



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

October 5, 2009

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Dear Ms. Spaulding, Mr. Krueger, and Mr. Eulo:

WATER BOARD STAFF COMMENTS ON SOUTH SANTA CLARA COUNTY REGIONAL DRAFT STORMWATER MANAGEMENT PROGRAM SEPTEMBER 2009; COUNTY OF SANTA CLARA (WDID #343MS03015), CITY OF GILROY (WDID #343MS03002), AND CITY OF MORGAN HILL (WDID #343MS03020)

On September 1, 2009, the Central Coast Regional Water Quality Control Board (Water Board) received the County of Santa Clara (County), City of Morgan Hill (Morgan Hill), and City of Gilroy (Gilroy) September 2009 Draft Stormwater Management Plan (Draft SWMP). We previously reviewed the March 2009 draft and communicated comments and required revisions in a letter dated April 17, 2009. Water Board staff has reviewed the September 2009 Draft SWMP and finds that the municipalities participating in the SSCC Regional Stormwater Management Program (Municipalities) have incorporated many of the revisions we required in our April 17, 2009 letter.

The purpose of this letter is to identify further revisions that we require in order to recommend approval of the SWMP. We present the specific improvements that are needed in the attached Draft Table of Required Revisions. In addition, we have identified overarching issues with the SWMP that must be corrected, discussed following the SWMP Review Process section found immediately below. Please respond with a further revised SWMP, or comments describing further revisions to the SWMP, prior to the Water Board's final review and consideration of public comment.

SWMP Review Process

The following sequence of events describes an optimal process for final review of the SWMP.

California Environmental Protection Agency



Recycled Paper

Water Board staff plans to:

- 1) Post the September 2009 Draft SWMP on the Water Board website on or prior to October 8, 2009, for the 60-day public comment period. At the same time we will also post the attached Draft Table of Required Revisions. Water Board staff will announce the web posting, including web address, to all known interested parties by email.
- 2) At the close of the 60-day public comment period on approximately December 7, 2009, Water Board staff will review public comments on the SWMP, including comments from the Municipalities describing their revisions to the SWMP.
- 3) Water Board staff will prepare a final Table of Required Revisions and a final recommendation on the adequacy of the SWMP. Staff will also prepare a response to comments received during the 60-day public comment period.
- 4) If Water Board staff recommends approval of the SWMP, the Water Board's Executive Officer may approve the SWMP and coverage under the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (General Permit), contingent on the Municipalities making the required revisions to the SWMP by a date certain (generally within 60 days of the approval letter). The Executive Officer will post the approval letter with required revisions on the Water Board website.
- 5) Alternatively, if during the 60-day public comment period one of the Municipalities or a member of the public requests a Water Board hearing, Water Board staff will provide recommendations to the Water Board on the Municipalities' SWMP, with the required revisions, at the March 18, 2010 Water Board Meeting (date to be determined).

Overarching Issues

Consistency in Measurable Goals

Throughout the Draft SWMP, there are measurable goals listed in the BMP descriptions which do not match the measurable goals listed in the BMP tables. In addition, many of the measurable goals listed in the BMP descriptions do not indicate when the Municipalities will perform those actions. You must revise the SWMP to ensure that both listings of measurable goals are complete and accurate.

Implementation of Interim Hydromodification Control Criteria

The Municipalities must implement interim hydromodification control criteria approved by the Water Board for all new development and redevelopment projects by the beginning of the second permit year. Implementation of interim hydromodification control criteria by the beginning of the second permit year will require changes to the Municipalities' ordinances, conditions of approval, stormwater control BMP guidance resources, development plan review procedures, construction site inspection procedures, post-construction stormwater control BMP tracking procedures, long-term stormwater control BMP maintenance procedures, and staff training programs. However, the Draft SWMP does not include measures to support implementation of interim hydromodification control criteria in the second permit year for many of these areas. You must revise the SWMP to ensure that all authorities, programs, and procedures necessary to implement interim hydromodification control criteria are in place by the beginning of the second permit year.

Implementation Language

The Draft SWMP contains several measurable goals stating that the Municipalities will begin implementing a certain BMP over a range of years (e.g., the sixth measurable goal of BMP 5.II). This language is confusing. It suggests that the Municipalities will be repeatedly beginning to implement, but never fully implementing, the BMPs. Revise these measurable goals to omit the

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word "begin" and state that the Municipalities will implement the given BMPs in each of the indicated years.

Editing

The Draft SWMP contains many spelling, grammatical, punctuation, and citation errors. Some of these errors make the SWMP difficult to read and understand. Please revise the SWMP to correct these errors.

