



California Regional Water Quality Control Board Central Coast Region



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Secretary for

Environmental Protection

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Arnold Schwarzenegger
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April 27, 2009

Jerry Bunin
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Mr. Bunin,

Grover Beach Storm Water Management Plan (SWMP)

Our Board recently received the agenda item for the Grover Beach SWMP. Our Chair would like to have a better understanding of a couple of your comments on the SWMP, and so I am forwarding a couple of questions for you to answer. In your December 12, 2008 letter to Tamara Presser of our staff, you had this comment (p. 1):

"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. 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"

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.

California Environmental Protection Agency



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Item No. 13 Attachment No. 1
Supplemental Sheet
May 8, 2009 Meeting
City of Grover Beach (SWMP)

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."

Please answer this question so that our Board will have a better understanding of your comments: Specifically what Smart Growth project do you currently envision, or what current Smart Growth project under development can you describe to us, that would be infeasible based on proposed approval of this SWMP?

You have another comment about timing, page 2 or your letter:

"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."

Please answer these questions so that our Board will have a better understanding of your comments: You say the City should not be hurried to meet an artificial deadline of one year. You then propose a deadline of two years. By your reasoning, why is two years not an artificial deadline? More importantly, what are the specific interim milestones toward developing interim criteria or modifying existing criteria that support two years rather than one year?

Please respond to these questions by April 30th, so our Board can receive your answers for full consideration at our May 8th hearing. Thank you for your assistance. Please call me at (805) 549-3140, if you need any clarification.

Sincerely,



Roger W. Briggs
Executive Officer

C: Grover Beach, Coastkeeper

California Environmental Protection Agency

