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Central Coast Region



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May 16, 2009

BY ELECTRONIC AND REGULAR MAIL

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Mr. Monn:

HYDROMODIFICATION CONTROL AND LONG TERM WATERSHED PLANNING CRITERIA – CITY OF EL PASO DE ROBLES STORM WATER MANAGEMENT PROGRAM, WDID# 3 40MS03019

The Central Coast Regional Water Quality Control Board (Water Board) received the City of El Paso de Robles' (City) 2007-2008 annual report on September 15, 2008. Water Board staff briefly reviewed the City's annual report. Water Board staff also received a revised Storm Water Management Plan (SWMP) on November 7, 2008. We appreciate the City's efforts to clarify and streamline the SWMP to make it more functional and effective.

We recognize the City's efforts to reconfigure Best Management Practices (BMPs) and Measurable Goals (MGs) for several minimum control measures including:

- Public Participation and Involvement stock or standard presentations (BMP PP2),
- Illicit Discharge Detection and Elimination investigation response tracking (BMP ID1) and comprehensive ordinance review (former BMP ID7 revised as BMP ID2), and
- Construction Site Storm Water Control for City funded construction (BMP CS5)
- Post-Construction self-certification program (BMP PC1), and the City's Policy and Process Revisions (BMP PC2).

These modifications demonstrate the City's willingness to address water quality issues from urban sources and good incremental improvements in the City's SWMP.

In our review of the City's 2006-2007 Annual Report (dated March 6, 2008), we asked you to determine the most efficient reporting schedule to complete the first 5-year permit cycle. You responded on May 6, 2008, the City prefers to conclude the first cycle with the 5th year Annual Report through June 30, 2010 and submitted in September 2010. We find this an acceptable schedule and have incorporated it in some of the required actions documented in this letter.

California Environmental Protection Agency



Recycled Paper

On February 15, 2008, Water Board staff notified several municipalities subject to the NPDES General Permit for Phase II Municipal Separate Storm Sewer Systems (MS4) regarding expectations for post-construction hydromodification criteria necessary to meet the General Permit's Maximum Extent Practical (MEP) standard. Over the past 15 months several Central Coast Phase II MS4s have adopted BMPs for developing hydromodification criteria as detailed in our February 15 letter. In the remaining portion of the City's permit cycle, Water Board staff require the City to also incorporate BMPs for developing hydromod criteria in the City's SWMP to meet MEP. The City must address the following issues and actions in the City's **next annual report**.

Hydromodification Control Criteria

Regulated MS4s must adopt BMPs to protect beneficial uses and promote the desired conditions of healthy watersheds to meet the MEP standard, including:

- Rainfall surface runoff at pre-development levels,
- Watershed storage of runoff (through infiltration, recharge, baseflow, and interflow) at pre-development levels,
- Watercourse geomorphic regimes (including stream bank stability and sediment supply and transport) within natural ranges,
- Optimal riparian and aquatic habitats,
- Protection of riparian areas, wetlands, and their buffer zones, and
- Long-term watershed protection.

Issue

The City's SWMP does not include a plan for developing numeric hydromodification control criteria. The Water Board expects the City to develop and implement numeric hydromodification control criteria.

Action Required: **Revise the City's SWMP** to include a BMP to ensure the development of hydromodification control criteria, per the expectations described in the Water Board's February and July 2008 letters, and subsequent Water Board and Executive Officer approval of SWMPs for other Central Coast MS4s.

Interim Hydromodification Control Criteria

Regulated MS4s must adopt interim hydromodification control criteria as a step toward establishing long-term hydromodification criteria. These requirements entail providing a schedule to develop and adopt interim hydromodification control criteria by the end of Year 5.

Issue

The SWMP does not include a BMP to develop interim hydromodification control criteria.

Action Required: **By the submittal of the next annual report** (due September 15, 2009), revise the Post-Construction Storm Water Management (MCM 5) section of the City's SWMP to include a BMP for developing interim hydromodification criteria using one of the options listed below. The criteria must be developed and adopted **by the end of the permit cycle** (June 30, 2010). The criteria should take into account the ability to maximize infiltration of clean stormwater, minimize runoff volume and rate, serve as a useful quantifiable measure of healthy watersheds, and



be consistent with the intended goals of the Water Board including, but not limited to, healthier and more sustainable watersheds by 2025.

Option 1

The proposed criteria may include the following types of requirements which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:

- For new development and re-development projects, effective impervious area¹ shall be maintained at less than five percent (5%) of total project area.
- For new development and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-construction² runoff hydrographs, for a range of events with return periods from 1-year to 10-years.
- For projects whose disturbed project area exceeds two acres, preserve the pre-construction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream³ or larger, and ensure that post-construction time of concentration is equal or greater than pre-project time of concentration.

Option 2

The City may use the following process to develop interim criteria as effective as the above criteria. "As effective as" means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the City and San Luis Obispo County watersheds) to control hydromodification and protect the biological and physical integrity of the City's individual watersheds.

Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:

- A. Adopt and implement hydromodification criteria developed by another local municipality and approved by Board staff, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria;

OR use the following methodology to develop interim criteria:

- B. Include a BMP to develop interim hydromodification criteria. The BMP shall state:

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

² Pre-construction condition is defined as undeveloped soil type and vegetation. The term "pre-development" is commonly used to describe this condition.

