

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

**STAFF REPORT FOR REGULAR MEETING OF MAY 12-13, 2010
Prepared April 12, 2010**

ITEM NUMBER: 17

SUBJECT: Municipal Stormwater Program Status Report

KEY INFORMATION:

Location: Region-wide
Discharge Type: Municipal Storm Water
Existing Orders: Water Quality Order No. 2003-0005-DWQ, Order No. R3-2004-0135
This Action: Informational

SUMMARY

At the March 18, 2010 Central Coast Regional Water Quality Control Board (Water Board) meeting, Water Board members requested an update on staff implementation of the municipal stormwater program. Generally, Water Board members indicated they were interested in receiving information on (1) Water Board staff's enrollment of municipalities under the Phase II General Statewide Municipal Stormwater Permit; (2) Water Board staff's municipal stormwater audits and annual report reviews; (3) Joint Effort for Hydromodification Control progress; (4) Central Coast Low Impact Development Initiative status and municipal low impact development implementation progress; and (5) State Water Resources Control Board (State Water Board) Hydromodification Technical Advisory Committee status. Each of these items is discussed below.

DISCUSSION

Phase II Stormwater Program for Small Municipalities

The majority of the municipalities within the Central Coast region fall under the Phase II federal National Pollutant Discharge Elimination System stormwater regulations for small municipalities. As such, their urban runoff discharges are subject to the State Water Board's General Statewide Small Municipal Separate Storm Sewer System (MS4) Permit (General Permit). The General Permit calls for the Water Boards to designate and enroll small MS4s under the General Permit. Small MS4s are typically categorized as "traditional" or "non-traditional," with traditional small MS4s serving standard communities and non-traditional small MS4s serving college campuses and other similar facilities.

We recently reassigned stormwater tasks and geographic area assignments to Water Board staff in the Stormwater/Water Quality Certification programs based on a reduction in staff for the programs (two people left and one person transferred in) and an

evaluation of workload associated with staff assignments and priorities. Staff will continue to work in geographic areas so staff can take advantage of integration or overlap between different program tasks. For example, processing water quality certifications for projects that impact streams directly also provides insight into how municipalities are applying low impact development strategies. Oversight of compliance with construction and industrial stormwater sites informs staff on how municipalities are implementing construction and commercial/industrial control components of their Storm Water Management Programs. Staff will also be better equipped to develop stakeholder relations, track water quality improvements in watersheds or specific waterbodies within their geographic assignments, and coordinate with Water Board staff in other programs working in similar geographic areas. For the stormwater program, the geographic area assignments correspond best to county boundaries, which is how municipalities are often organized to conduct stormwater management. These new staff assignments better balance individual staff workloads while addressing stormwater management program priorities.

Enrollment of Small Municipalities Under the General Permit

Water Board staff prioritized small MS4s for enrollment in 2003 and began the work of enrolling high priority small MS4s under the General Permit in 2004. Despite staff's best efforts, only approximately 15 small MS4s were enrolled by the end of 2007 (out of 41 high priority small MS4s). In December 2007, Water Board staff presented to the Water Board a strategy for improving the efficiency of small MS4 enrollment. This strategy committed Water Board staff to an accelerated enrollment schedule, under which staff anticipated enrolling 23 high priority traditional small MS4s and three high-priority non-traditional small MS4s over a period 14 months, between July 2008 and September 2009. As of this writing, staff has completed enrollment of 25 of these 26 small MS4s. Water Board staff expects the remaining MS4, Vandenberg Air Force Base, to be enrolled within the month, before June 2010.

Oversight of Enrolled Small MS4s

Since late 2007, enrollment of small MS4s has been stormwater staff's highest priority. Staff finds enrollment of small MS4s to be essential work, because enrollment triggers full scale implementation of MS4s' Storm Water Management Programs over large geographic areas, which address a wide range of threats to watershed health, such as hydromodification and discharge of urban pollutants. During this period of focused enrollment, it has been necessary for Water Board staff to make regulatory oversight of MS4s already enrolled a secondary priority. Staff has sought to balance the primary need to enroll MS4s and begin Storm Water Management Program implementation with the secondary need to provide regulatory oversight of those MS4s already enrolled. When enrollment schedules have allowed, staff has focused on audits and annual report reviews of enrolled MS4s' programs.

