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**STATUS REPORT ON THE ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM**

The Alameda Countywide Clean Water Program (the Program) consists of seventeen member agencies, including cities, the county, and a flood control and water district. The Program submitted its annual report for the fiscal year 2002/2003 in September 2003. Board staff completed review of the annual report in December 2003.

**Industrial and Illicit Component**

All participating agencies submitted five-year action plans that provide good reporting of component elements.

The most commonly noted illicit discharges county-wide were automotive fluids, paints and other washwaters, which collectively were just under half of all illicit discharges identified in the 2002-03 reporting period. All participating agencies have active illicit discharge programs that track problems as well as conduct surveys of the storm drainage systems.

Alameda County municipalities conducted 2,472 industrial inspections in 2002-03. Between 80 and 90 percent of businesses inspected were found to be in compliance with Program requirements. Facilities not in compliance were issued verbal or written warning notices, re-inspected, and occasionally referred to the District Attorney for enforcement action.

Fremont conducted the most industrial inspections countywide (644 inspections of 1028 businesses within the City). Many of Fremont's businesses are inspected under contract by Union Sanitary District inspectors. This relationship seems to be working well.

Many inspections, especially of problem facilities, are joint inspections with local hazardous material agencies and Alameda County Environmental Health. Pleasanton and San Leandro also have well-integrated mature industrial inspection and illicit discharge programs.

Most cities in Alameda County offer the Green Business Program as an incentive for businesses to come into compliance with regulations: Green Business Program inspections are also multi-agency, multi-media inspections.

Hayward, Alameda, Dublin, Oakland, and the Unincorporated County Area had staffing turnovers and the inspections in these areas decreased since 2001/02. New inspectors in some agencies need help identifying facilities that are required to comply with stormwater regulations and ensuring their compliance.

Most cities/agencies participate regularly in Alameda County Industrial Inspection and Illicit Discharge Subcommittee monthly meetings. There is a strong "information sharing" and "problem solving" aspect to these monthly meetings. Most municipalities also participate in annual training programs and/or subcommittee workgroups.

### **New Development and Redevelopment**

2002-2003 saw the reissuance of the Program's stormwater permit. The reissued permit included revised management measures for new development and significant redevelopment projects. The permit does not yet require that these measures be fully implemented into new projects. However, many cities appear to be using them as a template for complying with the permit's existing requirements. Staff is supportive of this approach.

Overall, the Co-permittees' reporting shows a dramatic improvement in this program component as compared to previous years. This is shown in several areas:

- Greater consistency in compliance with erosion and sediment control education, inspection, and enforcement. However, some cities, notably Oakland, continue to issue rainy season grading permits in very hilly, unstable areas without appropriate follow-up. Thus, there remains room for continued improvement;
- Much improved consistency with respect to requiring "post-construction" stormwater measures, or those measures that reduce pollutants from an operating built project for the life of the project;
- Improved consistency with respect to educating Co-permittee staff on the new requirements for this component;
- Continued vigorous participation by Co-permittees in the Alameda Countywide Clean Water Programs' (Program's) New Development Subcommittee; and,
- Implementation of a greater variety of post-construction stormwater treatment controls on projects, which suggests a greater familiarity and level of comfort with the variety of controls.

However, it is clear that a number of challenges remain with respect to the Co-permittees continuing to comply—or, in some cases, coming into compliance—with this component. These include:

- Improving reporting to include the full variety of controls that are implemented on projects. For example, the Program is known for its development of a standard checklist of source controls for projects, depending on land use. Livermore showed the best reporting of the controls implemented, but many other Co-permittees did not appear to report implemented source controls;
- Reduction in the use of those controls known to be ineffective. Many Co-permittees reported that they continue to use inlet filters, although a number of inlet filter designs were shown to be ineffective in recent extensive Caltrans research and based on other reviews and information. The continued use of such controls is difficult to justify.

We have asked that the Program's New Development Subcommittee review opportunities to use other types of controls, such as bio-retention, and to continue to educate Co-Permittee staff and development community members about alternate methods and alternate means of grading, in the place of inlet filter designs that have been demonstrated to be ineffective;

- For some Co-permittees, implementation of controls in all applicable projects appears to remain a problem. This is particularly true for the County. As the Permit presently requires implementation of appropriate controls in new and redevelopment projects, this absence is difficult to understand. With limited exceptions, absence of appropriate source and treatment controls in projects constitutes a violation of Permit requirements, and we have communicated this to the County;
- Continued education of Co-permittee staff and outreach to the development community on new development and redevelopment stormwater issues;
- Lack of clarity in reporting as to what is being treated. In an improvement, many Co-permittees now report implementation of measures in parking lots. However, for those projects, it is often unclear whether runoff from other portions of the project's site (e.g., roof runoff, access road runoff, etc.), have also been appropriately addressed. In some cases, it is clear that roof runoff has been addressed, but roadway, driveway, and parking lot runoff are not mentioned. Project reporting should succinctly address the impervious surface runoff for each project; and,
- A significant opportunity may be present for Co-permittees to collaborate on identifying appropriate BMPs for moderate-density and high-density sites. Many Co-permittees, including those with typically very low-density projects, are now implementing higher-density projects around urban centers, in the vicinity of BART stations, etc. We have asked the Program's New Development Subcommittee to identify whether there might be an opportunity for the Program to complete work here that would benefit many of the Co-permittees.

Overall, Co-permittee compliance with Permit requirements in areas of new development and significant redevelopment has improved dramatically over the last several years. Opportunities remain for improvement to continue, particularly as the reissued Permit's requirements phase in over the next several years.