

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

STAFF SUMMARY REPORT (Shin-Roei Lee)
MEETING DATE: February 13, 2008

ITEM: 11

SUBJECT: Stormwater Management Programs – Status Report

DISCUSSION: This report provides the status of the Water Board's stormwater management programs. The regulatory framework for controlling stormwater discharges varies depending on whether the discharge is considered a point source discharge by federal regulation or a nonpoint source discharge.

The Water Board's point source stormwater program implements section 402 of the federal Clean Water Act by regulating urban runoff through permitting and enforcement of NPDES permits. The NPDES permits include Phase I and Phase II permits for municipalities, a statewide industrial permit, a statewide construction permit, and a statewide Caltrans permit. These permits require best management practices to control pollutants in the runoff, to the maximum extent practicable, in lieu of numerical effluent limits. Below is a summary of the types and numbers of facilities covered under these permits in our Region:

- Industrial Permit – 1,500 facilities
- Construction Permit – 1,700 active construction sites
- Caltrans Permit - highway and bridge construction and industrial activities
- Phase II municipal permit (< 100,000 people) – 30 small towns, cities, and counties
- Phase I municipal permits (> 100,000 people) – 76 large and medium cities and counties in 6 permits

The Water Board regulates nonpoint source discharges by issuing waste discharge requirements (WDRs), waivers of WDRs, and enforcing Basin Plan prohibitions. We regulate dairies, grazing lands, vineyards, and on-site treatment systems (i.e., septic tanks) under the nonpoint source program.

Program Effectiveness Measurement – Regardless of the legal authority and the implementation mechanism, the ultimate effectiveness measurement is improvement in receiving water quality and habitat health. The necessary monitoring is accomplished by permittees individually and collaboratively, local watershed groups, and by the Water Board as part of our Surface Water Ambient Monitoring Program.

The following summarizes last year's accomplishments, next year's priorities, major challenges and opportunities.

2007 Major Accomplishments

- Permittees started using web-based reporting systems for industrial annual reports, permit coverage filing, and permit termination filing;
- To complement local stormwater programs' efforts, staff issued more than 100 Notices of Violation to Industrial Permit non-filers in Alameda County;

- Water Board, Caltrans and the Association of Bay Area Government entered into an MOU to facilitate the funding of local retrofit projects by Caltrans as alternative compliance projects;
- With staff's assistance, EBMUD, City of Oakland, and Alameda County Public Works Agency began a pilot stormwater diversion project at the Ettie Street Stormwater Pump Station in West Oakland; and
- To facilitate implementation of the Napa River sediment and Tomales Bay pathogen TMDLs, staff initiated stakeholder processes to develop WDRs waiver conditions for grazing lands and vineyards.

2008 Priorities

- Staff plans to bring a regional stormwater permit to the Board for consideration. This permit will consolidate 6 Phase I permits.
- Staff plans to bring grazing lands and vineyard WDRs waivers to the Board for consideration.

Challenges - Effectively protecting water quality and stream and wetlands habitats in urban areas, given that the Water Board does not have land use authority, remains a challenge. Another big challenge is local funding constraints due to Prop. 218, which was passed by voters in 1996 and requires a two thirds vote to approve any increase in stormwater management fees. We recognize that Bay Area stormwater management programs are underfunded. Given the significant threat stormwater poses to water quality, we are working with municipalities to prioritize actions and seek additional funding.

Opportunities - In addition to the \$138 million in grant funds that are available under Proposition 50 for integrated regional water management planning, with the passage of Propositions 84 and 1E in November 2006, there will be additional grant funding available to address flood control, stormwater management, water quality, water supply, water reuse, groundwater recharge, and habitat protection. Furthermore, the State Revolving Fund loan program has been expanded to fund stormwater projects in addition to wastewater treatment and reuse projects. To address both the lack of land use controls and funding constraints, we need to prioritize grants and loans to provide financial incentives to institutionalize natural resource-friendly local land use policies and ordinances.

Global climate change and sea level rise predictions have created the impetus for agencies to work together to promote clean energy, sustainable water supply, flood damage control, stormwater reuse, and habitat protection. A high priority for us is to work more closely with other agencies that control grants for transportation, affordable housing developments, school construction and modernization, water supply, and clean air to adopt similar priorities.

RECOM-
MENDATION: This item is a status report, no action is necessary.