



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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June 5, 2009

**BY ELECTRONIC AND REGULAR MAIL**

Mr. Dwayne Chisam, Public Works Director/City Engineer  
dchisam@pismo-beach.org  
City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449

Dear Mr. Chisam:

### **NOTICE OF ENROLLMENT – NPDES SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT; CITY OF PISMO BEACH, SAN LUIS OBISPO COUNTY, WDID # 3 40MS04033**

The Central Coast Regional Water Quality Control Board (Water Board) received a Notice of Intent, Storm Water Management Plan (SWMP), map, and fee for the City of Pismo Beach's (City's) Municipal Separate Storm Sewer System (MS4). These items are required to enroll in the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit).

Water Board staff reviewed the City's SWMP and found it, combined with a number of specific revisions described in the Final Table of Required Revisions, Attachment 1, to be in compliance with the General Permit and to meet the maximum extent practicable (MEP) standard set forth in the General Permit. The City's SWMP was available to the public for a 60-day comment period, and Water Board staff received comments from stakeholders. The comments are contained in Attachment 2. Water Board staff responses to these comments are contained in Attachment 3.

NO member of the public requested a hearing for the Water Board to consider approval of the SWMP and enrollment of the City under the General Permit. The General Permit states that if no hearing is requested, the Water Board Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after Water Board staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in the General Permit.

I am hereby approving the City's SWMP with the following condition:

Pursuant to Water Code Section 13383, the City of Pismo Beach is required to amend the SWMP no later than **August 4, 2009**, to include all the changes shown in the "Final Table of Required Revisions," Attachment 1 to this letter. Per Water Code Section

***California Environmental Protection Agency***



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13385, failure to make these revisions may subject the City of Pismo Beach to Administrative Civil Liability for up to \$10,000 for each day of violation. The City of Pismo Beach must provide a copy of the revised pages of the SWMP to the Water Board no later than **August 4, 2009**.

As of the date of this letter, discharges from the City's MS4 are authorized by the General Permit. The City is required to implement the SWMP and comply with the General Permit. The City's first annual reporting period ends June 1, 2010. The City's first annual report is due to the Water Board on August 29, 2010 (90 days after the reporting period ends).

Thank you for your cooperation and efforts to enroll the City of Pismo Beach under the General Permit. If you have questions regarding this matter, please contact **Tamara Presser at (805) 549-3334**, or [tpresser@waterboards.ca.gov](mailto:tpresser@waterboards.ca.gov), or Lisa McCann at (805) 549-3132 or [lmccann@waterboards.ca.gov](mailto:lmccann@waterboards.ca.gov).

Sincerely,



Roger W. Briggs  
Executive Officer

cc: (by electronic mail)

Jerry Bunin: [jbunin@hbacc.org](mailto:jbunin@hbacc.org)  
Gordon Hensley: [coastkeeper@epicenteronline.org](mailto:coastkeeper@epicenteronline.org)  
Mark Hutchinson: [mhutchinson@co.slo.ca.us](mailto:mhutchinson@co.slo.ca.us)  
Nicole L. Smith: [nicoles@centralcoastsalmon.com](mailto:nicoles@centralcoastsalmon.com)

Attachment 1: Final Table of Required Revisions  
Attachment 2: Comment Letters Received during 60-day Public Comment Period  
Attachment 3: Response to Comments

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**FINAL TABLE of REQUIRED REVISIONS**  
**City of Pismo Beach January 2009 Draft SWMP for June 2009 – June 2014**

Acronyms/Abbreviations:

- BMP - Best Management Practice
- General Permit - Phase II Small Municipal Separate Storm Sewer Systems General Permit
- MCM - Minimum Control Measure
- MS4 - Municipal Separate Storm Sewer Systems
- POC - Pollutants of Concern
- SWMP - Storm Water Management Program

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	Public Education and Outreach; Public Participation and Involvement	Community-based Social Marketing	<p>The Public Education and Outreach BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information.</p> <p>One particularly promising approach to public education is community-based social marketing. Community-based social marketing is based upon research in the social sciences that demonstrates that behavior change is most effectively achieved through initiatives delivered at the community level which focus on removing barriers to an activity while simultaneously enhancing the activity's benefits.</p>	Add a BMP that commits the City to further assessing community-based social marketing strategies, and incorporating them into the City's program where appropriate, by Year 3.

Item Number	SWMP Section	Subject	Problem	Required Revisions
2	Entire SWMP	Program Effectiveness Assessment	<p>The City must provide more details on their effectiveness assessment strategy to give Water Board staff confidence the City will develop robust effectiveness measures.</p> <p>The City's effectiveness assessment approach should include: quantifiable effectiveness measures for each BMP, including measures that link BMP and program implementation with improvements in water quality, with emphasis on assessment of BMPs targeting POCs.</p>	<p>Develop a BMP for each MCM section or develop one BMP for the entire SWMP that is equivalent to the following: The City shall prepare and follow a SWMP Effectiveness Assessment Plan. The plan will describe the actions the City takes to assess the effectiveness of the SWMP in meeting regulatory requirements and improving water quality. The plan will include: a process to conduct effectiveness assessments; quantifiable measures of BMP and program effectiveness; links between BMP implementation and improvement in water quality; and assessment of BMP implementation in terms of regulatory compliance, changing awareness, changing behavior, pollutant load reductions, and runoff and receiving water quality. (Year 1)</p>
3	Public Participation and Involvement	Public Involvement in SWMP Development	<p>Except for the commitment to distribute surveys to the public during the first two years of SWMP implementation, the City has not established a forum for the general public to provide input on the City's SWMP. BMP 2.3 details that the Stormwater Pollution Prevention Committee will provide a forum for stakeholders to provide input on the stormwater pollution prevention-related education programs; however, based on the details of this BMP, it appears the group will be geared towards specific representatives of various stakeholders</p>	<p>Modify an existing BMP or add a new BMP to commit the City to develop mechanisms to increase opportunities for public input on the SWMP, to reach a wider range of audiences in modifying the SWMP, and to provide further detail on meetings and activities the City will use to solicit SWMP input (e.g., target audiences, solicitation methods, meeting frequencies). The City must make these opportunities available throughout the entire 5-year permit term.</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
			and not open to the general public and it will not provide a forum for input on MCMs three through six.	
4	Public Participation and Involvement	Public Notice Requirements	The General Permit requires MS4s to comply with all state and local notice requirements when implementing public involvement and participation programs. The SWMP does not detail that the City will comply with these requirements.	Include a BMP that commits the City to complying with all state and local notice requirements when implementing their public involvement and participation program.
5	Illicit Discharge Detection and Elimination	Responses to Illicit Discharge Complaints	The City does not commit to responding to 100% of the complaints reported regarding illicit discharges.	Revise BMP 3.7 to specify the City, by Year 2, will respond to 100% of the complaints reported regarding illicit discharges.
6	Construction Site Runoff Control	Construction Site Inspections	The City does not specify what size sites they plan to inspect during construction to verify erosion and sediment controls are in place. The City does not specify that they will develop escalating enforcement measures to regulate runoff problems with construction-related activities. BMP 4.5 specifies that the City does not plan to conduct construction site inspections until Year 3. The City must commit to conducting construction site inspections sooner. The City has only committed to inspecting construction sites prior to the wet season and once per month thereafter until the end of the wet season.	Modify an existing BMP or add a new BMP to specify the size of construction site the City plans to inspect, during construction, to verify erosion and sediment controls are in place. Modify BMP 4.1 or add a new BMP specifying the City will develop escalating enforcement measures to regulate runoff problems with construction-related activities. Modify BMP 4.5 to specify the City will begin inspecting construction sites by the end of Year 1. Modify BMP 4.5 to specify how often the City will inspect construction sites during the dry season to ensure sites are well maintained to prevent pollutant discharges to the MS4 by dry-weather flows.

Item Number	SWMP Section	Subject	Problem	Required Revisions
7	Good Housekeeping and Pollution Prevention for Municipal Operations	Hazardous Material Storage	The SWMP does not include training for municipal employees on proper hazardous materials storage and the SWMP does not include a commitment to develop procedures for storing hazardous materials.	Modify BMPs 6.1 and 6.2 to clarify the City will provide training for municipal employees on proper hazardous materials storage and that the City will develop procedures for storing hazardous materials.
8	Entire SWMP	Grammar	There are numerous grammatical errors throughout the report. Additionally, the word, 'hydromodification,' is misused throughout the SWMP. For example, page 33 of the SWMP states, "It is the City's intent that implementation of hydromodification will meet the goals..." The City should aim to control hydromodification not promote hydromodification.	Correct grammatical errors throughout the SWMP and correct the use of hydromodification where it is misused in the SWMP.
9	Post-Construction Stormwater Management in New Development and Redevelopment	Waterbody Protection Corridors	BMP 5.7 commits the City to enforcing their current zoning ordinance (Zoning Ordinance Chapter 17.24.120) for riparian buffer zones and considering wider buffer zones during the subdivision process; however, the City does not commit to modifying this ordinance or their City planning documents based on the results of the City's long-term watershed planning efforts and their hydromodification plan.	Modify BMP 5.7 to commit the City to modifying their riparian buffer zoning ordinance to reflect outcomes of the City's long-term watershed planning efforts and their hydromodification plan.
10	Post-Construction Stormwater Management in New Development	Long-term Watershed Planning	The City commits to developing a time schedule for developing long-term watershed planning, but the City does not commit to implementing the strategy by a certain date. The City does not commit to developing an implementation	Modify BMP 5.9 to commit the City to developing an implementation schedule for providing long-term watershed planning by Year 1. Modify BMP 5.9 to commit the City to beginning implementation of their long-term

Item Number	SWMP Section	Subject	Problem	Required Revisions
	and Redevelopment		schedule until Year 3. Additionally, the City does not commit to coordinating with other municipalities and land users that share the City of Pismo Beach's watershed, as part of the City's long-term watershed planning efforts. See Water Board's July 10, 2008 letter for more details on strategies for long-term watershed planning.	watershed protection plan starting in Year 1. Modify BMP 5.9 to commit the City to coordinating with other municipalities and land users that share the Pismo Creek watershed, as part of the City's long-term watershed planning efforts.
11	Post-Construction Stormwater Management in New Development and Redevelopment	Interim Hydromodification Control Criteria Development	BMP 5.1 does not specify a baseline for the interim hydromodification control criteria to assure Water Board staff that the City will develop acceptable control criteria. To ensure Water Board staff that the City will develop acceptable interim hydromodification control criteria and to provide the City more flexibility in developing interim hydromodification control criteria, Water Board staff requests the City modify their SWMP language that details interim hydromodification control criteria development.	<p>Modify BMP 5.1 and modify the Hydromodification Management Program section in the narrative section of the Post-Construction Stormwater MCM to include language stating the City will chose one of the following three options for developing interim hydromodification criteria:</p> <p>Option 1: The proposed criteria may include the following types of requirements, which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:</p> <ul style="list-style-type: none"> <li>• For new development and re-development projects, Effective Impervious Area<sup>1</sup> shall be maintained at less than five percent (5%) of total project area.</li> </ul>

<sup>1</sup> 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.

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<ul style="list-style-type: none"> <li>• For new development 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-development<sup>2</sup> runoff hydrographs, for a range of events with return periods from 1-year to 10-years.</li> <li>• For projects whose disturbed project area exceeds two acres, preserve the pre-development drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream<sup>3</sup> or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.</li> </ul> <p>OR</p> <p>“As effective as” means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the watershed) to control hydromodification and protect the biological and physical</p>

<sup>2</sup> Pre-development condition is defined as the native vegetation and soil conditions that exist prior to human influence (e.g., urbanization, agriculture, grazing, timber harvest).

<sup>3</sup> A first order stream is defined as a stream with no tributaries.

<sup>4</sup> Pre-project refers to the condition immediately prior to the proposed project. The condition includes, but is not limited to, soil type, vegetation, and amount of impervious surface.

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				<p>integrity of the City's watersheds. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:</p> <p>Option 2: Adopt and implement hydromodification criteria developed by another local municipality and approved by the Water Board, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria.</p> <p>OR</p> <p>Option 3: Use the following methodology to develop interim flow control and infiltration criteria:</p> <ul style="list-style-type: none"> <li>• Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-project<sup>4</sup> runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses.</li> <li>• Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable low-</li> </ul>

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				<p>impact development strategies.</p> <ul style="list-style-type: none"> <li>• Identify the projects, including project type, size and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria will include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.</li> <li>• Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, including continuous simulation of the entire rainfall record.</li> <li>• Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.</li> </ul>
			<p>BMP 5.1 does not include a schedule for submitting interim hydromodification control criteria to provide Water Board staff adequate time to review, prior to criteria implementation.</p>	<p>Modify BMP 5.1 to commit the City to submitting their proposed interim hydromodification control criteria (numeric and non-numeric), no less than three (3) weeks prior to 365 days after enrollment under the General Permit, to provide Water Board staff adequate time to review the proposed criteria. Additionally, modify BMP PC1 to include the following language, "The Central Coast Water Board Executive Officer will notify the City and other interested persons of the acceptability of the City's</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>proposed interim hydromodification control criteria for new development and re-development. The Water Board shall provide interested persons the opportunity for comment and a hearing before the Water Board if any party is aggrieved by the Water Board staff's determination, prior to Water Board action being final."</p>
12	Post-Construction Stormwater Management in New Development and Redevelopment	Hydromodification Control Criteria Exemptions	<p>The SWMP includes exemptions for future hydromodification control criteria. Without having the proposed interim hydromodification control measures to accompany these exemptions, Water Board staff cannot approve all of the proposed exemptions from interim or long-term hydromodification control criteria. Water Board staff considers exemptions part of the applicability criteria for applying interim hydromodification control criteria; therefore, exemptions are part of the interim hydromodification control criteria package.</p> <p>At the October 17, 2008 Water Board public hearing, the Water Board approved the City of Lompoc's SWMP with a condition that, "the Water Board shall provide interested persons the opportunity for comment [on the City's proposed interim hydromodification control criteria] and a hearing before the Water Board if any party is aggrieved by</p>	<p>Remove the statement in the section titled, 'Hydromodification Management Program,' that exempts projects discharging directly to the ocean from all hydromodification control criteria. Water Board staff considers exemptions from a portion of the hydromodification control criteria reasonable for ocean discharging sites. Revise the exemption details for ocean discharging sites and resubmit with the interim hydromodification control criteria.</p> <p>Additionally, we request the City remove the following components from the 'Exemptions' section: sidewalk installation/repair; rehabilitation of sidewalk and beach access projects. The City may revise these exemptions, if necessary, and resubmit with the interim hydromodification control requirements.</p>

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			<p>the Water Board staff's determination, prior to Water Board action being final." By approving the exemptions, modified after the September 2008 Draft SWMP posted during the 60-day public comment period, the public would not be provided an opportunity for comment.</p> <p>The City has exempted projects that discharge directly to the Pacific Ocean from hydromodification control criteria. Controlling hydromodification decreases downstream erosion, but there are further benefits to hydromodification control (i.e., groundwater recharge, runoff water treatment, etc.). Water Board staff finds it reasonable to exempt ocean discharging projects from hydromodification control requirements that only prevent downstream erosion; however, Water Board staff expects these ocean discharging sites to address other components of hydromodification control to protect water quality of the Pacific Ocean.</p> <p>The City proposes exemptions for a series of routine maintenance applications from adhering to hydromodification control requirements. Exempting sidewalk installations and sidewalk reconstructions from controlling hydromodification and incorporating low impact development design principles</p>	

Item Number	SWMP Section	Subject	Problem	Required Revisions
			<p>will not help improve the City's watershed. Spaces adjacent to roadways, the typical location of sidewalks, provide good opportunities for incorporating low impact development design principles to manage runoff from roadways. Additionally, there may be opportunities for beach access projects to incorporate low impact development design principles. Water Board staff expects any significant municipal reconstruction project or new project to adhere to the same requirements as other projects in the City.</p>	
13	<p>Post-Construction Stormwater Management in New Development and Redevelopment</p>	<p>Application of Interim Hydromodification Control Standards</p>	<p>BMP 5.1 states that the City's interim hydromodification control criteria will be applied to, "...projects deemed complete following this date..." The City must change this wording to explain that projects <i>not</i> yet deemed complete, when the City adopts interim hydromodification control criteria, will be required to adhere to the control criteria.</p>	<p>Modify BMP 5.1 to clarify that after the City adopts interim hydromodification control criteria, approved by the Water Board, the City will require projects meeting the applicability criteria, and not yet 'deemed complete,' to satisfy the interim hydromodification control criteria.</p>
14	<p>Post-Construction Stormwater Management in New Development and Redevelopment</p>	<p>Enforcement Mechanism for Interim Hydromodification Control Standards</p>	<p>BMP 5.1 details the City will establish planning application requirements and standards for implementing interim hydromodification control criteria and will develop an ordinance provision once the City adopts long-term hydromodification control criteria. The current commitments do not ensure Water Board staff that the City will have enforceable mechanisms in place to ensure new projects adhere to the City's interim</p>	<p>Modify BMP 5.1 to commit the City to, within one year of enrollment under the General Permit, have adequate permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for interim hydromodification control. Additionally, the BMP must indicate the City will develop penalty provisions for noncompliance with design, operation</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
			hydromodification control standards.	and maintenance, or construction requirements. Provide a summary of escalating enforcement actions.

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**City of Pismo Beach, Engineering Department**  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4656 • Fax: (805) 773-4684

December 5, 2008

**Roger Briggs**  
**California Regional Water Quality Control Board**  
895 Aerovista Place, Suite 101  
San Luis Obispo, SLO 93401

**Subject: City of Pismo Beach Storm Water Plan**

**Dear Mr. Briggs,**

The City of Pismo Beach would like to thank you and the Regional Water Quality Control Board Staff for their assistance in preparing our draft Storm Water Management Plan. The City appreciates the time you have provided to clarify the key components that are included within our storm water management plan. The City staff has gained a greater insight to what is needed to conduct a successful storm water program within our community. The City has reviewed the comments from the RWQCB and does not object to the interim Hydro modification standards and will include the low impact development standards within our storm water plan as requested. The City does not intend at this time to request a hearing before the board, unless other significant comments are received during the comment period.

As you are aware, the public comment period for our Storm Water Plan will end on December 23, 2008. The City would appreciate the opportunity to complete the revisions requested through the public comment period and submit a final draft to our City Council for final approval. The City intends to present to the City Council for a second time the revised final draft of the storm water plan with the comments addressed. On January 21, 2008, the day following the City council meeting, staff would anticipate providing your staff with a resolution adopting the final draft plan, and submit that draft for your review and enrollment into the program.

The City respectfully requests that the executive director pause or delay enrolling the City of Pismo Beach into the Storm Water Program for 60 days until such time as we have had an opportunity to present the final draft plan to our City Council. This additional time will give the City adequate time for the community to fully understand storm water plan requirements and the financial operational changes that will be necessary to implement the plan.

Thank you for your consideration of this matter. Your prompt response would be greatly appreciated so that we may plan appropriately for our January 20, 2008 City Council Meeting.

Sincerely,

Dwayne Chisam, P.E.  
Public Works Director/City Engineer

Cc: Matt Thompson  
Tamara Presser  
Dwayne Chisam  
File

Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA. 93401-7906

November 14, 2008

Dear Ms. Tamara Presser,

Recently, a Central Coast Salmon Enhancement staff member, Nicole Smith, undertook a Master's Project that focused on improving land use policies and regulations to better protect water quality in the Pismo Creek Watershed. Based on this research, several recommendations were developed for the City of Pismo Beach that could be incorporated into the Stormwater Management Plan.

First, it should be noted that an evaluation of the City's policies and regulations has been completed with a Code and Ordinance Worksheet developed by the Center for Watershed Protection in the Master's project. The code and ordinance worksheet from *Better Site Design: A Handbook for Changing Development Rules in Your Community* (Center for Watershed Protection, 1998), is broken into 22 LID principles. It was found that principles in partial compliance by the City include right of way, cul-de-sac, parking ratios, parking codes, parking lots, parking lot runoff, open space design, sidewalks, driveways, open space management, buffer systems, buffer maintenance, land conservation and stormwater outfalls. Principles on street width, street length, vegetated open channels, structured parking, and rooftop runoff did not comply (See Appendix B of Smith, 2008). Although some of these LID recommendations will be addressed with the Countywide LID Standards Manual, it would behoove the City to align the Code and Ordinance Sheet recommendations with future policies and regulations to meet the requirements of the NPDES permit.

