

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT

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MEETING DATE: March 17, 2004

ITEM: 10

SUBJECT: MUNICIPAL STORMWATER PROGRAMS AND THEIR 2002-2003 ANNUAL
REPORTS – Status Report

DISCUSSION: The Board has been regulating urban stormwater runoff in our largely urbanized counties (Santa Clara, San Mateo, Contra Costa, and Alameda) for over ten years. In 2002, we instituted yearly information items to keep you updated on the status of these programs. In this, our third yearly report, we update you on the findings of our review of the programs' 2002-2003 annual reports, and discuss recent and upcoming issues in the municipal stormwater program.

2002-2003 Annual Report Review

This year we focused our review on two of the six overall program components: Business Inspections and Illicit Discharge, and New and Redevelopment and Construction. The programs have received detailed comments from staff over the last three months, with the exception of Contra Costa and Santa Clara, who will be receiving full comments this month.

Appendix A includes summaries of the staff comments and review of each program's 2002-2003 annual report. Following is a synopsis of that staff review:

The Santa Clara Valley Urban Runoff Pollution Prevention Program's Annual Report shows many examples of hard work, innovation, and improvement: some municipalities have expanded their stormwater activities and related training to new departments. Other cities are proactively implementing post-construction stormwater treatment measures for more than the subset of projects required to have such measures under the updated provision for the new development component, Provision C.3. Verbal warnings at commercial inspections are being replaced with written corrective action notices. Two areas of potential permit violation were also identified—lack of sufficient reporting by Santa Clara County, and San Jose's implementation of Provision C.3. Staff is preparing recommendations for appropriate action.

The San Mateo Countywide Stormwater Pollution Prevention Program is generally in compliance with its permit requirements. The Program's business inspections

were increased substantially over the previous year. Reporting and follow up actions on identified violations and illicit discharges provided measurable results. All municipalities inspected their active construction sites, and several are already taking steps towards implementing post-construction treatment requirements. Some municipalities still have deficiencies in certain categories, and staff is undertaking appropriate follow up action.

The Contra Costa Clean Water Program's Annual Report shows most permittees to be in compliance. The reporting content and quality has remained consistently high, with the exception of two cities, for which staff is currently preparing recommendations for appropriate follow up action. Program-wide, significant progress has been made in the revisions to their Illicit Discharge Control Plan. The contract with Central Contra Costa Sanitary District to conduct commercial inspections is a long-standing excellent aspect of Program compliance. The contract is being expanded this year to include West County and East County (service to be provided by East Bay MUD and Delta Diablo Sanitation District, respectively). In general, permittees are conducting adequate construction inspections. Many permittees reported activities in preparation for the implementation of updated Provision C.3.

The Alameda Countywide Clean Water Program, overall, is in compliance with its permit requirements. Of the industrial inspections conducted in the reporting period, 80 to 90 percent of businesses inspected were in compliance. Those facilities not in compliance received warning notices, re-inspections, and were on occasion referred to the DA for enforcement action. Overall, permittees' reporting shows a dramatic improvement in the area of new and redevelopment and construction activities and post-construction treatment controls. There was greater consistency in erosion and sediment control activities. However, opportunities remain for improvement. Reporting should be improved to document the full variety of post-construction treatment controls required. Also, many permittees are still requiring projects to use treatment controls that are known to be ineffective.

Overall, the programs are in compliance, and are showing notable improvements. While some areas remain lacking, staff is actively working with permittees to address deficiencies. Enforcement is being considered for a small number of municipalities.

Recent and Upcoming Issues

BayKeeper Suit Decision: On November 14, 2003, the San Francisco County Superior Court came to a decision on the BayKeeper Lawsuit over the 1999 San Mateo and Contra Costa municipal stormwater permits. In its decision, the Court is requiring the Board to amend these permits to allow for a formal public comment period and Board approval for all major changes to the permits, and more specific monitoring requirements. To satisfy the Court requirements, we will bring the San Mateo and Contra Costa permits before you for amendment at the April Board meeting.

C.3 New and Redevelopment Implementation Status: The Santa Clara Program has reached a significant milestone (October 2003) in implementation of the updated Provision C.3, and are implementing numeric sizing criteria for post-construction treatment controls at projects of an acre or more of impervious surface. However, as noted above, the City of San Jose may not be fully implementing the permit requirements. Its implementation policy contains a waiver provision that appears inconsistent with Provision C.3 requirements. Staff is preparing a letter to request detailed information about the waiver provision.

The other Countywide Stormwater Programs are taking steps to prepare themselves to implement the updated Provision C.3 by February 2005.

RECOMMEN- This is an information item not requiring action by the Board.
DATION:

FILE Nos.: 1538.01, 1538.07, 1538.08, and 1538.09 (CEB, JBO, HK, KHL)

APPENDIX A: Annual Report Board staff review summaries for the following Programs:

- Alameda Countywide Clean Water Program
- Contra Costa Clean Water Program
- San Mateo Countywide Stormwater Pollution Prevention Program
- Santa Clara Valley Urban Runoff Pollution Prevention Program