If you have any questions regarding this matter, please call **Jon Rohrbough** at (805) 549-3458 or at jrohrbough@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,

Roger W. Briggs
Executive Officer

Attachment: October 5, 2009 Draft Table of Required Revisions

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DRAFT TABLE OF REQUIRED REVISIONS
County of Santa Clara/City of Gilroy/City of Morgan Hill Draft Storm Water Management Program

Acronyms/Abbreviations:

- BMP - Best Management Practice
- CCLID Center - Central Coast Low Impact Development Center
- CEQA - California Environmental Quality Act
- County - County of Santa Clara
- HMP - Hydromodification Control Plan
- LID - Low Impact Development
- MCM - Minimum Control Measure
- MEP - Maximum Extent Practicable
- Municipalities - County of Santa Clara, City of Morgan Hill, and City of Gilroy
- MS4 - Municipal Separate Storm Sewer System
- SCVURPPP - Santa Clara Valley Urban Runoff Pollution Prevention Program
- SWMP - Stormwater Management Plan
- TMDL - Total Maximum Daily Load
- Water Board - Central Coast Regional Water Quality Control Board

Item #	SWMP Section	Subject	Issue	Required Revisions
1	Program Description and Management	Effectiveness Assessment Program Strategy	The Draft SWMP states that the Municipalities will implement the effectiveness assessment program strategy beginning in the fourth permit year. However, the Draft SWMP does not include this statement as a measurable goal.	Revise the SWMP to include a measurable goal similar to the following: "The Municipalities will use the strategy to evaluate the effectiveness of BMPs and MCMs, beginning in the fourth permit year."
2	Geographic Description of South Santa Clara County	Permit Area Boundary	The Draft SWMP defines the County's permit area as the urbanized area as determined by the most recent Decennial Census. This definition	Revise the statement at p. 16 to read similar to the following: "In regards to this permit, the County of Santa Clara consists primarily of the small

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			conflicts with a statement at p. 16 that "in regards to this permit, the County of Santa Clara was identified as the small 'urbanizing' community of San Martin."	'urbanizing' community of San Martin. (See <i>NPDES Stormwater Phase II Permit Area Boundary</i> for a precise description of the County's permit area.)"
3	Appendix C.1	Targeting POCs with BMPs	The Draft SWMP includes a table linking POCs and their sources to BMPs intended to address them. However, the table does not specifically indicate all POCs cited in TMDLs or on the 303(d) list. In addition, some sources of POCs are not included in the table.	Revise Appendix C.1 to incorporate the following changes: <ul style="list-style-type: none"> • Clearly identify and include nitrate as a POC, and indicate the BMPs that target nitrate; • Clearly identify and include fecal coliform as a POC, and indicate the BMPs that target fecal coliform; • Include construction activity, hydromodification, loss of riparian vegetation, and stream erosion due to development as sources of sediment; • Include residential landscape maintenance, improper green waste disposal, pet waste, backyard livestock, and restaurant garbage receptacles and loading areas as sources of nutrients/nitrate; • Include pet waste, backyard livestock, human waste (homeless encampments), and garbage receptacles as sources of fecal coliform; and • Include garbage receptacles as sources of pathogens.
4	BMP 1.V	Non-English-Speaking Residents	The SWMP includes a new BMP describing SCVURPPP educational programs for non-English-speaking residents. However, the Draft SWMP does not include a statement that the Municipalities will report on the	Revise BMP 1.V to incorporate the following elements: <ul style="list-style-type: none"> • A statement that the Municipalities will provide a summary, in each annual report, of the extent and effectiveness of

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			implementation and effectiveness of these programs. In addition, the Draft SWMP states that the Coordinators will decide whether to print new brochures in Spanish, but does not describe the criteria the Coordinators will use to make this decision.	SCVURPPP outreach activities to non-English-speaking residents in the permit area; and <ul style="list-style-type: none"> • A description of the criteria the Coordinators will use to determine which new brochures will be printed in Spanish.
5	BMP 1.I	Education and Outreach Material Content	The Draft SWMP states that education and outreach materials will target the public with information regarding identified POCs. However, the Draft SWMP does not include a plan to assess existing education and outreach materials to identify coverage gaps and to develop new materials to fill these gaps. In addition, the list of existing educational brochures suggests that the public education and outreach program does not specifically target all of the known sources of POCs cited in TMDLs or in the 303(d) list.	Revise BMP 1.I to incorporate the following elements: <ul style="list-style-type: none"> • A statement that the Municipalities will develop education and outreach materials to address all POCs and sources, including, but not limited to, residential landscape maintenance and green waste disposal practices, pet waste, and backyard livestock; • A measurable goal to evaluate, in the first permit year, existing education and outreach materials and identify POCs or sources that are not adequately addressed by existing materials; and • A measurable goal to develop, prior to the end of the third permit year, education and outreach materials to address POCs and sources not covered by existing materials.
6	BMP 1.I	Education and Outreach Material Distribution	The Draft SWMP includes concrete measurable goals for distributing brochures at public events. However, it is unclear how public events will provide optimal distribution of brochures targeting restaurants and automobile services.	Revise BMP 1.I, or add a new BMP in Section 3 (<i>Illicit Discharge Detection and Elimination</i>) to include a plan, with measurable goals, for distributing brochures to restaurants and automobile services.
7	Public Education and	TV, Radio, and Newspaper	The Draft SWMP states that the Municipalities will receive public	Revise the Draft SWMP to include a BMP to provide a summary, in each annual report, of

