Linda S. Adams
*Agency Secretary*

# California Regional Water Quality Control Board

## Central Coast Region

Arnold Schwarzenegger
*Governor*

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cc: RGS Lindsey Whitehead
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RECEIVED
FEB 20 2008
Business Services

February 15, 2008

Ellen Pritchet
City of Santa Maria
810 West Church Street
Santa Maria, CA 93458

Dear Ellen Pritchet:

**Notification to Traditional, Small MS4s on Process for Enrolling under the State's General NPDES Permit for Storm Water Discharges**

**Introduction**

As Executive Officer of the Regional Water Quality Control Board, Central Coast Region (Water Board), I am writing to notify you of the Water Board's revised process for enrolling traditional, small Municipal Separate Storm Sewer Systems (MS4s) under the State's General Permit No. CAS000004 (General Permit). Water Board staff have identified you as an entity that owns or operates an MS4, so you must enroll in the General Permit and develop and implement a Storm Water Management Program (SWMP). This letter describes the SWMP approval process and our expectations regarding the content of your SWMP to comply with the General Permit, and provides you with the schedule Water Board staff intend to follow for review of your SWMP and enrollment of your MS4 under the General Permit. Staff will communicate further with you as your enrollment cycles begin, to establish specific schedules for the five phases leading to enrollment.

Water Board staff will evaluate your SWMP for compliance with the General Permit requirements, including the Maximum Extent Practicable standard, and as appropriate will approve the SWMP and enroll you in the General Permit. If requested, Water Board staff will schedule a public hearing before the Central Coast Water Board for consideration of an individual SWMP.

The Water Board's revised enrollment process is a fundamental shift from the way we have reviewed and approved SWMPs to date. The revised enrollment process eliminates the multiple SWMP review/edit iterations and negotiations that characterized our previous approach. For SWMPs that do not meet the schedule and content described here for General Permit compliance, staff will draft specific resolutions or individual permits for Water Board consideration that will protect water quality, beneficial uses, and the biological and physical integrity of watersheds.

**Enrollment Process and Schedule**

Water Board staff grouped the 24 remaining un-enrolled traditional MS4s into eight enrollment cycles (Table 1). Each cycle spans a period of 33 to 38 weeks and concludes, on the projected date, with Water Board approval of individual SWMPs and enrollment of the MS4s under the General Permit.

Each enrollment cycle includes five time-limited phases requiring specific actions by both Water Board staff and the MS4 (Table 2). The precise timing and duration of each phase is subject to change; Water Board staff will develop specific schedules at the commencement of each enrollment cycle.

**Table 1: Enrollment Cycles for Attachment 1 and 2 MS4s**

| Cycle | MS4 Group | Group Members | Projected Start Date for Enrollment Cycle | Projected Executive Officer SWMP Approval | Projected Board SWMP Approval [1] |
|---|---|---|---|---|---|
| 1 | Santa Maria/Lompoc | Santa Maria<br>Lompoc | Jan. 22, 2008 | July 28, 2008 | Sept. 5, 2008<br>San Luis Obispo |
| 2 | Coastal Santa Barbara County | Goleta<br>Carpinteria<br>Santa Barbara<br>UC Santa Barbara | Jan. 29, 2008 | September 2, 2008 | Oct. 17, 2008<br>Santa Barbara |
| 3 | Santa Cruz Mountains and Coast | Santa Cruz County<br>Capitola<br>Soquel<br>Aptos<br>Ben Lomond<br>Boulder Creek<br>Live Oak<br>Felton<br>Coralitos<br>Watsonville<br>City of Santa Cruz<br>Scotts Valley<br>UC Santa Cruz | Mid February 2008 | October 20, 2008 | Dec. 5, 2008<br>San Luis Obispo |
| 4 | Coastal San Luis Obispo County | Arroyo Grande<br>Grover Beach<br>Pismo Beach<br>Oceano<br>Morro Bay<br>Baywood – Los Osos | Mid April 2008 | January 2009 | 2009 – 1st Quarter<br>San Luis Obispo |
| 5 | Upper Salinas | King City<br>Templeton<br>Atascadero | Early June 2008 | February 2009 | 2009 – 1st Quarter<br>Salinas |
| 6 | City of San Luis Obispo | City of San Luis Obispo | Early September 2008 | April 2009 | 2009 – 2nd Quarter<br>San Luis Obispo |
| 7 | Upper Pajaro | Gilroy<br>San Martin<br>Santa Clara | Early November 2008 | August 2009 | 2009 – 3rd Quarter<br>Watsonville |
| 8 | Santa Ynez | Buellton<br>Solvang<br>Vandenberg AFB | Mid November 2008 | August 2009 | 2009 – 3rd Quarter<br>San Luis Obispo |

