

January 5, 2009

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906

Dear Mr. Briggs:

**RE: Support for Santa Cruz Municipalities Stormwater Programs**

We are writing to express our strong support for the submitted stormwater management programs (SWMPs) of Santa Cruz municipalities (Santa Cruz County, Capitola, Santa Cruz City, Watsonville and Scotts Valley). The municipalities have a long history of working closely with our organizations and other stakeholders to promote watershed protection and restoration in an effective manner that also maximizes the leverage of limited public and private funding. These partnerships have been borne out over the years through participation in the Integrated Watershed Restoration Program, the Blue Circle, the Integrated Regional Water Management Program and EcoCruz, the environmental online guide for Santa Cruz County.

We are concerned that to some degree the current SWMP approach as advocated by the RWQCB will divert limited resources away from the important water quality, ecosystem and climate change issues we are trying to address. The municipalities are active and critical partners in these efforts. We strongly recommend that the RWQCB work with us to collaboratively achieve the "healthy watersheds" we all seek. A brief overview of our preferred approach to critical watershed issues is provided below.

**Hydromodification**

Reducing hydromodification, promoting watershed restoration, protecting riparian corridors and promoting groundwater recharge are all elements that have been a priority of the municipalities and the local community for many years and are well addressed in the general plans, policies, ordinances and stormwater programs of the municipalities. There have been over 15 watershed assessments and plans for Santa Cruz County for which these municipalities have participated on TACs and Steering Committees and have committed staff and local match resources.

We have identified the need for a regional hydromodification effort for Santa Cruz County to better address our needs to protect and restore hydrologic function. Based on our extensive local knowledge of our watersheds we believe that something similar to the *Stream Channel Mapping and Classification Systems: Implications for Assessing Susceptibility to Hydromodification Effects in Southern California* may be a productive approach. We are also evaluating the watershed restoration/enhancement potential for exchanging "hydromodification credits". Restoration of hydrologic functions in some parts of the watershed while promoting infill and smart growth in other parts will likely be a key component of overall ecological and hydrologic watershed restoration while at the same time addressing land use practices that reduce vehicle miles and reduce greenhouse gas emissions.

We look forward to evaluating and strengthening our cooperative efforts through implementation of the proposed stormwater plans. We are already working closely with the municipalities to implement programs to provide more public education, outreach and technical assistance to property owners regarding, erosion control, runoff reduction and low impact development. Stormwater management and recharge protection are key elements of our Integrated Regional Water Management Plan and are component projects funded by our current Prop 50 IRWM grant. **Recommendation:** Utilize regional hydromodification study results to clearly define appropriate adaptive management strategies over time.

### **Low Impact Development**

The Santa Cruz County working group (Santa Cruz Watershed Action Group) comprised of municipalities, water agencies and environmental non-profits are working together to develop and promote a watershed-based approach to low impact development (LID) in Santa Cruz County. We have already recognized that in our county, focusing on LID in urbanized areas will not provide the long-term watershed scale benefits that both our community and your Board seek. As such, we are evaluating options for programs that will address LID across multiple land use types. We believe that property owner education and assistance is a key if we are to restore hydrologic function throughout our various watersheds.

***Recommendation:** Consider a watershed based cap and trade model that will maximize watershed scale benefits for water quality, water quantity and hydrologic function.*

### **TMDLs**

The municipalities have also taken the initiative to work with us in an effective and responsive manner to conduct studies, develop plans and begin implementation of efforts that have subsequently served as the basis for the sediment, pathogen and nutrient TMDLs in the County. We have no doubt of the agencies' intent to achieve the TMDL wasteload allocations to the maximum extent practicable, while at the same time addressing priority pollutants in the other county waters that are not necessarily subject to a TMDL. It should be kept in mind that stormwater management is just one component of most TMDLs, and the agencies have a good history of addressing all aspects and adapting their approaches as needed and as new technology or approaches become available.

While we concur with the overall objectives represented by Wasteload Allocation Attainment Plans (WAAPs), we agree with the municipalities that the requirement for separate WAAPs for each TMDL and each stormwater program detracts from a comprehensive watershed approach and would be an unnecessary and redundant effort. Many of the elements of the WAAPs have been addressed through the preparation of the stormwater plans, the TMDLs and/or the supporting studies that lead to the TMDLs. Ongoing assessment of program effectiveness will be accomplished through the stormwater program effectiveness monitoring and the Regional Board's triennial review of TMDL implementation. Our working group also intends to apply adaptive management to all of our watershed restoration efforts, including the stormwater programs.

***Recommendation:** Build on ongoing efforts to comprehensively and realistically address TMDLs and priority pollutants originating from all sources in all watersheds.*

### **Climate Change**

We are concerned that climate change does not appear to be a consideration in the Board's approach to stormwater management. We are concerned that restoring and retaining healthy watersheds requires that climate change be taken into account. This appears especially true when dealing with hydromodification, LID and the changes in rainfall intensity that may result from climate change.

The Board is suggesting that municipalities use long-term historical precipitation records as the basis for developing hydromodification standards and plans. Climate models indicate that the use of such historical data will not necessarily provide an accurate portrayal of future precipitation patterns or events. Basing future standards on historical weather patterns may not be the best approach for restoring and retaining healthy watersheds. To the extent feasible, we would like to see flexibility and adaptive management strategies incorporated.

Increases in sea level will likely have an effect on the hydrology and ecology of many of our local waterbodies. With significant existing development in this county located in low-lying areas close to the coast, it is critical that we carefully evaluate hydromodification standards and BMPs. Implementing standards and BMPs that apply to current conditions may be inappropriate or even deleterious to the affected watersheds and communities in the future.

Increased air and water temperatures will likely affect a number of endangered species (aquatic and terrestrial). The long-term survival of these genetically unique populations may well require special consideration in terms of land use and water management policies and practices. The possible extirpation of local steelhead populations is an example of one such organism, where innovative watershed-scale approaches to stormwater management may need to be developed.

***Recommendation:** Avoid prescriptive requirements for use of historical rainfall data in hydromodification and LID sizing calculations, and allow for flexibility in such calculations to account for the predicted effects of climate change.*

**Conclusion**

We have confidence that through the proposed municipal stormwater management programs the municipalities will continue to work with the RWQCB and our agencies to evaluate program effectiveness, and modify or expand those programs as needed in the future to ensure that water quality protection and hydromodification are adequately addressed. The municipalities have a good track record and long experience successfully implementing practical resource protection efforts in Santa Cruz County.

We strongly support the goals of the RWQCB's stormwater program and want to work with the RWQCB and our local partners to successfully achieve "healthy watersheds." Thank you for this opportunity to comment and we look forward to our continued partnership with the RWQCB and our local community to address these priorities.

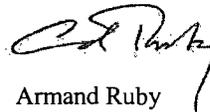
Sincerely,



Karen Christensen  
Executive Director of  
RCD Santa Cruz County



Virginia Johnson  
Executive Director of  
Ecology Action



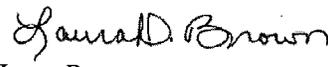
Armand Ruby  
Executive Director of  
Costal Watershed Council



Laura Kasa  
Executive Director  
Save Our Shores



Mary Bannister  
Interim General Manager  
Pajaro Valley Water  
Management Agency



Laura Brown  
General Manager  
Soquel Creek Water District

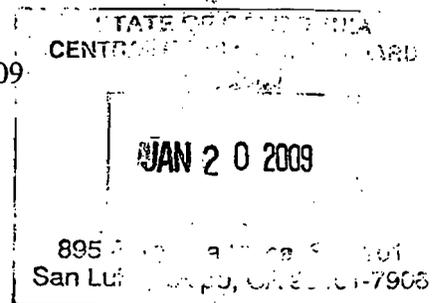
Cc: Betsy Herbert, San Lorenzo Valley Water District  
Bill Kocher, City of Santa Cruz  
Bridget Hoover, AQWA  
Charles McNeish, Scotts Valley Water District  
John Ricker, Santa Cruz County  
Kate Goodnight, Coastal Conservancy  
Kris Beall, Watsonville Wetlands Watch  
Rachel Fatoohi, Santa Cruz County  
Robert Ketley, City of Watsonville  
Sarah Corbin or Richard Ferdinand, Surfrider  
Steve Jesberg, City of Capitola  
Steve Shimek, Monterey Coastkeeper  
Suzanne Healy, City of Santa Cruz



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Ocean Service  
Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940

January 14, 2009

Mr. Roger Briggs  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401



**SUBJECT: Storm Water Management Plans for Santa Cruz County**

Dear Mr. Briggs,

Staff of the Monterey Bay National Marine Sanctuary (MBNMS) has reviewed the Storm Water Management Plans for Santa Cruz County (County) and the Cities of Santa Cruz and Watsonville (3 plans). The MBNMS reviewed these plans under its authority defined at 15 CFR Sections 922.49 and 922.134(b), and procedures defined in Section V.E of the Memorandum of Agreement on water quality protection within the Sanctuary (June 1992).

The Sanctuary commends the County and City staff for their proactive efforts to reduce non-point source pollution in urban runoff. For the last ten years the County and Cities have been implementing many of the Storm Water Management Plan's (SWMP) Control Programs prior to having an approved NPDES permit issued by the Central Coast Regional Water Quality Control Board. Examples include; the Industrial Waste Discharge program, illicit discharge detection, Municipal Operations programs and adoption/enforcement of multiple storm water ordinances. The Storm Water Management Plans reflect many of the ongoing efforts to reduce non-point source pollution in urban runoff as well as new requirements to fulfill the Phase II NPDES General Permit for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems.

While the Sanctuary encourages and supports adoption of these SWMPs, we have several comments listed below:

- 1) The Plans concentrate on two pollutants of concern; sediment and fecal indicator bacteria (FIB). While we understand there are existing TMDLs that have been established on local rivers for sediment and FIB; there are other pollutants of concern that should not be overlooked. They include metals, nutrients, and trash. Many of the listed management measures address these contaminants and as such, we feel they should be listed as pollutants of concern for the entire region covered by these plans.
- 2) As mentioned above, there have been storm water ordinances and pollution prevention efforts in effect for many years in Santa Cruz. MBNMS staff would like to see more emphasis placed on determining effectiveness of these efforts. Each plan describes how an Effectiveness Assessment Strategy will be developed in Year 3 or 4 of the permit. While the jurisdictions should not be penalized for their proactive efforts, it would seem effectiveness assessments of these ongoing programs should be initiated immediately. The majority of the management measures listed have been implemented for years and are planned for implementation each year of the



- permit. It would seem that the jurisdictions would want to assess the effectiveness of these programs sooner than later. This will aid in better identification of realistic measureable goals, achievement in reaching those goals, and documentation of improved water quality.
- 3) On a similar point, the plans should strive to ensure that the measureable goals lead to improved water quality. An excellent example is in the Watsonville plan regarding street sweeping. This program has been implemented for several years and they are able to quantify the amount of metals, oil, sediment and trash that are collected off the streets and parking lots so as to not end up in local surface waters. The plan is very specific about sweeping schedules, frequency and miles of curb cleaned.
  - 4) Because there are five storm water plans within Santa Cruz County and many watersheds that overlap jurisdictional boundaries, we recommend some description in each plan as to how the plans will integrate with each other. The Santa Cruz County plan describes a Countywide Stormwater Information Exchange but the other plans do not. It is not clear which organizations/jurisdictions participate in this coordination and how the plans integrate across watershed boundaries.
  - 5) We support the comments described in the letter dated January 5, 2009 from the Resource Conservation District of Santa Cruz County, Ecology Action and other local partners. Santa Cruz County is fortunate that it has many local conservation organizations that work collaboratively to protect and preserve the natural environment. Local jurisdictions have demonstrated leadership and support of these efforts, including the City and County of Santa Cruz. The development of these SWMPs is an example of that effort to achieve "healthy watersheds". The Sanctuary supports the need for a regional hydromodification effort for Santa Cruz County, a watershed based approach for Low Impact Development, and flexible strategies regarding climate change as it relates to storm water issues. The letter itself is testimony that organizations with differing mandates are committed to work together to find solutions to very challenging issues.

