



WATERBOARDS Comment Letter–Storm Water Strategy due 11.16.2015 Noon

CWA Section 402(p)(3)(B)(iii) states:

shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants

In the permitting process, 40 CFR § 122.26 (d)(1)(vi) states:

Fiscal resources. (A) A description of the financial resources currently available to the municipality to complete part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets, and sources of funds for storm water programs

California Water Action Plan states:

*In the future, most new water will come from a combination of improved conservation and water use efficiency, conjunctive water management (i.e., coordinated management of surface and groundwater), recycled water, drinking water treatment, groundwater remediation, and brackish and seawater desalination. **There is increased focus on projects with multiple benefits, such as stormwater capture and floodplain reconnection, that can help simultaneously improve the environment, flood management and water supplies.***

And

Encourage State Focus on Projects with Multiple Benefits

*The administration will direct agencies and departments to evaluate existing programs and propose modifications to incentivize and co-fund multi-benefit projects that **promote integrated water management, such as stormwater permits that emphasize stormwater capture and infiltration, which provide both flood protection and groundwater recharge benefits**, and agricultural groundwater recharge projects that emphasize water quality and conjunctive use. The commitment to emphasize multiple benefit projects will be applied to most of the actions in this plan.*

Please note that a focus is addressed, not a mandate and the multi-benefits include references to floodplain or flood protection.

Strategy to Optimize Resource Management of Storm Water (Storm Water Strategy) fails to address the basis of the permitting process, its financial implications and the meaning of multi-benefit in relationship to the permitting process.

The purpose of the Storm Water Strategy is to:

- 1) *providing clarity on the goals the Water Boards intend to achieve;*
- 2) *identifying objectives and projects that will enable the Water Boards to achieve the goals; and*
- 3) *proposing ways to measure progress.*

There is no approach to the original meaning of the permitting process in relationship to pollutants and the affordability factor in MEP Maximum Extent Possible.

Water supply is not always an issue of floodplain management is water suppliers are governed by the California Public Utilities Commission. Groundwater must be addressed in the legalities of ownership, including adjudications. Stormwater has value only to the owner of the water rights in which that stormwater is placed in groundwater basins for future use and/or recharge.

This Board does not have full authority to execute the results of groundwater replenishment. That groundwater replenishment may come naturally in the forms of snow or rain or may be captured in existing spreading grounds.

This strategy fails to recognize and inventory the existing forms of stormwater capture.

If the intention is to address urban runoff only, then those water suppliers that receive supply from non-urban water must be taken into consideration, including their rights to any water capture.

The Vision Statement fails to address water basics such as snow and rain:

Storm water is sustainably managed and utilized in California to support water quality and water availability for human uses as well as the environment.

According to the California Water Action Plan:

*On average, the **state receives about 200 million acre-feet of water per year** in the form of rain and snow.*

It is not clear what that this vision has any relationship to water availability, either in an integrated regional water management sense, in a watershed sense or in a water supplier sense. The permitting process has no real overlap to substantiate the vision.

Vision Outcome (Ten Year) states:

Furthermore, this vision encompasses a future where watershed processes critical to watershed health, such as overland flow, infiltration and groundwater recharge, interflow, and evapotranspiration, are improved and protected, where urbanized areas of California retain, infiltrate, and use rain falling within their jurisdictions and municipalities regularly build and maintain multi-benefit storm water projects to achieve positive community, watershed and water resource management outcomes.

And finally, achieving this vision will result in water resource practices that adapt to or offset the impacts of climate change, including moving or locating infrastructure outside of hazard zones, building resilient features that provide community, hydrologic, public safety and environmental benefits.

There is an assumption that all urban areas are equal, when many have geotechnical, geological and soil conditions that prevent infiltration and retention.

It is unclear how this Board has jurisdiction over Floodplain Management issues when the jurisdiction is under the Department of Water Resources.

Infrastructure issues are under the local municipalities, not this Board.

Vision Outcome (Ten Year) concludes:

Where the impacts of climate change are offset through sustainable alternatives that optimize storm water as a resource.

Stormwater is a resource already. Catch words such as *sustainable alternatives* are absurd. Be brave and be specific.

GOAL 1 is not aligned with pollutants loads in 303(d) waterbodies. Open space is not a multi-benefit in the sense of the California Water Action Plan. Parks and Recreation are the responsibilities of the local municipalities.

You fail to address issues of Public Health and Safety to humans and animals, including disease prevention and vector control.

GOAL 2 seems to ignore that urban settings are becoming increasingly dense through many State statutes. Land Development practices are not being altered.

GOAL 3 fails to address compliance issues according to the Federal laws.

GOAL 4 fails to address ALL permittees within a regional boundary including CALTRANS and industrial permittees.

OBJECTIVE 1 fails to address the assessment of large stormwater capture projects such as dams and reservoirs.

OBJECTIVE 2 fails to address the public and the taxpayer who is assessed more taxes and fees.

OBJECTIVE 3 fails to list Economic Impact Analysis and Cost-Benefit projections.

OBJECTIVE 4 fails to identify Sources of Funding.

OBJECTIVE 5 fails to recognize the mandates of Metropolitan Planning Organizations.

OBJECTIVE 6 fails to recognize Source Points and addresses Non-Source Point, by default.

Urban planning is not under the jurisdiction of this Board. Contractors will need to depend on the cooperation of agencies not under the Board's jurisdiction, or the contractors may fail to identify and obtain information necessary. Metropolitan Planning Organizations are the proper agencies for Regional Urban Planning.

Private property owners are omitted from this strategy entirely.

Transportation related issues, such as Green Streets, are omitted entirely. The Board has no jurisdiction over transportation.

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