There are several other ways to improve on the City's draft SWMP. First, policies on Pismo Creek Protection and riparian habitat should be amended to include restoration and acquisition of the stream corridor. BMP ID#6.7 could reflect this proactive approach to reducing pollutants and increasing buffer zones. Second, partnering with others in the Five Cities to treat runoff through a dry weather urban runoff recycling facility may become increasingly important as monitoring and reporting becomes required. Third, many of your BMPs that develop policies to address construction, post construction and redevelopment site runoff controls occur in 3 to 5 years from the acceptance of the SWMP. Interim stormwater management policies would begin the education process on stormwater issues, setting the stage for successful implementation of

later policies and ordinances. Lastly, BMP ID# 6.9, to develop long-term watershed planning is a great BMP that should not get lost in the shuffle. A part of this watershed planning should emphasize a collaborative effort with the County to encourage higher densities in developed areas such as the City. At the watershed level, the location and density of development is important to protecting water quality. According to the EPA's *Protecting Water Resources with Higher-Density Development* (Richards et al., 2006), higher development density rather than low density may better protect water quality. As the City grows with proposed annexations, watershed planning and impacts to water quality become particularly pertinent when thinking about stormwater runoff. As a reminder, there is a draft Pismo Creek/Edna Area Watershed Management Plan (2008) that has recommendations addressing critical issues in the watershed. These recommendations do include potential projects within the city limits and does not only focus on County lands. This draft Watershed Plan can be found at <http://centralcoastsalmon.com/watersheds/pismo/WMP%20for%20public%20review.pdf>

I hope you take these comments into consideration when finalizing the City of Pismo Beach's SWMP. I have attached a copy of the Master's Project, *Regional Land Use Planning for Water Quality in the Pismo Creek Watershed: Recommendations on Policy and Regulation* (2008).

Sincerely,

Nicole L. Smith  
Watershed Projects Coordinator  
Central Coast Salmon Enhancement, Inc.  
229 Stanley Ave.  
Arroyo Grande, CA 93420



EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401  
Phone: 805-781-9932 • Fax: 805-781-9384

## San Luis Obispo **COASTKEEPER**<sup>®</sup>

December 23, 2008

Central Coast Regional Water Quality Control Board  
ATTN: Tamara Presser  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**Subject: City of Pismo Beach Stormwater Management Plan**

Dear Ms. Presser,

Thank you for the opportunity to review and comment on the proposed Stormwater Management Plan of the City of Pismo Beach.

San Luis Obispo **COASTKEEPER**<sup>®</sup>, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with agencies and official responsible for enforcing water quality, watershed and coastal planning regulations on the California Central Coast. As such, the SLO **COASTKEEPER**<sup>®</sup> and our 800 central coast supporters are concerned that the proposed SWMP:

- Is impermissibly vague for many components.
- Does not clearly identify the proposed programs and the financial resources available to implement the proposed program.
- Fails to identify what and how proposed measures will identify the protection of water quality in the City of Pismo Beach.
- Fails to identify specific effectiveness measurements to meet the MEP standards
- Fails to indicate the required BMP intent

Our specific comments follow and I respectfully urge Regional Board to direct additional modification of the Pismo Beach SWMP to meet federally mandated MEP standards.

Sincerely,

Gordon Hensley,  
San Luis Obispo **COASTKEEPER**



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**MINIMUM CONTROL MEASURE #1: PUBLIC EDUCATION AND OUTREACH**

OBJECTIVE: E&O to inform the public

MCM	WHAT IS REQUIRED	WHAT IT DOES PLAN NAME: Pismo Beach	COASTKEEPER COMMENTS
Intent	Develop and implement BMP's, measurable goals and timetables for implementation of the Public Education and Outreach Minimum control Measure		<ul style="list-style-type: none"> <li>• MCM #1 Public Education and Outreach is impermissibly vague.</li> <li>• It fails to determine the effective measures</li> <li>• It fails to include programs to educate the public and outreach programs</li> <li>• Must be revised to meet all the necessary requirement</li> <li>• Must be reoriented toward program development and implementation</li> </ul>
	1. Implement appropriate BMPs and develop achievable and measurable goals in order to assess the success of the public education and outreach program	<p><b>BMP 2.1 - Develop a "Clean Water" certification program for commercial businesses</b>  <u>Intent</u> – To provide a public commitment by local businesses to reducing pollutants that may reach the ocean  <u>Goal</u> – Meet with, and audit appropriate BMPs for the type of business being conducted. Prepare a correction list that must be completed prior to certification. Contact 24 businesses a year and certify at least 50%.</p> <p><b>BMP 2.2 - Provide an education program for school children</b>  <u>Intent</u> – To engage youngsters in the importance of reducing pollutants originating from their households that may reach the ocean  <u>Goal</u> – Provide a brief presentation and brochures to all 6<sup>th</sup> grade children each year. At the conclusion of the presentation present "Clean Water Officer" badges to children who make a commitment to introduce household BMPs to their families.</p>	<ul style="list-style-type: none"> <li>• Must be more specific about the audiences and must broaden its education plan to include actions targeted to specific audiences</li> <li>• Targeted audiences need to be expanded to include, at a minimum, the residential community, the commercial and business sector, the industrial sector, the development community, the construction sector and the government additional my include Municipal departments and Personnel, Construction Site Owners and Developers, Industrial Owners and Operators, Commercial Owners and Operators, Residential Community, General Public, School Children, and Quasi-Governmental Agencies/Districts</li> <li>• Programs targeted to these specific audiences must be tailored to address specific problems associated with that audience, and can communicate these messages more effectively than programs targeted to the General Public</li> <li>• Must include an educational component targeted specifically toward tourists (Tourist storm water education is incredibly important for the Pismo Beach area which draws millions of tourists each year. Proposal must adopted a visitor education program)</li> </ul>

	2. Increase community awareness about urban runoff pollution and its impacts on the community's water resources	<p><b>BMP 2.3</b> - Stencil storm drain inlets with "Drains to Ocean" notice  <u>Intent</u> – To raise awareness that anything that enters the drainage inlets is ultimately discharged to the ocean  <u>Goal</u> – Stencil all inlet structures in the first year and refresh the markings every year thereafter</p>	<ul style="list-style-type: none"> <li>• Must indicate what measures it will collect to determine the success of the BMP</li> </ul>
	3. Foster participation through community-based projects or volunteer activities focused on pollution prevention		<ul style="list-style-type: none"> <li>• Must specify and include activities that the community can engage to increase the support of SWMP</li> <li>• Must include mechanisms that will show commitment and improvement for all permit years</li> </ul>
	4. Understand the public perceptions and attitudes towards the problem of urban runoff	<p><b>BMP 2.4</b> - Establish a Storm Water "Hotline"  <u>Intent</u> – To provide the opportunity for concerned citizens to report a possible illicit discharge or request information on BMPs  <u>Goal</u> – Advertise the hotline number on the City website and on the local government cable channel. Monitor the number of calls and the action taken to determine the value of the reports and the type of information most requested</p>	<ul style="list-style-type: none"> <li>• Must specify when the Hotline will be created and when it will be available for the public to use it</li> <li>• Must indicate what it will measure and all (100%) complaints must be followed up and recorded</li> <li>• All measures must be recorded on the annual report</li> </ul>
	5. Educate the community about specific pollutant sources and what individuals can do to reduce urban runoff pollution	<p><b>BMP 2.5</b> – Create a Storm water webpage  <u>Intent</u> – To provide information on BMPs, the certification program, the hotline number and links to educational materials  <u>Goal</u> – Include BMPs for households and various businesses; describe the certification program; list certified businesses; explain how to report and illicit discharge; provide the hotline phone number; provide links to education materials</p> <p><b>BMP 2.6</b> - Provide an information kiosk in the beach pier/plaza area describing the importance of clean beaches  <u>Intent</u> – To raise awareness that litter on the beaches is a threat to the ocean environment  <u>Goal</u> – Include pictorial representations of sea life caught in trash or strangled on cigarette butts, a littered beach at the end of a weekend, a health advisory sign and other visual impacts of littering. Revise the kiosk photos once/quarter</p> <p><b>BMP 2.7</b> - Provide dog-mess bags for public use near beaches and in parks  <u>Intent</u> – To provide both a reminder and an easy method for citizens to clean-up pet waste  <u>Goal</u> – Provide mutt-mitt stations in all parks and</p>	<ul style="list-style-type: none"> <li>• Must specify when the webpage will be created and when it will be available for the public to use it</li> <li>• Must indicate what it will measure to determine successful BMP</li> <li>• All measures must be recorded on the annual report</li> <li>• Must specify how it will determine the effectiveness of the BMPs</li> </ul>

		<p>any public beach areas where dogs are permitted. Within three years.</p> <p><b>BMP 2.8</b> - Adopt a revised pet waste ordinance including enforcement provisions</p> <p><u>Intent</u> – To provide an enforcement tool for persons who refuse to clean-up after their pets</p> <p><u>Goal</u> – Present the new pet waste ordinance to the City Council for adoption within one year</p>	
	<p>6. Implement a public education program which distributes education materials and conducts outreach activities aimed at informing the public about the impacts of storm water discharges on local water bodies and receiving waters</p>	<p><b>BMP 2.9</b> - Distribute informational brochures educating businesses, residents and tourists about storm water pollution</p> <p><u>Intent</u> – To raise awareness of the proper stewardship of storm water that could result in decreased pollution</p> <p><u>Goal</u> – Distribute materials to residents and businesses as inserts in water bills twice/year. Distribute materials to all hotels/motels by personal contact within one year</p>	<ul style="list-style-type: none"> <li>• Topics covered in the educational program must be broader in scope. Following can be included in addition to the programs <ul style="list-style-type: none"> <li>- Basic storm water knowledge for children</li> <li>- Land-sea connection</li> <li>- Integrated pest management</li> <li>- Topics for restaurants: mat washing, cleaning up spills, water and energy conservation, waste reduction and recycling</li> <li>- Storm drain connection to Streams</li> <li>- BMPs for select commercial and construction industries, and home maintenance and repair</li> <li>- State and Federal water quality laws</li> <li>- Requirements of local municipal permits and ordinances</li> <li>- Impacts of urban runoff on receiving waters</li> <li>- Distinction between Municipal storm sewers and sanitary sewers</li> <li>- Pollution prevention and safe alternatives</li> <li>- Household hazardous waste collection</li> <li>- BMP maintenance</li> <li>- Pet and animal waste disposal</li> <li>- Proper solid waste disposal</li> <li>- Equipment and vehicle maintenance and r repair</li> <li>- Public reporting mechanisms</li> <li>- Green waste disposal</li> <li>- Native vegetation</li> <li>- Proper disposal of boat and recreational vehicles waste</li> <li>- Traffic reduction, alternative fuel use</li> <li>- Water conservation</li> </ul> </li> <li>• Must contain a commitment to implement BMPs for each of the listed topics by the end of the permit term</li> <li>• Must provide mechanism to adapt its educational program in the future and similar mechanisms facilitating the updating of the educational program</li> <li>• Must include a detailed Public Education and Outreach program for Years 1-5. Must have a comprehensive approach as to whom their program will reach, and what messages are necessary to meet MEP and protect water quality. All information must be explicitly</li> </ul>

			incorporated into the storm water management program for all five years in order to assure a definitive commitment to implement this program
	7. To teach the public the importance of protecting storm water quality, both for the benefit of the environment and human health	<p><b>BMP 2.10</b> – Provide PSAs on public access/government channel educating viewers about storm water pollution prevention  <u>Intent</u> – To raise awareness of the proper stewardship of storm water that could result in decreased pollution  <u>Goal</u> – Run a new PSA each month</p> <p><b>BMP 2.11</b> – Distribute flyers educating public on the proper use and disposal of landscape and garden chemicals  <u>Intent</u> – Educate the public through Our Water Our World program that is currently in place with Orchard Supply Hardware. Also place the flyers at City Hall  <u>Goal</u> – Reduce the pollutants leached into the ground water and storm water system</p>	<ul style="list-style-type: none"> <li>• Must indicate how to measure the effectiveness of the BMP</li> <li>• Must implement an Education Component using all media as maximally practicable to <ul style="list-style-type: none"> <li>- Measurably increase the knowledge of the target communities regarding municipal storm sewers, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audiences</li> <li>- To measurably change the behavior of target communities and thereby reduce pollutant releases to Municipal storm sewers and the environment</li> </ul> </li> </ul>
	8. To ensure greater public support and compliance for the storm water management program	<p><b>BMP 2.12</b> – Develop effectiveness measures for Public Education and Outreach  <u>Intent</u> – Evaluate the effectiveness of the BMPs for Public Education and Outreach  <u>Goal</u> – To explain evaluation results with stakeholders</p>	<ul style="list-style-type: none"> <li>• Must indicate what it will measure and how it will prove its effectiveness</li> <li>• All evaluation results and measures must be recorded in the annual report and have it available for public to review</li> </ul>

**MINIMUM CONTROL MEASURE #2: PUBLIC PARTICIPATION AND INVOLVMENT**

OBJECTIVE: Public participation / develop, implement, review

MCM	What is required	What it Does Plan Name: Pismo Beach	Coastkeeper Comments
Intent	10. Implement appropriate BMPs and develop achievable and measurable goals in order to assess the success of community participation and involvement in the program		<ul style="list-style-type: none"> <li>• MCM lacks in providing best BMPs for public involvement and participation. Includes programs but lacks implementation measures</li> <li>• Must include a detailed Public Participation and Outreach Program that covers all five years in order to assure a definitive commitment to implement the programs</li> <li>• The objective of the Public Participation and Involvement MCM is to include the public in developing, implementing, and reviewing the storm water management program. The BMP intent must be more specific with program development and implementation to raise public awareness about urban runoff through involvement and involving the public in the development and implementation process. This public involvement provides the opportunity to generate support of the storm water management plan to protect water quality.</li> </ul>
	11. Comply with all State, and local public notice requirements		<ul style="list-style-type: none"> <li>• Fail to include any compliance of all State and local Public notice requirements</li> </ul>
	<p>12. Involve the community in developing and implementing the Storm Water Management Program in order to promote community interest and support</p> <p>13. Include a procedure to receive and respond to comments from the community regarding the Storm Water Management Program</p> <p>14. Ensure that the program reflects community values and priorities and thus has the highest potential for success</p>	<p><b>BMP 3.1</b> - Develop a formal mechanism to solicit community participations/input on the City's SWMP  <u>Intent</u> – Involving the community early in the development of the Storm Water Management Plan should increase support for the program and provide additional input and suggestions to help shape the program  <u>Goal</u> – Document the number of citizen surveys distributed through the City utility bill and responses received</p> <p><b>BMP 3.2</b> - Promote public participation in Coastal Clean-up Day and Creek Clean-ups by collaborating with SLO partners for Water Quality to advertise the events and assist with provision of incentives to participants  <u>Intent</u> – To promote community support for the SWMP and to reduce pollution from litter, trash and illegal dumping  <u>Goal</u> – Document the number of Clean-up</p>	<ul style="list-style-type: none"> <li>• Must include public workshops and annual report must be posted on the website and in City offices at least one month prior</li> <li>• Must provide an opportunity for the public to provide mid-year input on the status of the program and the effectiveness of the BMPs</li> <li>• Must be revised to include mechanisms for engaging the general public in these activities, in addition to providing financial support</li> <li>• Actual programs must include mechanisms to engage the public</li> <li>• Does not show how to involve public more to attend these meetings.</li> <li>• Must include mechanisms for engaging the general public in activities by providing advertising and incentives for public participation to increase public participation.</li> <li>• The current BMP is too vague and lacks a clear explanation of how the specific</li> </ul>

		events, the amount of trash removed and the number of participant	objective of the MCM will be achieved.
15.Foster active community support for the storm water management program and recommendations for its implementation 16.Allow the community to review the permit and the Storm Water management Program	<b>BMP 3.3</b> – Establish a Storm Water Pollution Prevention Committee <u>Intent</u> – By involving members of the Community, the SWMP can be sustained and implemented by others than only the City's efforts. By providing opportunities for community members to discuss areas of concern, information can be relayed to the appropriate City Staff members <u>Goal</u> – The Committee will be made up of representatives of various stakeholder organizations such as the Surfriders' Foundation, The Chamber of Commerce, the Hotel and Visitors Bureau, Coastal HOAs and other representative organizations who may apply. The Committee will meet monthly and review, comment on and approve, or revise, educational programs, and events, volunteer opportunities, brochures, focused training programs and other community activities	<ul style="list-style-type: none"> <li>• Must provide opportunity for the public to provide input on the status of the program and the effectiveness of BMPs through workshops and meetings.</li> <li>• Must state when the meetings and workshops will be held during the year. The purpose of these workshops should be to gather public input regarding the status of the program and effectiveness of BMPs. Such workshops should be formatted as roundtable discussions and opportunities for the gathering of measurable information by the City for use in the annual report to RWQCB.</li> <li>• Programs lacks to specify how the program is conducted and, what is being done</li> <li>• Must include at least two meetings annually. One informational and other comments.</li> </ul>	
17.Increase community awareness about urban runoff pollution	<b>BMP 3.4</b> - Develop effectiveness measures for Public Participation and Involvement <u>Intent</u> – Evaluate the effectiveness of the BMPs for Public Participation and Involvement <u>Goal</u> – To explain evaluation results with stakeholders	<ul style="list-style-type: none"> <li>• Must specify the effective measures and record it on the annual report.</li> <li>• Must include how the measures will be recorded and how it determines the success of the BMP and MCM.</li> </ul>	

**MINIMUM CONTROL MEASURE #3: ILLICIT DISCHARGE DETECTION AND ELIMINATION**

OBJECTIVE: Detect, eliminate, prohibit illicit discharge

MCM	What is required	What it Does Plan Name: Pismo Beach	Coastkeeper Comments
Intent	1. To reduce pollutants in storm water runoff to receiving waters		<ul style="list-style-type: none"> <li>• MCM lacks in providing how plans or programs will eliminate discharges. It provides that it will detect illicit discharge and who will detect the discharges however lacks to specify how it will be eliminated.</li> <li>• The objective of this MCM is to adopt and enforce ordinances and to implement a program to detect and eliminate illicit discharge. The document includes these objectives but lacks the mechanisms to assure Regional Board of the public that eliminating illicit connection/discharge will result</li> </ul>
	2. Develop a storm sewer map that shows the location of all outfalls and the names and locations of all waters that receive discharges from the outfalls	<p><b>BMP 4.1</b> - Prepare a storm water sewer map that includes the locations of all inlet and outlet structures as well as the location, size and type of underground pipelines</p> <p><u>Intent</u> – A storm sewer system map will help the City to identify outfalls with dry weather flows and other suspicious discharges that need monitoring or investigation. It is also essential for maintenance and long-term planning of the storm sewer system</p> <p><u>Goal</u> – Completion of the Storm Sewer Systems Map by the end of year two</p>	<ul style="list-style-type: none"> <li>• There is no sufficient reason why the Map cannot be created in Year 1.</li> <li>• Must require the completion of the storm water sewer map within Year 1</li> </ul>
	3. Develop a City-wide plan to detect and address non-storm water discharges	<p><b>BMP 4.2</b> - Video inspect all storm drains for illicit Connections</p> <p><u>Intent</u> – Poor infrastructure conditions in older sections of the City or outdated building codes may have resulted in the direct connection of waste water pipes, which should be removed or rerouted. Other connections may have been established illegally that are leaking targeted pollutants into the storm sewer system</p> <p><u>Goal</u> – Separate the City into five zones based on age of storm drain infrastructure. Video inspect one zone each year for illicit connections and damaged or deteriorating pipe. Require illicit connections to be removed in accordance with the Municipal Code Section 13.14.210 Discharge into city storm drain prohibited</p>	<ul style="list-style-type: none"> <li>• Must be more specific about what measures it will collect and how it will show effective BMP success</li> </ul>