Thank you for the opportunity to review these stormwater plans and the Waterboard's efforts to reduce non-point source pollution entering surface waters and the Sanctuary. If you have any questions regarding our comments please contact Ms. Bridget Hoover in the MBNMS office by phone at 831-647-4217 or via email at [bridget.hoover@noaa.gov](mailto:bridget.hoover@noaa.gov). Thank you for your cooperation with the Monterey Bay National Marine Sanctuary.

Sincerely,



Paul Michel  
Superintendent



**MONTEREY  
COASTKEEPER®**

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Mr. Roger Briggs  
Executive Officer  
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896 Aerovista Place, Suite 101  
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CC: Ms. Rachel Fatoohi, County of Santa Cruz

January 18, 2009

**Re: Monterey Coastkeeper Comments on the draft Stormwater Management Plan dated October 2008 for Santa Cruz County and the City of Capitola**

Dear Mr. Briggs,

The Monterey Coastkeeper has read and reviewed the Draft Stormwater Management Plan (SWMP) for Santa Cruz County and the City of Capitola, as posted for public review in November of 2008. I would like to submit the following comments about the draft SWMP.

**In summary, it is our finding that the draft SWMP for Santa Cruz County and the City of Capitola does not meet the Maximum Extent Practicable (MEP) standard as outlined by the stormwater program requirements in the National Pollutant Discharge Elimination System (NPDES) Permit. For this reason we would like to request a hearing in front of the Board.**

Should the Monterey Coastkeeper, the permit applicant and Board staff reach sufficient agreement regarding our disputes, we will rescind this request. As it stands, we cannot support the current draft. Our concerns, which will be discussed in detail, are as follows:

- I. The continued use of ambiguous language that will be difficult to translate into a viable program or evaluate as intended by the NPDES permit
- II. Failure to include language committing the applicant to interim hydromodification criteria and failure to include language outlining the process of developing permanent hydromodification criteria
- III. Failure to include prescriptive BMPs that meet the MEP standard
- IV. Failure to address TMDLs through an adequate Wasteload Allocation Attainment Plan

The Monterey Coastkeeper participated in the County's own round of public commentary in August of 2008. Our initial comments focused on what we believed was a lack of measurable goals, the tendency to use vague language that did not translate into an implementable program, vague links between BMPs, implementation and measurable goals, and the failure to meet the MEP standard in the selection of BMPs, especially regarding the construction site ordinance, and post-construction run-off controls.

Several of the items on which we commented show improvements; for example we commend the inclusion of specific ordinances governing Riparian setbacks, and are glad to see a more detailed outline of enforcement actions that the County will take against non-compliers regarding construction site management. That said, we continue to have some serious concerns with the SWMP which I will describe in detail as follows:

I. Ambiguous Language, Actionable Items and Measurable Goals

The current draft plan shows some improvement regarding measurable goals, given that it now has some. However we continue to be concerned over the use of vague language and a failure to adequately attribute measurable goals to BMPs. Links between BMPs, implementation of practices, and the goals that are intended to set a mark of success are ambiguous. The language used to set goals is often more appropriate to identifying implementation plans, rather than setting achievable targets. The use of vague language continuously befuddles the intention of the plan, which is to set forth actionable items which the MS4 will instigate or continue towards the goal of reducing stormwater pollution.

I make these comments not with the intention of being overly critical of what some might consider insignificant details, but because I firmly believe that setting forth clear practices with definable goals is essential to creating a successful stormwater program that is transparent, achievable and measurable to the point that can be considered MEP. **A failure to set these goals and criteria down in clear writing makes the process of implementing the plan just as vague as the language it is written in. This will not only obfuscate the hard work of the many actors that will be tasked with implementing these plans, it will also prevent real, objective and transparent evaluation to indicate whether or not limited resources are being spent wisely to protect water quality from stormwater pollution.**

As an example, I will discuss BMP 3-1-11, "Industrial Education", found on table 3-1, page 4 of 7. This BMP strives to "Identify industrial operations that could be a significant source of pollutants".

This is an area in which much could be done to mitigate stormwater pollution if locally appropriate industries are targeted for outreach. However the draft SWMP gives no details as to how this outreach will be carried out; indeed it doesn't even go so far as to identify what industries of potential concern operate within the County, let alone identify the industries that the program will target. Rather it sets three vague actions as measurable goals, in spite of the fact that they are neither measurable, nor goals. These items are: "Identify targeted industries";

"Develop outreach material to educate identified industries"; and, "Assess effectiveness of educational material."

Even were we to assume that this list constituted goals, we question the vagueness of this aspect of the plan. First of all, why is it necessary for the County to strive to identify industries within its own boundaries? If the process will be more complex than simply identifying industries with a history of pollution or industries that could contribute to impairments, then this should be addressed in the plan, including a discussion on the criteria with which the target industries will be selected. Even more efficient would be a summary of the potential industries that would benefit from stormwater education, and a commitment to target several of the most important industries. However, given the authors' familiarity with their own County, we believe they are qualified to make this designation, rather than relegate it to a vague, unsatisfactory plan to make a plan. In the name of efficient resource allocation, we suggest that the authors' of the plan simply use their local knowledge to select specific industries that can be targeted for educational efforts.

Furthermore, the "goal" of developing outreach materials to educate these unidentified industries is equally vague and fails to meet the criteria of "measurable". Ideally, we would like to see a discussion of the topics to be included in the educational program; this could be as simple as compiling a list of BMPs related to the target industry. Of course this is contingent on the selection of industries.

Lastly, we see a gap between the plan to develop outreach material, and the following "goal" of "assessing effectiveness": It is to be hoped that the County will distribute material and make other equally tangible efforts towards providing industrial education before evaluating the effectiveness of their "program". The vagueness of the rest of the program of course predicates the inability to delineate anything more specific.

The discussion of this BMP stands to illustrate what we consider to be a persistent and unsatisfactory vagueness throughout the Santa Cruz County draft SWMP. We feel that this vagueness will not translate into an effective stormwater program. If the County follows its plan to the letter, the result, as it stands, will be a plethora of plans that the current plan is promising to develop in the vague and unspecified future.

Our concern with the lack of specificity runs fairly consistently throughout the plan, however there are some Minimum Control Measures that we find more significant than others. We are particularly concerned with the chapter on Construction Site Runoff, the chapter on Post Construction Controls, and the chapter on Pollution Prevention in Municipal Practices. I have already highlighted some of our concerns regarding the chapter on Public Education and Outreach; we are the least concerned with the chapter on Public Involvement and Participation and the chapter on Illicit Discharge Detection and Elimination. Please refer to the included table for further discussion of goals that we continue to find dissatisfactory.

**Recommendation #1: Require that all BMPs be matched with appropriately measurable goals. This may involve fleshing out details regarding some of the more vague practices, to ensure that the MEP standard is met.**

II. **Inclusion of specific language regarding hydromodification criteria and low impact design standards**

While we recognize that the Board has granted all of the cities and the County of Santa Cruz with an extension within which they are expected to develop location specific standards, we are concerned with the omission of language outlining that process. As we stated in our recent letter regarding the Watsonville draft SWMP, **we are requesting written assurance, in all of the SWMPs, that the process of assigning hydromodification standards will be timely, transparent, and inclusive of all stakeholders.** Given the long history of developing the County's SWMP, in which stakeholders have been repeatedly assured that plans would be appropriately fleshed out in the future, we feel that it is not unreasonable to request that this promise be made good on, officially, in the SWMP.

Given the impact that new and re-development can have on the delivery of stormwater pollution to watersheds, the Monterey Coastkeeper believes the inclusion of hydromodification standards in the SWMP to be of the utmost importance. It is understandable that the MS4s in question should desire adequate time to develop implementable standards; for this reason we support the time-extension that has been given to the County and its partnering agencies; we very much recognize the value of regional cooperation and uniformity. Unfortunately, language describing the process that will be used to arrive at hydromodification criteria is missing from the draft SWMP submitted by the County in October 2008.

Furthermore, we are concerned by the omission of interim hydromodification standards in the SWMP, in spite of Board staff's continuous reiteration of the necessity of such language. We would like to see the language prescribed in staff's November 14, 2008 letter included in the SWMP. This is clearly in line with the Board's wishes, as is stated in the letter.

**We support the RWQCB staff's required revisions regarding hydromodification standards; in particular we would like to see the following stipulations enforced:**

- The required language, as outlined on page 8 of the required revisions
- The provision of an opportunity for interested parties to comment and be heard throughout the decision making process

We request that the plan not be approved until appropriate language outlining both the process for arriving at standards and language including interim hydromodification standards are included. We further request that the Board stipulate that the process for arriving at permanent hydromodification standards be transparent and inclusive of stakeholder concerns.

**Recommendation #2: Ensure that the process of developing hydromodification standards includes plentiful opportunity for public participation and remains transparent.**

III. **Inclusion of BMPs to meet the MEP standard**

Our next concern is the applicant's failure to include BMPs for the *Construction Site Stormwater Runoff Control Program*. This is dealt with specifically in BMP 6-1-7, on page 4 of 7 in Chapter 6 of the draft SWMP. The BMP deals with Site Inspections with the intent of sediment and erosion control BMPs, however no BMPs for erosion control are actually put forward. The measurable goal of inspecting 100% active grading permits is a good start, however the ensuing list of measurable goals states that inspections will focus on the presence of required BMPs. These BMPs are referenced several more times throughout the measurable goal column (although none of the items are measurable goals), however the list of BMPs never appears. In fact, the action "Create a construction site BMP inspection checklist to be used by field staff" is listed as a measurable goal.

The NPDES permit states in the Minimum Control Measure *Construction Site Storm Water Runoff Control* that the stormwater management program must include at a minimum "Requirements for construction site operators to implement appropriate erosion and sediment control BMPs." (NPDES General Permit No. CAS000004) According to this criteria, the Monterey Coastkeeper finds that this aspect of the draft SWMP does not meet the MEP standard, and requests that a list of required BMPs for construction site management be included in the SWMP.

This omission is repeated in Chapter 7, *Post Construction Stormwater Management in New and Redevelopments*. As in the previous control measure, the Minimum Control Measure *Post-Construction Storm Water Management in New Development and Redevelopment* states that the Permittee must "Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for [their] community" (NPDES General Permit No. CAS000004).

The BMP that addresses the inclusion of post-construction BMPs is number 7-1-8, on page 8 of 9 in Chapter 7. The BMP reads "Compile BMP manual". We have two concerns with this BMP. Firstly, we are concerned with the fact that the BMP is hollow; it is not a best practice, but only a commitment to select best practices; something that the permittee should be doing within the SWMP. Secondly, the language committing the applicant to even this practice is ambiguous. The measurable goal states that the BMP manual will be *advertised* to 100% of project applicants. This is a cursory nod to what we consider an important aspect of stormwater management. Ensuring that developers are not only advertised to, but actively engaged and educated about the County's stormwater program is an important component of an effective stormwater program; one that is currently lacking from the draft SWMP.