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	Outreach	Messages	education and outreach benefits from TV, radio, and newspaper messages funded by SCVURPPP. While the Municipalities do not have authority to determine the frequency of TV and radio messages, they must still demonstrate that the public education and outreach activities satisfy the requirements of the General Permit to the MEP.	the frequency and effectiveness of stormwater-related TV, radio, and newspaper messages available to residents and businesses within the permit area.
8	BMP 1.IV	Outreach Program	The Draft SWMP states that the Municipalities will use public events to inform residents about the oil recycling program and the household hazardous waste program. However, the Municipalities have more effective means of communicating this information (e.g., TV, radio, newspapers, website, and the interested parties list). In addition, the Draft SWMP does not indicate the means Municipalities will use to inform residents about community events, such as clean up days.	Revise BMP 1.IV to include measurable goals for using TV, radio, newspaper, website, and email messages to inform the public of these programs.
9	BMP 1.VIII	Education in School	The Draft SWMP does not state that the Municipalities will implement their school education programs after selecting the programs.	Revise BMP 1.VIII to include the measurable goal that the Municipalities will implement their school education programs beginning in the third permit year.
10	BMP 1.VII	Community-Based Social Marketing	The Draft SWMP states that the Municipalities will assess community-based social marketing (CBSM) strategies and incorporate them into the education program, where appropriate, in permit years 3 through 5. However,	Revise BMP 1.VII to clarify that the Municipalities will assess and incorporate CBSM strategies, where appropriate, by the end of the third permit year.

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			the BMP 1.VII also states that the Municipalities will work together to assess public education methods during the first two permit years. This is confusing. In addition, the Water Board has determined that permittees must assess and incorporate CBSM strategies, where appropriate, by the end of the third permit year.	
11	BMP 1.IX	Public Survey	The Draft SWMP includes a BMP to conduct public surveys to determine the effectiveness of the public education and outreach efforts. However, BMP 1.IX does not include a measurable goal for the percentage of the population the Municipalities will survey.	Revise BMP 1.IX to include a measurable goal for the percentage of the population the Municipalities will survey.
12	BMP 2.II	Public Involvement in SWMP Development	The intent of BMP 2.II is to involve the public in developing the SWMP document prior to Water Board approval. However, Table 2 indicates that the Municipalities will implement BMP 2.II in permit years one through five as well. If the Municipalities intend to hold a meeting each year to solicit public comments, the SWMP must include a measure to conduct public meetings.	Revise BMP 2.II to clarify either that: <ul style="list-style-type: none"> • The Municipalities will implement BMP 2.II prior to Water Board approval only; or that • The Municipalities will advertise and conduct annual public meetings for the purpose of soliciting public comments on the stormwater program.
13	BMP 2.IV	Storm Drain Marking	The Draft SWMP states that the County will not develop a storm drain marking program because the unincorporated areas do not have storm drain inlets. However, in the unincorporated areas stormwater flows through roadside swales and ditches that are vulnerable	Revise BMP 2.IV to include a statement that the County will develop a strategy for posting “no dumping” signage at strategic locations along roadside swales and ditches in the unincorporated portion of the permit area. The revised BMP should provide an implementation schedule and state that the

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			to dumping.	<p>County will consider at least the following options in developing its strategy:</p> <ul style="list-style-type: none"> • Requiring posting at roadside swales and ditches as a condition of approval for development, building, and grading permits; and • Incorporating a signage strategy into the County's ditch/drain maintenance activities.
14	BMP 2.VI	Water Conservation Program	<p>The Draft SWMP states that Morgan Hill will count the number of packets and kits the City distributes, but does not include measurable goals for the number of packets and kits the City will distribute, or for public participation in this program. In addition, the Draft SWMP states that Morgan Hill will document the number of water-saving showerheads and faucet aerators the City distributes. However, showerheads and aerators are not related to the stormwater program.</p>	<p>Revise BMP 2.VI to incorporate the following changes:</p> <ul style="list-style-type: none"> • Include a measurable goal for the number of Water Wise Garden Packets and Water Conservation Kits Morgan Hill will distribute each year; • Include a measurable goal for the number of people participating in the program each year; and • Delete references to water-saving showerheads and faucet aerators from the SWMP.
15	BMP 3.I	Stormwater Infrastructure Map	<p>The Draft SWMP states that the stormwater infrastructure map for the County will not show an integrated system of stormwater conveyances. While the County does not operate a system of drain inlets, pipes, and basins, the swales and channels the County does operate constitute a system of stormwater conveyances. Email communication from the County SWMP coordinator suggests that the County intends to show these structures</p>	<p>Revise BMP 3.I to include a statement that the stormwater infrastructure map will show the location of stormwater ditches, swales, and channels operated by the County.</p>

