



Thursday, April 30, 2009

Roger W. Briggs
Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re: RWQCB Letter of April 27, 2009 - Grover Beach SWMP – CCRWQCB Questions Regarding HBA Comments

Dear Mr. Briggs:

The Home Builders Association received your April 27 letter asking us to clarify two points we raised in our Dec. 12, 2008, comments on the Grover Beach Storm Water Management Plan. We appreciate having the opportunity to expand our position for yourself and the Central Coast Regional Water Quality Control Board.

You asked us for (1.) specific examples of a smart growth project being envisioned or one actually under development that would be infeasible if this storm water plan was approved and (2.a) an explanation of why our suggestion to allow two years to develop interim hydromodification criteria is any less of an “artificial deadline” than our concern with the water board staff supporting a one-year deadline and (2.b) what specific milestones would be required to develop interim hydromodification control criteria.

Negative impacts of interim hydromodification control criteria on infill/smart growth

Due to the almost two-year long economic slump few, if any, projects are being built locally. In addition, the CCRWQCB proposed interim hydromodification criteria is totally new on the Central Coast, with none adopted as yet by the local jurisdictions. As a result, it is extremely difficult to find smart growth project examples of applying the proposed interim hydromodification control criteria.

Therefore, the association cited Environmental Protection Agency (EPA) publication (Using Smart Growth Techniques as Stormwater Best Management Practices). The EPA obviously has extensive experience and access to much more data than the association. The EPA publication specifically identifies hindrances to achieving smart growth, among which are proposals that are now included in the proposed CCRWQCB interim hydromodification criteria. We believe that the EPA publication identifies sufficient potential problems to stand by itself.

The association also asked numerous builders, engineering companies, and land use consulting firms on the Central Coast to examine the CCRWQCB’s stormwater management criteria. The responses quickly highlighted the high level of probability that smart growth/urban infill/redevelopment would be much harder to make fiscally feasible.

In addition, there are three infill projects in the City of Grover Beach which demonstrate the unintended consequences of applying seemingly logical stormwater management criteria to urban infill -- a Taco Bell remodeling on the corner of 16th and Grand Avenue, a Chevron redevelopment on the corner of 13th and Grand Avenue, and a four-unit Habitat for Humanity affordable housing development at Fifth and Longbranch. In each case, the costs for infiltration or onsite retention were so expensive or physically difficult that project feasibility became an issue. Taco Bell and Chevron considered abandoning their improvements. Habitat’s affordable housing project survived because consulting firms donated their work on a pro-bono basis.

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The Habitat project uncovered an unintended negative consequence of over-relying on infiltration. It found that infiltration occurred so rapidly in the construction area that surface water was reaching the groundwater without sufficient time for the soil to extract contaminants.

These three infill examples show how ostensibly reasonable stormwater requirements can negatively impact smart growth redevelopment in the urban core. In addition, the EPA (as the source agency for National Pollution Discharge Elimination System permits) seems unquestionably credible when it publishes documents that note how smart growth is hindered by requiring (a.) post-development hydrology to match the pre-development hydrology, (b.) best management practices that replicate natural systems, or (c.) impose impervious coverage limitations.

In its June 27, 2008, letter to you (attached to our Dec. 12, 2008, letter to you), the California Stormwater Quality Association's June 27, 2008, makes a similar point on Page 4. Since CASQA's members provide stormwater management services to 26 million Californians, it is also a credible source to cite.

Interim hydromodification criteria deadline should be two years

Regarding your second concern, the Home Builders Association agrees with the point your question implies. Setting two years to develop the interim hydromodification criteria is also an artificial deadline.

We were trying to propose a reasonable compromise when we suggested two years instead of the one year that the water board staff has favored. Actually, we favor allowing enough time (probably more than two years) for agencies to properly research several approaches in order to determine which proves most effective in local soil, hydrological, and geologic conditions. We recommended two years based on experiences of the development community and storm water regulators in Southern California.

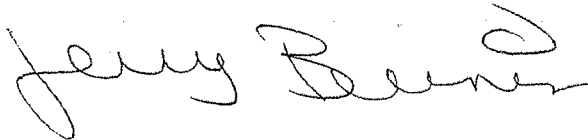
The association is concerned that local jurisdictions are feeling pressured by the one-year deadline and are going to select another government's plan off the shelf without sufficient research time or comparative analysis. That does not seem like good science to us and would not achieve your goal. But allowing a reasonable amount of time for local agencies to research options increases the likelihood of reaching the maximum extent practical in the most efficient manner in terms of time and costs, benefiting all stakeholders, the water board included.

Part of your second question asks for "specific interim milestones toward developing interim criteria or modifying existing criteria that support two years rather one year." That is a good question. We might ask the CCRWQCB - Are there such milestones for doing it in one year?

The newly organized Countywide SLO Hydromodification Technical Advisory Committee is making the development of those milestones one of their first priorities, but has just begun the task. Some of the milestones might be to (a) develop a problem statement and objectives, (b) document and characterize the watershed(s) including assessing watershed geology, stream characteristics, and erosive thresholds, (c) determine future development patterns, (d) determine preliminary assessment methodology, (e) research existing criteria from other jurisdictions, and (f) establish interim hydromodification criteria.

Please let us know if you have any additional questions or if we can be of further assistance.

Sincerely yours



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