This underscores the general tone of the chapters that address construction and post-construction; the language is perpetually soft, and rarely involves setting any real, prescriptive

standards. For example, BMP 7-1-4 on page 5 of 9 in Chapter 7, which reads "Design Standards" states in the implementation details column that "Planning policies promote retention of vegetation, protection of riparian corridors and site planning to minimize grading and site disturbance."

While we applaud the County's efforts to promote smart environmentally protective design, we would like to see a more prescriptive approach to design standards with legally binding requirements. The text further reads, "The ordinances or Design Criteria will be revised to incorporate any subsequently approved hydromodification measures attached to this permit"; this is repeated as a measurable goal. We would like to reiterate our conviction that the SWMP should not be approved without the inclusion of specific language outlining the development of Design Criteria according to the terms of the General Permit requirements and Attachment 4 to the General Permit.

**Recommendation #3: Require that the applicant include the list of BMPs that will be required for construction site operations and post-construction. Clarify which practices are required, and which are recommended.**

#### IV. Addressing TMDLs in the SWMP, through a Wasteload Allocation Attainment Plan

We support Board staff's directive to address TMDLs in the SWMP. We encourage the Board to ensure that Required Revision #5, which requires that the applicant commit to implementing all components of the required Wasteload Allocation Attainment Plan (WAAP). In spite of the County's existing programs, we believe there is still a substantial gap in data that could be addressed regarding water quality and pollution sources; we feel that the Board is being reasonable in requiring that this aspect of the plan be included prior to the approval of the SWMP.

In conclusion, we do not believe that the draft SWMP has met the MEP standard. While we commend the applicants continuously stated commitment to improved water quality—a goal we all share—there are substantial improvements we would like to see in the plan before its approval, and the granting of the NPDES permit. We hope that these issues can be resolved expeditiously.

Lastly, I would like to state that we acknowledge the complexity of developing a successful stormwater program, and further acknowledge that it is not without some cost to the implementing agency. We also realize that the communities that we work in are working to deal with a variety of environmental challenges and concerns, including threats to water quality, quantity, climate change mitigation, and adaptation to climate change already set in motion—all with limited resources. Recognizing that there are "big picture" issues to be dealt with, however, should not paralyze us against taking specific actions to address seemingly smaller issues that are within our reach. Indeed, tackling stormwater pollution,

which has been a moving target for many years, will set us—communities, environmentalists, and the public at large—up for success as we grapple with the increasingly difficult issues of resource management in a climate constrained future.

For this reason we are in full support of the Board's efforts to implement the SWMP approach to address water quality concerns, as mandated by the Federal Clean Water Act and state law, in a manner that is flexible for the participants, inclusive of public input, and resultant in real, actionable practices that will prevent stormwater pollution from flowing to the Monterey Bay. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Ford". The signature is written in a cursive, flowing style.

Allison Ford

Program Manager

Item No.	SWMP Section	Page	Subject	MGR Comments
1	BMP 3-1-1	3.1; 1 of 7	Brochures	Providing brochures without incorporating the contents into a larger educational component is unlikely to be very effective. Furthermore, the target audience is vague, whereas the topics to be covered by brochures are simply non-existent. In order to show that this is a viable program that will actually result in public awareness and knowledge, it is necessary to include more thorough details about the program. What topics will be covered in the distributed brochures? What measures will be taken to ensure that appropriate brochures are sent to appropriate members of the public? Can the County include copies of the information they will be distributing, either as an appendix, or a link to the electronic version of the brochures?
2	BMP 3-1-2	3.1; 1 of 7	Website	Like "brochures", "website" is not a very clearly impactful practice. Nor is the act of compiling hits to a website a measurable goal.
3	BMP 3-1-6	3.1; 2 of 7	Riparian Restoration and Protection	This BMP does not have a goal. Also, to whom will the Stream Care Guide be distributed? Can the County include either a link, or further information about where the Stream Care Guide can be viewed? Lastly, there is no measurable goal for this BMP.
4	BMP 3-1-7	3.1; 2 of 7	Septic System Maintenance	There is no measurable goal attributed to this practice.
5	BMP 3-1-8	3.1; 3 of 7	Public Opinion Survey	A survey is a useful tool to determine program effectiveness; given that the authors of the plan have been evaluating the County's stormwater initiatives, they should be able to identify an appropriate target audience for a public survey. There is no measurable goal in this BMP, although there are many details that would lend themselves towards the creation of a

Table 1: Monterey Coastkeeper's specific comments, concerns and requests.

Note: Emphasis is given to the County, however in the case of duplicate BMPs, comments apply to both the County and the City of Capitola

				goal: how many citizens will be surveyed? How many different target groups will be included? What aspect of the County's program will be surveyed? How will the data be processed and used? The steps in the measurable goal column are closer to implementation plans, but the goals remain vague or non-existent.
6	BMP 3-1-11	3.1; 4 of 7	Industrial Education	The goals are not measurable, and set no quantitative targets. The plan goes from developing outreach materials to assessing their impact, with no mention of actually distributing or using the material. The plan should identify specific industries to target, set a goal for a number of targeted industries or individuals and give details as to what the program will entail, such as trainings, meetings, literature distributed, etc.
7	BMP 3-1-13	3.1; 5 of 7	Monterey Bay Area Green Business Program	Certification of 30 businesses each year is a good goal; however there is no linkage to show how this goal will be reached.
8	BMP 3-1-15	3.1; 5 of 7	Business outreach	The distribution of limited written materials does not seem to be the maximum extent practicable for business outreach; are there other opportunities for interaction with business owners, such as meetings, inspections, trainings, etc? The distribution of 100 brochures with no follow up seems a scant goal.
9	BMP 3-1-17	3.1; 6 of 7	Outreach to farmers	According to the measurable goal and the subsequent implementation schedule, the County will spend 5 years compiling numbers of farmers. There is no link to this goal (which is more of an action and not measurable) and the actual outreach efforts.
10	Table 3-2, City of Capitola	3.2	Lack of measurable goals	We find that the following BMPs either do not have measurable goals, or have goals that are not appropriate to the BMP:

Table 1: Monterey Coastkeeper's specific comments, concerns and requests.

Note: Emphasis is given to the County, however in the case of duplicate BMPs, comments apply to both the County and the City of Capitola

				<ul style="list-style-type: none"> <li>• 2. City of Capitola website: compiling hits is not a mg</li> <li>• 3. Community outreach: compiling number of events is not a mg; ideally set a number of people that outreach will target at events</li> <li>• 4. Public Opinion Survey: establish a target audience and set a target number of people to be surveyed</li> <li>• 5. Pet Waste: sending a newsletter once does not seem to meet MEP</li> <li>• 6. Trash Management: how will the city educate residents on this issue? Once in a newsletter does not meet MEP</li> <li>• 7. Fertilizers and Pesticides: how will the city educate residents on this issue? Once in a newsletter does not meet MEP</li> <li>• 8. Riparian Restoration and Protection: how will the city educate residents on this issue? Once in a newsletter does not meet MEP</li> <li>• 11. Business Outreach: set a quantitative target for how many businesses will be reached</li> <li>•</li> </ul>
11	BMP 5-1-12	5.1; 7 of 7	Train Agency Staff	"Agency staff will be trained, including...": There is no value given to the number of industrial waste inspectors or the storm drain and sewer maintenance workers; please assign a value.
12	BMP 5-2-7	5.2 4 of 5	Information from the public	<p>"Use hotline to receive calls from the public":</p> <ul style="list-style-type: none"> <li>• This is not a measurable goal. Please include one.</li> </ul>

Table 1: Monterey Coastkeeper's specific comments, concerns and requests.

Note: Emphasis is given to the County, however in the case of duplicate BMPs, comments apply to both the County and the City of Capitola

				<ul style="list-style-type: none"> <li>Is there a hotline already set up? If so, how is it made available to the public? Could the applicant please include the number in the SWMP?</li> </ul>
13	Chapter six	6-2	Riparian Corridor and Wetland Protection Ordinance	The Monterey Coastkeeper commends the County's Riparian Ordinance, which includes development setbacks of 30, 50 and 100 feet.
14	BMPs 6-1-1, 6-1-2, 6-1-4	6.1; 1 of 7	Evaluating effectiveness of ordinances	Both BMPs focus on the evaluation of existing ordinances with the intention of updating them if deemed necessary; what criteria will the County use to determine if these ordinances are effective? We request that the County include language stating that ordinances will be assessed in terms of long-term watershed protection, in the terms of the General Permit requirements, and Attachment 4 to the General Permit.
15	BMP 6-1-4 & 6-1-5	6.1; 2 of 7	BMPs	Both these BMPs reference BMPs that have not been identified; the Monterey Coastkeeper requests that the SWMP include the lists of required and recommended BMPs to determine how projects will be conditioned. The absence of these BMPs renders both BMP 6-1-4 and 6-1-5 hollow; the commenter cannot comment on upholding construction permittees and projects to a list of BMPs that does not exist.
16	BMP 6-1-7	6.1; 3 of 7	Site Inspections	"Inspections will focus on the presence of required BMP's..." Again, commenters cannot comment on the effectiveness of this action without know what the required BMPs are. Can the applicant include a list of required BMPs?
17	BMP 6-1-7	6.1; 3 of 7	Enforcement actions where BMPS found to fail	We requested further detail on enforcement actions in our preliminary comment letter in the County's own round of public input; we are pleased to note the substantial improvement in

Table 1: Monterey Coastkeeper's specific comments, concerns and requests.

Note: Emphasis is given to the County, however in the case of duplicate BMPs, comments apply to both the County and the City of Capitola

				of BMPs and measurable goals (which should have taken place during the development of the SWMP) has been further postponed without specification of who will finally commit the County to BMPs and goals in year 4 and 5 of the permit. We find that this BMP fails to meet the standard of MEP, and request that actual BMPs be selected.
27	BMP 8-1-9	8.1.6 of 6	Road Repair and Maintenance BMPs	Goal reads "develop quantifiable measurable goals for in terms of frequency or type of repair and maintenance." This is an unclear task; it is not a measurable goal.

Table 1: Monterey Coastkeeper's specific comments, concerns and requests.

Note: Emphasis is given to the County, however in the case of duplicate BMPs, comments apply to both the County and the City of Capitola

**From:** <FOOSBEAL@aol.com>  
**To:** <rbriggs@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/20/2009 6:05 AM  
**Subject:** water issues...opposition to scc proposed storm water mngmnt

Good morning on this auspicious day!

We feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.

The Stormwater Management Plan must have clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County.

The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. We don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county. Look at what has happened to day in the inauguration of Obama--there are many volunteers here and elsewhere!

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. We prefer the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed plan.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone.

And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide our comments.

Tandy Beal, Jon Scoville, Steve Waltcher

\*\*\*\*\*

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(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072%26hmpgID=62%26bcd=DeceMAILFOOTERNO62>)

**From:** "Thomas Dehli" <mail@sacredlotus.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/20/2009 9:06 AM  
**Subject:** Opposition to Santa Cruz County's proposed Storm Water Management Plan

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Dear Mr. Briggs,

I am a resident of Santa Cruz County, and I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

I feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.

I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. I don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. I disagree based on personal experience and observation. I would like to see the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed plan.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide my comments.