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			on the stormwater infrastructure map.	
16	BMP 3.VII	Public Hotline	The Draft SWMP states that the Municipalities will respond to actionable complaints within ten business days. This is too long for illicit discharges having the potential to cause pollution.	Revise BMP 3.VII to state that the Municipalities will respond within 48 hours to reports of spills or discharges having the potential to discharge pollutants into surface waters or the storm drain system.
17	BMP 3.VIII	Commercial/Industrial Facilities Inspections	The Draft SWMP indicates that the Municipalities have existing programs to inspect commercial and industrial facilities. However, the Draft SWMP does not identify measurable goals for inspection frequency or the number of inspections each year under the existing programs. In addition, the language of the BMP is still vague.	Revise BMP 3.VIII to incorporate the following elements: <ul style="list-style-type: none"> • Quantifiable goals for the existing programs regarding inspection frequency, number of inspections each year, and the percentage of commercial/industrial facilities inspected each year; • Criteria the Municipalities will use to prioritize the commercial/industrial facilities for inspection (e.g., by greatest potential for stormwater pollution); • A clear schedule for when the Municipalities will develop the necessary authority for this BMP to achieve the desired results, if they do not already possess that authority; and • A clear statement that each Municipality will apply its enforcement authority to achieve compliance in 100% of cases where inspectors discover illegal discharges, illegal connections, or potential sources of illegal dumping.
18	BMPs 3.IX and 3.X	Used Oil Disposal and Household Hazardous Waste Collection	The Draft SWMP states that the Municipalities will use various techniques to inform residents about these programs, and refers to the Public Education and Outreach section for more information. However, it is not	Revise BMPs 3.IX and 3.X to incorporate the following changes: <ul style="list-style-type: none"> • Refer readers to BMP 1.IV for more information on how the Municipalities advertise these programs; and

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			clear where in the referenced section a reader would find this information. In addition, the Draft SWMP states that the Municipalities encourage residents to use safer and less toxic alternatives, but is not specific about how the Municipalities do this.	<ul style="list-style-type: none"> List the measures the Municipalities will use to encourage residents to use safer and less toxic alternatives and/or purchase smaller quantities of hazardous products. Include all measurable goals in Table 3.
19	BMP 3.XII	Training	The Draft SWMP states that the Municipalities will train 100% of staff involved in the illicit discharge detection and elimination program annually. However, the measurable goal omits the detail that the training will be annual.	Revise BMP 3.XII and Table 3 to include the measurable goal that the Municipalities will train annually 100% of staff involved in the illicit discharge detection and elimination program.
20	BMP 4.1	Stormwater Ordinance	The Draft SWMP incorporates many of the changes required by Water Board staff. However, the Draft SWMP still does not include enough detail about implementation goals.	Revise BMP 4.1 to incorporate the following changes: <ul style="list-style-type: none"> Modify the measurable goals to state that the Municipalities will evaluate the effectiveness of the current ordinances based on enforcement activities, abatement results, and water quality protection objectives. Include measurable goal(s) for the implementation of existing ordinances and requirements (e.g., “The Municipalities will enforce compliance with existing ordinances and requirements at 100% of construction sites”); and Include measurable goals for the implementation of new ordinances and requirements (e.g., “The Municipalities will enforce compliance with new ordinances and requirements at 100% of construction sites”).

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21	BMP 4.I	Stormwater Ordinance	The Draft SWMP states that each municipality already has an erosion and sediment control ordinance, but later states that Gilroy currently does not have such an ordinance. This is contradictory.	Revise BMP 4.1 to incorporate the following changes: <ul style="list-style-type: none"> • Clarify that only Morgan Hill and the County have erosion and sediment control ordinances; and • Clarify Gilroy's authority to enforce its requirement of erosion and sediment control plans. If Gilroy does not have adequate authority, clarify how and when Gilroy will obtain adequate authority.
22	BMP 4.IV	Construction Site Inspection and Enforcement Procedures	The Draft SWMP incorporates many of the changes required by Water Board staff. However, the Municipalities have not yet incorporated all of the changes required by Water Board staff in order to recommend approval of the SWMP.	Revise BMP 4.IV to incorporate the following elements: <ul style="list-style-type: none"> • A statement that the Municipalities will require winterization at construction sites prior to October 15 or the first forecasted significant rainfall, whichever comes first; • Clear numeric goals for inspection frequency (e.g., "100% of construction sites will be inspected daily/weekly"); • Modify the measurable goals to state that the Municipalities will evaluate the effectiveness of the current ordinances based on enforcement activities, abatement results, and water quality protection objectives; and • Concrete measurable goals for speed and effectiveness of enforcement actions.
23	BMP 4.IV	Construction Site Inspection and Enforcement Consistency	The Draft SWMP is not clear on how the Municipalities will ensure that construction site inspections and enforcement are consistent throughout the construction process.	Revise BMP 4.IV to state that the Municipalities will inspect 100% of sites at the stated frequency for compliance with the General Permit and the SWMP until construction is complete, disturbed soil is stabilized, and construction materials and waste are removed.