1. Board approval only required if a hearing is requested by stakeholder

**Table 2: Phases of MS4 Enrollment Cycle**

| | Duration (weeks) |
|---|---|
| **Phase I: Water Board Staff Assessment of Water Quality Challenges** | |
| Water Board staff:<br>Assess available water quality information<br>Accept input from stakeholders on water quality conditions<br>Prepare and transmit to MS4 staff a statement of current knowledge of water quality challenges that must be addressed by SWMP | 3 – 4 |
| **Phase II: Water Board Staff SWMP Review** | |
| Water Board staff:<br>Review SWMP and "red-lines" text<br>Send red-lined SWMP and letter explaining requirements to MS4 | 3 – 4 |
| **Phase III: MS4 SWMP Redraft** | |
| MS4 staff re-draft SWMP and post for Public Review | 6 |
| **Phase IV: Water Board Staff Final Review and Posting of SWMP** | |
| Water Board staff review SWMP | 2 – 4 |
| Water Board staff post SWMP and table of required revisions for Public Review | 8 |
| Water Board staff respond to public comment and EO approves SWMP | 3 – 4 |
| **Phase V: Water Board Action (if hearing requested)** | |
| Water Board staff prepare Staff Report with recommendation and resolution for SWMP approval | 2 |
| Water Board Staff:<br>Post Staff Report with Board Agenda for Public Review<br>Respond to additional public comment<br>Prepares Presentation for Hearing<br>Conduct internal review up to Board Meeting | 6 |
| **Total** | **33 to 38** |

**Communication**

Clear and open communication between Water Board staff, MS4 staff, and stakeholders is vital to the success of this enrollment process. Also, the Phase II General Permit requires public participation as a component of developing and implementing successful stormwater management programs for MS4s. To comply with the General Permit, you must verify that you have achieved broad and timely distribution of announcements of scoping meetings, draft stormwater program documents, and local agency actions on stormwater program activities when you submit your SWMP for Water Board staff review.

Water Board staff are committed to ensuring that the enrollment process proceeds with open communication. Staff will employ a list-serve (email notification) for notifying all interested parties of important milestones in each enrollment cycle. Water Board staff will also maintain an MS4 enrollment tracking webpage where staff will post relevant documents and indicate the status of each MS4 in the enrollment process. Additionally, an individual Water Board staff person will be assigned to each enrollment cycle. We request that you also identify an individual to serve as point of contact representing your MS4 with whom we will communicate during the enrollment process. You must identify your point of contact when Water Board staff contact you to initiate your enrollment cycle.

**Central Coast Water Board Expected SWMP Content**

The federal Clean Water Act (CWA) provides that National Pollutant Discharge Elimination System (NPDES) permits for MS4s must require municipalities to reduce pollutants in their stormwater discharges to the Maximum Extent Practicable (MEP) (CWA §402(p)(3)(B)). The California Water Boards have established the meaning and application of this standard through several adopted stormwater permits (the MEP standard is the same for Phase I and Phase II municipalities)[1]. The Water Board implements the General Permit to be consistent with its Water Quality Control Plan (Basin Plan) to ensure protection of water quality, beneficial uses, and the biological and physical integrity of watersheds according to the issues in the Regions.