Audits

Over the past year and a half, staff has conducted ten audits of MS4s. In January 2009, Water Board staff audited the construction and post-construction components of the County of Santa Barbara's Storm Water Management Program. This audit was conducted in conjunction with the 2007/2008 Annual Report Review, and resulted in a

Water Board letter to the County identifying necessary program improvements. The County submitted its response with its 2008/2009 Annual Report, which is currently under review by Water Board staff.

In May 2009, Water Board staff individually audited each of the eight municipalities that are part of the Monterey Regional Stormwater Group. The audits focused on implementation of the construction and municipal components of the municipalities' programs. The audits identified violations and required improvements, which were conveyed to the municipalities during the audit and were included in a Notice of Violation. The municipalities have come into compliance with some of the violations and required improvements identified in the Notice of Violation. Staff is issuing a second Notice of Violation for components of their programs that remain out of compliance. In September 2009, Water Board staff, in conjunction with USEPA contractors, audited the City of Monterey's entire Storm Water Management Program. The findings of this audit and staff's actions in response to the audit are addressed in detail as part of item 16 of the agenda for this May 12-13, 2010 Water Board meeting.

Water Board staff audits up to this point have focused in those geographic areas where municipalities have been enrolled for an extended time period. This has somewhat limited the number of municipalities eligible for audits, but has also allowed municipalities some time to get their programs in place and up and running prior to their programs being audited. Within areas where municipalities have been enrolled for more than a year, audits have targeted municipalities that have relatively greater potential to impact healthy watersheds, whether due to size, location, potential rate of growth, or other factors. For example, the City of Monterey was audited because it has been enrolled since 2006, has the largest population in its immediate area, and conducts construction site oversight for other local municipalities.

Now that most priority traditional MS4s are enrolled, Water Board staff will have more resources available for conducting audits and will be expanding audits into other areas of the region. Each Water Board stormwater staff is assigned a geographic area, and will be tasked with developing a municipal stormwater oversight plan to address the high priority impacts to healthy watersheds occurring within those areas. Audits will be a significant component of the plans, and will initially focus on those program components or municipalities with the greatest potential to cause or contribute to the high priority impacts present within each staff member's geographic area. The audits will include office and field assessments, reporting of findings, and follow-up actions by Water Board staff to address noted violations and other deficiencies. Staff plans to audit ten MS4s in fiscal year 2009-2010.

Annual Report Reviews

At this stage of implementation of the Phase II stormwater program, Water Board staff has received annual reports from ten municipalities or groups of municipalities (the eight municipalities in the Monterey Regional Stormwater Group collectively submit one annual report). Some of these municipalities have been submitting annual reports for several years, while others have recently submitted their first annual reports. For municipalities that have been enrolled for several years, their Storm Water Management Programs have not typically been aligned with Water Board staff's current requirements for the Phase II stormwater program (best management practices in newer Storm Water

Management Programs), particularly with respect to hydromodification control/low-impact development implementation, effectiveness assessment, and watershed planning and protection. In those cases, staff has been working with the municipalities to address the necessary improvements to their programs, and is often focusing its annual report review on Storm Water Management Program updates included with the annual reports, to ensure the Storm Water Management Programs are aligned with Water Board staff requirements. For municipalities submitting annual reports for the first time, staff will generally be conducting detailed reviews of the entire annual reports, or those aspects of the reports deemed by staff most critical for attaining healthy watersheds. Staff plans to augment the reviews with audits for wider ranging assessment of municipalities' compliance. The table below shows the current status of Water Board staff's annual report reviews.

Status of Municipal Stormwater Annual Report Reviews

Municipality	Report Due Date	Level/Focus of Review	Status of Review	Results of Review	Water Board Staff Follow-up
San Luis Obispo County	6/8/09	Review response to previous annual report review and SWMP updates	Completed	Staff enforcement letter issued 8/10/09	Completed review of County's response to letter; partially approved proposed revisions to SWMP; notified County of remaining required revisions
Paso Robles	9/15/09	Review response to previous annual report review and SWMP updates	Pending	N/A	N/A
Morgan Hill	9/15/09	Full review	Completed	NOV issued 12/2/09	Completed review of City's partial response to NOV and found it adequate; review of additional responses from City in next annual report planned
Santa Barbara County	9/15/09	Review response to previous annual report review and SWMP updates	Pending	N/A	N/A
Monterey Regional (eight MS4s)	11/15/09	Review response to previous annual report review and SWMP updates	Completed	NOV pending	Review response to NOV
Soledad	12/6/09 (Received 4/5/10, 120 days late)	Review response to previous annual report review and SWMP updates	Pending, just received	Initial NOV for failure to submit report on time	Review response to NOV
Hollister	12/31/09	Full review	Completed	NOV pending	Review response to NOV
Santa Maria	12/31/09 (1 st report)	Full review	Pending	N/A	N/A
Lompoc	1/22/10 (1 st report)	Full review	Pending	N/A	N/A
Santa Barbara	4/1/10 (1 st report)	Full review	Pending, just received	N/A	N/A