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24	Section V	Objectives	The Draft SWMP lists three objectives the Municipalities will have in mind when they review development project plans. However, the list does not adequately reflect the objectives of the MCM.	Revise the list of objectives to include the following additional objectives: <ul style="list-style-type: none"> • Conservation of aquatic, riparian, and wetland habitat; • Preservation of natural stream channel structure, alignment, stability, and functions; and • Watershed protection and health.
25	BMP 5.XII	Hydromodification Management Plan Timing	The Draft SWMP states that the Municipalities will submit Hydromodification Plan criteria for Water Board staff review during the first permit year. However, this statement is not reflected as a measurable goal.	Revise BMP 5.XII to include a measurable goal to submit Hydromodification Plan criteria for Water Board staff review during the first permit year.
26	BMP 5.III	Supplemental Provisions (Attachment 4)	The Water Board has determined that all operators of regulated MS4s must implement the Supplemental Provisions described in General Permit Attachment 4, regardless of size or growth rate, in order to achieve the MEP standard. The Draft SWMP states that Gilroy, the County, and Morgan Hill will require design standards for projects that fall under the Attachment 4 requirements. However, it is unclear in the SWMP that the Permittees intend to apply the Supplemental Provisions to projects throughout the entire permit area that fall into one of the seven categories listed in Attachment 4.	Revise BMP 5.III to state that the Municipalities will apply the Supplemental Provisions of Attachment 4 to all projects throughout the entire permit area that fall into one of the seven categories listed in Attachment 4.
27	BMP 5.III	Supplemental Provisions (Attachment 4)	BMP 5.III includes a measurable goal to develop, implement, and enforce a program to address stormwater runoff from new and redevelopment projects.	Omit the measurable goal from BMP 5.III.

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			This statement is intended by the General Permit as a requirement of the whole MCM.	
28	BMP 5.III and BMP 5.IV	Post-Construction Stormwater BMPs	The Draft SWMP contains two BMPs (5.III and 5.IV) to develop and require post-construction stormwater BMPs. This is confusing.	Rename BMP 5.III to reflect the fact that it is concerned only with the requirements of the Supplemental Provisions (General Permit Attachment 4).
29	BMP 5.III	Implementation of Supplemental Provisions (Attachment 4)	The Draft SWMP states that Gilroy and the County will begin requiring compliance with the Supplemental Provisions in the fourth permit year, and that Morgan Hill will continue requiring compliance. However, it is not clear that Gilroy and the County will require full compliance with all of the Supplemental Provisions prior to the end of the fifth permit year.	Revise BMP 5.III to indicate that the County and Gilroy will require full compliance with all of the Supplemental Provisions in the fourth, and all subsequent, permit years; and that Morgan Hill will require full compliance with all of the Supplemental Provisions in the first, and all subsequent, permit years.
30	BMP 5.IV	BMP Criteria and Design Standards	<p>The Draft SWMP states that the Municipalities will determine whether existing criteria and design standards meet permit and LID requirements. This list is incomplete. The Municipalities must develop BMP criteria and standards consistent with all General Permit and SWMP requirements.</p> <p>The Draft SWMP does not include measurable goals for the implementation of existing BMP criteria and standards while they are under review.</p>	<p>Revise this statement to clarify that the Municipalities will evaluate existing BMP criteria and design standards for compliance with all General Permit and SWMP requirements, and will modify the criteria and standards as necessary.</p> <p>Revise BMP 5.IV to include a statement that the Municipalities will require 100% of new development and redevelopment projects to comply with existing post-construction stormwater control BMP criteria and standards.</p>

