

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

STAFF SUMMARY REPORT (Jan O'Hara)  
MEETING DATE: January 19, 2005

ITEM: 11

SUBJECT: **Santa Clara Valley Urban Runoff Pollution Prevention Program – Status Update on Hydromodification Plan Approval and New and Redevelopment Control Measure Implementation Issues**

CHRONOLOGY: February 2001 – Program's Permit reissued  
October 2001 – Program's Permit (Provision C.3 New/Redevelopment Performance Standard) amended

DISCUSSION: At the November 2004 Board meeting, Board staff described two stormwater issues that currently affect the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), although they are applicable to other Bay Area stormwater programs as well. This status report provides further information and an update on just one of those issues: the requirement for development and implementation of a Hydromodification Management Plan. The status of the second issue, implementation of new and redevelopment control measures, is discussed in this month's Executive Officer's Report.

New and redevelopment control measures are to control pollutants in stormwater runoff. Hydromodification control measures are to control the volume and duration of stormwater runoff. While appropriate control measures for each function are typically different, certain measures can serve both functions in protecting the creeks, the Bay or other waters that receive stormwater runoff. As part of the presentation of this item, staff will describe a number of such dual-purpose measures that are affordable and practical even in high-density developments.

At the November meeting, we showed how hydromodification, which occurs as a watershed is developed, increases creek bed and bank erosion, loss of habitat, and sediment deposition. This month, we will show how these impacts to creeks can be controlled by including stormwater detention facilities in new/redevelopments or by restoring a creek "in advance," before it experiences the impacts of urban development.

Realizing that controlling hydromodification is a new initiative, with a learning curve that is inherent to all new programs, the Board limited the scope of the Program's Permit requirements for hydromodification control. First, the Permit requires hydromodification control only on the *large*, Group 1, projects (those creating or replacing one acre or more of impervious surface). Even though smaller projects are much more common, and thus cumulatively contribute to significant hydromodification impacts, the Board, in 2001, recognized that it was too onerous to

require controls on these smaller projects during the initial learning phase of this initiative.

Second, the Permit requires only that the *increase* in runoff from a project be controlled. This has two desirable implications for development projects: it reduces the volume of runoff that must be controlled at new developments, and it eliminates many redevelopments from requiring hydromodification controls at all, when the redevelopment is already designed to reduce the amount of impervious surface or increase infiltration of runoff on-site. However, this still has undesirable implications on the creeks: required hydromodification controls will not improve but *only prevent further deterioration* of the stability and health of creeks, because they do not reduce existing impacts.

Third, the Permit limits implementation of hydromodification controls by excluding areas where impacts to creeks from additional projects are expected to be minor. These include areas draining to creeks already hardened or subject to tidal action, and highly developed areas where infill projects would not significantly affect creek stability. This limitation focuses required actions in the areas where they are most needed.

The Permit requires the Program to develop a Hydromodification Management Plan (HMP) that establishes how, when, and where increases in runoff volume and duration will be managed. The Permit further requires the Board to approve the HMP prior to its implementation. The Program has submitted a draft HMP that presents a sound technical method for controlling increased runoff from development projects. However, the draft HMP proposes to limit implementation of hydromodification controls significantly more than the Permit's three limitations described above. Specifically, large portions of the Santa Clara Valley are termed "highly developed," and thus excluded from any requirements for hydromodification controls, even though further development in many of these areas would significantly impact creek stability and health, as shown in the draft HMP's technical analyses.

In recent meetings with the Program, Program permittees have stated that they want to delay HMP implementation until other Bay Area stormwater programs implement HMPs as well. We do not agree with the need for this delay. The Board adopted the requirements for hydromodification control in October 2001, with the final HMP due in January 2004. Now, one year past that date, the HMP's technical issues have been resolved to the extent that implementation could begin. Board staff will continue working with the Program on remaining HMP implementation issues and anticipate bringing a conditional approval of the HMP for the Board's consideration in March.

RECOMMEN-  
DATION: Information item – no action required.

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