	<p>4. Develop enforceable means to prohibit non-storm water discharges (i.e. an ordinance or other regulatory mechanism)</p>	<p><b>BMP 4.3</b> – Update Title 13 of the Municipal Code to more clearly define illicit discharges and enforcement provisions. Code provisions will address washdown of hard surfaces, discharge of material other than clean water onto public property, clean-up of accidental spills and other discharges of contaminants into the storm drain system  <u>Intent</u> – The requirements for non-storm water discharges are changing, An ordinance that provides a broader description of what is an allowable discharge and what is an illicit discharge and sites appropriate for sanctions for violators is required  <u>Goal</u> – Develop the revised ordinance in year 1 including public hearings and adoption by the City Council</p>	<ul style="list-style-type: none"> <li>• Must develop a policy outlining what discharges are permitted into the Municipal Storm Sewer System and what discharges will be considered illicit</li> <li>• Must adopt a temporary ordinance to enforce BMP measures while new or revisions are in progress</li> <li>• Urges to include more specific enforcement and penalty provisions to eliminate illicit discharge. Typically, an ordinance outlining a progressive enforcement regime is appropriate. Administrative and/or legal action against an entity that continues illicit activity past the deadline for compliance must result in escalating enforcement until compliance is achieved. A program of escalating enforcement that includes educational efforts with mechanisms to facilitate a proper disposal to meet MEP and water quality standards will aid efforts to prevent improper disposal of wastes. Ultimately however, the ordinance must explicitly provide for fines for violators.</li> </ul>
	<p>5. Control illicit discharges by conducting field surveys/investigations of the storm sewer system to identify and eliminate improper connections and discharges</p>	<p><b>BMP 4.4</b> – Conduct field survey/inspections to identify illicit of restaurant grease traps and other possible discharges of waste to surface drainage  <u>Intent</u> – To ensure compliance by restaurant owners and managers to protect the storm water system and to dispose properly of pollutants  <u>Goal</u> – 20% of restaurants in the city will be inspected each year. Citations will be issued to businesses duping grease or other pollutants in storm sewer inlets  <b>BMP 4.5</b> - Conduct inspections of automobile servicing businesses  <u>Intent</u> – To ensure compliance by automobile service owners and managers to protect the storm water system and to dispose properly of pollutants  <u>Goal</u> – 20% of automobile service businesses in the city will be inspected each year. Citations will be issued to businesses violating discharge requirements  <b>BMP 4.6</b> - Conduct inspections of parking lots over 10,000 feet in area or providing over 25 parking spaces</p>	<ul style="list-style-type: none"> <li>• Must include a requirement for prioritizing those businesses that are known, from observation in the municipality or from other programs, to result in illicit discharges</li> <li>• Must include a program for monitoring the entire municipal storm sewer system</li> <li>• Must explicitly provide for follow-up investigation of any monitoring that suggests that presence of illicit discharges or connections</li> <li>• Must contain commitments by the municipalities to respond to all sewage spills from all sources, and prevent the entry of sewage into the Municipal Storm Sewer System</li> </ul>

		<p><u>Intent</u> – To ensure compliance by parking lot owners and managers that surface pollutants are being properly removed and disposed of</p> <p><u>Goal</u> – All parking lots will be inspected between mid-September and mid-October each year</p>	
	<p>6. Educate the general public, businesses, and public employees about the hazards (and legal consequences) of illicit discharges</p> <p>7. Prevent improper disposal of waste through public education and providing appropriate waste material disposal options and incentives</p>	<p><b>BMP 4.7</b> - Update the existing City Complaint tracking system to separately track hotline and website complaints of illegal discharges by the public</p> <p><u>Intent</u> – To respond to illicit discharges in the right of way and on construction sites in a timely manner and to form a tracking system within the existing citizen complaint system online and through the proposed hotline</p> <p><u>Goal</u> – The hotline and the existing Comcate complaint tracking system will be established/modified in Year 1. Responses to hotline and website illicit discharge complaints will be logged into the Comcate system and tracked until resolved</p> <p><b>BMP 4.8</b> - Provide public education regarding the importance of reporting illicit discharges</p> <p><u>Intent</u> – To ensure the public is aware of the types of discharges that result in pollution of the nearby ocean and to offer them several methods to report such discharges</p> <p><u>Goal</u> – The education program will be through mailers to all City water customers in Year 1. The City Storm water webpage will include this information also</p>	<ul style="list-style-type: none"> <li>• Must include an explicit commitment to respond to and eliminate 100% of all illicit discharges and/or connection detected as a result of the call-in program or complaints.</li> <li>• Must include the requirement that municipalities report on the use of the hotline in their annual reports</li> <li>• Must supplement its educational effort with mechanisms to facilitate proper disposal to meet MEP and water quality standards</li> </ul>
	<p>8. Contain and clean-up accidental spills using proper clean-up and disposal materials and methods</p>	<p><b>BMP 4.9</b> - Enhance hazardous spill protection and control procedures and training to prevent illicit discharge into the storm sewer system</p> <p><u>Intent</u> – To reduce the chance of hazardous materials spills into the storm sewer system</p> <p><u>Goal</u> – All city employees, including office personnel, public safety personnel and maintenance personnel will receive training in Year 1 and in alternate years thereafter. Training for all personnel will include a session on how to recognize and report an illicit discharge. Training for Public works personnel will also include training and immediate response to a hazardous spill as well as who to notify in the event of a spill and what additional resources are available in the event local resources are not adequate</p>	<ul style="list-style-type: none"> <li>• We urge language in the Proposal that contains commitments by the city to respond to all sewage spills from all sources, and prevent the entry of sewage into the storm drain system.</li> <li>• Must include a program for monitoring the entire storm drain system identified on the proposed map of the system.</li> </ul>

		<p><b>BMP 4.10 - Develop effectiveness measures for illicit Discharge and Elimination</b> <u>Intent</u> –Evaluate the effectiveness of the BMPs for Illicit Discharge and elimination <u>Goal</u> – To explain evaluation results with stakeholders</p>	<ul style="list-style-type: none"><li>• The document is vague and unclear regarding how enforcement will be carried out given current staffing levels and budget allocations. The absence of a commitment to funding this element clearly does not provide enough information to determine if illicit discharges will actually be detected or, in fact eliminated.</li><li>• Must have a program to implement the program continuously.</li></ul>
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**MINIMUM CONTROL MEASURE #4 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL**

Objective: Reduce pollutants from construction sites

MCM	What is required	What it Does Plan Name: Pismo Beach	Coastkeeper Comments
Intent	1. To prevent soil and construction waste from entering storm water		<ul style="list-style-type: none"> <li>• Intent must state that it will develop and implement a program to reduce pollutants to the MEP and assure compliance with water quality standards through the implementation components: 1) ordinance adoption 2) construction site BMP policies and procedures guidance document 3) site plan review 4) site inspection and enforcement 5) education focused on construction activities 6) pollution prevention</li> </ul>
	2. Develop an ordinance or other regulatory mechanism, requiring the implementation of proper erosion and sediment controls on construction sites, and penalties for non-compliance	<p><b>BMP 5.1</b> - Develop an ordinance specifically addressing all construction site erosion and sediment control with appropriate penalties for non-compliance and BMPs to implement</p> <p><u>Intent</u> – An ordinance provides more specific guidelines regarding implementation and enforcement of erosion control measures</p> <p><u>Goal</u> – Revised grading ordinance established; Number of enforcement actions taken; Number of Contractors and Developers informed; Number of informational materials created and distributed; number of approved BMP is place in relation to number of informational materials distributed. How many construction applications initially include runoff controls. Within three years</p>	<ul style="list-style-type: none"> <li>• Must adopt a template ordinance, based on existing templates, and modify it to be municipality-specific within the first year</li> <li>• Must adopt ordinances within the first year</li> <li>• Must provide specific instruction regarding the content of the construction ordinances</li> <li>• Must develop construction site BMP policy and procedures guidance manual within the first year of the draft Proposal's adoption. It must inventory existing construction projects, require specific construction site BMPs and designate additional BMPs based on review EPA's Menu of BMPs that are MEP and assure compliance with water quality standard. This must be completed within the first year of the adoption of draft proposal.</li> </ul>
	<p>3. Require construction site operators to implement appropriate and effective erosion and sediment control BMPs to reduce or eliminate storm water pollution</p> <p>4. Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality</p> <p>5. Develop, implement, and enforce a program to reduce the amount of pollutants in storm water runoff from construction activities that result in land disturbance of one acre or more</p> <p>6. Develop procedures for site plan review of construction plans to address water quality impacts</p>	<p><b>BMP 5.2</b> - Develop procedures to ensure adequate review of site plans to address erosion and sediment control on construction sites greater than one acre. Review plans to ensure that EC measures are in accordance with RWQCB erosion and sediment control field manual</p> <p><u>Intent</u> – Planning for erosion and sediment control on small construction sites is an important activity, best done before construction actually starts. The changes from previously requiring approval of erosion and Sediment Control plans (ESC) for site greater than five acres to requiring them for site greater than one acres should significantly reduce the erosion and sedimentation from construction sites</p> <p><u>Goal</u> – Number of Public Works and Community</p>	<ul style="list-style-type: none"> <li>• Must specify a stronger development and implementation of a construction site inspection program that meets MEP and assures compliance with water quality standards.</li> <li>• Must develop a construction and grading review/approval process of construction plans to ensure that pollutant discharges be reduced to the MEP and assure compliance with water quality standards</li> <li>• The review process must specify ordinances, construction and grading project requirements, and verification of permits and plans</li> <li>• Recommends to specify predicted effective measurements that meets BMP and MCM requirements</li> </ul>

		Development Inspectors trained; Number of reviews completed; Number of site inspections completed. Provide access to RWQCB erosion and sediment control field manual to all employees for review. Send proper staff to seminars on erosion control for training	
	7. Establish procedures for receiving information/concerns about construction site practices from the public	<p><b>BMP 5.3</b> - Develop procedures for the community to inform the City about construction site runoff problems</p> <p><u>Intent</u> – This information will supplement the City's effort to identify and respond to incidents of soil erosion from construction sites. It will also be another way for the public to become involved in the overall program to reduce pollution in local waterways</p> <p><u>Goal</u> – Procedures for information to be submitted by the public completed; Number of complaints received; Number of violations cited; Number of corrections certified</p>	<ul style="list-style-type: none"> <li>• Must record all complaints in the annual report and respond to 100% of all complaints</li> </ul>
	8. Develop procedures for site inspections and enforcement of control measures	<p><b>BMP 5.4</b> - Implement Guidelines and Standards for Construction Site runoff. City staff (plan reviewers, etc) and the public will have access to the RWQCB erosion and sediment control field manual at the Public Works Department, Community Development Department, and on the City's web site for no charge</p> <p><u>Intent</u> – To reduce pollutants in storm water runoff by controlling the discharge of pollutants from construction sites</p> <p><u>Goal</u> – Construction plans and sites to be implementing the Erosion and Sediment Control Field Manual, including but not limited to: use of good site planning, minimization of soil movement, erosion and sediment control BMPs, good housekeeping practices for recycling and disposal of discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites. Track number of times the public utilized the manual at the counter as well as how many visits the link on the web site has</p> <p><b>BMP 5.5</b> – Construction Site Inspections</p> <p><u>Intent</u> – To reduce the amount of sediment and construction materials from construction sites greater than one acre as well as small subdivisions less than one acre</p>	<ul style="list-style-type: none"> <li>• Must also provide specific instruction regarding the following specific elements <ul style="list-style-type: none"> <li>- Erosion prevention</li> <li>- Seasonal restrictions on grading</li> <li>- Slope stabilization requirements</li> <li>- Phased grading</li> <li>- Revegetation as early as possible</li> <li>- Preservation of natural hydrologic features</li> <li>- Preservation of riparian buffers and corridors</li> <li>- Maintenance of all source control and structural treatment BMPs</li> <li>- Retention and proper management of sediment and other construction pollutants on site</li> </ul> </li> <li>• All persons conducting construction activities must employ, to the MEP, erosion prevention and construction site management practices that result in no discharges that cause or contribute to an exceedance of water quality standards constrained in a Statewide Water Quality Control Plan, the or the applicable RWQCB Basin Plan</li> <li>• SLO Coastkeeper urges the inclusion of language to specify mechanisms that will be used to ensure commitment of the program by: <ul style="list-style-type: none"> <li>- Beginning construction site inspections immediately.</li> <li>- Provide training for specific types of staff and rank criteria, frequency of inspections, and mode of enforcement.</li> <li>- Identify prioritized sites and conduct inspections of all construction sites on a weekly basis which includes a</li> </ul> </li> </ul>

		<p><b>Goal</b> – Create a checklist for construction site inspections. Within two years. Inspections to take place prior to the wet season to ensure compliance with approved plans, and continue at a minimum on once per month thereafter until the end of the wet season, Within three years. Create a tracking system to track inspection information and analyze the information each year to see how to improve implementation procedures. Within three years</p> <p><b>BMP 5.6</b> - The City's Planning Departments review discretionary projects submitted for impacts to water quality and hydrology</p> <p><b>Intent</b> – If a project is considered to have a potentially significant impact to either, the project proponent is required to mitigate impacts to the greatest extent feasible</p> <p><b>Goal</b> – N/A</p> <p><b>BMP 5.7</b> – Develop effectiveness measures for Construction Site Runoff Control</p> <p><b>Intent</b> – Evaluate the effectiveness of the BMPs for Construction Site Runoff Control</p> <p><b>Goal</b> – To explain evaluation results with stakeholders</p>	<p>checklist that provide enforcement requirements for complaint and non-compliant sites.</p>
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**MINIMUM CONTROL MEASURE #5: POST-CONSTRUCTION RUNOFF**

Objective: Reduce pollution / new const. & redevelopment

MCM	What is required	What it Does Plan Name: Pismo Beach	Coastkeeper Comments
Intent	1.Focus on site and design considerations, which are most effective when addressed in the planning and design stages of project development		<ul style="list-style-type: none"> <li>• We applaud the inclusion of requirements for “Low Impact Development”. Many of the LID techniques incorporate greater use of permeable surfaces and have become accepted as Best Management Practice.</li> <li>• However, the lack of a budgetary commitment to this element may render this measure impotent and ultimately fail to meet the federally mandated maximum extent practicable (MEP) standard. The proposed BMP’s intent fails to show that the BMPs meet the objective of the MCM.</li> </ul>
	2.Develop an ordinance, or other regulatory framework, requiring the implementation of post-construction runoff controls	<p><b>BMP 6.1</b> - Develop a policy addressing post-construction and redevelopment site runoff controls. Work with the County to develop a Low Impact Development (LID) Design Standards Manual</p> <p><u>Intent</u> – Policies are an effective way to establish performance standards for runoff controls. Urban runoff controls address urban runoff quantity and quality in an effort to eliminate potential pollutant sources from development projects. Owners and developers should be required to provide facilities that minimize the opportunities for pollutants to reach local water bodies</p> <p><u>Goal</u> – New policies established; number of enforcement actions; number of citizen complaints about erosion from new developments. Within four years.</p> <p>Develop and publish LID Design Standards Manual.</p> <p>Provide copies of the LID Design Manual on the City web site. Within 5 years</p>	<ul style="list-style-type: none"> <li>• Must specify the required contents of a municipal ordinance or other document to ensure implementation of design standards</li> <li>• Must state that entities shall within the first year</li> <li>• Must require self-certification</li> <li>• Must provide for inspection commencing immediately upon the implementation of the ordinance</li> <li>• Must include site visit/inspections to meet MEP and protect water quality. Site visit/inspections are categorized as               <ul style="list-style-type: none"> <li>- Commercial facilities program</li> <li>- Industrial facilities program</li> <li>- Residential program</li> </ul> </li> <li>• All must be completed within the first year</li> <li>• Must provide for inspection commencing immediately upon the implementation of revision or adoption of new standards. Procedure and guidance document development should occur simultaneously with the revision.</li> </ul>
	3.Develop appropriate non-structural BMP strategies to address post-construction runoff	<p><b>BMP 6.2</b> - Develop non-structural BMPs to ensure adequate post-construction site runoff controls are implemented and maintained</p> <p><u>Intent</u> – There are many opportunities to establish effective controls for post-construction site runoff without requiring some additional structures to be built. Proper planning and design of a building site can include features that reduce the amount of runoff after construction is</p>	<ul style="list-style-type: none"> <li>• Must provide specific procedures for review of post-construction management in the development review process.</li> <li>• Must adopt a plan for review of construction projects to ensure that pollutants and runoff from the development will be reduced to the MEP and will not cause or contribute to exceedence of water quality standards. It must ensure that all development will be in</li> </ul>

		<p>completed  <u>Goal</u> – Number of project with approved non-structural BMPs in place; Number of applications that are submitted with non-structural BMPs on the first submittal. Within 4 years  <b>BMP 6.3</b> - Include post-construction storm water management in the development review process  <u>Intent</u> – To reduce pollutants in storm water runoff by checking for good site design and post-construction storm water management during the development review process  <u>Goal</u> – Add post-construction storm water management to development review within two years</p>	<p>compliance with applicable storm water ordinances, local permits, other applicable ordinances and requirements.</p>
	<p>4.Performance criteria for control BMPs and an inspection program to ensure proper long-term functioning</p> <p>5.Education requirements for appropriate municipal staff on Hydromodification and LID</p>	<p><b>BMP 6.4</b> - HM and LID public education and outreach for project applicants, contractors, developers, architects, property owners, site plan review staff, erosion control review staff, and other interested parties  <u>Intent</u> – Create HM and LID brochures for public distribution for educational purposes. Educate public and staff on HM and LID  <u>Goal</u> – Number of LID brochures distributed. Number of web site hits for the link. Track how many applications include post-construction runoff controls in the first submittal. Place brochure on City website, and have available at the public counter for the public to take with them. Within five years</p>	<ul style="list-style-type: none"> <li>• Reports must be accessible by public and other stakeholders to increase easy access to information and to gain future public input and involvement.</li> <li>• Must indicate when and how the education program will be conducted and reported to consistently carry out the program to assure commitment</li> </ul>
	<p>6.To integrate basic and practical storm water management techniques into new development to protect water quality</p>	<p><b>BMP 6.5</b> - Installation of a drain inlet filter on Main Street near the beach (part of the Promenade IV construction)  <u>Intent</u> – Reduce sediment from reaching the beach and ocean  <u>Goal</u> – Number of times per year filter is cleaned. How much material is collected per year  <b>BMP 6.6</b> – Conduct post-construction site inspections for storm water management for sites in excess of one acre, and site that are less than once acre and part of a larger common plan development  <u>Intent</u> – Conduct inspections twice a year, prior to wet season and at the beginning of summer. Continue inspections for three years after building final  <u>Goal</u> - Create a form to track inspections and</p>	

		inspection results. Percentage of passing inspections per year. Within three years.	
	7.Reduce the long term potential for discharge of pollutants into urban runoff from new development and redevelopment	<p><b>BMP 6.7</b> – Continue enforcing Pismo Beach’s current Zoning Ordinance’s with existing riparian buffer zones (distances vary, minimum of 30 ft) and wetland buffer zones</p> <p><u>Intent</u> – To reduce pollutants in the riparian and wetlands areas by increasing the buffer zones, to the MEP</p> <p><u>Goal</u> – Continued enforcement of Pismo Beach’s Zoning Ordinance Chapter 17.24.120. Continue to require projects to protect riparian and wetland areas by requiring a buffer zone, according to Pismo Beach’s Zoning Ordinance</p>	
	8.Minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates	<p><b>BMP 6.8</b> - Work with SLO County to develop and implement a Low Impact Development (LID) Design Standards Manual</p> <p><u>Intent</u> – To reduce pollutants in storm water runoff by implementing Low Impact Development Design Standards in San Luis Obispo County</p> <p><u>Goal</u> – Develop and publish the LID Design Manual. Compliance with Design Standards applies to all new projects one acre or more in size and smaller projects that are part of a larger common plan of development that is one acre or larger. The LID Design manual is required to provide design specifications and guidance to help project proponents achieve compliance with the SWMP</p> <p>Provide copies of the LID Design Manual on the City website</p>	<ul style="list-style-type: none"> <li>• In order to obtain City approval, each construction plan must ensure that pollutant discharges and runoff flows from development are reduced to the MEP and that receiving water quality standards are not violated throughout the life of the project.</li> <li>• To assure the City’s authority to enforce this BMP, Proposal must require applicants to provide verification of maintenance provisions including a signed statement from developers.</li> </ul>
	<p>9.Ensure adequate long-term operation and maintenance of control measures</p> <p>10.Implementation of Hydromodification goals</p> <ul style="list-style-type: none"> <li>• maximizing infiltration of clean storm water, and minimizing runoff volume and rate</li> <li>• protecting riparian areas, wetlands, and their buffer zones</li> <li>• minimizing pollutant loading</li> <li>• providing long-term watershed protection</li> </ul>	<p><b>BMP 6.9</b> - Develop long-term watershed planning, to be included in a Hydromodification plan developed with the SLO Partners</p> <p><u>Intent</u> – Proactively work toward long-term watershed planning through a schedule within the Hydromodification plan and growth plans of the City</p> <p><u>Goal</u> – Minimize pollutant loading. Reduce the effective impervious area in the watershed. Integrate all storm water MCMs into all aspects of land use planning and development. By the end of the year three, have a more developed time schedule for completion of the HM plan</p> <p><b>BMP 6.10</b> - Require developers to incorporate the following as much as possible</p>	<ul style="list-style-type: none"> <li>• Must specify mechanisms to show commitment for entire permit year</li> </ul>

