

Construction Industry Coalition on Water Quality

January 28, 2011

VIA E-Mail: Dale Bowyer dbowyer@waterboards.ca.gov

Bruce Wolf, Executive Director
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Comment Special Projects Proposal/LID Treatment Reduction Credits MRP Provision C.3.e.ii.(2)

Dear Mr. Wolf;

On behalf of the more than 3,000 member companies of the Construction Industry Coalition on Water Quality (CICWQ), we would like to thank the San Francisco Bay Regional Water Quality Control Board (Regional Board) for the opportunity to offer this public comment on the Special Projects Proposal/LID Treatment Reduction Credits MRP Provision C.3.e.ii.(2). This letter provides constructive suggestions that we have for the Special Projects proposal made by BASMAA. In addition, please note that we are in support of the comments and suggestions made by the Building Industry Association of the Bay Area to the Regional Board concerning this matter.

I. Introduction

CICWQ is comprised of the four major construction and building industry trade associations in Southern California: the Associated General Contractors of California (AGC), the Building Industry Association of Southern California (BIA/SC), the Engineering Contractors Association (ECA) and the Southern California Contractors Association (SCCA). The membership of CICWQ is comprised of construction contractors, labor unions, landowners, developers, and homebuilders working throughout the region and state.

These organizations work collectively to provide the necessary infrastructure and support for the region's business and residential needs. Members of all of the above-referenced organizations are affected by the content of the Special Projects proposal, as are thousands of construction employees and builders working to meet the demand for modern infrastructure and housing throughout California. Our organizations support efforts to improve water quality in a cost effective manner throughout California. Our comments and suggestions on the Special Projects proposal as well as our active involvement in many MS4 permitting processes in California reflects our commitment to protect water quality while at the same time preserve our member's economic viability in this difficult economic environment. Our membership has invested significant resources into developing

sound engineering approaches for Low Impact Development (LID) stormwater management techniques and for hydromodification control, facilitating the appropriate application of these valuable approaches to water quality management. Our comments reflect this commitment to sound engineering practices and consideration of site-specific feasibility considerations.

II. Primary Statement

As the BIA Bay Area points out in their comment letter, a volume reduction credit should be at the heart of this Special Projects proposal and that the program recommended by BASMAA does not go far enough to reward infill development for reducing existing impervious surfaces or creating less accessory impervious area and auto-related pollutant impacts. A number of other programs, including those in California and nationwide, provide some amount of volume reduction credit for dense, urban new and redevelopment projects. Having this type of incentive will encourage creative management of the remaining design storm capture volume, including the use of high-flow rate based biofiltration systems to meet the on-site design storm volume capture standard. Simply increasing slightly the toolbox of LID best management practices to include just tree-box, sand filter and/or vault type systems is not sufficient to encourage the type of land development that is being encouraged, and in many cases, required in California. All types of LID BMPs, including high-flow biofiltration systems, should be allowed to meet the on-site design storm volume capture standard, especially when volume reduction credits are granted.

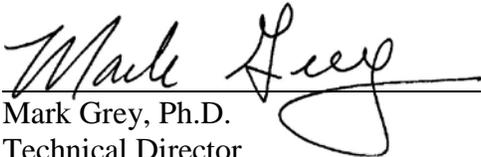
Projects being built in the urban environment already face many technical constraints relative to stormwater management, such as poor or unsuitable soils and space constraints for on-site LID BMPs. In addition, demand for harvested or stored water in urban areas is subject to tremendous fluctuations and uncertainty, given up and down cycles of building occupancy and use. To rely strictly on on-site techniques (and demand) for meeting water quality objectives creates uncertainty relative to water quality control that is unnecessary. And, the Special Projects proposal makes no mention of sub-regional or regional capture opportunities or the ability for a project proponent to participate in such a program to meet its treatment control requirements.

In addition, we are concerned that the very high density recommendations in the proposal (greater than 30 residential units to the acre) are extremely high and likely will apply to very few projects beyond major urban centers, such as San Jose or Oakland. We recommend reducing the density at which project types that qualify for water quality volume reduction credits. The environmental benefits of compact, infill, and redevelopment projects should be encouraged by allowing greater flexibility in the treatment of stormwater runoff and allowing treatment reduction credits for having less accessory impervious areas and auto-related pollutant impacts. Moreover, the BASMAA proposal categories should be expanded to include special consideration of Brownfield development, live-work projects, and redevelopment that reduces the overall impervious footprint of the project site. These project types provide additional environmental benefits and should be eligible for volume reduction credit consideration.

III. Summary

We appreciate the opportunity to comment on the Special Projects proposal and hope that the proposal is modified to respond to the concerns of the business community in the Bay Area, including home building and property development interests. And we would hope CICWQ and other affected stakeholders active in land development are at the table in discussions concerning the BASMAS proposal. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7301, ext. 213, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully,

A handwritten signature in black ink that reads "Mark Grey". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Grey, Ph.D.

Technical Director

Construction Industry Coalition on Water Quality