

Central Coast Regional Water Quality Control Board

February 20, 2013

«Salutation» «First_Name» «Last_Name»
«TitlePosition»
«AgencyName»
«Agencyemail»

Dear «First_Name»:

NOTIFICATION TO JOINT EFFORT STORMWATER DISCHARGERS REGARDING (1) STATE WATER BOARD ADOPTION OF PHASE II STORMWATER PERMIT AND (2) MAINTAINING SCHEDULE FOR IMPLEMENTATION OF CENTRAL COAST WATER BOARD POST CONSTRUCTION REQUIREMENTS

On February 5, 2013, the State Water Resource Control Board adopted the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). This renewal of the so-called "Phase II Permit" includes more detailed requirements than the previous 2003 Phase II Permit for all stormwater management measures, including post-construction requirements. This letter describes the process the Central Coast Water Board will follow to ensure implementation of the Central Coast Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast (Post-Construction Requirements) proceeds as scheduled and in a manner consistent with the new Phase II Permit.

Post-construction requirements are addressed in Section E.12 of the Phase II Permit. Section E.12.k and the Fact Sheet for the Phase II Permit provide that:

"Small MS4s shall comply with any post-construction storm water management requirements based on a watershed process approach developed by Regional Water Boards in lieu of the post-construction requirements of E.12. The regional watershed-process based approach must be approved by the Regional Water Board following a public process and must include the following:

- *Completion of a comprehensive assessment of dominant watershed processes affected by urban storm water*
- *LID site design and runoff reduction measures, numeric runoff treatment and retention controls, and hydromodification controls that will maintain watershed processes and protect water quality and beneficial uses.*
- *A process by which Regional Board staff will actively engage Permittees to adaptively manage requirements as determined by the assessment of watershed processes.*
- *An annual reporting program that involves Regional Board staff and State Board staff to inform statewide watershed process based criteria.*

The regional watershed-process based approach must be approved by the Regional Water Board following a public process." (Fact Sheet, p. 42)

As you know, on September 6, 2012 the Central Coast Water Board adopted Resolution R3-2012-0025 requiring Central Coast MS4s participating in the Joint Effort for Hydromodification Control and Low Impact Development to implement the Post-Construction Requirements beginning September 6, 2013. The Resolution stipulates that the Joint Effort MS4s must amend or attach the Post-Construction Requirements to their SWMPs so that the Post-Construction Requirements are an enforceable part of the SWMPs. Because the recently adopted Phase II Permit no longer requires SWMPs – and instead relies on the more specific language of the Permit itself – the provisions of the Phase II Permit cited above necessitate that the Central Coast Water Board re-approve the Central Coast Post-Construction Requirements. Reapproving the Post-Construction Requirements will make them consistent with, and enforceable through the Phase II Permit. Until the effective date of the new Phase II Permit – July 1, 2013 – the 2003 Phase II Permit is binding and Resolution R3-2012-0025 is as well.

The process of reapproving the Post-Construction Requirements will also provide the Central Coast Water Board the opportunity to address parts of the Post-Construction Requirements that have been found to be problematic since their adoption last September. Specifically, Central Coast Water Board staff will propose an alternative to the event-based approach to sizing retention facilities outlined in Attachment D of the Post-Construction Requirements.

Process and Schedule for Reapproving the Central Coast Post-Construction Requirements

The Central Coast Water Board will meet March 14, 2013 in San Luis Obispo. At that meeting Central Coast Water Board staff will present its strategy for implementing the Phase II Permit Section E.12 language above that allows Regional Water Boards to approve alternative post-construction requirements. Staff will also define the scope of proposed revisions to the Post-Construction Requirements, including any revisions to the retention BMP sizing method that currently requires a large multiplier as a factor of safety. At this March meeting, staff will notify the Central Coast Water Board of its intention to recommend approval of the Post-Construction Requirements at a subsequent meeting scheduled for July 11, 2013, in Watsonville, CA. By February 28, 2013, Central Coast Water Board staff will post to the web a staff report for the March 14, 2013 meeting agenda item.

Preparing for Adoption of Enforceable Mechanisms (Ordinances)

At both the March and July Central Coast Water Board meetings, staff will provide the Central Coast Water Board and public with a status of current efforts by staff and MS4s to prepare for implementation of the Post-Construction Requirements. These efforts include direct outreach to MS4s by Central Coast Water Board staff to determine the status of efforts to adopt ordinances as enforceable mechanisms for implementing the Post-Construction Requirements.

Central Coast Water Board staff has notified all Joint Effort MS4s concerning acceptable approaches for MS4s to take in meeting the requirements to approve new and/or modified enforceable mechanisms that effectively resolve regulatory conflicts and implement hydromodification controls and LID in new and redevelopment projects. As stated in that notification:

- Permittees may incorporate the detailed requirements of the Post-Construction Requirements into ordinance by reference.
- For communities in the Coastal Zone, the Central Coast Water Board does not require the ordinance be approved by California Coastal Commission (CCC) or adopted into a Local Coastal Plan (LCP) or land use code. Compliance with CCC requirements is a matter between the municipality and the CCC. As with any business MS4s conduct with

the Central Coast Water Board, it is the MS4's responsibility to ensure any action it takes complies with all relevant Federal, State, and local regulations.

- MS4s in the Coastal Zone must have an ordinance or other equivalent enforceable mechanism in effect in at least the non-Coastal Zone portions of their permit area by September 6, 2013. MS4s may implement the Post-Construction Requirements in the Coastal Zone as conditions of approval on regulated projects. (However, MS4s must ensure effective implementation of the Post-Construction Requirements for all regulated projects, as defined by the Post-Construction Requirements.)
- Inland MS4s must have an ordinance or other equivalent enforceable mechanism in effect throughout the Permit area by September 6, 2013.

You can expect to be contacted by Central Coast Water Board staff in the near future to discuss progress toward completing Joint Effort BMPs and implementing the Post-Construction Requirements. If you have any questions regarding this letter, please contact **Dominic Roques**, at Dominic.Roques@waterboards.ca.gov or at (805) 542-4780.

Sincerely,



Kenneth A. Harris Jr.
Interim Executive Officer

cc: Central Coast Municipal Stormwater Interested Parties List