscape BMPs to meet performance standards.

Actions

H12. Sponsor an analysis of pilot neighborhoods in the LEED-ND program to see if they meet stringent stormwater requirements (for volume, treatment and flow control).

H14. Sponsor a pilot study to align major water planning documents (e.g., Basin Plan, Integrated Regional Watershed Management Plan) with regional and local requirements (e.g., stormwater permit requirements and local zoning codes) with respect to LID goals and requirements.

H17. Fund a project to better describe LID techniques based on development settings in California similar to the effort underway within the Congress for New Urbanism⁵ based on the "transect." The transect establishes seven transect zones based on intensity of development and urban form. This approach was used to develop new street standards and could serve as a model for stormwater management as well.

Based on the commissioned report and input received at the OPC meetings and workshops, the Ocean Protection Council adopted a resolution on May 15, 2008 that CASQA supported (including amendments provided by NRDC) that included the following actions related to stormwater and LID (and by extension EIA) [underline added]:

2. State Regulatory Actions

a. *State Water Board LID Policy* – The State Water Board is encouraged to adopt a statewide policy for addressing all elements associated with changes in runoff due to hydromodification impacts, including those specifically related to urbanization. This policy would include direction on when and how to use LID to avoid, minimize and mitigate runoff so that downstream water bodies are protected.

⁵ At the national scale, NRDC, Congress for the New Urbanism, USEPA, and the U.S. Green Building Council have been developing the LEED-ND standard, which is a comprehensive attempt to integrate land use, financial, transportation, environmental, and urban design components into a single system for evaluating neighborhood design.

3. Incentives, Technical Support, and Research

c. Research and Development of LID – Promote and consider funding technical research for development of a LID design manual, including example designs and specifications for LID features, and post-construction evaluations of the effectiveness of constructed LID features in removing pollutants and controlling runoff flows.

- Consistency – We are not suggesting that the small MS4s not move forward with implementing LID strategies and provide protection of stream bed integrity. We do recommend that the Central Coast staff also review the approach being proposed by State Water Board staff in the Draft Construction General Permit. In making this recommendation, CASQA is not taking a position on this other approach; rather we are recognizing the approach being proposed by the Central Coast Water Board staff is inconsistent with (and will add considerable confusion) to the State Water Board proposed approach. At a minimum, the difference in approaches once again raises the question as to why the Water Boards are proposing such inconsistent approaches to basically the same ends and whether the inconsistency is necessary and appropriate.
- Patchwork – The somewhat patchwork approach being proposed by Central Coast staff for water quality management (i.e., the discharger is implementing treatment control BMPs, LID strategies, and hydromodification controls) will add confusion to an already confusing situation. We believe developing a statewide policy statement is the appropriate vehicle for considering and integrating these concepts. This will provide better public opportunities to consider potential conflicts and craft a fully integrated approach to water quality management.

All of the above demonstrates that Central Coast staff's expectations regarding hydromodification and LID criteria are not SWMP-ready. Given the current state of knowledge and experience, CASQA has recommended to Water Boards that they work with permittees, CASQA, researchers, and stakeholders to:

- Identify an initial list of LID strategies that must be considered for all development.
- Develop a performance standard for LID strategies that considers the lessons learned in translating the concept of LID into projects (e.g., San Francisco Bay Area Phase I research and experience) and recommendations from other drivers such as urban design (e.g., LEED-ND standard).
- Produce findings that can form the basis of permit provisions, guidance, SWMPs, implementation plans, etc.

In summary, CASQA believes Central Coast staff should reconsider their expectations for new development within the Phase II Stormwater Management Plans. Phase I communities are expending significant effort and resources, yet still struggling to meet the technical challenge of developing appropriate hydromodification and LID criteria that are both practical and that will lead to achieving our water quality goals. Placing such an effort on the Phase II communities is

inherently impractical as they lack the technical and financial resources to deal with this complex issue.

Thank you for the opportunity to provide comments. If you have any questions please contact Geoff Brosseau, CASQA Executive Director.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CC', with a long horizontal stroke extending to the right.

Chris Crompton, Chair
California Stormwater Quality Association

cc: Tam Doduc, Chair, State Water Board
Gary Wolff, Vice-Chair, State Water Board / Liaison, Central Coast Regional Water Board
Dorothy Rice, Executive Director, State Water Board
Jonathan Bishop, Chief Deputy Director, State Water Board
Bruce Fujimoto, Section Chief-Stormwater, State Water Board
Christine Sotelo, Staff-Phase II Stormwater, State Water Board
Greg Gearheart, Unit Chief-Industrial/Construction Stormwater, State Water Board
Alexis Strauss, Director, USEPA Region IX
CASQA Executive Program Committee
CASQA Board of Directors