Your SWMP must include an array of Best Management Practices (BMPs), including the six Minimum Control Measures listed in the General Permit, to achieve the following conditions:

I. Maximize infiltration of clean stormwater, and minimize runoff volume and rate
II. Protect riparian areas, wetlands, and their buffer zones
III. Minimize pollutant loading; and
IV. Provide long-term watershed protection

I. Maximize Infiltration of clean stormwater, and minimize runoff volume and rate.
Water Board staff expect your SWMP to present a schedule for development and adoption of control standards for hydromodification. For SWMP adoption, staff will recommend to the Water Board the following interim requirements, which would apply until such time that you develop acceptable control standards for hydromodification:

- For new and re-development projects, Effective Impervious Area[2] shall be maintained at less than five percent (5%) of total project area.
- For new and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-construction[3] runoff hydrographs, for a range of events with return periods from 1-year to 10-years.
- For projects whose disturbed project area exceeds two acres, preserve the pre-construction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream[4] or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

These interim requirements must be implemented for all applicable projects subject to your discretionary approvals within six (6) months of your enrollment in the Phase II permit. Your schedule for development and adoption of your own control standards for hydromodification must include:

- Numeric criteria for controlling stormwater runoff volume and rates from new and redevelopment.

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[1] Several stormwater permits adopted by different Regional Boards have been legally challenged. All have been upheld by the State Water Resources Control Board and the courts. The Water Boards have broad authority to regulate stormwater and land use activities that result in discharges to waters of the State. Urbanization is one the most important land use activities affecting water quality, beneficial uses, and the physical and biological integrity of watersheds in the Central Coast Region.

[2] Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

[3] Pre-construction condition is defined as undeveloped soil type and vegetation.

[4] A first order stream is defined as a stream with no tributaries.

- Numeric criteria for stream stability required to protect downstream beneficial uses and prevent physical changes to downstream stream channels that would adversely affect the physical structure, biologic condition, and water quality of streams.
- Specific applicability criteria, land disturbance acreage thresholds, and exemptions.
- Performance criteria for control BMPs and an inspection program to ensure proper long term functioning over.
- Education requirements for appropriate municipal staff on hydromodification and Low Impact Development.

You must include an effective strategy to control hydromodification, or Water Board staff will recommend to the Water Board requirements in the resolution approving your SWMP and enrolling you in the Phase II permit.

II. Protect riparian areas, wetlands, and their buffer zones:
Your SWMP must include BMPs and/or other control measures to establish and maintain a minimum 30-foot buffer zone for riparian areas and wetlands[5]. The buffer zone is a protective area that is undisturbed to the maximum extent practicable. Your SWMP must include consideration and prioritization of local conditions, such as habitat degradation, water quality, and land management practices, and apply more substantial buffer zones where necessary to protect riparian areas and wetlands.

You must include an effective strategy to adopt and implement protection of riparian areas, wetlands, and their buffer zones, or Water Board staff will recommend to the Water Board requirements in the resolution approving your SWMP and enrolling you in the Phase II permit.

III. Minimize pollutant loading
Your SWMP must include BMPs and/or other control measures to minimize pollutant loading, including volume- and/or flow-based treatment criteria. Your SWMP must include consideration and prioritization of local conditions, such as existing pollutant loading, water quality, 303(d) listed impaired waters, pollutants of concern, habitat degradation, and land management practices, and apply more stringent control measures where necessary to minimize pollutant loading.

You must include an effective strategy to reduce pollutant loading, or Water Board staff will recommend to the Water Board requirements in the resolution approving your SWMP and enrolling you in the Phase II permit.