Sincerely,

Signature.png

Thomas Dehli

110 Bernard Lane

Santa Cruz, CA

95060

**From:** "Vicki Dyas"

<kiwisam@baymoon.com>

**To:** <rbriggs@waterboards.ca.gov>, <phammer@waterboards.ca.gov>, <john.leopol...

**Date:** 1/20/2009 6:39 PM

**Subject:** Storm Water Management Plan

Vicki Dyas

PO Box 919  
Brookdale, CA 95007

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Via email: rbriggs@waterboards.ca.gov  
phammer@waterboards.ca.gov  
john.leopold@co.santa-cruz.ca.us  
ellen.pirie@co.santa-cruz.ca.us  
neal.coonerty@co.santa-cruz.ca.us  
tony.campos@co.santa-cruz.ca.us  
mark.stone@co.santa-cruz.ca.us

January 20,

2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

I am a resident of Santa Cruz County, and I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

I as well as most of my neighbors, feel strongly that more and better testing should be a requirement of the County's permit for Storm Water Management. Tests need to be done for specific pollutants. Test results then need to be followed with action when necessary and re-testing to judge the effectiveness of those actions..

I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. I would like to know the steps the County will take to achieve those objectives and a timeline for achieving them. I think this is a fair request, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds

and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide comments.

Sincerely,

Vicki Dyas

January 20, 2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

*I am a resident of Santa Cruz County, and I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.*

*I feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.*

*I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. I don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.*

*Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.*

*With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.*

*In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. I disagree based on personal experience and observation. I would like to see the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed plan.*

*This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers*

*every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.*

*Thank you for the opportunity to provide my comments.*

*Sincerely,*

*Patricia Helin, Ben Lomond*

**From:** "Ricard Liberty" <bertlib@sbcglobal.net>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/20/2009 1:57 PM  
**Subject:** Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan  
**Attachments:** Opposition to Santa Cruz County's proposed Storm Water Management Plan.doc

Dear Mr. Briggs,

I am a resident of Santa Cruz County, and I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

I feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.

I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. I don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. I disagree based on personal experience and observation. I would like to see the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed plan.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of

\$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide my comments.

Sincerely,

Richard Liberty

P.S. You may recognize this letter from an earlier one sent by Joni Martin. I have, after reading her letter, decided that her concern about water table contamination was something she articulated well and her suggestions as to enlisting local volunteers to help out a solution with a strong potential. This is why I left it in her original form. Do not mistake this as proof of this letter being spam or m that I am not a real (and concerned) resident of Ben Lomond. I assure you that I am.

## Phillip Hammer - Amended Public Comment Letter on Santa Cruz SWMP

---

**From:** <joniwords@aol.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**Date:** 1/20/2009 5:15 AM  
**Subject:** Amended Public Comment Letter on Santa Cruz SWMP  
**CC:** <phammer@waterboards.ca.gov>, <markstone@co.santa-cruz.ca.us>

---

\* Note: In my original letter, I incorrectly referred to a letter dated June 5, 2008; the correct date was January 5, 2009, so I am re-submitting this letter with the correction.

130 Kipling Ave.  
 0 Ben Lomond, CA 95005  
[joniwords@aol.com](mailto:joniwords@aol.com)  
 A 0 831/336-5720  
 Mr. Roger Briggs, Executive Officer  
 Regional Water Quality Control Board  
 895 Aerovista Place, Suite 101  
 San Luis Obispo, CA 93401  
 Via email: [rbriggs@waterboards.ca.gov](mailto:rbriggs@waterboards.ca.gov)  
 Cc: [phammer@waterboards.ca.gov](mailto:phammer@waterboards.ca.gov)  
[mark.stone@co.santa-cruz.ca.us](mailto:mark.stone@co.santa-cruz.ca.us)  
 =C 2 January 20, 2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

I am a resident of Santa Cruz County, and I am writing in opposition to Santa Cruz County's proposed Storm Water Management Plan and in opposition to what I feel are some inadequate responses on the part of the County to the RWQCB's comments on the proposed plan.

I feel strongly that more and better testing should be a requirement of the County's permit. For all of our watersheds and storm water outlets, we should know what our pollutants are and where they are coming from. Corrective action should be taken as a result of the testing, and subsequent testing should show whether the corrective measures are working. The County mentions that there are some pollutants that they cannot control such as feces from wildlife; that is no reason to give up on measuring and addressing the other pollutants that can and should be tracked to their sources and eliminated.

I am concerned about the County's objection to preparing WAAPs and EAs for our watersheds. I believe that the Storm Water Management Plan should include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include an explanation of what the County will do to achieve those objectives, how they will measure whether they are on track to achieve the objectives at various points throughout the permit period, and what action they will take if they find they are not achieving their objectives. I don't imagine such planning would be as costly as the County says a WAAP would be, especially since they assert in their response to the RWQCB that many of the elements required for a WAAP have already been developed as part of their current work.

As for the County's funding challenges, those are real. However, I take issue with their assertion that residents of unincorporated parts of the county would not support an initiative for additional funding to improve watershed health, water quality and storm water management. There is a strong activist base in Santa Cruz County, who are directly concerned about these issues and who could be mobilized to promote an initiative to provide adequate funding for the plan. I believe that if these people and

nonprofit groups were involved in creating the plan and asked to mobilize the voters to provide funding, there is a strong likelihood that it would be done.

In times of economic challenges, many of us are getting creative with regard to cost reductions. Perhaps some of the local environmental groups' volunteers who have appropriate training and educational backgrounds would be willing to donate time to assist with various sections of initial drafts of the WAAPs for the County to review and refine. There are so many different environmental groups in the County and so many residents with concerns about the environment and public health that I imagine that the County could save some consultant fees that way. Highly trained volunteers could also help with water testing throughout the county as a way to expand the effectiveness of the County plan while keeping costs relatively low.

I would also like to point out here that the six organizations (including water agencies) who signed the January 5, 2009 letter in support of the Santa Cruz Municipalities Storm Water Programs are by no means a comprehensive representation of environmentally concerned groups in the County, nor does that letter necessarily represent the point of view of a majority of members of each group. I know, for example, that in the case of at least one of the nonprofits, the executive director's name is on the signature line, but a member of their Board, whom I know personally, had no knowledge of it. From my understanding of the County's response to the RWQCB's comments, one issue they particularly objected to was the section on hydromodification control criteria. As the wife of a commercial real estate developer, I can understand that some of the criteria proposed (e.g. the EIA being maintained at less than 5% of project area...or the post-construction runoff hydrographs matching within 1% of pre-construction runoff hydrographs) might be too stringent even for a developer with excellent intentions and green credentials. However, I think it would be more productive for the County to counter by proposing alternative, specific criteria that they feel is reasonable rather than focusing on the fact that they can't prove that any criteria they might propose are "as effective as" the criteria the RWQCB proposed. Perhaps you might change your wording to express openness to a give-and-take conversation about what criteria might be acceptable to the RWQCB, and that way get around the "as effective as" issue.

Also on the subject of development, I found it surprising that the County would present the idea of using permeable or semi-permeable paving as an example of an unreasonable option for the owners of a building who want to convert it to a restaurant. As far as I'm concerned, it's time for all of our paving to be permeable or semi-permeable.

In conclusion, I would like to add that, despite their repeated assertions about the historic effectiveness of their storm water management, the County's current plan is not adequately effective. I can attest to that based on my personal experience. I live in the mountains and surf in the ocean. I take my children to play in the rivers and creeks near our home, and I cringe at the water quality in most of these places. Most of the surfers I know (including myself), no matter how dedicated, are reluctant to enter the ocean after a rainstorm because of health problems we have had after being exposed to whatever is flowing out with the stormwater. These include skin rashes and serious respiratory and sinus ailments.

This is not just an environmental issue, and it's not just a public health issue. It's an economic issue as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide my comments.

Sincerely,  
Joni Martin

**From:** Natalie McKinney <nmckinney\_2000@yahoo.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <mark.stone@co.santa-cruz.ca.us>, <phammer@waterboards.ca.gov>  
**Date:** 1/20/2009 9:57 AM  
**Subject:** Opposition to Santa Cruz County's proposed Storm Water Management Plan

200 Kipling Ave.  
Ben Lomond, CA 95005  
nmckinney\_2000@yahoo.com

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Via email: rbriggs@waterboards.ca.gov  
Cc: phammer@waterboards.ca.gov  
mark.stone@co.santa-cruz.ca.us

January 20, 2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

I am a resident of Santa Cruz County, as well as a former student assistant to your office, and I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

I feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.

I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. I don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who could mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. I disagree based on personal experience and observation. I would like to see the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed

plan.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

Thank you for the opportunity to provide my comments.

Sincerely,

Natalie McKinney

Kristen M. VanKlootwyk  
240 Riverside Park Drive  
Ben Lomond, CA 95005

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Via email: [rbriggs@waterboards.ca.gov](mailto:rbriggs@waterboards.ca.gov)  
Cc: [phammer@waterboards.ca.gov](mailto:phammer@waterboards.ca.gov)  
[john.leopold@co.santa-cruz.ca.us](mailto:john.leopold@co.santa-cruz.ca.us)  
[ellen.pirie@co.santa-cruz.ca.us](mailto:ellen.pirie@co.santa-cruz.ca.us)  
[neal.coonerty@co.santa-cruz.ca.us](mailto:neal.coonerty@co.santa-cruz.ca.us)  
[tony.campos@co.santa-cruz.ca.us](mailto:tony.campos@co.santa-cruz.ca.us)  
[mark.stone@co.santa-cruz.ca.us](mailto:mark.stone@co.santa-cruz.ca.us)

January 20, 2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

I am a 20 year resident of Santa Cruz County, a Watershed Ecologist, local Educator and mother of three children born along the San Lorenzo River.

I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

I feel strongly that more and better testing should be a requirement of the County's permit. We should know what specific pollutants are in our water and where they are coming from. Test results should be followed up with corrective action when needed, and further tests should show if those corrective measures are working.

I believe that the Stormwater Management Plan must include clear, measurable objectives to achieve acceptable watershed health and water quality throughout the County. The plan should include a concrete explanation of the steps the County will take to achieve those objectives and a timeline for achieving them. I don't believe that the RWQCB's request for a wastewater attainment allocation plan (WAAP) for the County's watersheds is unreasonable, especially since the County has asserted that they already have in place many of the elements that a WAAP would include.

Regarding their funding challenges, despite the doubt the County expresses, there is a strong activist base in Santa Cruz County, who *could* mobilize to support an initiative to fund a compelling, comprehensive plan. There are also highly trained, highly educated county residents who might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

With regard to development and redevelopment, it is time for "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options. Using community wide rainwater harvesting, rain gardens, and constructed wetlands and ponds are all viable techniques that are minimal in expense compared to the cumulative costs of pollution and destruction of our waterways.

Living on the Monterey Bay National Marine Sanctuary, we have a moral obligation, in my humble opinion,

to use the real knowledge and technology we have to create a national model of how plans like this, agreements like this should look.

It is shameful to do otherwise.

I am a citizen water quality monitor.

I am part of the Salmon and Trout Education Program of Santa Cruz County; an organization made up largely of volunteers in collaboration with the Department of Fish and Game to restore and strengthen native strains of salmonids to our region.

I have walked the rivers of this valley with hundred of folks and keenly observed these waters and their interaction with our community over time.

I cannot say how great the price the San Lorenzo and her tributaries and streams are suffering.