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



The City shall develop interim flow control and infiltration criteria. These interim criteria shall be developed by the end of Year 5 (June 2010). These interim criteria will be replaced by the final hydromodification control criteria that must be developed by the City by June 2013 or subsequently directed by the Executive Officer. For the interim criteria, the City shall:

- Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-project⁴ runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses.
- Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable low-impact development strategies.
- Identify the projects, including project type, size and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria will include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.
- Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, including continuous simulation of the entire rainfall record.
- Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.

Recommendation: To facilitate effective and consistent hydromodification control criteria, we strongly suggest the City coordinate closely with the San Luis Obispo Partners for Water Quality to cooperatively develop interim and long-term hydromodification control criteria.

Long-Term Watershed Planning

Regulated MS4s must adopt a plan for conducting long-term watershed planning to meet the MEP standard.

Issue: The SWMP does not include a plan for conducting long-term watershed planning. To establish and maintain meaningful long-term hydromodification control criteria, the City must assess watershed scale issues and conditions, coordinate with other municipalities/governments within the same watershed, and specifically focus on future growth areas.

Action Required: By the next annual report (due September 15, 2009), add a BMP to the SWMP to demonstrate the City will proactively work towards long-term

⁴ Pre-project is defined as the condition immediately prior to the proposed project. The condition includes, but is not limited to; soil type, vegetation, and amount of impervious surface (see more at Water Board's May 8, 2009 hearing Item 13, Supplemental Sheet prepared April 30, 2009 for Grover Beach).



watershed planning. The following excerpt, from our July 10, 2008 letter, outlines Water Board staff's expectations for long-term watershed planning:

"[Water Board staff] expects that [the City will] provide long-term watershed protection...meaning that [the City's] SWMP must include a schedule (of BMPs) to integrate all stormwater management control measures into all aspects of land use planning and development (municipal plans, policies, ordinances, codes, conditions of approval, etc.) to attain/protect healthy watersheds. Municipalities must understand the specific water quality and watershed issues in their areas, such as pollutant loading, aquatic habitat degradation, types of land uses and their impacts, trends, and the cumulative effects from multiple municipalities in a watershed. Municipalities must plan comprehensively to define their future growth, including infrastructure and redevelopment, in the context of long-term watershed protection. [Water Board staff recommends] that municipalities located in the same watershed work together and pool resources to define water quality and watershed scale issues, and assess watershed conditions, in a coordinated manner. This type of collaborative approach is being used by almost 3,000 farmers in our region, as they also learn how to comply with the Water Board's requirements to define and resolve water quality and watershed scale issues. Farmers in our region established a non-profit organization that coordinates and streamlines their compliance efforts, helps minimize costs, and helps disseminate information among farmers and between farmers and the Water Board."

Development Review for Post-Construction Stormwater Management

Regulated MS4s must adopt procedures to apply and implement hydromodification control criteria as part of the development review and permitting process.

1. Hydromodification Control Criteria for Development Review

Issue: The City has not developed a plan for institutionalizing hydromodification control criteria into the City's development review process.

Action Required: **By the next annual report**, revise BMP PC3 or add a new BMP to ensure that the City will have adequate permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for hydromodification control by the end of Year 5.

2. Projects Subject to New Design Requirements

Issue: The SWMP does not identify the stage in the project planning process that will serve as the cut-off point to determine which projects will be subject to the interim hydromodification control criteria.

Action Required: **By the next annual report**, the City must identify the stage in the project planning, design, and review process that the City will use as the cut-off point to determine which projects in the development review pipeline will be subject to new design requirements. For projects in the planning, design, and review process at the time the new design requirements take effect, the cut-off



point must be chosen in order to apply the new design requirements to as many projects as is feasible.

3. Evidence of Compliance with Adopted Hydromodification Requirements

Issue: The SWMP does not identify the stage or mechanism in the project planning process that City staff will use in evaluating projects to ensure the projects include adequate post-construction stormwater BMPs.

Action Required: By end of Year 5 or adoption of Interim Hydromodification Criteria, which ever comes first, the City must include review and revision (if necessary) of the California Environmental Quality Act (CEQA) initial study checklist. The City must make certain runoff quality and quantity are considered by the list, or through other means, to ensure that CEQA analyses are based on complete information, including the types, sizes, and locations of structural post-construction BMPs.

Required Actions

Issues detailed in this letter require revisions to the City's SWMP. We require these revisions, pursuant to General Permit Section D, to ensure that the SWMP reduces the discharge of pollutants to the MEP and protects water quality. The **next annual report** must indicate that you have made these revisions and have taken the required actions.

Please submit new BMPs addressing the Hydromodification Control, Long Term Watershed Planning and Development Review for Post-Construction Stormwater Management in your **next annual report, due September 15, 2009**. Please submit all materials in electronic format (MS Word). Any modifications in SWMP language must be provided in a format that allows us to review the existing and modified language (e.g., track changes in MS Word).

If you have questions regarding this matter, please contact **David Innis at (805) 549-3150** or dbinnis@waterboards.ca.gov or Lisa McCann at (805) 549-3132 or lmccann@waterboards.ca.gov.

Sincerely,


for Roger W. Briggs
Executive Officer

cc:

Patti Gwathmey, City of El Paso de Robles. pgwathmey@prcity.com