

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**SUPPLEMENTAL SHEET #2 FOR REGULAR MEETING OF SEPTEMBER 6, 2012**

Prepared on September 4, 2012

**ITEM NUMBER: 8**

**SUBJECT: Revisions of Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region, Resolution No. R3-2012-0025**

**STAFF PERSON: Dominic Roques 805/542-4780 or [droques@waterboards.ca.gov](mailto:droques@waterboards.ca.gov)**

This Supplemental Sheet provides supplemental information for the Staff Report for the Central Coast Water Board staff recommendation to adopt Resolution No. R3-2012-0025, to establish Post-Construction Stormwater Management Requirements for Development Projects for municipalities throughout the Central Coast Region. This supplemental information includes changes to Staff Report Attachment 1.a. (Resolution Attachment 1: Post-Construction Requirements) to address stakeholder comments and provide clarification of requirements. The changes include:

- 1) Change to Staff Report Attachment 1.a. (Resolution Attachment 1: Post-Construction Requirements) to provide an option to pursue implementation of a pre-existing program
- 2) Changes to Staff Report Attachment 1.a. (Resolution Attachment 1: Post-Construction Requirements) to improve requirement clarity

**Change to Resolution Attachment 1 (Post-Construction Requirements) to Provide an Option to Pursue Implementation of a Pre-existing Program**

The City of Santa Barbara requested Central Coast Water Board provide an avenue for the City of Santa Barbara to continue implementing its pre-existing post-construction requirements. The City has invested significant resources in developing post-construction requirements specific to their jurisdictional coverage area. In response to the City of Santa Barbara's request, Central Coast Water Board staff included language in the May 14, 2012 Draft Resolution stating that, since the Post-Construction Requirements were minimum standards, more stringent requirements could be adopted by municipalities (see "Therefore, be it resolved," number 3., p. 6 of the Resolution).

The City of Santa Barbara subsequently requested further clarification of the Central Coast Water Board's process for a municipality to sufficiently demonstrate that its pre-existing post-construction requirements are adequately effective and compliant with the Central Coast Water Board Post-Construction Requirements. Staff has responded by drafting the below Section G for addition to page 18 of the Post-Construction Requirements.

The intent of this addition is to acknowledge Permittees that have already established comprehensive programs, and allow those Permittees to continue implementation of their pre-existing programs if the Permittees can demonstrate their pre-existing programs are as effective at protecting watershed processes as the Central Coast Water Board's Post-Construction Requirements. This approach allows Permittees that have been proactive in developing and

implementing such programs to benefit by not having to restructure the existing programs. However, this addition is not intended to allow other Permittees to develop new alternative approaches to the Post-Construction Requirements. In cases where Permittees need to develop new programs or update existing programs to comply with the Post-Construction Requirements, the Post-Construction Requirements provide a reasonable and consistent framework for post-construction stormwater management, with ample built-in flexibility to accommodate a wide array of municipal circumstances. As such, we anticipate only a few, if any, Permittees have pre-existing programs that meet the eligibility requirements described in this new language.

This Supplemental Sheet makes the following addition to the Post-Construction Requirements (shown in underline format):

G. Pre-existing Programs

- a) A Permittee may propose, for Central Coast Water Board Executive Officer approval, implementation of pre-existing post-construction stormwater management requirements for development projects in the Permittee's jurisdictional coverage area, in place of implementing the requirements set forth in the Post-Construction Requirements. To be eligible for consideration and approval, the proposal must demonstrate the following:
  - i) The Permittee's pre-existing post-construction stormwater management requirements are as effective as the Post-Construction Requirements in maintaining watershed processes, impacted by stormwater management, that are necessary to protect water quality and beneficial uses;
  - ii) The Permittee was implementing its pre-existing post-construction stormwater management requirements prior to Central Coast Water Board approval of the Post-Construction Requirements; and
  - iii) The Permittee's pre-existing post-construction stormwater management requirements include LID site design and runoff reduction measures, numeric runoff treatment controls, numeric runoff retention controls, numeric runoff peak management controls, and project applicability thresholds as effective as those included in the Post-Construction Requirements.
- b) A Permittee must submit its proposal within 30 days of adoption of the Post-Construction Requirements by the Central Coast Water Board. The Central Coast Water Board Executive Officer will approve or deny the proposal within 90 days of receipt of a proposal.
- c) Until the Central Coast Water Board Executive Officer approves a Permittee's proposal, the Permittee shall adhere to the Post-Construction Requirements provisions and deadlines.

**Changes to Resolution Attachment 1 (Post-Construction Requirements) to Improve Clarity**

This Supplemental Sheet makes a deletion that Central Coast Water Board staff intended to make based on comments received on the May 14, 2012 Draft Post-Construction Requirements. The deletion of requirements for continuous simulation hydrologic modeling is discussed in the Staff Report. This Supplemental Sheet makes the following deletion of Section B.7 from page 12 of the Post-Construction Requirements (shown in strikethrough text).

~~7) Required Hydrologic Analysis~~

~~The hydrologic analysis requirements for post-construction new development and redevelopment are as follows:~~

- ~~a) For Regulated Projects between 5,000 square feet and 22,500 square feet, single-event based analyses may be used~~
- ~~b) For Regulated Projects  $\geq$ 22,500 square feet a calibrated continuous simulation hydrologic model to select stormwater control measures must be used~~

This Supplemental Sheet revises language in the Post-Construction Requirements pertaining to the requirement that ten percent of a site's equivalent impervious surface area be dedicated to retention-based structural Stormwater Control Measures. The ten percent calculation is used to determine whether off-site compliance is needed to meet the Runoff Retention Performance Requirement. This Supplemental Sheet makes the following deletions from:

- Section B.4.e., page 8 of the Post-Construction Requirements (shown in strikeout text):

4) Performance Requirement No. 3: Runoff Retention

- e) Off-site mitigation of full Retention Volume per Section B.4.d.vi. is not required where technical infeasibility as described in Section C.1.c. limits on-site compliance with the Runoff Retention Performance Requirement AND a ~~minimum~~ of ten percent of a project's Equivalent Impervious Surface Area<sup>1</sup> has been dedicated to retention-based SCMs. The Water Quality Treatment Performance Requirement is not subject to this adjustment, i.e., mitigation to achieve full compliance with the Water Quality Treatment Performance Requirement is required on- or off-site.

- Attachment E, page 30 of the Post-Construction Requirements (shown in strikeout text):

~~Off-site mitigation of full Retention Volume per Section B.4.d.vi. is not required where technical infeasibility as described in Section C.1.c. limits on-site compliance with the Runoff Retention Performance Requirement AND a ~~minimum~~ of ten percent of a project's Equivalent Impervious Surface Area has been dedicated to retention-based SCMs. The Water Quality Treatment Performance Requirement is not subject to this adjustment, i.e., mitigation to achieve full compliance is required on- or off-site.~~

*Calculating Ten Percent of a Project's Equivalent Impervious Surface Area*

~~The ~~minimum~~ area of the project that must be dedicated to structural SCMs for to waive off-site compliance with the Runoff Retention Requirement is equal to ten percent of the project's Equivalent Impervious Surface Area, defined as...~~

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<sup>1</sup> Calculate Equivalent Impervious Surface Area using guidance in Attachment E