Invasive species, such as the Sacramento Sucker are rampant, ignorant neighbors pump water straight from the river out of ignorance or lack of concern, millions and millions of tainted water flows to the bay poisoning everything in its path as it picks up toxins as it moves downstream. This water could be intelligently slowed so that it infiltrates our precious and overstressed groundwater table.

In their response to the RWQCB's comments, the County claims repeatedly that their current methods of stormwater management are effective. I disagree based on personal experience and observation. I would like to see the County spend their time and financial resources on developing and implementing a superior plan rather than challenging the RWQCB's authority to make "required revisions" to the County's proposed plan. Let us use ingenuity, intelligence and collaboration to solve this and the myriad other water issues we have in our community.

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County has the resources to create a national model for stormwater management and water conservation.

If you would like more information, please visit my website at [www.manyriverscollective.com](http://www.manyriverscollective.com) or call me at 831-227-4779.

I would be happy to spend time talking with you.

Thank you for the opportunity to provide my comments and for taking the time to read them.

Sincerely,

Kristen M. VanKlootwyk

Michael A. Guth

Attorney at Law  
2-2905 East Cliff Dr.  
Santa Cruz, CA 95062

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401

Via e-mail

January 18, 2009

Re: Opposition to Santa Cruz County Stormwater Plan

Dear Mr. Briggs,

I am writing to express my opposition to approval of the Stormwater Runoff Management Program submitted by the County of Santa Cruz. In addition, I take exception to many of the assertions made by the County of Santa Cruz in its January 2009 response letter in rebuttal to recent RWQCB staff comments. I have attended all of the County public hearings on this Program going back to March 2003, and have been frustrated with the lack of development of the County Program. I seek your support in requiring the County to comply with its legal requirements for managing stormwater runoff. I urge the Board to reject the approach of the County, which I see as to delay implementing significant management measures while simultaneously rejecting the Board's interim measures.

It is my view that the County Program simply does not require any real quantitative approach to the issue of polluted runoff nor any quantitative assessment of the possible improvements that might be made regarding runoff management under their proposed Program. Thus, no understanding of the current situation, or the effect of future actions, is required under this Program. The first requirement of this Program is that the SWMP reduce the discharge of pollutants. It is my view that this Program must require the testing of all watersheds in the jurisdiction, large or small, and that periodic testing must be done to determine whether the Program is meeting this requirement. To that extent, I support the requests by the RWQCB staff for Wasteload Allocation Attainment Plans (WAAPs). I point out that I support WAAPs for more than the select view watersheds listed. In my view, no assessment of effectiveness can be made without testing of each watershed for sediment and chemical, viral, and bacterial pollutants.

I take issue with many assertions made by the County in their recent response letter, and discuss those below. In general, the County has in some ways implemented positive programs regarding stormwater runoff. However, the County has also avoided these programs on some of the largest land use projects.

I need not remind the Board that Santa Cruz County is home to numerous surf breaks, and that the waters are filled with users during the winter. The public health

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aspect of stormwater is of prime importance in this area. In addition, stormwater here runs off into the Monterey Bay National Marine Sanctuary.

## Water Quality

To my knowledge, the most recent assessment of water quality and its human health aspect in Santa Cruz County was compiled in Assessment of Sources of Bacterial Contamination At Santa Cruz County Beaches (John Ricker, Water Resources Program Coordinator, March 2006). In addition to recounting the numerous instances of beach closures due to polluted water, especially during runoff season, this report states:

Although the relative contribution of bacterial contamination from various human and animal sources is indicated by microbial source tracking, additional information is needed to determine how those contributions occur, how they enter waterways, and how those contributions can be modified by improved management practices. (emphasis added)

This report makes clear that more information is needed to determine how bacterial contamination enters our stormwater runoff and local waters. Yet at the recent County public hearing on this issue, the County's Public Works Director has stated:

While the County recognizes that urban stormwater pollution is a major contributor to water quality impairment in our watersheds, we also know that it is only one of many contributors. There are other sources of pollution that are beyond our control (natural sources such as birds and other wildlife, natural sedimentation, agriculture, air pollution deposition, impacts due to global warming, etc.) that impact our watersheds. It is unlikely that through the control of stormwater pollution alone will we be able to bring water quality measures to levels desired by the RWQCB, particularly in a five-year permit term.

Letter of Tom Bolich to Santa Cruz County Board of Supervisors, 12/31/2008  
(emphasis added)

The statement above illustrates the shortcomings of the County's approach. There is not acknowledgment in Public Works, which coordinates the County's SWMP efforts, that the pollutants are washed into stormwater, and then collected in drainage watersheds, due to decades of development which linked together all sources. The lack of retention of rainfall, and the transfer from natural biofiltration to hardscape of drainage features, is what has caused pollution of all sorts to be collected in waters as they course through watersheds. Practices which continue to exacerbate this linkage of sources must be eliminated.

There is, in my view, a disconnect between the acknowledgments of the County Public Health Department and the positions of The County Public Works Department.

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## Current County Practices

With regard to the proposed County Program, the County letter states the following:

### 2. Existing County Programs

The County of Santa Cruz' existing County Storm Water Management Program is effective, technically feasible, was developed through an iterative process with input from affected stakeholders, can be implemented within existing limited resources, and enjoys broad community support.

(at page 3)

At the first public hearing on this Program, in March 2003, the entire Program was first put out for public review on the Friday before the Tuesday morning Board of Supervisors Meeting which had the hearing on its agenda. And because of the permit deadline for submittal that week, there was not enough time to incorporate any public input into the first submittal of this Program. As an attendee at that hearing, who both testified and put in written comment, I specifically recall Public Works stating that the Program should be viewed as a "plan to make a plan", and that annual hearings would be held over the next five years. Thus, four additional hearings were promised by March 2008. Instead, one public hearing was held. A valuable stakeholder meeting was held in mid-2003, which I attended, but to my knowledge no second meeting was held. I take issue with the County's assertion that there was an iterative process and that the Program enjoys broad community support.

The County letter highlights the existing ordinances in order to demonstrate that stormwater runoff issues are currently well managed. The letter states:

The County relies on the following existing ordinances to control runoff from

- Grading ordinance (Chapter 16.20) requires all grading permit applications to include an erosion control plan for all surfaces to be exposed during construction and revegetation measures for all surfaces exposed during grading activities.

- Riparian Corridor and Wetland Protection Ordinance (Chapter 16.30) sets forth rules and regulations to protect water quality, open space, and prevent erosion by limiting development:

- 50' from each side of a perennial stream,

- 30' minimum from each side of an intermittent or ephemeral stream and,

- 100' from the high water mark of a lake, wetland, estuary, lagoon or natural body of standing water.

(at page 4)

As a community participant in the planning process, I can state without reservation that exceptions (akin to variances) are given to the Riparian Ordinance often. For example, the County is currently upzoning approximately 20 acres inside the urban services line,

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and the County is applicant and analyst for these projects. Two of these projects illustrate the fallacy of relying solely on the County ordinances:

On Aptos Rancho Road, along Aptos Creek, a multi acre high density rezoning (APN 039-471-09, App. No. 07-0667), the County as applicant for the rezoning and associated PUD **requested exception (variance) from the 50 foot riparian buffer required under the Riparian Corridor Protection Ordinance to 20 feet** (and this "combining district" approach used already removed the additional 10 foot setback from the buffer). The original stated finding to support this exception in the staff report listed first that the State had mandated that we accommodate lots of new high density housing.

On the Nigh Lumber property near Hiway 1, around five acres going to high density above Corcoran Lagoon (APN 029-021-47, App. No. 07-0414), there is a low spot in the coastal plain which had had a creek, now mostly above ground channels with some underground pipes, but nonetheless still providing biofiltration and recharge. **The County proposal requested an exception to the Riparian Corridor Protection Ordinance to rechannel water from above the wetland area into a new diversion pipe 10 feet underground and directly into Rodeo Creek.**

These examples illustrate that although the County ordinances may look strong on paper, they are not used strongly in practice. Reliance on the current system alone will lead to further degradation. To the extent that the Riparian Ordinance is used as part of this Program, I specifically recommend and request the following:

1. **All Riparian exceptions and exemptions be catalogued in a separate database that is publicly available.**
2. **An annual report be prepared summarizing the circumstances of each Riparian exception and exemption, and that report be submitted to the Regional Board, in addition to being part of the annual local hearings on this Program**

### **WAAPs and TMDLs**

I support the Board's staff viewpoint requiring WAAPs and stricter effectiveness assessments. In my view, the Board's staff does not go far enough in its proposed required revisions in this area. The County letter states:

#### **Wasteload Allocation Attainment Plans and Effectiveness Assessments**

The County also has concerns about the need for additional assessments and plans from the County. The County has taken the initiative to work with community groups in to conduct studies, develop plans and begin implementation of efforts that have subsequently served as the basis for the sediment, and

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pathogen, and nutrient TMDLs in the County. The County intends to achieve the TMDL wasteload allocations to the maximum extent practicable, while at the same time addressing priority pollutants in the other county waters that are not necessarily subject of a TMDL. It should be kept in mind that stormwater management is just one component of most TMDLs and the County has a good history of addressing all aspects and adapting their approaches as needed and as new technology or approaches become available. While the County concurs with the overall objectives represented by Wasteload Allocation Attainment Plans (WAAPs), we disagree with the requirement for separate WAAPs for each TMDL and each stormwater program. This detracts from a comprehensive watershed approach and would be an unnecessary and redundant effort, costing the County as much as \$300,000 over the 5-year permit term. Many of the elements of the WAAPs have been addressed through the preparation of the stormwater plans, the TMDLs, and/or the supporting studies that lead to the TMDLs. Ongoing assessment of program effectiveness will be accomplished through the stormwater program effectiveness monitoring and implementation and the Regional Board's TDML triennial review. The County efforts to reduce pollutants in its watershed have been effective and it has considered and taken into account local conditions and constraints.

(at page 9, emphasis added)

The County appears to be saying that WAAPs as required by the Board would detract from a comprehensive watershed approach, yet these items are part of a comprehensive watershed approach. As to the County's disagreement with a requirement that each stormwater program have WAAPs, it should be pointed out that several watersheds in the unincorporated county lie almost if not entirely within the County jurisdiction, thus WAAPs must for those watersheds must be within the County SWMP.

With regard to the County statement that its efforts have been effective in reducing pollutants, I dispute that conclusory statement and challenge the County to support it.

### **Public Support for Stormwater Runoff Management**

I believe that there is strong support in the County for rigorous controls on stormwater management. The weekend during which I wrote this letter there were three surf contests in the water within 1 mile from my office, and at least several hundreds of surfers in the water during that time. Illness from polluted runoff is a concern to all water users, and many, if not most, avoid the water during high runoff periods. I do not believe we can be saying that we are already effectively addressing this issue when users must avoid water contact during runoff periods.

There may be a lack of understanding on the part of the general public regarding the linkage of point and non-point pollution sources via hardscape and outdated stormwater systems to the ocean, and a lack of understanding about how better practices can alleviate the current situation. It is my belief that given that understanding, there would be an outpouring of support regarding this issue. I also believe that reliance on

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public education regarding storm drains is important but must be viewed as only a small part of managing this issue, as no amount of public outreach can substitute for creating an infrastructure that minimizes runoff impacts.

The County letter states:

**The County has experience working collaboratively with environmental and other community groups to develop public acceptance of new water quality programs**

Attached to this letter is a joint letter from several local Santa Cruz environmental organizations and water agencies that attest to the fact that the County and cities have in the past worked cooperatively with local groups to improve water quality. The County has a long history of working closely with organizations and other stakeholders to promote watershed protection and restoration in an effective manner that also maximizes the leverage of limited public and private funding.