		<p>1)Require Cluster development when appropriate  2)Maximize tree &amp; vegetation  3)Vegetate parking islands  4)Protect slopes from erosion by conveying runoff safely from tops of slopes, utilizing natural drainages, stabilizing permanent channel crossings, vegetating slopes with native vegetation  5)Properly design outdoor material storage areas to enclose materials or provide secondary containment, pave storage areas, and roof storage areas</p> <p><u>Intent</u> – To implement HM/LID in the design phase of a project and to reduce pollutants in storm water by implementing these processes  <u>Goal</u> – Minimize pollutant loading. Number of trees planted in completed developments per year. Square feet of vegetative parking islands installed per year</p>	
	<p>11.Determine appropriate BMPs and measurable goals to meet these requirements</p>	<p><b>BMP 6.11</b> - Develop effectiveness measures for Post-Construction Storm Water Management in New Development and Redevelopment  <u>Intent</u> – Evaluate the effectiveness of the BMPs for Post-Construction Storm Water management in New Development and Redevelopment  <u>Goal</u> – To explain evaluation results with stakeholders</p>	<ul style="list-style-type: none"> <li>• Must specify in detail the effectiveness of the measure and what it will measure to determine the success of BMP</li> </ul>

**MINIMUM CONTROL MEASURE #6: GOOD HOUSEKEEPING & POLLUTION PREVENTION FOR MUNICIPAL OPERATION** OBJECTIVE: Minimize contamination from MS4 operations

MCM	What is required	What it Does Plan Name: Pismo Beach	Coastkeeper Comments
Intent	1.To assure that the City's delivery of public services occur in a manor protective of storm water quality		<ul style="list-style-type: none"> <li>• BMP intent must be revised to explicitly refer to municipal operations</li> <li>• Must identify, develop, and implement BMPs/good housekeeping procedures to address urban runoff pollution associated with municipal operations</li> <li>• The Pollution Prevention/Good Housekeeping program is vague and fails to meet the federally mandated maximum extent practicable (MEP) standard. SLO Coastkeeper urges that specific pollution prevention programs that meet the MEP standard be identified. The BMP intent must identify, develop, and implement BMPs/good housekeeping procedures to address urban runoff pollution associated with municipal operations.</li> </ul>
	2.Provide employee training on how to incorporate pollution prevention and good housekeeping into all municipal operations such as park and open space maintenance, fleet and building maintenance, roads maintenance and storm drain maintenance	<p><b>BMP 7.1</b> - Implement employee training for municipal operations: fleets, buildings, water, wastewater, maintenance  <u>Intent</u> – To reduce pollutants in storm water runoff by preventing the discharge of pollutants from municipal operations  <u>Goal</u> – Implement an employee training program for Public Works, General Services, and Planning and Building staff covering how to incorporate pollution prevention and good housekeeping into municipal operations. Utilize workshops and handouts to educate staff. Provide storm water pollution prevention training to each municipal operations employee on an annual basis.            Measure the effectiveness of the training using scored quizzes and evaluations. Track number of employees trained</p>	<ul style="list-style-type: none"> <li>• Must commit to training specific categories of employees. Including – at a minimum – those referred</li> <li>• Must identify the categories of employees to be trained and provide mechanisms to commit in training specific categories of employees.</li> <li>• Must record all activities in annual report to assure commitment of programs and education of employee training.</li> </ul>
	3.Develop and implement an operation and maintenance program for the City to prevent or reduce polluted runoff from municipal operations	<p><b>BMP 7.2</b> - Develop and implement maintenance procedures for municipal operations; 1) sidewalks, plazas, parking lots 2) Municipal landscaped areas (parks, medians, landscaping) 3) Municipal detention and retention basins 4) Public roads and bridge maintenance from entering storm drains 5) Procedures to properly</p>	<ul style="list-style-type: none"> <li>• Must provide some sort of commitment with respect to the frequency and timing of street sweeping, as well as what criteria will guide the determination of priorities for street sweeping.</li> <li>• Must contain a more comprehensive street sweeping program that should commit to</li> </ul>

		<p>remove collected waste (i.e. wash water, accumulated sediments, floatables, debris)  <u>Intent</u> – The City shall develop procedures and guidelines for implementing control measures for all types of City-owned and maintained facilities in order to reduce polluted runoff to local water bodies  <u>Goal</u> – Amount of trash collected' Amount of green waste collected; Amount of automotive/equipment fluids recycled.  Procedures developed by year three.  <b>BMP 7.3</b> - Existing street sweeping program: 1) M,W,F, weekly: pier parking lot 2) M, weekly: All street west of Hwy 101 between Addie and Bay, Dolliver and Cypress 3) W,F, weekly: Dolliver from Price to Pismo Creek, Price from Dolliver to Hwy 101, Wadsworth from Bello to Cypress, Pomeroy from Price to pier parking lot, Hinds from Bello to pier parking lot. Cypress from Addie to Main Ocean View from Price to Dolliver 4) 1<sup>st</sup> Fri, Every other month: Shell Beach Rd (Dolliver to El Portal). Includes Indio El Portal, Prado, Bonita, Encanto, Topaz, El Dorado, Florin, Hermosa, Shoreline, Terrace, Spyglass, Solano, Franklin, Wilmar, Harbor View, Sea Ridge, Beachcomber, Ebb Tide, Silver Shoals 5) 2<sup>nd</sup> Fri, every other month: Oak Park heights, Oak Park Rd, James Wy, 4<sup>th</sup> St, Pacific Estates Subdivision, Pismo Oaks Subdivision, Mid Coast Land co, Ventana Del Mar Subdivision, Sea View Estates, Vista Pacifica 6) 3<sup>rd</sup> Fri, every other month: Shell Beach area, Vista Del mar to Cliff, Shell Beach Rd to Ocean Blvd, Seaclyff, Coburn, Paddock, Naomi, Baker, Ruby Ct. 7) 4<sup>th</sup> Fri, every other month: Pismo Heights, all streets east of Hwy 101 between railroad tracks and Wadsworth/Longview  <u>Intent</u> – To reduce the amount of pollutants in storm water runoff from City streets  <u>Goal</u> – Sweep City owned parking lots three times a week.  Sweep all city streets with and without storm drains, curb, and gutter on a monthly basis or sooner. Identify heavily soiled areas or other areas that require sweeping more frequently.  Track miles swept and the amount of material</p>	<p>providing access for sweepers, equipment maintenance, and procedures for disposal of waste collected</p>
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	<p>4.Reduce the amount and type of pollutants that are discharged from streets, parking lots, material storage areas and vehicle maintenance yards into the storm sewer system</p>	<p>collected annually</p> <p><b>BMP 7.4</b> - Implement storm sewer inspection and maintenance procedures and schedules  <u>Intent</u> – To reduce the amount of pollutants in storm water runoff by inspecting and properly maintaining the storm sewer  <u>Goal</u> – Implement routine inspection and cleaning procedures and schedules for storm drain catch basins and other components of the storm sewer that require cleaning at least twice a year on an ongoing basis. Inspection and cleanings shall occur prior to the wet season and toward the end of wet season. Problem areas of debris accumulation to be re-inspected during the wet season.</p> <p><b>BMP 7.5</b> - Develop a Storm Sewer Atlas  <u>Intent</u> – As part of a long-term strategy to address urban runoff, a storm sewer master plan will target improvements and upgrades needed and provide an opportunity to try out new technologies as they are developed  <u>Goal</u> – Storm Sewer Atlas to be completed within three years</p> <p><b>BMP 7.6</b> - Provide opportunities for proper disposal of trash and hazardous waste  <u>Intent</u> – Making proper disposal of household hazardous waste and trash easier by providing more accessible disposal locations (community hazardous waste/recycling days). Providing more trash receptacles in public areas makes disposal of trash easier  <u>Goal</u> – Number of new trash receptacles installed in the City; Number of household clean-up days provided</p> <p><b>BMP 7.7</b> - Provide dog-mess bags to the public at various locations at the beach and in parks  <u>Intent</u> – To provide both a reminder and an easy method for citizens to clean up pet waste  <u>Goal</u> – Number of mutt-mitts placed throughout the City each year</p>	<ul style="list-style-type: none"> <li>• Must be revised to include the specific hazardous material storage BMPs recommended below, and require that these be incorporated into an ordinance, to be adopted in year 1 of the program <ul style="list-style-type: none"> <li>- Store hazardous materials and wastes in secondary containment where they are protected from rain and in a way that prevents spills from reaching the sanitary sewer or storm drain</li> <li>- Keep lids on waste barrels and containers, and store them indoors or under cover to reduce exposure to rain</li> <li>- All hazardous wastes must be labeled according to hazardous waste regulations</li> <li>- Keep wastes separate to increase your waste recycling/disposal options and to reduce your costs</li> <li>- Never mix waste oil with fuel, antifreeze, or chlorinated solvents</li> <li>- Double-contain all bulk fluids and waste to prevent accidental discharges to the sewer and storm drain</li> <li>- Keep storage areas clean and dry</li> <li>- Drain all fluids from components</li> <li>- Store new batteries securely to avoid breakage and acid spills during earthquakes</li> <li>- Shelving should be secured to the wall</li> </ul> </li> <li>• Must provide for a program for disposal of used motor oil to be developed and implemented within the first year of the permit</li> <li>• Must incorporate additional landscaping and lawn maintenance BMPs as recommended</li> <li>• Must provide specific hazardous material storage BMPs and require that these be incorporated into an ordinance to be adopted in year 1 of the program. Guidance documents and inspection procedures should be developed simultaneously with the ordinance no later than year 2 of the program.</li> </ul>
	<p>5.Determine the appropriate BMPs and measurable goals to meet these requirements</p>	<p><b>BMP 7.8</b> - Place and maintain dome lids on trash receptacles on the pier and the beach  <u>Intent</u> – To prevent birds from picking trash out of receptacles, possibly resulting in less fecal contamination of the pier and beach areas  <u>Goal</u> – Number of birds in the area per year</p>	<ul style="list-style-type: none"> <li>• Must incorporate additional BMPs for automotive activities</li> <li>• Must incorporate additional BMPs for municipal vehicles washing</li> </ul>

		<p><b>BMP 7.9 - City contracts out to provide Highway 101 on and off ramp trash pick up once a month</b>  <u>Intent</u> – To reduce the amount of trash blown and washed down to the drains and gutters  <u>Goal</u> – Amount of trash collected  <b>BMP 7.10 - Employ Achievement House to provide trash pick up services by hand throughout the City</b>  <u>Intent</u> – To reduce the amount of trash blown and washed down to the ocean via storm drains and gutters  <u>Goal</u> – Estimate the amount of trash collected  <b>BMP 7.11 - Develop effectiveness measure for Pollution Prevention and Good Housekeeping</b>  <u>Intent</u> – Evaluate the effectiveness of the BMPs for Good Housekeeping and Pollution Prevention for Municipal Operations  <u>Goal</u> – To explain evaluation results with stakeholders</p>	
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December 19, 2008

Tamara Presser  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: Phase II MS4 Storm Water Management Plan – City of Pismo Beach

Dear Tamara Presser:

The Home Builders Association appreciates the opportunity to comment on the City of Pismo Beach's Storm Water Management Plan (SWMP) published on your web site, with public comment due by Dec. 23, 2008.

Our goal remains to advocate for storm water management plans that achieve the maximum extent practicable for handling rainfall cleanly in a practical, achievable, and fiscally and technically feasible manner. We support solid science and the flexibility necessary to make sure each situation is treated based on local conditions and realities.

#### **General Comments and Information Requests**

**Commendations for Proposing Analysis First:** The Home Builders Association commends Pismo Beach for proposing to do an actual analysis of local ground water levels and hydrological conditions before setting criteria so that the standards it drafts later will address real conditions that the city and public must address. However, we note that the city did not include a Best Management Practice (BMP) addressing this as the necessary first step. We recommend that such a BMP be the city's first, BMP 6.1 and the remaining practices be renumbered accordingly. We also recommend that this type of analysis be a first step and first BMP of all succeeding storm water plans the Central Coast Regional Water Quality Control Board (CCRWB) reviews and certifies.

Pismo Beach has just hired a new city engineer and has the same staff and fiscal limitations as every other small Central Coast community. It needs adequate time to study local conditions and prepare a plan for handling those substantial challenges – high bedrock in many parts of the city; high ground water, streets without curbs and gutters, and no storm drains to accommodate groundwater and stormwater runoff in Shell Beach; and high groundwater and underground rivers near the surface in the James Way area. Those are real geologic and physical features of the cityscape that present unique and difficult challenges. It is good planning on the city's part to allocate three years to address these issues thoroughly before developing hydromodification requirements.

We also concur with the city's "BMP Intent" comment for BMP 6.2 that there are "many opportunities to establish effective controls for post-construction site runoff without requiring some additional structures to be built." Pismo is showing common sense, good planning, and sound science. The water board staff disagrees when it states, "In most situations, to sufficiently manage stormwater runoff, a developer must implement both structural and non-structural BMPs." The association suggests that "In most situations" is ambiguous. We request a detailed list of the local projects the water board studied to reach that conclusion.

**Request Withdrawal of the Interim Hydromodification Criteria Proposed in the Feb. 15 Letter because the Proposed Interim Criteria will Negatively Impact Redevelopment/Infill/Smart Growth Projects:** Current land planning philosophies, being encouraged and mandated on cities and counties, promote infill development in order

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to limit the negative environmental impacts of sprawl. The water board staff's emphasis on rushing to Interim Hydromodification Criteria will make "Smart Growth" and infill strategies infeasible to plan or achieve.

We are concerned that Pismo Beach is being told to follow the Feb. 15 letter by addressing redevelopment of 5,000 square feet and requiring the post-construction hydrograph to match the pre-development hydrograph. We believe this is contrary to federal guidelines in the EPA's Stormwater Phase II Final Rule. We have not found where the authority is granted to go down to this level and believe that one acre is the minimum standard. Where is the authority delineated to regulate down to 5,000 square feet?

Our smart growth concern has been documented in the EPA publication "Using Smart Growth Techniques as Stormwater Best Management Practices". A table with the heading "Language *Hindering* Creation of Joint Smart Growth and Stormwater Policies" (emphasis added) lists among those hindrances:

- "Language specifying that post-development hydrology match the pre-development hydrology";
- "Language requiring that BMPs replicate natural systems or non-structural natural BMPs"; and
- "Impervious coverage limitations"

Additionally, the EPA publication sites the Wisconsin Department of Natural Resources as an example of incorporating infill into Stormwater Regulations. Those regulations state (emphasis added):

- "For the infiltration standards, redevelopment sites *are exempt*" and
- "The peak discharge standards *do not apply to*: Sites classified as redevelopment and infill development less than 5 acres".

The Interim Hydromodification Criteria proposed in the CCRWQCB Feb. 15 letter appear to contradict the above EPA publication. Pismo Beach and other cities trying to implement the Feb. 15 standards will be in conflict with the EPA and smart growth and will be unable to create the "Sustainable Community Strategies" required by state Senate Bill 375, designed to implement Assembly Bill 32, reduce green house gas emissions, and address climate change.

We recommend that the application of the proposed Interim Hydromodification Criteria be withdrawn for the small MS4s in the Central Coast until the issues relating to hydromodification have been resolved by the larger Phase I MS4s and to the satisfaction of all of the Central Coast stakeholders involved.

**Request that CCRWQCB Staff Provide the Public Record with Supportive Documentation:** We request that the Central Coast Board introduce into the public record for Pismo Beach's SWMP the economic and technical information and research that the board publicly referenced regarding post-construction stormwater management on Page 3, Item 12, in the Oct. 17, Lompoc Resolution R-3 2008-0071. We assume Pismo Beach's resolution will substantially resemble Lompoc's, where the Water Board stated that it:

- A. "... has been evaluating, as demonstrated in the administrative record, the various options for control of water quality conditions affected by post-construction stormwater discharges and has concluded that controlling hydromodification typically associated with urbanization is reasonably achievable."
- B. "... considered economics and found that the best information available indicated that controlling hydromodification through, among other approaches, implementation of low impact development principles, is technically feasible, practicable, and cost-effective"; and
- C. "... found that the required revisions would not affect regional housing supply. Hydromodification controls have been applied in this and neighboring regions with no demonstrated affect on housing availability."

We request that the public record specifically include (a) the methodology and standards used to determine what is "reasonably achievable" in item A above, (b) what "best information available" was used to determine what is "technically feasible, practicable and cost-effective" and how it was determined to be the best information available in item B above, , and (c) what data and methodology were used to decide that hydromodification controls will not impact housing supply or availability and which communities are referenced "in this and neighboring regions" in item C above.

**Request for a Written, Detailed Comparison between State and Regional Stormwater Criteria and Standards:** The association requests a clear, step-by-step description of the differences between the criteria established in the California MS4 General Order, including Attachment 4, and the criteria identified in the Feb. 15 CCRWQCB letter, and what technical findings support the CCRWQCB differences.

**Request Elaboration of the Interim Criteria Language “as effective as”:** The City of Lompoc SWMP approval resolution (and we assume other SWMPs will also include) stated that “The proposed criteria must be effective as ...” We would like specific, detailed, quantifiable clarification as to what “as effective as” means. Additionally, we request that the CCRWQCB assist in this analysis by providing the “technical findings” that demonstrate how effective the CCRWQCB proposed Interim Criteria are. In order to compare effectiveness, we believe that the CCRWQCB should provide it’s analysis of the effectiveness of the criteria it is proposing.

**Request Public Hearing:** For the reasons cited above below specific to the plan and to the Water Board staff’s response and for a thorough public analysis and understanding of the city’s proposed storm water management plan, the association believes that there are sufficient issues and concerns raised to warrant a public hearing on Pismo Beach’s plan before the Water Board. We are so requesting such a hearing as an official appellant with adequate time to present our position at the public hearing.

#### **Specific Comments Concerning Pismo Beach’s Storm Water Management Plan**

1. **The application of the Interim Hydromodification Criteria should be withdrawn (see above) or the time to complete developing the Interim Hydromodification Criteria should be 2 years:**

It is unrealistic and unachievable for the water board to expect a small city like Pismo Beach, with limited funds and staff and a new city engineer, to simultaneously do what the water board staff is proposing in BMPs 6.1, 6.3, and 6.4. To draft interim hydromodification criteria, educate the public, building community and staff on the requirements, make it part of the development review process, and start inspecting construction sites for compliance in the first year of the storm water plan would require using generic requirements that have not been subject to scientific analysis to measure their relevance to Pismo Beach’s actual soil, hydrological and geotechnical conditions.

If the application of the interim criteria is not withdrawn as requested above, it would be more realistic for Pismo Beach to have two (2) years to create its interim hydromodification criteria, rather than the one (1) year proposed in the city plan. Our association members experience in Southern California found that a one-year deadline to properly develop interim criteria is unachievable. In one year, Pismo Beach cannot adequately research and understand the economic, technical, geological, and hydrological features that such criteria must address in order to achieve a scientifically sound method for cleaning stormwater to the maximum extent practicable.

It is obviously critical to protect public safety by insuring that the interim criteria are thoroughly researched before being applied. Criteria should not be “hurried” into practice to meet an artificial deadline at the risk of unintended consequences that could jeopardize public safety or to implement criteria that does not have “technical findings” that demonstrate their feasibility and effectiveness. Pismo Beach, like most Central Coast jurisdictions, has a small, hardworking staff. It lacks the human and financial resources to comply with a one (1) year deadline, guarantee public safety, and demonstrate feasibility and effectiveness.

We are attaching for the public record on Pismo Beach’s plan the June 27, 2008, California Stormwater Quality Association (CASQA) letter to Central Coast Regional Water Quality Control Board Executive Officer Roger Briggs. CASQA, which provides stormwater quality management services to more than 26 million Californians, noted that it is a sequencing error to implement the criteria before determining what is technically possible and that it will take more than a year to do the appropriate, scientifically valid research. CASCQ also noted that larger cities “have been expending significant effort on the technical challenge of developing appropriate hydromodification criteria for a number of years. Since 2001, the San Francisco Bay Area Phase 1 permittees have been working to address this issue, yet there is still no accepted common approach.” It would seem wisest to let the larger metropolitan communities, with more human and fiscal resources, conduct thorough technical and financial analysis of how hydromodification/LID can work and

then let the smaller, fiscally and staff-challenged Central Coast communities use these models and tailor them to their storm water plans to meet local conditions.