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31	BMP 5.II	Development Review Process	<p>The Draft SWMP states that the Municipalities will review their existing development review processes during the first two permit years, but does not state explicitly that the Municipalities will modify the processes and implement the changes.</p> <p>The Draft SWMP states that the Municipalities will review all new development and redevelopment projects using the new development review processes, but does not include measurable goals related to implementing the existing processes.</p> <p>The Draft SWMP states that the Municipalities will ensure that stormwater quality and quantity are included when evaluating the potential environmental impacts of projects. However, these objectives do not adequately reflect the objectives of the MCM.</p>	<p>Revise BMP 5.II to state that the Municipalities will modify their existing development review processes consistent with General Permit requirements, and begin implementing the new process in the third permit year.</p> <p>Revise BMP 5.II to state that the Municipalities will apply their current development review processes to 100% of new development and redevelopment projects, until the current processes are superseded by the modified processes in the third permit year.</p> <p>Revise this statement to include the following additional objectives:</p> <ul style="list-style-type: none"> • Conservation of aquatic, riparian, and wetland habitat; • Preservation of natural stream stability, channel structure, alignment, and functions; • Analysis of cumulative incremental impacts of development; and • Long-term watershed protection and health.
32	BMP 5.XV	Land Use Policies	<p>The Draft SWMP does not yet specify measurable goals for the implementation of modified land use policies, ordinances, and procedures, or for the implementation of current policies, ordinances, and procedures</p>	<p>Revise BMP 5.XV to state that the Municipalities will subject 100% of development and land use proposals to the watershed protection measures of the modified land use policies, ordinances, and procedures. State also that the</p>

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			while they are under review and revision.	Municipalities will subject 100% of development and land use proposals to current policies, ordinances, and procedures while they are under review and revision.
33	BMP 5.XI	Interim Hydromodification Control Criteria	The Draft SWMP states that the Municipalities will submit interim hydromodification control criteria to Water Board staff within the first permit year, and begin implementing interim hydromodification control criteria in the third permit year. However, permittees must begin implementing interim hydromodification control criteria for all new development and redevelopment projects immediately following the end of the first permit year.	Revise BMP 5.XI to incorporate the following changes: <ul style="list-style-type: none"> • State that the Municipalities will submit their interim hydromodification control criteria for Water Board staff review at least three (3) weeks before the end of the first permit year; and • State that the Municipalities will implement interim hydromodification control criteria approved by the Water Board for all new development and redevelopment projects—including all necessary plan review procedures, inspection procedures, and staff training— at the beginning of the second permit year.
34	BMPs 5.II, 5.IV, 5.V, 5.VI, 5.VIII, 5.IX, 5.X, and 5.XIII	Implementation of Interim Hydromodification Control Criteria	Implementation of interim hydromodification control criteria by the beginning of the second permit year will require changes to the Municipalities' ordinances, conditions of approval, stormwater control BMP guidance resources, development plan review procedures, construction site inspection procedures, post-construction stormwater control BMP tracking procedures, long-term stormwater control BMP maintenance procedures, and staff training programs. However, the Draft SWMP does not include measures to support implementation of	Revise the SWMP to include a measurable goal, or goals, that the Municipalities will modify, create, adopt, and/or implement ordinances, conditions of approval, stormwater control BMP guidance resources, development plan review procedures, construction site inspection procedures, post-construction stormwater control BMP tracking procedures, long-term stormwater control BMP maintenance procedures, and staff training programs necessary to implement Water Board-approved interim hydromodification control criteria by the beginning of the second permit year.

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			interim hydromodification control criteria in the second permit year for many of these areas.	
35	BMP 5.XIV	Long-Term Watershed Protection	<p>The Draft SWMP states that the Municipalities will review their master Drainage Plans or General Plans to determine whether they incorporate long-term watershed protection efforts. This is incomplete. The Water Board expects permittees to integrate desired watershed conditions and stormwater management measures into all aspects of land use planning and development.</p> <p>The Draft SWMP states that the Municipalities will begin developing a long-term watershed management plan in the fourth permit year. However, the Draft SWMP does not include a measurable goal for when the Municipalities will complete and implement the long-term watershed management plan.</p>	<p>Revise BMP 5.XIV to incorporate the following changes:</p> <ul style="list-style-type: none"> • Include a measurable goal to define desired watershed conditions, including a clear statement of when the Municipalities will complete this task; and • Include a statement that the Municipalities will integrate desired watershed conditions and stormwater management measures into all aspects of land use planning and development. <p>Revise BMP 5.XIV to include a statement that the Municipalities will complete the long-term watershed management plan, and begin implementation, by the end of the fifth permit year.</p>
36	BMP 5.XIV and BMP 5.XV	Format	The overlap between BMP 5.XIV and BMP 5.XV is confusing and creates redundancy.	Integrate BMP 5.XIV with BMP 5.XV, or clarify the distinction between them.
37	BMP 5.I	Post-Construction Stormwater Ordinance	The Draft SWMP states that the Municipalities will adopt the ordinance by the end of the third permit year. However, Table 5 indicates that the Municipalities will adopt the ordinance by the end of the fourth permit year. In addition, the Draft SWMP does not	<p>Revise BMP 5.I to incorporate the following changes:</p> <ul style="list-style-type: none"> • Clarify when the ordinance will be adopted; and • Include the measurable goal that the Municipalities will implement and enforce the new ordinance for 100% of new