(at page 13, emphasis added)

With regard to the claim to effectiveness, I challenge the County to demonstrate how effective the programs to date have been. Where is the data to support improved quality? I expect that correspondences to your Board will show that there is not support for the County SWMP in its current form. It is my understanding that some of the organizations that signed the referenced letter from local groups depend at least in part on the financial largesse of the County and the cities for their survival.

The County letter also states:

There is no evidence to support the notion that the residents and taxpayers of the unincorporated areas of the County of Santa Cruz are willing to financially support the establishment of new unfunded mandates being contemplated by the Regional Board.

(at page 14)

In order to provide some evidence to the Board, I attest that I am a resident of the unincorporated area of the County of Santa Cruz and I am willing to support the mandates contemplated by the Regional Board.

**Interim BMPs - Redevelopment**

The County letter recounts, I believe as a negative, an example of how the proposed interim BMPS would affect an actual permit application:

08-0435 Commercial Redevelopment on 41<sup>st</sup> Avenue:

This application is for a new restaurant to replace an existing commercial use.

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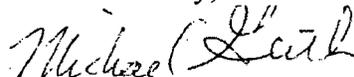
The parking lot is also to be rebuilt. There is no increase in impervious area and drainage patterns were going to be maintained due to the redevelopment, so the only requirement from Stormwater Management is for the inclusion of a water quality treatment unit for the runoff from the parking lot area. This project does not require a civil engineer for the drainage design; however, one would be required to evaluate and design for compliance with the RWQCB's interim criteria. Because the site contains about 20,000 square feet of impervious area, under the RWQCB's interim criteria, redesign of the site would be required so that the effective impervious area (EIA) was limited to 5% of the project area. To achieve this criterion, the project applicant would be required to reduce the size of the restaurant and/or reduce the amount of parking available **or use alternative pervious or semi-impervious paving.** (page 15, emphasis added)

I fully support that a parking lot design would have to be modified under this circumstance using pervious or semi-pervious paving. I am surprised that the County uses this example as a negative, as I believe it is a positive result. Requiring modifications of poorly designed systems when rebuilding parking lots is an excellent requirement.

**Summary**

I support the Regional Water Quality Control Board's efforts to strengthen the County of Santa Cruz' Stormwater Runoff Management Program. Without the Board's strong action the County will not place sufficient priority on managing this important issue.

Yours Sincerely,



Michael A. Guth

**From:** "Tana Brinnand (MouseMitt)" <tana@mousemitt.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <tony.campos@co.santa-cruz.ca.us>, <neal.c...>  
**Date:** 1/20/2009 8:25 AM  
**Subject:** Storm Water Management Plan - Make it Right!

Dear Mr. Briggs,

The days of doing things a certain way simply because they are expedient ARE OVER! As a long time resident of this county, I have to say that it should be obvious we need to know where the pollutants in our water are coming from, and specifically what those pollutants are. We need to make specific plans about how to deal with the problems, and then carry them out. RWQCB is asking for a WAAP (waste water attainment plan), lets be reasonable and give it to them.

Do we want the waters off Santa Cruz to end up like those around Tijuana? Think of what that would do to our tourist trade.

You know, if funding is a problem, I think you can look to the just past, extremely successful Day of Service to realize that you have a whole boatload of community volunteers ready to take on tasks which would reduce the financial burden of this project. Call on us, for heaven's sake.

Water is our most precious resource just behind the air we breathe.

There is an old saw which says: most people given the choice of making changes or explaining why they don't need to, get busy on the explanation.

For heaven's sake, this is not a time to throw tourism, public health, and the environment out the window because "we don't think we need to change."

We do need to change, and consider water quality a top priority in all future development. The only way we can do that rationally is by having all the necessary information. So, let's get busy on a comprehensive plan for change in the way we handle that precious resource.

Sincerely  
Tana Brinnand  
7665 East Zayante Road  
Felton, 95018

**From:** Anita Bonno Bernard <anitab@satisfunctionals.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/21/2009 9:43 AM  
**Subject:** Opposition to Santa Cruz County's proposed StormWater Management Plan

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Dear Mr. Briggs,

President Obama has stressed that it is time for Americans to take responsibility for our actions, and to step up with new vision and a willingness to move beyond the status quo. That is why I am writing to express concern about Santa Cruz County's draft Storm Water Management Plan and their response to the RWQCB's comments on the plan.

There are many water enthusiasts and environmental activists in Santa Cruz who are ready to get to work. A strong activist base could mobilize to support an initiative to fund a compelling, comprehensive plan. Highly trained and educated county residents might volunteer to help research and write parts of a draft WAAPs, and plenty of us would be willing to help with water testing throughout the county.

We MUST look to solutions that exemplify to other communities how best to protect our most precious resource. With regard to development and redevelopment, let us look to "best practices" such as permeable or semi-permeable paving, infiltration ponds and swales, gravel-filled leach lines and shallow bores, and other relatively simple but effective options.

Let us as a county step up and change our water planning for the better, so that other seaside communities may look to us as a model for success.

Thank you for the opportunity to provide my comments.

Sincerely,

Anita Bonno Bernard  
231 Sunset Ave  
Santa Cruz, CA 95060  
831.334.4599 cell

**From:** Marc Shargel <mlpa@livingseaimages.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/21/2009 9:37 AM  
**Subject:** Santa Cruz County's proposed Storm Water Management Plan

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Via email: <>rbriggs@waterboards.ca.gov  
Cc: <>phammer@waterboards.ca.gov  
<>john.leopold@co.santa-cruz.ca.us  
<>ellen.pirie@co.santa-cruz.ca.us  
<>neal.coonerty@co.santa-cruz.ca.us  
<>tony.campos@co.santa-cruz.ca.us  
<>mark.stone@co.santa-cruz.ca.us

January 20, 2009

Re: Opposition to Santa Cruz County's proposed Storm Water Management Plan

Dear Mr. Briggs,

I reside in the San Lorenzo Valley of Santa Cruz County. I am a frequent scuba diver in Monterey Bay and a professional marine life photographer. In addition I lived for years on the edge of the San Lorenzo River itself.

Just yesterday two local environmentalists I have collaborated with over the years informed me of deficits in my county's Storm Water Management Plan. Joni Martin's concerns are cogent and substantive and they speak for me. The water that flows into the San Lorenzo reaches Monterey Bay at Main beach. I immerse myself in the Bay regularly, so questionable water quality can affect my health directly. Just yesterday I took my son (age 5) to Cowell's beach at the foot of Municipal Wharf where I had to restrain him from splashing through a pond that sits just above the ocean. The pond is created by storm drain runoff and is permanently posted as unsafe for human contact. Why do we allow the rivers and streams which feed into the bay to remain permanently at bacterial levels unsafe for human contact? Why do we expose our children to these health risks? Why do we do the same to surfers and divers like me? Why do we do this to our precious coastal ocean?

Santa Cruz County has always held itself to the highest environmental standards, please help us do the right thing by continuing that tradition.

Sincerely yours,

--

Marc Shargel,

Former Alternate Member, MLPA Central Coast Regional Stakeholder Group  
Sea Life Photographer and Author of Wonders of the Sea: North Central  
California's Living Marine Riches

"Never doubt that a small group of thoughtful, committed citizens can  
change the world; indeed, it's the only thing that ever has."

--Margaret Mead

**From:** katharine parker <worryoneparker@yahoo.com>  
**To:** <phammer@waterboards.ca.gov>  
**Date:** 1/20/2009 4:52 PM  
**Subject:** County of Santa Cruz/City of Capitola Water Management Plan (SWMP)

Dear Mr. Hammer,

As a full-time resident of Capitola, I am concerned with the run-off of street wastes from the Depot Hill section of Capitola directly into the Monterey Bay. Our neighborhood is located on the cliffs adjacent to the Bay and much of the neighborhood run-off goes into large drains which feed through pipes directly into the bay. This includes street wastes, pollution from yard run-off, and feral and outside domestic cat feces (and there are a lot in this neighborhood). I am especially concerned because I know that cat feces have tentatively been linked to a disease in our Monterey Bay sea otters.

I am not speaking for our neighborhood, but I believe that the neighborhood group GHAD has tried to work with Capitola administrator Steve Jessup without much luck. I believe that this group offered to help pay for a study on rerouting our drainage but an appropriate study was never done. I would appreciate any leverage the Water Board, via the water plan or otherwise, could exert upon the City of Capitola to work with our neighborhood to resolve our drainage problems.

Thank you,

Katharine Parker

**Phillip Hammer - Comments on the SCC draft Stormwater Management Plan**

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**From:** Nancy Macy <nbbm@cruzio.com>  
**To:** <phammer@waterboards.ca.gov>  
**Date:** 1/20/2009 12:41 PM  
**Subject:** Comments on the SCC draft Stormwater Management Plan  
**Attachments:** RWQCB Ltr on Manag Plan 1/09.doc

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Good Afternoon,

Please find attached (and copied below) our comments on the draft Stormwater Management Plan for Santa Cruz County.

Respectfully,

**Nancy Macy, Co-Chair**

Environmental Committee for the SLV

The Valley Women's Club

831/338-1728; fax: 831/338-7107; cell: 831/345-1555

*EcoCruz ~ The Environmental Guide for Santa Cruz County*

Visit <http://www.EcoCruz.org> to find environmental information, organizations and events in Santa Cruz County.

**"it's just one big garden we should all be tending"**

*Andrew Macy*

**Environmental Committee for the San Lorenzo**

**Valley**

The VALLEY WOMEN'S CLUB of the SLV  
PO Box 574, Ben Lomond, C 95005  
831-338-1728  
<http://www.vwcweb.org>

January 20, 2009

Mr. Roger Briggs, Executive Officer  
Regional Water Quality Control Board

895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Via email: [rbriggs@waterboards.ca.gov](mailto:rbriggs@waterboards.ca.gov)

Re: Santa Cruz County's draft Stormwater Management Plan

Dear Mr. Briggs,

The Valley Women's Club of the San Lorenzo Valley is dedicated to community action, awareness and leadership in environmental, educational, social, and political concerns which affect the health and welfare of the San Lorenzo Valley and our community. We have been working for over thirty years to maintain and improve the health of our watersheds and that of Monterey Bay.

Santa Cruz County has taken the lead in the past to curtail erosion and pollution, to monitor and test the health of our streams and rivers, and to educate and inform its citizens of the importance of these issues. We have enormous respect for the County's staff and are grateful for their ongoing efforts to maintain our water and watershed quality.

However, due to constant pressure to grow its population, combined with severe financial constraints on its ability to function - especially on its ability to enforce its protective ordinances - we feel that they should be working closely with the Regional Board and not be held to a lesser standard because of past and current efforts. We need to know the pollutants in our water and where they are coming from. There should be corrective action taken, as needed, and further tests should show if those corrective measures are working.

Our County Stormwater Management Plan must clearly identify the issues threatening watershed health and water quality throughout the County. Then it must explain the steps the County will take to achieve those objectives and a timeline for achieving them. You have provided ample flexibility but must hold the County to the standards your expertise has found warranted. With a new administration at the federal level, funding may become available for projects which otherwise might be delayed for years, and we should be prepared to take advantage of this.