We recommend that the city be given two years to develop interim hydro modification criteria.

2. **LID Application and Manual:**

For essentially the reasons articulated above in the General Comments and Item No. 1 above, Pismo Beach cannot prepare and adopt an LID manual in year one as the board staff proposes. It is logical for the city to do actual analysis first, spend two years developing Interim Hydromodification criteria, and then work on the LID manual with final completion in year four.

City BMP 6.9 needs to be revised. It plans to initiate long-term water shed planning by integrating Management Control Measures (MCM's) in year three which is before completing items such as the LID Manual. Integrating MCM's into water shed planning should move to year 4.

The schedule for requirements for developments in BMP 6.10 and effectiveness evaluation in BMP 6.11 also should be revised to reflect when the LID manual will be completed in year 4. You cannot apply rules and criteria until they are in place and the staff, public and building community know what they are.

3. **SWMP Post-Construction Application Cut-Off Point should be at "Deemed Complete":**

The most effective time to implement hydromodification/LID methods is at the start of a project's design phase. The later in the process a government tries to apply post-construction storm water methods to a project, the greater the cost and timing burdens that are placed on the jurisdiction and the project and the less likely that a technically effective, cost-efficient solution will be achieved.

A Tentative Subdivision Map cut-off point for the application of the new standards, as originally proposed by the Water Board staff is much too late in the design process. A better cut-off point is at the "deemed complete" stage of the project entitlement process. Projects that have not been "deemed complete" would be best able to implement new LID solutions without undue hardship on the jurisdiction or applicant. An application that has been accepted by a jurisdiction ("deemed complete") as ready for processing and a public hearings should not have to be re-designed to meet new standards. By deemed complete, both the jurisdiction and applicant have expended significant time and funds on the project. During the transition process, projects should be encouraged in their pre-application stage to voluntarily use LID methods in development design.

The term "deemed complete" comes from the Permit Streamlining Act. It requires public agencies (including charter cities like Santa Barbara and San Luis Obispo) to follow standardized time limits and procedures for specified types of land use decisions. The act applies to development projects that need adjudicatory approvals such as tentative maps, conditional use permits, and variances. It does not apply to legislative acts, like general plan amendments and rezonings (or development agreements or specific plans), or to such ministerial acts as lot line adjustments, building permits, or certificates of compliance.

Public agencies must establish one or more lists specifying the information an applicant must submit for a development project to be deemed complete. For instance, San Luis Obispo requires an application to include a vicinity map, statement on zoning, site development, description of any common areas and open space, CC&Rs, setbacks, drainage, faulting, slope analysis, technical reports like biological, cultural, noise, traffic, soils, engineering geology, and noise, archaeological recourse inventory, endangered species survey, preliminary title report, school site, environmental assessment, and an affordable housing plan. Some of these studies and reports will not be needed for each application, but getting a project to be "deemed complete" obviously takes extensive work. In addition, once an application is received, the agency has 30 days to either deem the application complete or notify the applicant what needs to be done to be deemed complete. If the city does not respond within 30 days, the application is deemed complete.

Once an application is deemed complete, the environmental review process begins. When the environmental report is approved, the city or county has 60 days if the environmental document is a

negative declaration or 180 days if an environmental impact report was required to approve or deny the project. Cities and counties generally approve the environmental document at the same hearing as they approve or deny the project.

We recommend that projects whose application has been “deemed complete” by the City of Pismo Beach before post-construction standards are adopted be exempt from them, but should be encouraged to comply with the regulations on a voluntary basis. Obviously, all projects in later stages of the entitlement, design, or construction process would be exempt from the application of the regulations as well.

4. **Clarify Project Phase-In Period to recognize “Deemed Complete” approach:**

Although it does not seem spelled out in the current plan, we recommend that the plan should clarify that the application of the new post-construction regulations to projects in the entitlement process would begin at the adoption of the City’s Interim Hydromodification Criteria (proposed at two (2) years in item 1 above) and be applied to all projects not “deemed complete” at that time.

In addition, Pismo BMP PC4A states: “The City must insure that development applications are only deemed complete if they include post-construction BMP selection, sizing, and siting.” It is impossible for a project to select its BMP and the related sizing and siting until it has actually been approved. Requiring it to be done before “deemed complete” means the project will never be able to proceed since the entire development could be redesigned and changed during the approval process.

This level of detail requested by BMP PC4A requires extensive and costly time and effort, such as detailed grading, engineering and construction drawings necessary to determine the exact size, type and location of a BMP such as a bioswales, rain garden swale, underground cistern, storm water filter, etc., which is not practicable prior to the “deemed complete” stage.

We recommend that PC4A be rewritten as follows:

The City will insure that applications, received after completion of the Hydromodification Standards and LID Manual, are only deemed complete if they include a Preliminary BMP Plan indicating conceptual post-construction BMP selection, and siting. The Preliminary BMP Plan may be included in the Project Site Plan or as a separate document.

5. **Incorporating assessments from project geotechnical and soils consultants is imperative:**

All sites throughout the Central Coast do not have the same soils, geologic and hydrological conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure. Applying the standards in those conditions can result in a public safety hazard or simply be impossible.

We recommend following the approved City of San Diego’s Land Development Manual – Storm Water Standards in which a Geological Investigation Report is required by a registered geologist or certified engineering geologist to indicate where infiltration is feasible or infeasible, what it can achieve, and how to mitigate impacts where it is feasible.

We recommend that the city’s storm water plan include a communitywide analysis by a geotechnical engineer to determine which areas within the urban boundary are suitable for the application of BMPs.

We also recommend that the city’s storm water plan state that it will rely on the applicant’s professional geotechnical/soils consultant’s analysis to determine if and where infiltration/low impact development BMPs are practical, how much is achievable, and what best management practices should be used when infiltration is infeasible or limited.

6. **Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards:**

When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no “extra” land available, it will not be possible to provide additional land for filtration purposes.

We recommend that normal, routine maintenance of existing infrastructure by home owner associations, public agencies, and developers should not be considered new development and should be exempt from the new standards. These projects should be added to the city’s list on page 38 of routine maintenance items that are exempt from the interim and final hydromodification requirements when they are drafted.

In addition to that list, the city’s plan notes that it will examine on a case-by-case basis for exemptions from hydromodification and LID requirements projects with high water table, soil conditions, and the lack of potential sediment transport to sensitive habitat.

We recommend that the city add to that list of case-by-case review projects that provide affordable housing, smart growth, reduced green house gas emissions, transportation system improvements, economic vitality and similar public sector benefits that are part of a balanced decision-making process to achieve and maintain overall community well-being.

7. **The “pre-development” definition must be “immediate pre-project”:**

How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site. Defining pre-development as the original natural condition, regardless of current usage, will make many urban infill, smart growth projects fiscally and technically infeasible. Defining pre-development as before anything has been changed on a site is counterproductive to the current sustainability and new urbanism planning concepts and will promote sprawl, long-distance commuting, and increased air pollution.

In addition, a “pre-development” standard harkening to when the land was vacant presents a liability issue that will hamper urban infill by making insurers refuse to support a project because adding more water to an area than has been the standard for a lengthy time period will threaten to undermine nearby buildings constructed to withstand less groundwater. Insurers will not take that risk. Projects will not get built. There will be no improvement in storm water management.

The EPA publication, mentioned in the General Comment Section above, also states with respect to the definition of pre-development that (emphasis added):

“When you write your ordinance, however, you may want to avoid confusion by specifying that the pre-development condition *refers to the site immediately prior to redevelopment.*”

In Attachment C – Definitions, the San Diego Region California Regional Water Quality Control Board in order No. R9-2007-0001 for the incorporated cities of San Diego County, the San Diego Unified Port District, and San Diego County Regional Airport Authority defines:

“Pre-Project or Pre-Development Runoff Conditions (Discharge Rates, Durations, Etc.) – Runoff conditions that exist onsite immediately before the planned development activities occur. This definition is not intended to be interpreted as that period before any human-induced land activities occurred. This definition pertains to redevelopment as well as initial development.”

The requirement that post-construction must meet pre-construction conditions (defined as undeveloped soil type and vegetation) is unwarranted. Under the U.S. Green Building Council, which administers the LEED AP program and certifies buildings, a building site that achieves the highest level, Platinum, does not have to meet this stringent requirement.

We recommend defining pre-development as “the immediate pre-project condition” just as the San Diego Regional Water Quality Control Board has done.

8. **Economic balance:**

As previously mentioned, most Central Coast municipalities have small staffs and very limited financial resources. They and the construction industry face numerous regulations and requirements from a wide variety of government agencies, all with important and legitimate public benefit goals. Neither the governments nor the development community can resolve the often conflicting demands local, state and federal agencies impose.

San Luis Obispo County is preparing to adopt “smart” or “strategic” growth goals into its General Plan, pushing more intense residential development into urban areas at the same time as the storm water plans over-reliance on hydromodification/LID seems likely to make such development prohibitively expensive in places like Pismo Beach.

Similarly, making urban infill harder to achieve by over-emphasizing increased urban infiltration will leave cities like Pismo Beach and San Luis Obispo County unable to meet green house gas reduction goals mandated by AB 32 and part of the efforts to address global climate change.

We recommend that Pismo Beach’s plan include a clearly worded BMP that recognizes that maximizing storm water management improvement must be balanced against community need for affordable housing, reduced air pollution, market-place economics, municipal economics, and local public acceptance.

10. **Additional Specific Comments:**

Pismo Beach’s plan to “achieve the following interim requirements” for its Hydromodification Program as noted on page 35 should eliminate the reference to Effective Impervious Area (EIA), either remove or define the authority for regulating developments down to the level of 5,000 square feet, revise the definition of post-construction runoff to pre-project levels in order to allow for smart growth and urban redevelopment projects, and clearly describe what is being referenced and intended by the phrase “pre-construction time of concentration” and how that is being determined.

The CASQA letter referenced above notes that using EIA as a driver for “LID approaches is currently the subject of intense controversy within the stormwater quality management/science community as well as among planners and practicing landscape architects.” The letter specifically notes that the controversy includes if “it (EIA) is compatible with smart growth, and possibly increase urban sprawl.”

We recommend not applying EIA criteria on urban infill and redevelopment projects intended to combat sprawl and produce smart growth.

In the Development Review section on page 38, the sentence beginning “Not only on-site detention basins” appears to be missing a word or two, making it hard to understand the full meaning intended.

We recommend rewriting that sentence to make its meaning clearer and to explain if infill projects in the built out downtown would have to supply detention basins and how they would do that when no land is available for such efforts.

11. **Continued Collaboration with Stakeholders such as the Home Builders Association:**

Pismo Beach’s plan requires continued development/modification of various items such as a CEQA Checklist, LID Standards, and Hydromodification Criteria and Plans, throughout the five-year cycle. It is important that these items receive the same public scrutiny as the plan itself.

We recommend that the plan include a BMP stating that the City will continue to provide stakeholder consultation opportunities for all of the items to be developed during the five-year cycle.

12. **Countywide Technical Advisory Committee Needed:**

As we have mentioned previously, and now believe the Water Board concurred with on Oct. 17, the Water Board should encourage and assist the various jurisdictions of San Luis Obispo County in the formation of a Technical Advisory Committee to share information and advice on preparing stormwater management

plans, hydromodification criteria and plans, and LID BMPs. San Diego County is successfully using such an approach. The result should be hydromodification criteria, plans, and BMPs that are feasible, practical, and usable, and achieve the intended objectives of the MS4 Order.

Existing city BMPs 6.1 and 6.9 should be expanded to indicate that the city and other municipalities in San Luis Obispo County should work together beyond developing an LID Manual and long-term water shed planning. They should have a formalized Technical Advisory Committee where they regular share information and advice.

We recommend specifying in Pismo Beach's plan that the Water Board staff will assist in creating and will participate in a Countywide Technical Advisory Committee.

We appreciate your consideration of our comments.

Sincerely yours,



Jerry Bunin  
Government Affairs Director  
Home Builders Association

cc: Duane Chisam, Pismo Beach City Engineer  
Kevin Rice, Pismo Beach City Manager  
Roger Briggs, Executive Officer, RWQCB

Attachment



## California Stormwater Quality Association<sup>1</sup>

*Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation*

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June 27, 2008

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

**Subject: 2/15/08 Letter regarding Notification to Traditional Small MS4s on Process for Enrolling under the State's General NPDES Permit for Storm Water Discharges**

Dear Mr. Briggs:

The California Stormwater Quality Association (CASQA) would like to take this opportunity to submit this comment letter regarding the subject notification and, in particular, Central Coast Regional Water Board staff's "expectations" for Phase II Stormwater Management Program (SWMP) content to receive approval for complying with the State's April 2003 Phase II General Permit.

CASQA is composed of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to over 26 million people in California and includes most every Phase I and many Phase II municipal programs in the State. CASQA was formed in 1989 to recommend approaches for stormwater quality management to the State Water Resources Control Board (State Water Board).

CASQA typically refrains from commenting on issues associated with a specific Regional Water Board. However, the implications of your notification letter are significant and we believe inconsistent with the current standard of practice of stormwater quality management.

Beginning on page 4 of the subject 2/15/08 notification letter, Central Coast staff outlines its expectations for the smaller MS4s within the Central Coast region for meeting the following "conditions":

- Maximize infiltration of clean stormwater and minimize runoff volume and rate,
- Protect riparian areas, wetlands, and their buffer zones,
- Minimize pollutant loadings, and
- Provide long term watershed protection.

Our concerns primarily regard staff's expectations for meeting the first "condition." These are nearly identical to proposed requirements from the draft<sup>1</sup> Phase I Ventura permit written by Los

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<sup>1</sup> Draft Tentative Order Ventura County MS4 permit, 4/29/08, Los Angeles Regional Water Board staff

Angeles Regional Water Board staff. Many of these draft proposed Phase I requirements have not been finalized and adopted by any Water Board. In fact, many of the draft proposed Phase I requirements are the subject of much scientific and technical study and discussion, and accordingly, are being debated and contested by a large number of municipalities and industry representatives. The final outcome of these discussions will likely not be known before December 2008.

We want to recognize and express our support for the Central Coast Regional Water Board's decision to support the implementation of Low Impact Development (LID) through the establishment of an endowment and provision of LID and hydromodification design and implementation services as needed. However, based on the knowledge gained by the Phase I MS4s with the most experience with LID and hydromodification, focusing on implementation before establishing technically sound and integrated criteria and approaches is akin to putting the cart before the horse. As a result, CASQA firmly believes that Central Coast staff has created requirements that the Phase II MS4s will be at a considerable disadvantage, compared to Phase I MS4s, to meet (and may never be able to meet due to technical and economic reasons). We make this statement based on the following insights:

- Hydromodification criteria – Phase I programs have been expending significant effort on the technical challenge of developing appropriate hydromodification criteria for a number of years. Since 2001 the San Francisco Bay Area Phase I permittees have been working to address this issue, yet there is still no accepted common approach (witness the different approaches between the Santa Clara and Contra Costa Counties). Given the need to establish an accepted approach that is fully integrated into water quality management programs, the Southern California Stormwater Monitoring Coalition and the Southern California Coastal Water Research Project have initiated grant-funded efforts to evaluate stream impacts and to develop a series of hydromodification management tools. These tools will support implementation of appropriate hydromodification management actions to better protect the physical, chemical, and biological integrity of streams and their associated beneficial uses<sup>2</sup>. This study is currently in year two of a three-year schedule. These tools will ultimately assist both Phase I and II municipalities in developing appropriate hydromodification management approaches. Consequently requiring Phase II communities in the Central Coast region to independently develop their own criteria/approach to this technically complex subject is unreasonable.
- Effective impervious area – The possible creation of “Effective Impervious Area (EIA)” threshold requirements as a “driver” for LID approaches is currently the subject of intense controversy within the stormwater quality management/science community as well as among planners and practicing landscape architects. Specifically, there is disagreement as to: whether this EIA criterion should be used (and, if used, whether it should be translated from its originally conceived watershed scale and applied on a site-by-site or regional basis) along with the implications upon urban redevelopment – whether it is compatible with smart growth concepts, and possibly increase urban sprawl. For example, underground storage vaults for urban runoff may not be technically feasible on many project sites. Locations with shallow groundwater or underground contamination (i.e.,

<sup>2</sup> SCCWRP Research Project A6 – Assessment and Management of Hydromodification Effects.

brownfields) may not be able to install tanks to hold stormwater. There are other methods that permittees can use to meet maximum extent practicable (MEP) requirements that should not be eliminated with an EIA criterion. These requirements need thorough evaluation to ensure that societal goals, such as redevelopment of brownfields and infill development are not interfered with, but rather encouraged, by the permit.

Additionally, it is not clear that there is a reasoned technical basis to require such a relatively restrictive site design rule. The concept of total impervious area on a watershed scale has been shown to have a deterministic relationship with channel enlargement in the receiving stream. The studies that have demonstrated this relationship have been in watersheds without contemporary hydromodification mitigation controls. A recent study on this issue (Coleman et. al., 2005)<sup>3</sup> notes that effective impervious area is one of the recommended management strategies to be considered, depending on the current conditions of the receiving stream and the future anticipated conditions. The report notes that in-stream strategies are more appropriate for application where the stream course alignment has been altered or there are other drainage improvements in the watershed.

This debate has been taking place on several tracks (e.g., technical, policy) at the local, statewide, and national scales. The recent deliberations of the California Ocean Protection Council (OPC) are particularly noteworthy because the OPC has taken the recent lead on examining from a broader perspective the status of the development and use of LID as a BMP strategy in California. OPC commissioned a report<sup>4</sup>, held two OPC meetings and two public staff workshops, and adopted a resolution last month promoting the use of LID principles, including planned and recommended actions. *Appendix A: Options for Enhancing LID in California Policies* in the report on LID policies provides a list of about 50 recommended "Opportunities and Action Items" (Legislative, Aspirational, and Funding) through which LID can be promoted or enhanced. That report makes several observations, lists issues, and provides recommendations that relate to the development and use of LID as a BMP strategy in California, including:

#### Observations

In California, there has been an upsurge in district planning. New models of district planning have been launched and fine-tuned in California, including form-based codes, new urbanism, transit-oriented development, and a new Leadership in Energy and Environmental Design (LEED) pilot for neighborhood development (LEED-ND).

#### Issues

**H1. LID requirements are often written to apply to individual projects, which results in uneven application.**

<sup>3</sup> Coleman, D., MacRae, C., and Stein, E., "Effect of Increases in Peak Flows and Imperviousness on the Morphology of Southern California Streams", Technical Report 450, Southern California Coastal Water Research Project, April 2005

<sup>4</sup> *State and Local Policies Encouraging or Requiring Low Impact Development in California – Final Report*, Prepared by Tetra Tech, Inc. for Ocean Protection Council, January 2008

**H3. LID often designates hydrology as the indicator of environmental impacts.** By their regulatory nature, stormwater rules have the farthest reach into zoning codes. These rules tend to emphasize stormwater peak flow attenuation and volume capture, causing hydrologic performance to outweigh other important environmental issues that are considered in non-regulatory planning documents, such as infill and redevelopment priorities and regional growth patterns that can affect watershed health.

**H4. Suburban-style LID requirements can run counter to the planning, transportation and climate emphasis on compact design.** Meeting strict stormwater performance standards in urban areas can be much more difficult than in open areas with room for swales, infiltration and detention. While LID techniques can decrease costs for greenfields applications, they can pose higher costs for urban developers, since underground vaults are often needed to augment urban green building, streetscape and landscape BMPs to meet performance standards.

#### Actions

**H12.** Sponsor an analysis of pilot neighborhoods in the LEED-ND program to see if they meet stringent stormwater requirements (for volume, treatment and flow control).

**H14.** Sponsor a pilot study to align major water planning documents (e.g., Basin Plan, Integrated Regional Watershed Management Plan) with regional and local requirements (e.g., stormwater permit requirements and local zoning codes) with respect to LID goals and requirements.

**H17.** Fund a project to better describe LID techniques based on development settings in California similar to the effort underway within the Congress for New Urbanism<sup>5</sup> based on the "transect." The transect establishes seven transect zones based on intensity of development and urban form. This approach was used to develop new street standards and could serve as a model for stormwater management as well.

Based on the commissioned report and input received at the OPC meetings and workshops, the Ocean Protection Council adopted a resolution on May 15, 2008 that CASQA supported (including amendments provided by NRDC) that included the following actions related to stormwater and LID (and by extension EIA) [underline added]:

#### 2. State Regulatory Actions

a. *State Water Board LID Policy* – The State Water Board is encouraged to adopt a statewide policy for addressing all elements associated with changes in runoff due to hydromodification impacts, including those specifically related to urbanization. This policy would include direction on when and how to use LID to avoid, minimize and mitigate runoff so that downstream water bodies are protected.