Item #	SWMP Section	Subject	Issue	Required Revisions
			<p>include measurable goals for the implementation of the new ordinance.</p> <p>The Draft SWMP states that the Municipalities will review existing General Plans and local land use policies to determine whether they provide a framework for enforcing compliance with the General Permit. However, the Draft SWMP does not include measurable goals for the implementation of the existing Plans and policies.</p> <p>BMP 5.1 contains measurable goals referring to stormwater policies and procedures that are not connected to the stormwater ordinance.</p>	<p>development and redevelopment projects.</p> <p>Revise BMP 5.I to include the measurable goal that the Municipalities will implement and enforce the water quality protection measures of existing General Plans and local land use policies for 100% of new development and redevelopment projects.</p> <p>Remove these measurable goals from BMP 5.I.</p>
38	BMP 5.VI	Low Impact Development (LID)	<p>The Draft SWMP states that the Municipalities will adopt either the LID criteria developed by the CCLID Center or criteria developed by another municipality. However, the CCLID Center is working with municipalities in the Central Coast Region to develop final hydromodification control criteria, not LID criteria. In addition, one of the measurable goals for this BMP states that the Municipalities will require 100% of projects subject to the HMP to maximize LID. However, all projects must maximize LID according to the final hydromodification criteria and applicability criteria approved by the</p>	<p>Revise BMP 5.VI to incorporate the following changes:</p> <ul style="list-style-type: none"> • Remove the statement and the measurable goal that the Municipalities will monitor the progress of the CCLID Center and adopt either the LID criteria developed by the CCLID Center or criteria developed by another municipality. • Revise the measurable goals to state that the Municipalities will apply the requirements and standards of the LID manual to all new development and redevelopment projects by the end of the third permit year, according to hydromodification control criteria and applicability criteria developed by the

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			Water Board.	Municipalities and approved by the Water Board.
39	BMP 5.II	Conditions of Approval	<p>The Draft SWMP states that the Municipalities will develop conditions of approval for new development and redevelopment projects based on stormwater issues, including requirements to comply with numeric hydromodification control criteria, Attachment 4 design standards, and long-term watershed protection criteria. This list is incomplete.</p> <p>The Draft SWMP states that the Municipalities will measure the effectiveness of the conditions of approval. This is vague.</p>	<p>Revise BMP 5.II to include a statement that the Municipalities will develop conditions of approval for all new development and redevelopment projects that incorporate the following elements, in addition to those already listed in BMP 5.II:</p> <ul style="list-style-type: none"> • Interim hydromodification control criteria; • The requirement to maximize LID, subject to hydromodification control criteria and applicability criteria developed by the Municipalities and approved by the Water Board; • Riparian buffer standards; • The requirement to submit erosion and sediment control plans for approval; • The requirement to implement post-construction stormwater controls; • Long-term maintenance of stormwater control BMPs. <p>Revise BMP 5.II to incorporate the following elements:</p> <ul style="list-style-type: none"> • A statement that the Municipalities will evaluate current conditions of approval on the basis of their effectiveness at satisfying General Permit and SWMP requirements; • A statement that the Municipalities will complete their review of current conditions of approval, and modify them where necessary to satisfy General Permit and

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				<p>SWMP requirements, by the end of the third permit year;</p> <ul style="list-style-type: none"> • A statement that the Municipalities will incorporate interim hydromodification control criteria into their conditions of approval prior to the beginning of the second permit year; • A statement that the Municipalities will require 100% of new development and redevelopment projects to comply with current and modified conditions of approval; and • A statement that the Municipalities will modify the new conditions of approval to incorporate new requirements for post-construction stormwater controls as the Municipalities develop and adopt them.
40	BMP 5.VIII	Construction Site Inspection Procedures	<p>The Draft SWMP states that the Municipalities will evaluate the effectiveness of current post-construction BMP inspection procedures based on enforcement activities and abatement results. This is incomplete.</p> <p>The Draft SWMP does not include numeric measurable goals for the implementation of current procedures for inspecting post-construction stormwater controls.</p>	<p>Revise BMP 5.VIII to clarify that the Municipalities will evaluate the effectiveness of current post-construction BMP inspection procedures at satisfying General Permit and SWMP requirements for new development and redevelopment.</p> <p>Revise BMP 5.VIII to include a statement that the Municipalities will inspect 100% of post-construction stormwater control BMPs according to current inspection procedures while the Municipalities are developing the new procedures.</p>
41	BMP 5.II, BMP 5.X	Measurable Goals	The Draft SWMP states that the Municipalities will review and revise the CEQA checklist during the first and	<p>Revise BMP 5.II to incorporate the following elements:</p> <ul style="list-style-type: none"> • A statement that the Participants will