For too long we have been watching as exceptions to the County's Riparian Corridor ordinance are too often granted; there is little funding for enforcement of the setbacks from streams resulting in increased erosion from ill-conceived dirt roads, and from pollution when septic systems fail to function correctly. We agree with the Regional Board that streams should ideally have a 100' setback for new building, for example, and residents should be held responsible for excessive runoff.

We support improved hydromodification standards for new development and feel much

existing development needs improvement with these designs that can really solve the pollution problems. Requirements such as permeable pavements, infiltration swales, ground water recharge with collected runoff from roofs and similar designs, will have a direct effect, improving water quality. The modest increased costs overall will be worth it, and such standards should be implemented as local codes and enforced as part of compliance with the need to reduce water pollution.

We agree that much of the County's current stormwater management is effective but we should be held to the improved standard in the Management Plan, and make the required revisions of policy, ordinance and enforcement.

We cannot base the long-term quality of our water and the health of our watershed and coastline on short-term financial constraints. These issues are paramount to the continued well-being of residents and the attractiveness of our towns and coasts to tourists. They are paramount to the health of our failing aquifers and degrading streams.

We are grateful to the Regional Board for its work and appreciate the opportunity to comment on the County's Management Plan.

Sincerely,

Nancy B. Macy, Co-Chair  
The Environmental Committee for the SLV  
The Valley Women's Club of the SLV

Cc: Santa Cruz County Board of Supervisors; John Ricker, Water Resources Division  
Director

Via email: [phammer@waterboards.ca.gov](mailto:phammer@waterboards.ca.gov)

[john.leopold@co.santa-cruz.ca.us](mailto:john.leopold@co.santa-cruz.ca.us)

[ellen.pirie@co.santa-cruz.ca.us](mailto:ellen.pirie@co.santa-cruz.ca.us)

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[tony.campos@co.santa-cruz.ca.us](mailto:tony.campos@co.santa-cruz.ca.us)

[mark.stone@co.santa-cruz.ca.us](mailto:mark.stone@co.santa-cruz.ca.us)

**From:** <carson@carolcarson.com>  
**To:** <rbriggs@waterboards.ca.gov>, <phammer@waterboards.ca.gov>  
**CC:** "Mark1000" <mark.stone@co.santa-cruz.ca.us>  
**Date:** 1/20/2009 12:40 PM  
**Subject:** Santa Cruz Co. Wrong on Storm Water Plan

I live near the top of the largest watershed in Santa Cruz County- the San Lorenzo Valley. One of its major tributaries, Boulder Creek, runs behind my house. So I am aware of the issues that surround our water and sometimes feel that our resource is benignly neglected, by not only the county but other organizations like the Resource Conservation District, since we are farther away than other watersheds.

I was disappointed and astonished that the county Supervisors, who usually make credible decisions, has chosen to challenge the the RWQCB's comments. It is incumbent upon us to make our water safe for people, wildlife, plants and our Bay. Our County, which is so blessed with natural resources, should be developing a superior plan rather than challenging the the RWQCB's authority to make "required revisions" to the County's proposed plan.

All the Best,  
Carol Carson, Co-Chair, Environmental Committee for the San Lorenzo Valley

This is not just an environmental issue or a public health issue; it is an economic one as well. Thousands of tourists are drawn to the county's beaches and rivers every year; one recent study placed a value of \$8.4 million per year on Capitola's surf spots alone. And water is becoming a more priceless resource each year as we face the impacts of ongoing climate change and concerns about our reservoirs, aquifers and groundwater. Santa Cruz County needs to create a stronger, more detailed, comprehensive plan to preserve this precious resource.

**From:** Debbie Bulger <dfbulger@cruzio.com>  
**To:** <rbriggs@waterboards.ca.gov>  
**CC:** <phammer@waterboards.ca.gov>, <john.leopold@co.santa-cruz.ca.us>, <ellen...>  
**Date:** 1/20/2009 11:49 AM  
**Subject:** Santa Cruz Storm Water Management Plan

Dear Mr. Briggs,

As a resident of Santa Cruz County, I disagree with the County's attempt to resist development and execution of a detailed wastewater attainment allocation plan.

As a county which depends on tourist dollars, drawn by clean beaches,  
As a county with many many surfers, kayakers, and sailors,  
As a county full of people who pride themselves on being green,  
we must do everything we can to ensure the quality of our water.

Currently we act as if our streams and creeks are sewers and we build storm drains to rush the oil and tire dust and other gunk on our roads into the creeks and eventually into the Monterey Bay National Marine Sanctuary. Instead we should be installing green areas and catch basins on streets to direct the water back into the ground and the aquifer. We should be using permeable surfaces for driveways as is required at Lake Tahoe.

The current testing program for the County does not allow it to finely pinpoint pollution sources so remedies can be taken. The testing program should be refined.

Leaking septic systems in the rural areas are a special program and should be more aggressively addressed.

Thank you for receiving my comments,

Debbie Bulger  
1603 King Street  
Santa Cruz



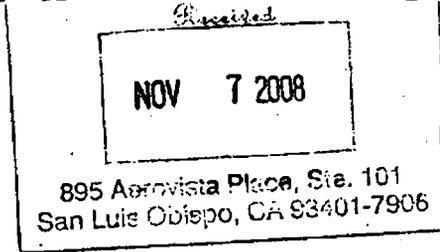
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**SANTA CRUZ COUNTY GROUP**

-----Of The Ventana Chapter-----

P.O. Box 604, Santa Cruz, CA 95061 phone (831) 426-4453  
www.ventana.org e-mail: scscrg@cruzio.com



November 5, 2008

Roger Briggs, Executive Officer  
California Regional Water Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Re: Draft Storm Water Management Plans  
City of Santa Cruz, County of Santa Cruz

Dear Mr. Briggs:

We have reviewed the Draft Storm Water Management Plans submitted by the County of Santa Cruz and by the City of Santa Cruz. We are concerned these draft plans do not seem to place sufficient emphasis or priority on these areas: 1) the actual removal of the major pollutants in stormwater runoff generated in the urbanized portions of the area, 2) siltation in the forested areas, and 3) the opportunity to integrate runoff management with aquifer recharge.

The draft plans attempt to address important issues such as the elimination of illicit discharges, prevention of runoff from construction sites, pollution prevention in municipal operations, as well as prevention through public education and through specific preventive measures applicable to new development projects. While these activities are necessary and valuable components of an overall plan, they do not address directly the existing primary runoff pollution problems in urban areas.

We believe that it is widely recognized that in urbanized areas the largest source of polluted runoff comes from highways, roads, parking lots, and other hardscape sites. The accumulated oil residues, metal and chemical particles, toxins, bacterial waste, as well as solid debris constitute the largest component of urban runoff and pose the major threat to water quality in our rivers and ocean.

Because these pollutants flow to water courses and to catch basins that empty directly into the ocean, we request that your Agency, in reviewing these draft plans, place the highest priority on the identification, planning, and scheduling of specific projects that remove these toxins through natural filtration and engineered filtration devices.

In the area of natural filtration there are well known examples of projects undertaken elsewhere in the country that catch stormwater runoff from adjacent paved areas and redirect it towards natural drainage systems such as lagoons and seasonal wetlands. Other examples have utilized golf courses, large public open spaces, portions of urban parks and playgrounds, and other special opportunities to use natural filtration. These

*"...to explore, enjoy and protect the wild places of the earth."*

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types of solution need to be identified throughout each watershed as part of each area's Stormwater Management Plan (SWMP). Also, there are existing natural filtration areas that have fallen into disrepair and are no longer functioning optimally. There is an obvious need and opportunity to identify these, and to develop and schedule specific repair projects as one of the highest priorities in each SWMP.

In the area of engineered filtration devices, we request that a multi year program be developed by each jurisdiction to install and maintain engineered filtration devices in each catch basin/storm drain. Filtration devices must be supported by ongoing programs to clean, maintain and replace these devices, and also an ongoing program to clean out solid debris from storm drains before it flows to the ocean. There should also be a program to retrofit, gradually over a specific time period, large parking lots and other large hardscape areas with sedimentation and filtration solutions similar to those proposed for new large developments.

Another major concern that does not seem to be addressed in the draft SWMPs is the runoff in non-urban, forested areas which comprise a large portion of our county. The rampant building of logging roads in the watersheds, the removal of riparian vegetation and other inappropriate logging practices cause huge amounts of silt to run off into the creeks, thereby ruining their habitat.

Lastly we want to stress the apparently missed opportunity to manage runoff with the aim of maximizing its potential as a source of aquifer recharge. In each SWMP there is a need to identify areas most in need of recharge, most able to absorb it, and to match these with runoff that can be redirected towards them. In this County, the need to bring together runoff management and recharge planning is an apparent, unmet need.

In conclusion, we urge you to require that specific projects dealing with pollutant load reductions, both through natural filtration and engineered solutions, be identified, quantified, and scheduled as the highest priority in SWMPs. Toxic pollution removal from runoff, prevention of siltation and maximizing aquifer recharge opportunities are the three areas that require the most improvement in SWMPs.

Thank you for considering these preliminary comments. We will submit more detailed comments during the 60-day public comment period when it is announced.

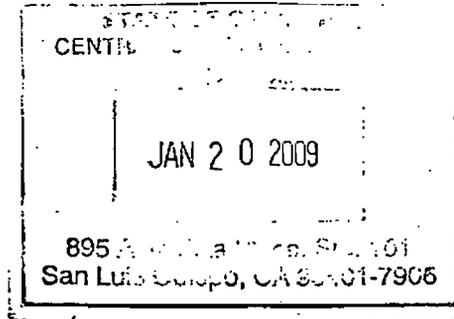
Sincerely,

*Aldo Giacchino*

Aldo Giacchino, Chair  
Sierra Club—Santa Cruz County Group

**Fax Cover**

**Date: January 20, 2009**



**Page one of seven pages, comprising 2 joined letters**

**From: Kevin Collins  
Lompico Watershed Conservancy  
P.O. Box 99  
Felton, CA 95018**

**To: Central Coast Regional Water Quality Control Board  
  
Exec. Director Roger Briggs and Philip Hammer  
Letter addressed to Jeff Young CCRWQCB Chair**

**Subject: Santa Cruz County Stormwater Management Plan**

**Sent earlier today by email to the individuals above; sent again here by fax. 805-543-0397**



January 19, 2009

Jeff Young, Chair  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401

**Subject: Draft Stormwater Management Plan from the County of Santa Cruz-City of Capitola and the County Board of Supervisors approved letter dated January 13, 2009**

Greetings Mr. Young,

This letter opposes the position of Santa Cruz County and the City of Capitola regarding their draft Stormwater Management Plan. Our comments address the County's letter to the Central Coast Regional Board dated January 13. We support the RB3 staff position.

Many of our comments on this matter will be found in our attached letter to the Santa Cruz County Board of Supervisors dated January 12, 2009. Please consider this attached letter to be our additional comments to the Regional Board on this matter. Both letters address this issue together to the Regional Board.

The County bases much of its argument to your Board upon the grounds that the County's existing ordinances, policies and monitoring programs constitute the basis of good stormwater management.

On paper this might appear to be true. However, as long time residents and concerned citizens of this County, citizens who have taken a close look at County policy and attempted to convince the County to both follow and to enforce its ordinances, we find this County position to be hollow. If necessary we can produce demonstrable evidence of the County Planning Department's evasion of its code enforcement responsibilities. We can demonstrate that the county Riparian Corridor Protection Ordinance is routinely dismissed through "exceptions" and similar variances. These include situations where the County is the "applicant" on development proposals, as described in our attached letter to the Board of Supervisors.