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<sup>5</sup> At the national scale, NRDC, Congress for the New Urbanism, USEPA, and the U.S. Green Building Council have been developing the LEED-ND standard, which is a comprehensive attempt to integrate land use, financial, transportation, environmental, and urban design components into a single system for evaluating neighborhood design.

### **3. Incentives, Technical Support, and Research**

*c. Research and Development of LID* – Promote and consider funding technical research for development of a LID design manual, including example designs and specifications for LID features, and post-construction evaluations of the effectiveness of constructed LID features in removing pollutants and controlling runoff flows.

- **Consistency** – We are not suggesting that the small MS4s not move forward with implementing LID strategies and provide protection of stream bed integrity. We do recommend that the Central Coast staff also review the approach being proposed by State Water Board staff in the Draft Construction General Permit. In making this recommendation, CASQA is not taking a position on this other approach; rather we are recognizing the approach being proposed by the Central Coast Water Board staff is inconsistent with (and will add considerable confusion) to the State Water Board proposed approach. At a minimum, the difference in approaches once again raises the question as to why the Water Boards are proposing such inconsistent approaches to basically the same ends and whether the inconsistency is necessary and appropriate.
- **Patchwork** – The somewhat patchwork approach being proposed by Central Coast staff for water quality management (i.e., the discharger is implementing treatment control BMPs, LID strategies, and hydromodification controls) will add confusion to an already confusing situation. We believe developing a statewide policy statement is the appropriate vehicle for considering and integrating these concepts. This will provide better public opportunities to consider potential conflicts and craft a fully integrated approach to water quality management.

All of the above demonstrates that Central Coast staff's expectations regarding hydromodification and LID criteria are not SWMP-ready. Given the current state of knowledge and experience, CASQA has recommended to Water Boards that they work with permittees, CASQA, researchers, and stakeholders to:

- Identify an initial list of LID strategies that must be considered for all development.
- Develop a performance standard for LID strategies that considers the lessons learned in translating the concept of LID into projects (e.g., San Francisco Bay Area Phase I research and experience) and recommendations from other drivers such as urban design (e.g., LEED-ND standard).
- Produce findings that can form the basis of permit provisions, guidance, SWMPs, implementation plans, etc.

In summary, CASQA believes Central Coast staff should reconsider their expectations for new development within the Phase II Stormwater Management Plans. Phase I communities are expending significant effort and resources, yet still struggling to meet the technical challenge of developing appropriate hydromodification and LID criteria that are both practical and that will lead to achieving our water quality goals. Placing such an effort on the Phase II communities is

inherently impractical as they lack the technical and financial resources to deal with this complex issue.

Thank you for the opportunity to provide comments. If you have any questions please contact Geoff Brosseau, CASQA Executive Director.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CCJ', is written over a light blue horizontal line.

Chris Crompton, Chair  
California Stormwater Quality Association

cc: Tam Doduc, Chair, State Water Board  
Gary Wolff, Vice-Chair, State Water Board / Liaison, Central Coast Regional Water Board  
Dorothy Rice, Executive Director, State Water Board  
Jonathan Bishop, Chief Deputy Director, State Water Board  
Bruce Fujimoto, Section Chief-Stormwater, State Water Board  
Christine Sotelo, Staff-Phase II Stormwater, State Water Board  
Greg Gearheart, Unit Chief-Industrial/Construction Stormwater, State Water Board  
Alexis Strauss, Director, USEPA Region IX  
CASQA Executive Program Committee  
CASQA Board of Directors



# Home Builders Association

OF THE CENTRAL COAST  
*creating quality housing and communities*

Wednesday, April 08, 2009

Dominic Roques  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: Withdrawal of Public Hearing Request for Arroyo Grande and Pismo Beach Phase II MS4 Storm Water Management Plans

Dear Dominic Roques:

The Home Builders Association of the Central Coast is hereby withdrawing its prior requests for public hearings that we have made in separate letters submitted Dec. 5, and 19, 2008, for the Arroyo Grande, and Pismo Beach Phase II MS4 Storm Water Management Plans (SWMPs).

The association is making this request (a) after evaluating the water board staff responses to some of our previous correspondence and (b) comparing the referenced comment letters with the association's Grover Beach SWMP comment letter of Dec. 12, 2008. The substantive comments and issues we raised in the Arroyo Grande and Pismo Beach letters can be covered in a Grover Beach SWMP public hearing. It seems most sensible to hold the hearing for Grover Beach since the city has also requested a hearing.

Our request, in this letter, to withdraw our previous request for public hearings is predicated on the:

1. RWQCB holding a public hearing for the Grover Beach SWMP, and
2. The enrollment of the Arroyo Grande and Pismo Beach SWMPs be deferred until after the Grover Beach public hearing such that any changes that result from the public hearing can be applied to the Arroyo Grande and Pismo Beach SWMPs as appropriate.

Please acknowledge receipt of and agreement with this letter to the association by letter or email.

Sincerely yours

Jerry Bunin  
Government Affairs Director  
Home Builders Association

CC: Don Spagnolo, Arroyo Grande Public Works Director/City Engineer  
Dwayne Chisam, Pismo Beach Public Works Director/City Engineer  
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**ATTACHMENT 3  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION****Response to Comments  
City of Pismo Beach Stormwater Management Plan January 2009****Introduction**

This document includes the Central Coast Regional Water Quality Control Board (Water Board) staff responses to the comments (Attachment 2) received during the Water Board's 60-day public comment period (October 23 – December 23, 2008) for the City of Pismo Beach's (City) Stormwater Management Plan (SWMP) and Water Board staff's Draft Table of Required Revisions. Water Board staff has responded to all comments based on the most current draft, the January 26, 2009 version of the City SWMP. Water Board staff received comments from the following parties:

December 5, 2009:	City of Pismo Beach
January 26, 2009:	City of Pismo Beach
November 14, 2008:	Central Coast Salmon Enhancement, Inc.
December 23, 2008:	San Luis Obispo Coastkeeper
December 19, 2008:	Home Builders Association of the Central Coast (also, included by reference, was the California Stormwater Quality Association's (CASQA) June 27, 2008 letter to the Water Board)
April 8, 2009:	Home Builders Association of the Central Coast

**Comments from the City of Pismo Beach**

1. Comment: The City of Pismo Beach would like to thank you and the Regional Water Quality Control Board Staff for their assistance in preparing our draft Storm Water Management Plan. The City appreciates the time you have provided to clarify the key components that are included within our storm water management plan. The City staff has gained a greater insight to what is needed to conduct a successful storm water program within our community. The City has reviewed the comments from the RWQCB and does not object to the interim Hydro modification standards and will include the low impact development standards within our storm water plan as requested. The City does not intend at this time to request a hearing before the board, unless other significant comments are received during the comment period.

As you are aware, the public comment period for our Storm Water Plan will end on December 23, 2008. The City would appreciate the opportunity to complete the revisions requested through the public comment period and submit a final draft to our City Council for final approval. The City intends to present to the City Council for a second time the revised final draft of the storm water plan with the comments addressed. On January 21, 2008, the day following the City council meeting, staff would anticipate providing your staff with a resolution adopting the final draft plan, and submit that draft for your review and enrollment into the program.

The City respectfully requests that the executive director pause or delay enrolling the City of Pismo Beach into the Storm Water Program for 60 days until such time as we have had an opportunity to present the final draft plan to our City Council. This additional time will give the

City adequate time for the community to fully understand storm water plan requirements and the financial operational changes that will be necessary to implement the plan.

Thank you for your consideration of this matter. Your prompt response would be greatly appreciated so that we may plan appropriately for our January 20, 2008 City Council Meeting.

Staff Response: Water Board staff acknowledges the City's willingness to meet Water Board staff's expectations. In a letter dated December 18, 2008, the Water Board granted the time extension request to provide the City additional time to incorporate the October 23, 2008 required revisions into their SWMP. Granting this additional time should improve the City's commitment to the SWMP.

**Comments from the City of Pismo Beach**

2. On January 26, 2009, the City presented their comments in the form of a revised SWMP (Attachment 2). The revisions reflect the City's efforts to address Water Board staff's October 23, 2008 Draft Table of Required Revisions. In Table 1, Water Board staff indicates whether or not the City's SWMP, including the January 26 revisions submitted as public comment, are responsive to Water Board staff's Draft Table of Required Revisions.

**Table 1: Response to City of Pismo Beach's January 26 SWMP Revisions Addressing the Draft Table of Required Revisions**

Item	Subject	Required Revisions (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	Water Board Staff Response
<p><b>Acronyms/Abbreviations:</b>                      BMP - Best Management Practice                      General Permit - Phase II Small Municipal Separate Storm Sewer Systems General Permit                      LID - Low Impact Development                      MCM - Minimum Control Measure                      SWMP - Storm Water Management Program</p>			
1	Auto maintenance education	Modify an existing BMP or add a new BMP to indicate the City will develop public education for proper auto maintenance procedures.	The City revised the SWMP as required by changing the text discussing BMP 1.11.
2	Trash disposal education	Modify an existing BMP or add a new BMP to indicate the City will develop public education for proper trash disposal at private residents.	The City revised the SWMP as required by changing the text discussing BMP 1.12.
3	BMP 2.9 Target audiences for education and outreach programs	Modify BMP 2.9 or add a new BMP to indicate the City will develop education and outreach programs to accommodate the City's disadvantaged communities.	The City revised the SWMP as required by changing the text discussing BMP 1.13.
4	BMP 2.9	Modify BMP 2.9 or add a new	The City revised the SWMP as

	<b>Subject</b>	<b>Required Revisions</b> (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	<b>Water Board Staff Response</b>
	Education outreach for non-English speaking community members	BMP to indicate the City will provide multilingual and/or pictorial messages in printed material and when appropriate and/or will offer multilingual workshops.	required by changing the text discussing BMP 1.9.
5	BMP selection	Include a BMP that commits the City to assessing community-based social marketing strategies, and incorporating them into your program where appropriate.	The City did not address this required revision. The City must commit to further assessing community-based social marketing strategies, and incorporating them into the City's SWMP. (See Final Table of Required Revisions, Item 1.)
6	BMP 3.3 Caltrans	Modify BMP 3.3 to incorporate Caltrans into the Stormwater Pollution Prevention Committee or add a new BMP stating the City will proactively coordinate with District 5 Caltrans to ensure all stormwater runoff within the City is properly managed.	The City revised the SWMP as required by changing the text discussing BMP 2.3.
7	BMP 4.3 Enforcement for non-stormwater discharges	Modify BMP 4.3 to commit the City to including enforcement provisions in the Municipal Code for non-stormwater discharges that are significant sources of pollutants.	The City revised the SWMP as required by changing the text discussing BMP 3.3.
8	BMPs 5.2, 5.4 Erosion and sediment control references	Modify existing BMPs or add a new BMP committing the City to utilizing more updated guidance for erosion and sediment control measures or developing their own erosion and sediment control educational materials and/or workshops for project applicants. Additionally, modify an existing BMP or add a new BMP committing the City to developing a checklist, or equivalent document, for plan reviewers to use to verify site plans include construction erosion and sediment controls.	The City revised the SWMP as required by changing the text discussing BMPs 4.2 and 4.4.
9	BMP 5.2	Modify BMP 5.2 to commit the	The City revised the SWMP as

	<b>Subject</b>	<b>Required Revisions</b> (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	<b>Water Board Staff Response</b>
	Construction site plan reviews – implementation years	City to reviewing site plans for adequate construction erosion and sediment control measures for the entire duration of General Permit enrollment.	required by changing the text discussing BMP 4.2.
10	BMP 5.2 Criterion for construction sites that must implement erosion and sediment control measures	Modify BMP 5.2 to commit the City to, at a minimum, review site plans to ensure they address construction erosion and sediment control on sites greater than one acre and sites less than one acre that are part of a larger plan of development or sale.	The City revised the SWMP as required by changing the text discussing BMP 4.2.
11	Interim hydromodification criteria	Include a schedule for developing appropriate interim hydromodification criteria within one year of SWMP approval. The schedule shall include a period of no less than three (3) weeks for Water Board staff to review the proposed criteria relative to the interim criteria stated in the Executive Officer's February 15, 2008 and July 10, 2008 letters. Any interim hydromodification criteria (numeric and non-numeric), whether proposed by the City or the Central Coast Water Board, should take into account the ability to maximize infiltration of clean storm water, minimize runoff volume and rate, and serve as a useful quantifiable measure of healthy watersheds. The interim hydromodification control criteria shall be consistent with the intended goals of the Water Board, including, but not limited to, healthier and more sustainable watersheds by 2025.	The City did not address the entire required revision. The City must commit to a schedule for submitting interim hydromodification control criteria. Additionally, Water Board staff added a required revision to allow the City more flexibility when developing their interim hydromodification control criteria. (See Final Table of Required Revisions, Item 11.)
12	BMP 6.1 Enforcement	Modify BMP 6.1 or add a BMP to commit the City to, within one	The City did not fully address this required revision. The City must

	<b>Subject</b>	<b>Required Revisions</b> (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	<b>Water Board Staff Response</b>
	mechanism for hydromodification control standards	year of enrollment under the General Permit, have adequate permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for hydromodification control. Additionally, the BMP must indicate the City will develop penalty provisions for noncompliance with design, operation and maintenance, or construction requirements. Provide a summary of escalating enforcement actions.	commit to developing enforceable mechanisms to implement interim hydromodification control criteria. (See Final Table of Required Revisions, Item 14.)
13	BMP 6.3 Project design approval	Modify BMP 6.3 to commit the City to including post-construction stormwater management in the development review process by the end of Year 1. Additionally, insure that applications are only deemed complete if they include appropriate post-construction BMP selection, sizing, and siting.	The City revised the SWMP as required by changing the text discussing BMP 5.3.
14	Inspections during post-construction BMPs	Modify or add a BMP to the Construction or Post-Construction Sections to commit the City to inspecting sites during construction to verify post-construction BMPs are being built pursuant to the plans.	The City revised the SWMP as required by changing the text discussing BMP 4.7.
15	BMP 6.2 Non-structural and structural BMPs	Modify BMP 6.2 to commit the City to developing a review process for structural and non-structural BMPs and develop measures to encourage implementation of structural BMPs incorporating LID principals.	The City revised the SWMP as required by changing the text discussing BMP 5.2.
16	BMP 6.4 LID public education	Modify BMP 6.4 or add a new BMP to commit the City to developing initial LID outreach	The City revised the SWMP as required by changing the text discussing BMP 5.4.

	<b>Subject</b>	<b>Required Revisions</b> (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	<b>Water Board Staff Response</b>
		<p>programs during the first implementation years, to prepare project applicants for new requirements. Additionally, the City must commit to establishing a more interactive approach (i.e., workshops, presentations, technical advisory committee, etc.) to educating project applicants on LID principals and the City's hydromodification numeric criteria.</p>	
17	<p>BMP 6.4 LID/hydromodification control training for municipal staff</p>	<p>Modify BMP 6.4 or add a new BMP committing the City to, in Year 1, provide LID/hydromodification control education for City plan reviewers and inspectors so they can ensure new and re-developments meet the City's hydromodification control criteria during plan reviews and site inspections. Additionally, the City must commit to providing LID/hydromodification control workshops to educate their plan review staff.</p>	<p>The City revised the SWMP as required by changing the text discussing BMP 5.4.</p>
18	<p>BMPs 6.6, 6.8 Applicability criteria for projects that must meet hydromodification control criteria</p>	<p>Modify BMP 6.6 and BMP 6.8 to detail the applicability criteria for sites that must meet the future post-construction measures or add a BMP that commits the City to determining what types of projects must meet the City's future post-construction BMPs in coordination with development of interim hydromodification control criteria.</p>	<p>The City revised BMP 5.1 to commit to establishing requirements for planning applications that must adhere to interim hydromodification control criteria. Additionally, the City added more exemptions from hydromodification control requirements to the narrative section of the Post-Construction MCM. The City must remove some of the exemptions, modify the exemptions, and resubmit as part of the applicability criteria for interim hydromodification control criteria. See Final Table of Required Revisions, Item 12.</p>
19	<p>BMP 6.6 Post-</p>	<p>Modify BMP 6.6 to commit the</p>	<p>The City revised the SWMP as</p>

	<b>Subject</b>	<b>Required Revisions</b> (from October 23, 2008 Water Board staff comments on September 19, 2008 Draft SWMP)	<b>Water Board Staff Response</b>
	construction site inspection duration	City to evaluating if three years is a sufficient timeframe for monitoring the long-term effectiveness of post-construction BMPs. (Year 5)	required by changing the text discussing BMPs 5.6.
20	BMPs 6.1, 6.8 Formatting	Modify BMP 6.1 and BMP 6.8 so only one BMP details the LID Manual development and implementation.	The City revised the SWMP as required by changing the text discussing BMPs 5.2 and 5.8.
21	Program effectiveness	Develop a BMP for each MCM section or develop one BMP for the entire SWMP that is equivalent to the following: The City shall prepare and follow a SWMP Effectiveness Assessment Plan. The plan will describe the actions the City takes to assess the effectiveness of the SWMP in meeting regulatory requirements and improving water quality. The plan will include: a process to conduct effectiveness assessments; quantifiable measures of BMP and program effectiveness; links between BMP implementation and improvement in water quality; and assessment of BMP implementation in terms of regulatory compliance, changing awareness, changing behavior, pollutant load reductions, and runoff and receiving water quality. (Year 1)	The City provides an inadequate commitment to develop a program effectiveness assessment plan. The City must commit to documenting in the Year 1 annual report the specific effectiveness assessments they plan to conduct, during the 5-year permit cycle, for each BMP and the entire SWMP. Water Board staff understands this is an iterative process, therefore the effectiveness assessments may change over time. (See Final Table of Required Revisions, Item 2.)

**Comments from Central Coast Salmon Enhancement, Inc.**

3. Comment: Recently, a Central Coast Salmon Enhancement staff member, Nicole Smith, undertook a Master's Project that focused on improving land use policies and regulations to better protect water quality in the Pismo Creek Watershed. Based on this research, several recommendations were developed for the City of Pismo Beach that could be incorporated into the SWMP.

First, it should be noted that an evaluation of the City's policies and regulations has been completed with a Code and Ordinance Worksheet developed by the Center for Watershed Protection in the Master's project. The code and ordinance worksheet from *Better Site Design: A Handbook for Changing Development Rules in Your Community* (Center for Watershed Protection, 1998) is broken into 22 Low Impact Development (LID) principles. It was found that principles in partial compliance by the City include right of way, cul-de-sac, parking ratios, parking codes, parking lots, parking lot runoff, open space design, sidewalks, driveways, open space management, buffer systems, buffer maintenance, land conservation and stormwater outfalls. Principles on street width, street length, vegetated open channels, structured parking, and rooftop runoff did not comply (See Appendix B of Smith, 2008). Although some of these LID recommendations will be addressed with the Countywide LID Standards Manual, it would behoove the City to align the Code and Ordinance Sheet recommendations with future policies and regulations to meet the requirements of the Phase II Small Municipal Separate Storm Sewer Systems General Permit (General Permit).

Staff Response: Water Board staff anticipates the commenter's Code and Ordinance Sheet recommendations will benefit the City when the City modifies their development review standards and policies to incorporate stormwater management requirements; however, Water Board staff does not require the City add a BMP to commit to utilizing this resource. Water Board staff concurs with the commenter, that the City must review their existing regulatory measures to determine if and where existing policies need modification to align with the City's future stormwater management controls. Because every municipality has unique sets of codes and policies, Water Board staff anticipates the City cannot rely on the County to carry out the entire process of integrating LID principles and hydromodification control measures into the City's existing codes and ordinances.