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			<p>second permit years to ensure that stormwater quality and quantity are included when evaluating potential environmental impacts of projects. This is incomplete.</p>	<p>evaluate and modify the current CEQA checklist to include analysis of the following impacts:</p> <ul style="list-style-type: none"> - The impact of stormwater quantity and quality on aquatic systems and watershed health; - Cumulative watershed impacts of existing and proposed development; and - The impact of flood control measures on watershed health; and • A measurable goal that the Municipalities will adopt and implement a revised CEQA checklist by the end of the second permit year.
42	BMP 6.I	Housekeeping Practices	<p>The Draft SWMP does not yet contain measurable goals for the implementation of current and revised good housekeeping practices.</p>	<p>Revise BMP 6.I to include a statement that the Municipalities will implement 100% of current good housekeeping practices, policies, and procedures; and will implement 100% of revised good housekeeping practices, policies, and procedures once they are developed.</p>
43	BMP 6.IV	Cleaning Storm Drain Facilities	<p>The Draft SWMP states that the Municipalities will evaluate the effectiveness of their storm drain facility cleaning programs based on inspection and cleaning efforts. This is incomplete.</p> <p>The Draft SWMP states that the Municipalities will develop criteria for cleaning and maintaining storm drain facilities. This is vague.</p>	<p>Revise this statement to include water quality protection, aquatic habitat protection, and watershed health as criteria the Municipalities will use to evaluate the effectiveness of their current criteria for cleaning and maintaining storm drain facilities.</p> <p>Revise BMP 6.IV to include a statement that the Municipalities will develop criteria for cleaning and maintaining storm drainage facilities that achieve the following objectives:</p>

Item #	SWMP Section	Subject	Issue	Required Revisions
				<ul style="list-style-type: none"> • Water quality protection; • Aquatic habitat protection; and • Watershed health.
44	TMDLs	Measures to Control Nitrate	<p>The Draft SWMP states that it is not a goal of the SWMP to target BMPs to specific TMDLs, but to implement BMPs throughout the permit area. While the Municipalities may implement BMPs that target multiple pollutants, the SWMP must still give adequate attention to TMDLs. Appendix C.1 lists BMPs that target each POC, including nutrients. However, it is not clear in the Draft SWMP which BMPs target nitrate in particular. For instance, BMP 1.1 lists each Participant's educational brochures, but it is not clear that any of the brochures for residents target lawn maintenance activities, fertilizer use, green waste disposal, or pet waste management. The SWMP must specify how the Municipalities' stormwater programs effectively target nitrate in particular.</p>	<p>Revise Appendix C.1, or include a new table in the TMDL section, which clearly identifies the BMPs that explicitly address the most common potential sources of nitrate in stormwater runoff. In particular, indicate how the public education and outreach program targets nitrate. In addition, specify measures the Municipalities will use to determine the SWMP's effectiveness at reducing nitrate in stormwater runoff, and to report on progress toward this goal.</p>
45	TMDLs	Measures to Control Sediment	<p>The Draft SWMP does not yet specify measures the Municipalities will use to determine the SWMP's effectiveness at reducing sediment in stormwater runoff, or measures they will use to report on progress toward this goal.</p>	<p>Revise the Draft SWMP to specify measures the Municipalities will use to determine the SWMP's effectiveness at reducing sediment in stormwater runoff, and to report on progress toward this goal.</p>
46	Whole Document	Consistency in Measurable Goals	<p>Throughout the Draft SWMP, there are measurable goals listed in the BMP descriptions which do not match the measurable goals listed in the BMP</p>	<p>Revise the SWMP to ensure that both listings of measurable goals are complete and accurate.</p>

Item #	SWMP Section	Subject	Issue	Required Revisions
			tables. In addition, many of the measurable goals listed in the BMP descriptions do not indicate when the Municipalities will perform those actions.	
47	Whole Document	Implementation Language	The Draft SWMP contains several measurable goals stating that the Municipalities will begin implementing a certain BMP over a range of years (e.g., the sixth measurable goal of BMP 5.II). This language is confusing. It suggests that the Municipalities will be repeatedly beginning to implement, but never fully implementing, the BMPs.	Revise the SWMP to omit the word “begin” from these measurable goals, and state instead that the Municipalities will implement the given BMPs in each of the indicated years.
48	Whole Document	Editing	The Draft SWMP contains many spelling, grammatical, punctuation, and citation errors. Some of these errors make the SWMP difficult to read and understand.	Revise the SWMP to correct these errors.