As a conservation organization working on water quality issues, we find this situation to be very discouraging. **For this reason and others we recommend that the Regional Board insist upon County compliance with your staff recommendations for revisions and additions to the County Stormwater Management Plan as proposed.**

It is very difficult and time consuming to track compliance with County codes. It is a task beyond the capacity of ordinary citizens. Within the Conservancy there is special expertise in this matter. For this reason we recommend that the Regional Board require an annual list of all grading ordinance and riparian corridor ordinance exceptions, exemptions, variances and code enforcement actions as part of the SWMP. Only then can the Regional Board have *any* means to assess the grounds for the County's claim that these ordinances constitute the basis for a Storm Water Management Plan.

The County asserts that your staff's requirements for a SWMP are unnecessary and too costly. However within this process is a provision called MEP or, to the Maximum Extent Possible. We see considerable flexibility in the Regional Board's position if the County were to begin to cooperate and develop a program as requested. Considering the amount of water contact recreation that occurs in the lower San Lorenzo River, in other streams, and along the Monterey Bay coast, what makes this County special is the degree to which human health is impacted by water pollution.

The Conservancy is particularly interested in endangered species protection. The coho salmon once common in this area are on the brink of extinction. Steelhead, western pond turtles, red-legged frogs, birds, amphibians and other wildlife are listed under both Endangered Species Acts. All this wildlife and many other species are adversely impacted by hydromodification, water pollution and loss of riparian habitat. A well designed and monitored SWMP would assist in the recovery of these animals and many others. Stormwater is generally viewed as an urban issue but it applies to many paved and developed areas in the more rural parts of Santa Cruz County. It affects upper watersheds in many cases. There is a huge opportunity for improvement that the County should seize upon, if it is actually concerned about water pollution problems.

The hydromodification standards contained in the staff schedules appear to be very difficult, however we understand them to be goals and guidelines and not absolute limits on each discrete permit that the County might issue. This is where we see room for negotiation regarding offsets and other methods of compliance if the County cooperated with the Regional Board's program. After so much bad design by local jurisdictions, it is time to reverse course and implement the already tested methods of making stormwater a resource instead of simply a problem to be "jetted" off into a waterbody as polluted discharge. The County letter describes a "Commercial Redevelopment on 41st Avenue" as an example of the problem it has with hydromodification standards. To quote from their page 15:

"Because the site contains about 20,000 square feet of impervious area, under the RWQCB's interim criteria, redesign of the site would be required so that the effective impervious area (EIA) was limited to 5% of the project area. To achieve this criterion, the project applicant would be required to reduce the size of the restaurant and/or reduce the amount of parking available or use alternative pervious or semi-impervious paving."

We find this statement to be astonishing. Pervious pavements, swales and other similar solutions are exactly what solving hydromodification is all about! **If the County is going to use this as an example of their problem with SWMPs, how is the Regional Board to take any of the County's claims regarding its intent to write its own standards seriously?**

Looking at this in reverse; this statement is clear evidence that the County is not qualified, nor is it prepared to deal with stormwater management in a way that will comply with the law. Replacing the tens of square miles of impermeable asphalt in this County is a long-term solution to water pollution and ground water recharge, it is not the problem! 41st. avenue is a hydromodification disaster zone badly in need of solutions. The County has offered no reasonable solution. What the County has provided are facile objections to state and federal law.

Regarding the TMDLs and Wasteload Allocation Attainment Plans (WAAP), we see huge holes in the water quality testing now conducted by Santa Cruz County. This makes for big opportunities to improve these programs and to better understand what the real sources of pollutants are. Please review our attached letter as it applies to current testing by the County Department of Environmental Health. The County's assertion that they cannot distinguish between various sources of pollution simply reveals that their testing protocols are inadequate. In the current financial downturn it is our hope that the Regional Board and the County will come to agreement on a plan to begin to improve testing programs over time as methods develop with experience. Again we see flexibility in the Regional Board position that the County does not acknowledge. It is quite obvious that compliance with the TMDL can never be attained if the information is missing. The County position appears to us to be more rhetorical than factual.

In conclusion:

It gives us no satisfaction whatsoever to object to the County position in this matter. In the past the Conservancy and the County have had a very productive working relationship that we hope to see again. We support the Regional Board staff position as it applies to a County Stormwater Management Plan. We cannot detect a dependable willingness on behalf of the County to deal with this problem without strong guidance and supervision by the Central Coast Regional Water Quality Control Board.

Regards,



Kevin Collins



January 12, 2008

Santa Cruz County  
Board of Supervisors  
701 Ocean St. 5th floor  
Santa Cruz CA 95060

Subject: Agenda item 46, Storm Water Management Plan

The Lompico Watershed Conservancy has had relatively extensive experience with the Central Coast Regional Water Quality Control Board and its review processes. This contact resulted from our efforts to strengthen and rationalize its Timber Waiver of Waste Discharge Requirement program. During this time we worked in concert with Citizens for Responsible Forest Management, the Ocean Conservancy and the Sierra Club. We engaged hydrologists and legal council. The Storm Water Management Plan that the County and cities are required to complete is obviously related to our past advocacy at the Regional Board and it directly impacts the natural resources we work to preserve. The comments offered here to the Santa Cruz County Board of Supervisors will be conveyed to the Central Coast Regional Board as well. I have read the entirety of Agenda item 46 as posted on the County's web site. This is a matter of great complexity and importance.

The purpose of Wasteload Allocation Attainment Plans (WAAP) and the water quality testing involved is to separate out and identify the various sources of pollutants so the TMDL (Total Daily Maximum Load program) can actually be met by directing corrective actions to the source of the pollutants. Testing is intended to be the means to determine if corrective actions are actually getting at the source of various forms of pollution.

The Conservancy Board is composed of people who have lived in the upper San Lorenzo River watershed for many years. In our opinion the County would be better advised to improve the design of its current water testing programs as a way of meeting the Regional Board's standards than to base its assertions upon the principle that additional testing is unnecessary and expensive. We do not wish to be disrespectful, but upon reading the County letters we are compelled to make the following comments about existing water pollution testing. There are specific instances best described as intended to imitate a "don't ask don't tell" program. Numerous people over the years have described to me their experience with Environmental Health field staff. The staff people were not able to determine the source of what these residents knew to be persistent pollution sources. A reliable person described the most recent event to me only two days ago. An example of this would be for EH to search for the source of septic failures during a dry period when the septic discharge is re-absorbed into the earth and not evident, even though the person asking for the investigation could fully describe the evidence that surfaced during rainy periods. It is not our intent, nor are we qualified, to assign responsibility to any person or office, but we wish to explain to the Board what are long-standing systemic problems. As

another example, the County relies on septic pumping contractors for reports of failing systems, but when these obligatory reports from private contractors are received by the County, they are simply filed rather than read and analyzed.

Assuming that the above described observations and reports are true, it would hardly be redundant for the County to do better testing so as to be more effective at finding pollution sources requiring correction. Testing can be improved by a combination of better protocols for current testing combined with highly specific additional testing to determine sources, as required by the Regional Board in its July 2, 2008 letter. Because both the County and the Regional Board have staffing and funding shortfalls, this approach seems logical. For the County to assert that testing should be on a broader scale than the Regional Board requires is vague and it does not address the fact that evidence does exist for specific pollutant sources.

The County staff letter continues with an assertion that implies difficulty in distinguishing between urban stormwater pollution and other sources: "There are other sources of pollution that are beyond our control (natural sources such as birds and other wildlife, natural sedimentation, agriculture, air pollution deposition, impacts due to global warming, etc.) that impact our watersheds." This is a very broad statement that would not be persuasive to the Regional Board. If the testing the County now conducts is not sufficient to distinguish between urban and agricultural pollution (as an example) then the methods of testing used must indeed be ineffective at determining sources of pollution. Motor oils, glycols from anti-freeze, paints and other urban pollutants have specific "signals" which distinguish them from agricultural pollution.

The Regional Board's estimate (in the TMDL) for average annual sediment discharge from the San Lorenzo River is 168,000 tons per year. It will be no surprise that this sediment load originates overwhelmingly in the steep upper watershed and not from urban construction sites and bare yards where rainfall rates are less than 50% of mountainous areas (including urbanized mountain areas such as Boulder Creek and Felton) and terrain is essentially flat.

Hydromodification is the single most important factor for the volume of stormwater generated by development. The County staff letter mentions that Santa Clara County has already completed a Hydromodification Management Plan (HMC) and that the Regional Board has interim hydromodification control criteria. If the County were to reply to the Regional Board that it intended to use these existing sources as models to complete its own plan it is likely that the Regional Board would be more willing to accept this proposal than to accept that "The County, in conjunction with other local municipalities, has decided to develop alternative criteria to the RWQCB's prescriptive and untested interim criteria." Since the issue of urban storm water runoff hydromodification is, relatively speaking, transferable from one city and county to another, and necessarily prescriptive, this seems to be less of a rejection of the Regional Board's authority.

If the County were not repeatedly allowing exceptions to its own "hydromodification" class of codes, the Regional Board might be more easily persuaded. There is broad concern in the environmental community about the lack of effective use of new designs and technologies for storm water capture by Santa Cruz County. The Planned Unit Developments such as the Aptos proposal recently approved by the Board fly in the face of good design. Directing storm water into culvert systems cut through the Riparian Corridor Protection Zone to dump storm water

directly into Aptos Creek and furthermore to steadily issue exceptions and variances to the Riparian Corridor Protection Ordinance all over the County, does not instill confidence in the willingness of the County to change practices necessary to meet the Regional Board's standards. The means for meeting "Hydromodification" standards are not "rocket science" though the actual standards of the Regional Board are severe considering past practice. Methods include the use of permeable pavements, infiltration ponds and swales, gravel filled leach lines and shallow bores, and other very common sense designs that prevent new development from creating additional polluted storm water run-off. Use of these systems is inevitable and will recharge depleted well-water aquifers. The time has passed when a commercial development, new home or apartment complex can simply send the water from its roofs and slick asphalt parking lots out into the street to pick up all manner of revolting crud and then wash that slurry into our creeks and Monterey Bay.

Item 24 in the Regional Board's schedule states: "The SWMP states that the San Lorenzo River watershed will be a priority for inspection, enforcement, and sediment control. However, no detail is provided regarding the steps the County will take to make the San Lorenzo River watershed a priority. Such information is needed to exhibit that the County is targeting primary pollutants of concern." Every informed person is conscious of the funding problems that the County faces. However this hopefully transitory situation should not lead to a long-term weakness in County policies. The Regional Board is asking for a plan to correct water pollution problems. No one expects this goal to be met in one or two years. This will take a decade or more to accomplish. The TMDLs have long term goals and need long term effective planning from Santa Cruz County. The Federal Water Pollution Control Act and the state Porter Cologne Water Quality Control Act were passed in the 1970s. After more than 30 years, these laws have finally begun to address Non-Point-Source pollution. The Central Coast Regional Water Quality Control Board is attempting to perform one of its legal roles as the supervisor of county and municipal government water quality regulations. Hopefully the County of Santa Cruz and City of Capitola will find the means to comply. The fact that so much time has passed since these laws took effect, without adequate corrective changes to local land use codes, is obviously the reason for the current impasse. We hope this can be resolved.

Regards,



Kevin Collins

Cc. Jeff Young, Chair  
Central Coast Regional Water Quality Control Board

Steve Shimek, Monterey Coastkeeper