Each Notice of Violation itemized in the table above has been issued by staff for a variety of violations and deficiencies. Most typically, staff has noted violations for a MS4's failure to implement some best management practices in their Storm Water Management Program or failure to adequately report the information necessary for staff to assess compliance. Staff also typically identifies program implementation and reporting deficiencies, where improvement would enhance program effectiveness. While staff has found that each MS4 implements an extensive program, staff has also found aspects of each MS4s' program that need improvement. Staff requires MS4s to correct serious violations immediately and promptly confirm compliance attainment. Staff closely tracks actions and submittals addressing serious violations to ensure compliance. For minor violations or other deficiencies, staff typically requires the MS4 to report on corrective actions in the next annual report. Staff uses subsequent annual report reviews to ensure minor violations and other deficiencies have been corrected.

For fiscal year 2009-2010, staff plans to conduct annual report reviews for those 26 MS4s submitting annual reports for the first time. Staff anticipates these program reviews will consist of detailed review of high priority aspects of annual reports. For the remaining 15 MS4s which have previously submitted multiple annual reports, staff will continue to ensure MS4s address previous violations and other staff requirements, while also focusing annual report reviews on those aspects of the MS4s' Storm Water Management Programs that staff determines have the greatest potential to impact healthy watersheds.

Re-issuance of the Phase II General Permit

State Water Board staff is currently re-drafting the General Permit. Water Board staff has provided input on hydromodification control/low impact development requirements, but otherwise opportunities for staff input have been limited. State Water Board staff has indicated they plan to have a draft of the General Permit available for review by staff at the Regional Water Boards in Spring 2010. Central Coast Water Board staff plans to conduct a detailed review of the draft and play an active role to provide input as necessary. State Water Board staff has stated they plan to have a draft of the General Permit available to the public in Summer 2010.

Phase I Stormwater Program for the City of Salinas

The City of Salinas (City) is the only municipality within the region covered by the Phase I National Pollutant Discharge Elimination System federal stormwater regulations for medium and large municipalities. As such, discharges from the City's MS4 are covered by an individual storm water permit. Staff plans to re-issue the City's current stormwater permit in December 2010.

Staff is currently in the process of redrafting the Salinas Municipal Stormwater Permit. Staff has met with representatives from the City on multiple occasions to discuss anticipated revisions to the re-issued permit. At these meetings, staff has identified anticipated revisions for the City's representatives, allowing them the opportunity to provide staff with input on the proposed revisions and how the revisions may be crafted in a manner that is consistent with City processes. Staff is evaluating the following significant issues for permit consideration: development of hydromodification control and LID implementation criteria consistent with the Joint Effort for hydromodification

control, evaluation and modification of City planning practices to enact long-term watershed protection, and modifications to the City's monitoring program to incorporate a rotating watershed monitoring program.

Staff plans to issue the draft permit for public review in August 2010. During the public review period, staff plans to conduct one or two public workshops to solicit input from stakeholders.

Central Coast Low Impact Development Initiative and Joint Effort for Hydromodification Control

The Central Coast Low Impact Development (LID) Center underwent a change of venue this winter and is now operating as the Central Coast LID Initiative; a project of the UC Davis Extension, Center for Water and Land Use. Dr. Darla Inglis continues from her base in San Luis Obispo to implement the 2009-2010 Work Plan, which addresses a key need at each scale of LID application, including parcel, infrastructure, watershed, and State scales.

One of the Central Coast LID Initiative's activities recently got underway in Paso Robles; the "21st Complete Street Project," a demonstration of infrastructure scale LID. The Central Coast LID Initiative will provide project management for the design phase of this project and the City of Paso Robles will submit the design in proposals for grant funding for the construction phase.