4. Comment: There are several other ways to improve on the City's draft SWMP. First, policies on Pismo Creek Protection and riparian habitat should be amended to include restoration and acquisition of the stream corridor. BMP 6.7 could reflect this proactive approach to reducing pollutants and increasing buffer zones. Second, partnering with others in the Five Cities to treat runoff through a dry weather urban runoff recycling facility may become increasingly important as monitoring and reporting becomes required. Third, many of your BMPs that develop policies to address construction, post construction and redevelopment site runoff controls occur in three to five years from the acceptance of the SWMP. Interim stormwater management policies would begin the education process on stormwater issues, setting the stage for successful implementation of later policies and ordinances. Lastly, BMP 6.9, to develop long-term watershed planning is a great BMP that should not get lost in the shuffle. A part of this watershed planning should emphasize a collaborative effort with the County to encourage higher densities in developed areas such as the City. At the watershed level, the location and density of development is important to protecting water quality. According to the EPA's *Protecting Water Resources with Higher-Density Development* (Richards et al., 2006), higher development density rather than low density may better protect water quality. As the City grows with proposed annexations, watershed planning and impacts to water quality become particularly pertinent when thinking about stormwater runoff. As a reminder, there is a draft Pismo Creek/Edna Area Watershed Management Plan (2008) that has recommendations addressing critical issues in the watershed. These recommendations do include potential projects within the city limits and does not only focus on County lands. This draft Watershed Plan can be found at:

<http://centralcoastsalmon.com/watersheds/pismo/WMP%20for%20public%20review.pdf>

I hope you take these comments into consideration when finalizing the City of Pismo Beach's SWMP. I have attached a copy of the Master's Project, *Regional Land Use Planning for Water Quality in the Pismo Creek Watershed: Recommendations on Policy and Regulation* (2008).

Staff Response: In the Post-Construction Stormwater Management in New Development and Redevelopment BMPs, the City commits to conducting long-term watershed planning and producing a hydromodification management plan. In previous correspondence (Water Board February 15, 2008 and July 10, 2008 letters and draft Tables of Required Revisions) Water Board staff has outlined expectations for the City's long-term watershed plan and the City has committed to meeting these expectations. The City will develop long-term hydromodification control criteria and make future planning decisions to protect the waterways in Pismo's watershed based on outcomes of their long-term watershed planning efforts. If the City determines that the existing riparian buffer zones insufficiently protect the City's waterways, the City must evaluate appropriate buffer widths based on all relevant parameters (i.e., riparian and waterway health, waterway meandering widths, flood plain tendencies, etc.) and incorporate these new stream corridor protection measures into their long-term watershed plan. The City may have to consider floodplain acquisition or restoration projects to achieve long-term watershed protection and health. See Final Table of Required Revisions, Item 9.

It is more resource efficient and effective to focus efforts on source control as oppose to 'end-of-pipe' solutions to manage pollutants in urban runoff; therefore, Water Board staff does not necessarily recommend the City develop a regional urban runoff treatment system. Some limited dry-weather diversion may prove necessary in the future if source control is not adequate to protect water quality.

BMP 5.4 commits the City to educating their plan reviewers and site inspectors starting in Year 1. This education should prepare municipal staff for implementation of hydromodification control criteria starting at the beginning of Year 2. The City has committed to implementing public education outreach efforts on hydromodification control mechanisms and LID starting in Year 2. The proposed schedule for BMP implementation, once the City incorporates the required revisions, will yield a post-construction control measure program that meets the maximum extent practicable (MEP) standard.

Water Board staff supports the commenter's recommendation that the City should work collaboratively during watershed planning efforts and Water Board staff agrees that incorporating smart growth principles is important to protecting water quality (See Table 2). The City has already modified BMP 5.9 to detail their plan to reference the *2008 Pismo Creek/Edna Valley Watershed Management Plan* during watershed planning efforts.

#### **Comments from San Luis Obispo Coastkeeper**

5. Comment: Thank you for the opportunity to review and comment on the proposed Stormwater Management Plan of the City of Pismo Beach. San Luis Obispo Coastkeeper, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with agencies and officials responsible for enforcing water quality, watershed and coastal planning regulations on the California Central Coast. As such, the SLO Coastkeeper and our 800 central coast supporters are concerned that the proposed SWMP:

1. Is impermissibly vague for many components.
2. Does not clearly identify the proposed programs and the financial resources available to implement the proposed program.

3. Fails to identify what and how proposed measures will identify the protection of water quality in the City of Pismo Beach.
4. Fails to identify specific effectiveness measurements to meet the MEP standards.
5. Fails to indicate the required BMP intent.

Staff Response: 1) The City's SWMP is meant to establish a framework to outline how the City will manage stormwater runoff. It contains a full suite of minimum control measures to protect water quality from urban runoff. Water Board staff finds that the program, with the specified required revisions, provides adequate appropriate detail and focus. Water Board staff expects SWMPs to evolve over the permit life and respond to new information and evolving conditions on the ground. The annual reports will convey programmatic details and allow the Water Board to determine if additional detail or additional control measures are necessary to achieve water quality protection to the MEP standard. 2) The General Permit requires the City to submit a SWMP that meets the MEP standard and therefore include BMPs that are within the City's fiscal means. The permit contains no explicit requirement to demonstrate ability to pay. However, General Permit finding 24 requires the City to allocate funds for implementation and enforcement of their BMPs. 3) See Final Table of Required Revisions, Item 2. Water Board staff has required the City to commit to developing an effectiveness assessment plan to assess effectiveness of individual BMPs and overall program effectiveness. The City must commit to developing effectiveness measures for each BMP by the end of Year 1. 4) See previous response. 5) The City's BMP tables include a column titled, "BMP Intent." Water Board staff finds the City adequately explains the intent of their BMPs.

#### MCM #1: PUBLIC EDUCATION AND OUTREACH

##### 6. Comment:

1. MCM #1 Public Education and Outreach is impermissibly vague.
2. [MCM#1] fails to determine the effectiveness measures.
3. [MCM#1] fails to include programs to educate the public and it fails to include outreach programs.
4. [MCM#1] must be revised to meet all the necessary requirements.
5. [MCM#1] must be reoriented toward program development and implementation.

Staff Response: See Water Board staff's response to comment number five. Water Board staff finds the City's SWMP, with required revisions, includes adequate commitments, to conduct education and outreach programs to inform the public on stormwater-related issues. Note that education and outreach-related BMPs are located throughout the SWMP.

##### 7. Comment:

1. [The SWMP] must be more specific about the audiences and must broaden its education plan to include actions targeted to specific audiences.
2. Targeted audiences need to be expanded to include, at a minimum, the residential community, the commercial and business sector, the industrial sector, the development community, the construction sector and the government additional my include Municipal departments and Personnel, Construction Site Owners and Developers, Industrial Owners and Operators, Commercial Owners and Operators, Residential Community, General Public, School Children, and Quasi-Governmental Agencies/Districts.
3. Programs targeted to these specific audiences must be tailored to address specific problems associated with that audience, and can communicate these messages more effectively than programs targeted to the General Public.

4. [The SWMP must] include an educational component targeted specifically toward tourists (Tourist storm water education is incredibly important for the Pismo Beach area which draws millions of tourists each year. Proposal must adopt a visitor education program).

Staff Response: The City has developed an extensive education program to implement during their first 5-year permit cycle. The City has included BMPs in multiple MCMs that incorporate education programs targeting most of the audiences mentioned above. Water Board staff added a required revision requesting the City assess community-based social marketing strategies, which is a superior approach to public education. Community-based social marketing incorporates many of the principles included in this comment. See Final Table of Required Revisions, Item 1. The SWMP has adequate stormwater education for tourists. BMP 1.6 details that the City plans to provide education for beach goers on an information kiosk near the beach. BMP 1.9 outlines that the City plans to distribute stormwater informational brochures to hotels and motels to pass on to their guests. Once these BMPs are implemented, Water Board staff and City staff will assess if these BMPs are sufficiently educating tourists or if the City needs to implement further measures.

8. Comment: The City must indicate what measures it will collect to determine the success of BMP 2.3.

Staff Response: See Water Board staff's response to comment number five.

9. Comment:

1. [The City] must specify and include activities that the community can engage in to increase the support of SWMP.
2. [The City] must include mechanisms that will show commitment and improvement for all permit years.

Staff Response: The SWMP includes a variety of activities to engage the public in SWMP-related activities. Some examples of activities in the SWMP that involve the public include the following: classroom education for children, access to a stormwater 'hotline,' presentations for mobile home owners, education for tourists on stormwater pollution prevention strategies, and Coastal Clean-up Days and Creek Clean-up Days. The City has also committed to developing a SWMP committee to solicit input from local interest groups on SWMP improvements. Water Board staff has required the City commit to establishing a forum for the general public to provide SWMP input, instead of only relying on surveys to solicit input from the public. See Final Table of Required Revisions, Item 3.

10. Comment:

1. [The City] must specify when the hotline will be created and when it will be available for the public to use it.
2. [The City] must indicate what it will measure and all (100%) complaints must be followed up and recorded.
3. All measures must be recorded in the annual report.

Staff Response: 1) BMP 1.4 specifies the City's stormwater "hotline" will be available years one through five. 2) BMP 3.7 specifies the City will log complaints into their Comcate system and track the complaint until it is resolved. Water Board staff has required the City modify BMP 3.7 to commit to responding to 100% of complaints. See Table of Required Revisions, Item 5. 3) When the City develops their effectiveness assessments for each BMP, they will develop

measures to track the effectiveness of their stormwater "hotline." See Final Table of Required Revisions, Item 2.

11. Comment:

1. [The City] must specify when the webpage will be created and when it will be available for the public to use it.
2. [The City] must indicate what it will measure to determine the success of a BMP.
3. All measures must be recorded in the annual report.
4. [The City] must specify how it will determine the effectiveness of the BMPs.

Staff Response: 1) BMP 1.5 specifies the City will start creating the website in Year 1. 2) See Water Board staff's response to the Coastkeeper's first comment.

12. Comment:

1. Topics covered in the educational program must be broader in scope. The following can be included in addition to the programs: basic storm water knowledge for children, land-sea connection, integrated pest management, topics for restaurants: mat washing, cleaning up spills, water and energy conservation, waste reduction and recycling, storm drain connection to streams, BMPs for select commercial and construction industries, and home maintenance and repair, state and federal water quality laws, requirements of local municipal permits and ordinances, impacts of urban runoff on receiving waters, distinction between municipal storm sewers and sanitary sewers, pollution prevention and safe alternatives, household hazardous waste collection, BMP maintenance, pet and animal waste disposal, proper solid waste disposal, equipment and vehicle maintenance and repair, public reporting mechanisms, green waste disposal, native vegetation, proper disposal of boat and recreational vehicles waste, traffic reduction, alternative fuel use, and water conservation.
2. [The City] must contain a commitment to implement BMPs for each of the listed topics by the end of the permit term.
3. [The City] must provide mechanism to adapt its educational program in the future and similar mechanisms facilitating the updating of the educational program.
4. [The City] must include a detailed Public Education and Outreach program for Years 1-5.
5. [The City] must have a comprehensive approach as to whom their program will reach, and what messages are necessary to meet MEP and protect water quality. All information must be explicitly incorporated into the storm water management program for all five years in order to assure a definitive commitment to implement this program.

Staff Response: Water Board staff finds the City has developed a Public Education and Outreach program that, with the required revisions, meets MEP. The City has included BMPs that incorporate education programs targeting many of the topics mentioned above.

13. Comment:

1. [The City] must indicate how to measure the effectiveness of BMP 2.10.
2. [The City] must implement an education component that uses all media to the MEP to measurably increase the knowledge of the target communities regarding municipal storm sewers, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audiences and to measurably change the behavior of target communities and thereby reduce pollutant releases to the MS4 and to the environment.

Staff Response: 1) See Final Table of Required Revisions, Item 2. 2) The City has developed an extensive education program to implement during their first 5-year permit cycle. The City has included BMPs in multiple MCMs that incorporate education programs targeting a variety of

audiences. Water Board staff has required the City incorporate community-based social marketing strategies into their Public Education and Outreach BMPs. This education strategy will help the City determine ideal message delivery modes. See Final Table of Required Revisions, Item 1.

14. Comment:

1. [The City] must indicate what it will measure and how it will prove its effectiveness.
2. All evaluation results and measures must be recorded in the annual report and have it available for public to review.

Staff Response: See Final Table of Required Revisions, Item 2.

## MCM #2: PUBLIC PARTICIPATION AND INVOLVEMENT

15. Comment:

1. [The Public Participation and Involvement] MCM lacks in providing BMPs for public involvement and participation. [The Public Participation and Involvement MCM] includes programs but lacks implementation measures.
2. [The City] must include a detailed Public Participation and Outreach Program, which covers all five years, in order to assure a definitive commitment to implement the program.
3. The objective of the Public Participation and Involvement MCM is to include the public in developing, implementing, and reviewing the SWMP. The BMP intent must be more specific with program development and implementation to raise public awareness about urban runoff through involvement and involving the public in the development and the implementation process. This public involvement provides the opportunity to generate support of the SWMP to protect water quality.

Staff Response: The City has committed to distributing surveys to solicit input from the public on the SWMP, facilitating community events related to stormwater, and establishing a Stormwater Pollution Prevention Committee. BMP 2.3 details that the Stormwater Pollution Prevention Committee will provide a forum for stakeholders to provide input on the SWMP; however, based on the details of this BMP, it appears the group will be geared towards specific representatives of various stakeholders and not open to the general public. The City has only committed to distributing public surveys during the first two years of enrollment under the General Permit. Water Board staff added a required revision requesting the City commit to soliciting community participation on the SWMP development throughout the entire 5-year permit term. Water Board staff has required the City commit to increasing opportunities for public input on the SWMP, throughout the entire 5-year permit term, instead of only relying on surveys to solicit input from the public. See Final Table of Required Revisions, Item 3.

16. Comment:

1. [The City] fails to include any compliance of the state and local public notice requirements.

Staff Response: Water Board staff added a required revision requesting the City commit to complying with all state and local notice requirements when implementing their public involvement and participation program. See Final Table of Required Revisions, Item 4.

17. Comment:

1. [The City] must include public workshops and annual reports must be posted on the website and in City offices at least one month prior.

2. [The City] must provide an opportunity for the public to provide mid-year input on the status of the program and the effectiveness of the BMPs.
3. [The City] must be revised to include mechanisms for engaging the general public in these activities, in addition to providing financial support.
4. Actual programs must include mechanisms to engage the public.
5. [The SWMP] does not show how to involve public more to attend these meetings.
6. [The City] must include mechanisms for engaging the general public in activities by providing advertising and incentives for public participation to increase public participation.
7. The current BMPs are too vague and lack clear explanations of how the specific objectives of the MCM will be achieved.

Staff Response: Water Board staff has required the City to commit to developing a forum for the public to provide input on the SWMP. See Final Table of Required Revisions, Item 3. Water Board staff has required the City commit to complying with all state and local notice requirements when implementing their public involvement and participation program. See Final Table of Required Revisions, Item 4. Water Board staff has required the City incorporate community-based social marketing strategies into their BMPs; therefore, during the 5-year enrollment period, the City will establish mechanisms for further engaging the general public in SWMP related activities. See Final Table of Required Revisions, Item 1.

18. Comment:

1. [The City] must provide opportunity for the public to provide input on the status of the program and the effectiveness of BMPs through workshops and meetings.
2. [The City] must state when the meetings and workshops will be held during the year. The purpose of these workshops should be to gather public input regarding the status of the program and effectiveness of BMPs. Such workshops should be formatted as roundtable discussions and opportunities for the gathering of measurable information by the City for use in the annual report to RWQCB.
3. [The SWMP] lacks to specify how the program is conducted and, what is being done.
4. [The City] must include at least two meetings annually. One informational and other for comments.

Staff Response: See Final Table of Required Revisions, Items 3 and 4. Water Board staff has required the City establish a forum for interested parties to provide input on the SWMP. Additionally, Water Board staff has required the City comply with all state and local notice requirements when implementing their public involvement and participation program; therefore, the City will provide notice prior to any SWMP stakeholder meetings.

19. Comment:

1. Must specify the effective measures and record it on the annual report.
2. Must include how the measures will be recorded and how it determines the success of the BMP and MCM.

Staff Response: See Final Table of Required Revisions, Item 2.

### MCM #3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

20. Comment:

1. [The Illicit Discharge Detection and Elimination MCM] provides who will detect the illicit discharges; however, it lacks in providing how plans or programs will eliminate discharges.

2. The objective of this MCM is to adopt and enforce ordinances and to implement a program to detect and eliminate illicit discharge. The document includes these objectives but lacks the mechanisms to assure the Water Board and the public that eliminating illicit connection/discharge will result.

Staff Response: BMP 3.9 outlines the City's plan to train municipal employees on methods for responding to illicit discharges. BMP 3.2 outlines the City will video inspect the entire MS4 and the City will require all illicit connections be removed pursuant to the City's Municipal Code Section 13.14.210. BMPs 3.4 and 3.5 explain that the City will conduct field inspections of restaurants and automobile-related businesses and issue citations for illicit dischargers. Water Board staff finds the compilation of BMPs in this section meet MEP.

21 Comment:

1. There is no sufficient reason why the [storm sewer systems] map cannot be created in Year 1.
2. [The City] must require the completion of the storm water sewer map within Year 1.

Staff Response: Water Board staff finds the schedule for preparing the storm sewer systems map in Year 2 to be appropriate in the context of the City's other scheduled commitments to illicit discharge elimination.

22 Comment: [The City] must be more specific about what measures it will collect and how it will show effective BMP success.

Staff Response: See Final Table of Required Revisions, Item 2.

23 Comment:

1. [The City] must develop a policy outlining what discharges are permitted into the MS4 and what discharges will be considered illicit.
2. [The City] must adopt a temporary ordinance to enforce BMP measures while the new [ordinance] or revisions are in progress.
3. [Coastkeeper] urges to include more specific enforcement and penalty provisions to eliminate illicit discharge. Typically, an ordinance outlining a progressive enforcement regime is appropriate. Administrative and/or legal action against an entity that continues illicit activity past the deadline for compliance must result in escalating enforcement until compliance is achieved. A program of escalating enforcement that includes educational efforts with mechanisms to facilitate a proper disposal to meet MEP and water quality standards will aid efforts to prevent improper disposal of wastes. Ultimately however, the ordinance must explicitly provide for fines for violators.

Staff Response: 1) BMP 3.3 explains what discharges the City will regulate under Title 13 of their Municipal Code. 2) Water Board staff finds the schedule for updating their municipal code to allow the City to regulate illicit discharges appropriate in the context of the City's other scheduled commitments to illicit discharge elimination. Water Board staff finds it unnecessary to develop a temporary ordinance given the City has already committed to updating their Municipal Code to more clearly define illicit discharges and enforcement provisions during the first year of General Permit coverage. 3) BMP 3.3 outlines that the Municipal Code update will include enforcement provisions for illicit discharges. The Municipal Code revision will be vetted through the City's public process; therefore, stakeholders and Water Board staff will be given opportunity to review the ordinance revision prior to adoption.

24 Comment:

1. [The City] must include a requirement for prioritizing those businesses that are known, from observation in the municipality or from other programs, to result in illicit discharges.
2. [The City] must include a program for monitoring the entire MS4.
3. [The City] must explicitly provide for follow-up investigation of any monitoring that suggests the presence of illicit discharges or connections.
4. [The City] must contain commitments to respond to all sewage spills from all sources, and prevent the entry of sewage into the MS4.

Staff Response: 1) The City has developed a program for inspecting restaurants, automobile serving businesses, and parking lots of a specified area. Because the City is just starting to implement their illicit discharge and elimination program, Water Board staff finds the current inspection methodology appropriate. 2) In BMP 3.2 the City commits to video inspecting all storm drains for illicit connections. 3) In BMP 3.2 the City commits to requiring all illicit connections be removed in accordance with the City's municipal code. 4) Water Board staff has required the City commit to responding to 100% of the complaints reported regarding illicit discharges. See Final Table of Required Revisions, Item 5. Sewage spills are addressed through the City's sewer system management plan, not the SWMP.

25 Comment:

1. [The City] must include an explicit commitment to respond to and eliminate 100% of all illicit discharges and/or connection detected as a result of the call-in program or complaints.
2. [The City] must include the requirement that municipalities report on the use of the hotline in their annual reports.
3. [The City] must supplement its educational effort with mechanisms to facilitate proper disposal to meet MEP and water quality standards.

Staff Response: 1) Water Board staff has required the City commit to responding to 100% of the complaints reported regarding illicit discharges. See Final Table of Required Revisions, Item 5. 2) The City's Annual Reports will contain updates on their BMPs and evidence to show BMP compliance. 3) Water Board staff finds the Public Education and Outreach BMPs provide adequate education for the public on illicit discharge elimination. Additionally, BMP 3.8 commits the City to educating the public on the importance of reporting illicit discharges.

26 Comment:

1. [Coastkeeper] urges language in the SWMP that contains commitments by the City to respond to all sewage spills from all sources, and prevent the entry of sewage into the storm drain system.
2. [The City] must include a program for monitoring the entire storm drain system identified on the proposed map of the system.