IV. Provide long-term watershed protection
You must include in your SWMP a strategy to develop watershed based hydromodification management plans. These plans should incorporate Low Impact Development strategies with the goal of Post Construction Storm Water Management to achieve an Effective Impervious Area of no more than three to ten percent (3 – 10%) of watershed area within your jurisdiction, depending on local conditions.

The requirements listed above are often characterized as hydromodification controls, or Low Impact Development. These terms are related and their meanings overlap. These requirements are necessary to ensure protection of water quality, beneficial uses, and the biological and physical integrity of watersheds and aquatic habitat. You can reference information on hydromodification controls and Low Impact Development principles on the Central Coast Water Board's website:

[5] The Central Coast Water Quality Control Plan (Basin Plan) requires protection of riparian and wetland habitat and their buffer zones (Basin Plan, Section V.G. 4).

http://www.waterboards.ca.gov/centralcoast/stormwater/low%20impact%20devel/lid_index.htm.

Evaluation of Program Effectiveness and Progress toward Water Quality Goals

Because MEP is a dynamic performance standard which evolves over time as stormwater management knowledge increases, MS4 managers must continually assess and modify their programs to incorporate improvements in control measures and BMPs to achieve MEP. Therefore, your SWMP should contain a detailed plan for evaluating its effectiveness and progress toward complying with the General Permit. Your SWMP must also explain how you will communicate evaluation results with stakeholders. Your evaluation plan should include quantifiable measures for evaluating the effectiveness of the program and be based on the following objectives:

- Assess compliance with requirements of the General Permit , including:
  - Inspection Programs
  - Construction Site Controls
  - Elimination of unlawful discharges
  - New development and redevelopment requirements
- Verify that BMPs are being implemented (e.g., all new applicable developments meet hydromodification control requirements described above and as further described in your SWMP);
- Assess the chemical, physical, and biological impacts on beneficial uses caused by pollutants of concern in stormwater discharges;
- Characterize watersheds and stormwater discharges;
- Identify sources of pollutants; and
- Evaluate long-term trends in receiving water quality.

**Conclusion**

Please become familiar with the schedule for the enrollment cycle for your MS4, and the steps in the enrollment process. When Water Board staff contact you to initiate your enrollment cycle, please provide us with contact information for the individual that will be representing your MS4.

Please begin updating or preparing your SWMP to include the following as explained in this letter:

- Hydromodification controls for new and redevelopment;
- Protection of riparian and wetland habitat and their buffer zones;
- Minimization of pollutant loading;
- Provision of long-term watershed protection; and
- Evaluation of program effectiveness.

Your SWMP must be specific and must include: well-defined BMPs and other actions that you will implement, schedules, measurable goals, and measures to determine the effectiveness of your program. If your SWMP is not comprehensive or lacks specificity, I will not approve it, and Water Board staff will draft a resolution or an individual permit for consideration by the Water Board at a hearing.

I am clarifying the Water Board's revised enrollment process and SWMP content and requirements to speed up approval of SWMPs for MS4s in the Central Coast Region that will protect water quality, beneficial uses, and the biological and physical integrity of watersheds. I am also committing staff time to regulate MS4s and provide technical and financial assistance to municipalities for stormwater management programs.

The Proposition 84 Storm Water Grant Program funds may be used to provide matching grants to local public agencies for the reduction and prevention of stormwater pollution of rivers, lakes, and streams. A total of approximately $82 million will be available for matching grants. A scoping meeting to answer questions and to solicit input will be held at our office in San Luis Obispo on Monday, March 3, 2008, from 1:00 – 4:00 PM. For more information on the Proposition 84 Storm Water Grant Program and workshops, visit the State Water Board's website at: http://www.waterboards.ca.gov/funding/prop84.html.

I anticipate you will have questions about this letter and the expected content of your SWMP. Please contact us. Our lead staff for this enrollment process is **Dominic Roques**, droques@waterboards.ca.gov or at **(805) 542-4780.**

Sincerely,

Roger W. Briggs
Executive Officer

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