The Central Coast LID Initiative and Water Board staff have devoted substantial effort over the past year to launching the Joint Effort for Hydromodification Control for municipalities enrolled under the Phase II General Permit. All of the traditional MS4s in the region have agreed to participate in the Joint Effort. Staff has been working with these MS4s to update their Storm Water Management Programs to reflect their participation in the Joint Effort. At present, staff has reviewed and approved the majority of these Storm Water Management Program updates, with approval of only a handful of the updates still pending. Staff is pleased to report that the State Water Board's procurement unit has released a request for qualifications (RFQ) to firms interested in developing a methodology for deriving numeric hydromodification criteria. Responses to the RFQ are due May 6, 2010 and Water Board staff anticipates selecting a consultant in June.

In addition to continuing technical support for LID application throughout the region, the Central Coast LID Initiative will develop a 2010-2011 Work Plan that maintains emphasis on implementation of the Joint Effort, while also targeting key demonstration projects in transportation infrastructure (e.g., roadways and parking lots) and land use planning (e.g., Specific Plans). Water Board staff has approved an array of performance measures by which to evaluate the Central Coast LID Initiative's success in achieving the goals set out for it by the Water Board, including: adoption of sample LID ordinances (or similar) by MS4s, use of green parking lots technical assistance memo by MS4s, adoption of green streets design guidance as specifications by MS4s, and implementation of LID projects influenced by technical assistance and demonstration projects (e.g., Paso Robles Green Streets Project).

While the Joint Effort is in progress, staff is requiring participating municipalities to

implement interim LID measures when approving applicable new development and redevelopment projects. As the Joint Effort proceeds, the MS4s will report on their interim LID implementation, providing Water Board staff the opportunity to review their progress and ensure LID implementation is optimized while final hydromodification control/LID implementation criteria are developed as part of the Joint Effort. Several aspects of the Central Coast LID Initiative's work plan are focused on assisting MS4s in implementing these interim LID measures to better ensure the Joint Effort time period is utilized to forward LID implementation on the Central Coast.

State Board Hydromodification Technical Advisory Committee

Central Coast Water Board staff prepared a proposal to the Cleanup and Abatement Account to establish a state-wide Technical Advisory Committee on hydromodification. The proposal, with modifications, was ultimately successful and turned over to State Water Board staff to manage. The State Water Board recently approved a contract with the Southern California Coastal Water Resources Project (SCCWRP) to complete the project. SCCWRP and subcontractors will work with State and Regional Water Board staff to convene and support a scientific workgroup aimed at establishing a common scientific framework for addressing hydromodification impacts to the beneficial uses of California's waters. Dr. Darla Inglis of the Central Coast LID Initiative is coordinating with SCCWRP and State Water Board staff to clarify her role in completion of the project.

SCCWRP will prepare a Hydromodification Literature Review and Report that lays out a technical framework upon which future questions related to regulating hydromodification impacts can be best answered. The report should be structured such that it can inform hydromodification management actions under a variety of regulatory programs, such as Phase I and II municipal stormwater programs, Statewide General Permits, Section 401 Water Quality Certifications, and Waste Discharge Requirements. Also as part of this project, the State Water Board will convene a Hydromodification Regulatory Review Panel consisting of representatives of the State Water Board, the Regional Water Boards, and USEPA. Central Coast Water Board staff expects a seat on this panel.

SCWWRP will also work with the San Francisco Estuary Institute and the Water Boards' Regulatory Review Panel to develop a conceptual monitoring framework for hydromodification and LID best management practices installed or monitored associated with State and Federal grant funding activities. The State Water Board will also convene a public review process to present the products of this project and receive comment from the general public.

CONCLUSION

The Stormwater Program is at a turning point, shifting from focusing mostly on enrolling small municipalities in the General Permit to oversight of municipal stormwater program implementation. To address this shift, account for loss of staff, and work to resolve the highest priority water quality problems associated with stormwater discharges, staff continues to focus on a mix of municipal stormwater program tasks that collectively ensure municipalities in the region are focusing on the most significant stormwater discharge impacts within their watersheds and region-wide. Staff's regulatory oversight is moving municipalities towards improving watershed health, including staff actions that

are resulting in more municipal awareness, technical understanding, and implementation of low impact development, hydromodification management, riparian area protection, and reductions in pollution loading from MS4s.

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