Staff Response: 1) See Final Table of Required Revisions, Item 5. Again, sewage spills are addressed through the City's sewer system management plan, not the SWMP. 2) Water Board staff finds the City's proposed program will adequately cover the entire permit coverage area.

27 Comment:

1. The [SWMP] is vague and unclear regarding how enforcement will be carried out given current staffing levels and budget allocations. The absence of a commitment to funding this element clearly does not provide enough information to determine if illicit discharges will actually be detected or, in fact eliminated.
2. [The City] must have a program to implement the SWMP continuously.

Staff Response: 1) The City is responsible for submitting a SWMP that meets the MEP standard and therefore include BMPs that are within the City's fiscal means. Water Board staff finds the City has committed to developing adequate enforcement provisions to eliminate illicit connections and discharges. 2) Water Board staff finds the current implementation schedule adequate, given the commitments made for implementation of the entire SWMP.

#### MCM #4: CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

28 Comment: The intent must state that it will develop and implement a program to reduce pollutants to the MEP and assure compliance with water quality standards through the following implementation components: 1) ordinance adoption 2) construction site BMP policies and procedures guidance document 3) site plan review 4) site inspection and enforcement 5) education focused on construction activities 6) pollution prevention

Staff Response: Water Board staff finds the City's Construction Site Runoff Control BMPs meets the MEP standard. The SWMP includes BMPs to address all of the above implementation components.

#### 29 Comment:

1. [The City] must adopt a template ordinance, based on existing templates, and modify it to be municipality-specific within the first year.
2. [The City] must adopt ordinances within the first year.
3. [The City] must provide specific instruction regarding the content of the construction ordinances.
4. [The City] must develop a construction site BMP policy and procedures guidance manual within the first year of the draft proposal's adoption. [The City] must inventory existing construction projects, require specific construction site BMPs, and designate additional BMPs based on review EPA's Menu of BMPs that are MEP and assure compliance with water quality standard. This must be completed within the first year of the adoption of draft proposal.

Staff Response: In BMP 4.1, the City commits to developing an ordinance, to specifically address construction erosion and sediment control issues, by Year 3. Water Board staff finds the schedule for adopting the ordinance in Year 3 to be appropriate in the context of the City's other scheduled commitments to controlling construction site runoff. In BMP 4.4, the City commits to implementing guidelines and standards for construction site runoff control. Water Board staff finds the schedule for completing the Erosion and Sediment Control Field Manual in Year 2 to be appropriate in the context of the City's other scheduled commitments to controlling construction site runoff. Construction activity in Pismo Beach is currently very low due to economic conditions.

#### 30 Comment:

1. [The City] must specify a stronger development and implementation of a construction site inspection program that meets the MEP and assures compliance with water quality standards.
2. [The City] must develop a construction and grading review/approval process of construction plans to ensure that pollutant discharges be reduced to the MEP and assure compliance with water quality standards.

3. The review process must specify ordinances, construction and grading project requirements, and verification of permits and plans.
4. [Coastkeeper] recommends specifying predicted effective measurements that meet BMP and MCM requirements.

Staff Response: The City's Construction Site Runoff Control BMPs meet the MEP standard. The City has committed to inspecting construction sites during construction to ensure erosion control measures are in place and to ensure proper installation of post-construction BMPs, developing and enforcing an ordinance to specifically address construction site erosion and sediment control measures, and developing procedures for site plan reviewers to ensure plans incorporate adequate erosion and sediment control measures. Water Board staff has required the City develop effectiveness measures to track the adequacy of their program. See Final Table of Required Revisions, Item 2.

31 Comment:

1. [The City] must record all complaints in the Annual Report and respond to 100% of all complaints.
2. [The City] must also provide specific instruction regarding the following specific elements:
  - Erosion prevention
  - Seasonal restrictions on grading
  - Slope stabilization requirements
  - Phased grading
  - Revegetation as early as possible
  - Preservation of natural hydrologic features
  - Preservation of riparian buffers and corridors
  - Maintenance of all source control and structural treatment BMPs
  - Retention and proper management of sediment and other construction pollutants on site
3. All persons conducting construction activities must employ, to the MEP, erosion prevention and construction site management practices that result in no discharges that cause or contribute to an exceedence of water quality standards constrained in a Statewide Water Quality Control Plan, or the Central Coast Water Board Basin Plan.
4. SLO Coastkeeper urges the inclusion of language to specify mechanisms that will be used to ensure commitment of the program by:
  - Beginning construction site inspections immediately.
  - Provide training for specific types of staff and rank criteria, frequency of inspections, and mode of enforcement.
  - Identify prioritized sites and conduct inspections of all constructions sites on a weekly basis which includes a checklist that provide enforcement requirements for complaint and non-compliant sites.

Staff Response: 1) The City's Annual Reports will contain updates on their BMPs and evidence to show BMP compliance. 2) In BMP 4.4 the City commits to developing educational materials targeting municipal staff and the building community. Water Board staff finds the City's education commitments addressing construction site runoff meet the MEP. Water Board staff has required the City incorporate community-based social marketing strategies into their education program. Water Board staff anticipates that in the future, these strategies may influence how the City addresses education for construction site runoff control. See Final Table of Required Revisions, Item 1. 3) The City plans to adopt an ordinance to address construction site erosion and sediment controls to ensure construction sites are maintained properly during construction activities. The ordinance addressing erosion and sediment control will specify site

applicability criteria for the ordinance provisions. Water Board staff has required the City specify the magnitude of construction site that will trigger site inspections. See Final Table of Required Revisions, Item 6. 4) Water Board staff has required the City start implementing construction site inspections in Year 1. BMPs 4.2, 4.4, and 4.5 specify education plans for municipal staff on construction site runoff control inspections, development of checklists for building applicants, site inspectors, and plan reviewers, and a tracking system for site inspections. Water Board staff has required the City specify the magnitude of construction site that will trigger site inspections. The City has committed to inspecting construction sites prior to the wet season and once per month thereafter until the end of the wet season. Water Board staff has required the City regularly inspect sites during the dry season to ensure sites are well maintained to prevent pollutant discharge to the MS4 by dry-weather flows. See Final Table of Required Revisions, Item 6.

#### MCM #5: POST CONSTRUCTION RUNOFF

##### 32 Comment:

1. We applaud the inclusion of requirements for LID. Many of the LID techniques incorporate greater use of permeable surfaces and have become accepted as BMPs.
2. However, the lack of a budgetary commitment to this element may render this measure impotent and ultimately fail to meet the federally mandated MEP standard. The proposed BMP's intent fails to show that the BMP meet the objective of the MCM.

Staff Response: The City is responsible for submitting a SWMP that meets the MEP standard and therefore include BMPs that are within the City's fiscal means. The SWMP need not include a "budgetary commitment." However, the General Permit does require the City to allocate funds for implementation and enforcement of their BMPs.

##### 33 Comment:

1. [The City] must specify the required contents of a municipal ordinance or other document to ensure implementation of design standards.
2. [The City] must state that entities shall [develop and ordinance] within the first year.
3. [The City] must require self-certification.
4. [The City] must provide for inspection commencing immediately upon the implementation of the ordinance.
5. [The City] must include site visit/inspections to meet MEP and protect water quality. Site visit/inspections are categorized as:
  - a. Commercial facilities program
  - b. Industrial facilities program
  - c. Residential program
6. All [site visits] must be completed within the first year.
7. [The City] must provide for inspection commencing immediately upon the implementation of revision or adoption of new standards. Procedure and guidance document development should occur simultaneously with the revision.

Staff Response: In BMP 5.1 the City commits to developing standards and application requirements to implement the interim hydromodification control requirements. Additionally, the City has committed to developing an ordinance to require applicable new development and significant redevelopment project to adhere to its long-term hydromodification control requirements. Water Board staff has required the City to commit to developing enforceable measures to implement interim hydromodification control requirements. See Final Table of Required Revisions, Item 14. BMP 5.6 outlines the City's strategy for post-construction

inspections to ensure proper stormwater management and BMP 4.7 commits the City to conducting inspections during construction to ensure post-construction BMPs are properly installed. Water Board staff plans to work with the City over their permit term to determine if their current proposed strategy for inspecting and tracking post-construction BMPs will sufficiently control hydromodification. Water Board staff finds the current strategy for overseeing post-construction BMPs adequate and does not find it necessary to require the City to develop a self-certification program.

34 Comment:

1. [The City] must provide specific procedures for review of post-construction management in the development review process.
2. [The City] must adopt a plan for review of construction projects to ensure that pollutants and runoff from the development will be reduced to the MEP and will not cause or contribute to exceedence of water quality standards. It must ensure that all development will be in compliance with applicable storm water ordinances, local permits, other applicable ordinances and requirements.

Staff Response: The combination of BMPs 4.7, 5.1, 5.3, and 5.4 will provide an adequate program for reviewing post-construction control measures. These BMPs include commitments to educate municipal staff to prepare them for reviewing post-construction control BMPs, incorporate hydromodification control standards into the project application requirements, incorporate post-construction stormwater management into the development and review process, and to inspect sites during construction to verify post-construction BMPs are being constructed according to plans.

35 Comment:

1. Reports must be accessible by public and other stakeholders to increase easy access to information and to gain future public input and involvement.
2. [The City] must indicate when and how the education program will be conducted and reported to consistently carry out the program to assure commitment.

Staff Response: Water Board staff added a required revision requesting the City commit to complying with all state and local notice requirements when implementing their public involvement and participation program. See Final Table of Required Revisions, Item 4.

36 Comment:

1. In order to obtain City approval, each construction plan must ensure that pollutant discharges and runoff flows from development are reduced to the MEP and that receiving water quality standards are not violated throughout the life of the project.
2. To assure the City's authority to enforce this BMP, the SWMP must require applicants to provide verification of maintenance provisions, including a signed statement from developers.

Staff Response: The City has committed to requiring projects, by the end of Year 1, which meet specific applicability criteria, to adhere to hydromodification control criteria. Usually, measures used to control hydromodification, also treat stormwater runoff. Controlling hydromodification incorporates slowing down the flows off the site and encouraging infiltration on the site. Both of these strategies have water treatment benefits. The City's post-construction inspection program will monitor and regulate how site owners are managing post-construction BMPs on their property.

37 Comment:

1. [The City] must specify mechanisms to show commitment [for long-term watershed planning] for the entire permit year.

Staff Response: Water Board staff added a required revision that requires the City to begin implementation of their long-term watershed protection plan starting in Year 1. See Final Table of Required Revisions, Item 10.

38 Comment:

1. [The City] must specify in detail the effectiveness of the measure that it will measure to determine the success of BMPs.

Staff Response: See Final Table of Required Revisions, Item 2.

**MCM #6: GOOD HOUSEKEEPING & POLLUTION FOR MUNICIPAL OPERATION**39 Comment:

1. BMP intent must be revised to explicitly refer to municipal operations.
2. [The City] must identify, develop, and implement BMPs/good housekeeping procedures to address urban runoff pollution associated with municipal operations.
3. The Pollution Prevention/Good Housekeeping program is vague and fails to meet the federally mandated MEP standard. SLO Coastkeeper urges that specific pollution prevention programs that meet the MEP standard be identified. The BMP intent must identify, develop, and implement BMPs/good housekeeping procedures to address urban runoff pollution associated with municipal operations.

Staff Response: The City's Good Housekeeping and Pollution Prevention for Municipal Operations BMPs provide adequate details and meet the MEP standard.

40 Comment:

1. [The City] must commit to training specific categories of employees. Including, at a minimum, those referred.
2. [The City] must identify the categories of employees to be trained and provide mechanisms to commit in training specific categories of employees.
3. [The City] must record all activities in the Annual Report to assure commitment of programs and education of employee training.

Staff Response: BMP 6.1 details the content of training programs for municipal operations employees. The City's Annual Reports will contain updates on their BMPs and evidence to show BMP compliance.

41 Comment:

1. [The City] must provide some sort of commitment with respect to the frequency and timing of street sweeping, as well as what criteria will guide the determination of priorities for street sweeping.
2. [The City] must contain a more comprehensive street sweeping program that should commit to providing access for sweepers, equipment maintenance, and procedures for disposal of waste collected.

3. [The City] must be revised to include the specific hazardous material storage BMPs recommended below, and require that these be incorporated into an ordinance, to be adopted in year 1 of the program.
  - Store hazardous materials and wastes in secondary containment where they are protected from rain and in a way that prevents spills from reaching the sanitary sewer or storm drain
  - Keep lids on waste barrels and containers, and store them indoors or under cover to reduce exposure to rain
  - All hazardous wastes must be labeled according to hazardous waste regulations
  - Keep wastes separate to increase your waste recycling/disposal options and to reduce your costs
  - Never mix waste oil with fuel, antifreeze, or chlorinated solvents
  - Double-contain all bulk fluids and waste to prevent accidental discharges to the sewer and storm drain
  - Keep storage areas clean and dry
  - Drain all fluids from components
  - Store new batteries securely to avoid breakage and acid spills during earthquakes
  - Shelving should be secured to the wall
4. [The City] must provide for a program for disposal of used motor oil to be developed and implemented within the first year of the permit.
5. [The City] must incorporate additional landscaping and lawn maintenance BMPs as recommended.
6. [The City] must provide specific hazardous material storage BMPs and require that these be incorporated into an ordinance to be adopted in year 1 of the program. Guidance documents and inspection procedures should be developed simultaneously with the ordinance no later than year 2 of the program.

Staff Response: 1) See BMP 6.3 for existing street sweeping schedules and proposed street sweeping frequencies during the permit period. 2) The City's proposed street sweeping program (BMP 6.3) combined with the development of maintenance procedures for properly removing collected waste (BMP 6.2) meet the MEP standard for keeping the City's streets clean. 3) See Final Table of Required Revisions, Item 7. Water Board staff has required the City commit to developing procedures for properly storing hazardous materials and ensuring that municipal employees implement the procedures. An ordinance is not necessary for City staff to implement their own municipal housekeeping BMPs. 4) BMP 6.6 requires the City to provide mechanisms for hazardous waste disposal. 5) BMPs 6.1 and 6.2 detail municipal staff training programs and maintenance procedures for municipal landscaped areas. 6) See Final Table of Required Revisions, Item 7.

42 Comment:

1. [The City] must incorporate additional BMPs for automotive activities.
2. [The City] must incorporate additional BMPs for municipal vehicles washing.

Staff Response: The City commits to educating municipal employees, in BMP 6.1, on fleet maintenance. In BMP 6.2, the City commits to developing maintenance procedures for public works corporation yards. Water Board expects these procedures to include automotive maintenance measures.

**Comments from Homebuilders Association of the Central Coast, December 19, 2008**

43 Comment: The Home Builders Association appreciates the opportunity to comment on the City of Pismo Beach's SWMP published on your web site, with public comment due by December 23, 2008. Our goal remains to advocate for SWMPs that achieve the MEP for handling rainfall cleanly in a practical, achievable, and fiscally and technically feasible manner. We support solid science and the flexibility necessary to make sure each situation is treated based on local conditions and realities.

Commendations for Proposing Analysis First: The Home Builders Association commends Pismo Beach for proposing to do an actual analysis of local ground water levels and hydrological conditions before setting criteria so that the standards it drafts later will address real conditions that the city and public must address. However, we note that the city did not include a Best Management Practice (BMP) addressing this as the necessary first step. We recommend that such a BMP be the city's first, BMP 6.1 and the remaining practices be renumbered accordingly. We also recommend that this type of analysis be a first step and first BMP of all succeeding SWMPs the Water Board reviews and certifies.

Pismo Beach has just hired a new city engineer and has the same staff and fiscal limitations as every other small Central Coast community. It needs adequate time to study local conditions and prepare a plan for handling the following substantial challenges: high bedrock in many parts of the city, high ground water, streets without curbs and gutters, and no storm drains to accommodate groundwater and stormwater runoff in Shell Beach, and high groundwater and underground rivers near the surface in the James Way area. Those are real geologic and physical features of the cityscape that present unique and difficult challenges. It is good planning on the City's part to allocate three years to address these issues thoroughly before developing hydromodification [control] requirements.

We also concur with the city's "BMP Intent" comment for BMP 6.2 that there are "many opportunities to establish effective controls for post-construction site runoff without requiring some additional structures to be built." Pismo is showing common sense, good planning, and sound science. The Water Board staff disagrees when it states, "In most situations, to sufficiently manage stormwater runoff, a developer must implement both structural and non-structural BMPs." The association suggests that "In most situations" is ambiguous. We request a detailed list of the local projects the water board studied to reach that conclusion.

Staff Response: The purpose of adopting interim hydromodification control criteria is to establish a framework for implementing long-term hydromodification control criteria and to prevent our watersheds from further degradation prior to adoption of long-term criteria. Water Board staff anticipates field studies involved in the hydromodification management plan will take substantial time and resources; therefore, Water Board staff acknowledges that municipalities may not be able to evaluate all the necessary watershed conditions prior to adopting interim hydromodification control criteria. The City has committed to conducting long-term watershed planning and developing a hydromodification control plan to become more familiar with specific watershed conditions within the City and help in the formation of their long-term hydromodification control criteria.

Water Board staff is not requiring all sites to use structural BMPs to effectively manage stormwater runoff. Water Board staff recommends developers first consider the use of non-structural stormwater controls to manage runoff, because non-structural BMPs typically cost

less than structural BMPs. However, in many cases, to effectively manage stormwater runoff, structural BMPs, or a combination of structural and non-structural BMPs, are necessary.

Water Board staff has not studied City projects to come to its conclusion that structural BMPs are often needed to effectively manage stormwater runoff at the site level and prevent hydromodification in the watershed. Based on how other communities around the country are managing stormwater, Water Board staff has learned that in most situations, to effectively dictate the behavior of runoff, developers must utilize both structural BMPs and non-structural BMPs. Water Board staff listed references used to come to this conclusion at the end of these responses to comments.

44 Comment: Request Withdrawal of the Interim Hydromodification Criteria Proposed in the February 15 Letter because the Proposed Interim Criteria will Negatively Impact Redevelopment/Infill/Smart Growth Projects: Current land planning philosophies, being encouraged and mandated on cities and counties, promote infill development in order to limit the negative environmental impacts of sprawl. The Water Board staff's emphasis on rushing to interim hydromodification criteria will make "Smart Growth" and infill strategies infeasible to plan or achieve. We are concerned that Pismo Beach is being told to follow the February 15 letter by addressing redevelopment of 5,000 square feet and requiring the post-construction hydrograph to match the pre-development hydrograph. We believe this is contrary to Federal guidelines in the EPA's Stormwater Phase II Final Rule. We have not found where the authority is granted to go down to this level and believe that one acre is the minimum standard. Where is the authority delineated to regulate down to 5,000 square feet?

Our smart growth concern has been documented in the EPA publication "Using Smart Growth Techniques as Stormwater Best Management Practices". A table with the heading "Language *Hindering* Creation of Joint Smart Growth and Stormwater Policies" (emphasis added) lists among those hindrances:

- "Language specifying that post-development hydrology match the pre-development hydrology";
- "Language requiring that BMPs replicate natural systems or non-structural natural BMPs"; and
- "Impervious coverage limitations"

Additionally, the EPA publication sites the Wisconsin Department of Natural Resources as an example of incorporating infill into Stormwater Regulations. Those regulations state (emphasis added):

- "For the infiltration standards, redevelopment sites *are exempt*" and
- "The peak discharge standards *do not apply to*: Sites classified as redevelopment and infill development less than 5 acres".

The interim hydromodification criteria proposed in the Water Board February 15 letter appears to contradict the above EPA publication. Pismo Beach and other cities trying to implement the February 15 standards will be in conflict with the EPA and smart growth and will be unable to create the "Sustainable Community Strategies" required by state Senate Bill 375, designed to implement Assembly Bill 32, reduce green house gas emissions, and address climate change. We recommend that the application of the proposed interim hydromodification criteria be withdrawn for the small MS4s in the Central Coast until the issues relating to hydromodification have been resolved by the larger Phase I MS4s and to the satisfaction of all of the Central Coast stakeholders involved.

**Staff Response:** Water Board staff agrees that these are significant issues, and we have spent considerable time working through these issues with municipalities over the last several months. To address these issues, we modified our approach regarding hydromodification control (relative to our February 2008 letter) in more recently approved SWMPs. The proposed Resolution does not dictate specific applicability requirements, and instead provides the opportunity for MS4s to develop applicability criteria that strike an appropriate balance of social, economic, and environmental goals. Water Board staff acknowledges that in determining compliance with the MEP standard, we and the municipalities must take into account a range of issues potentially constraining local governments' choices about land use development. Water Board staff also recognizes that cities are influenced by State and Federal requirements for affordable housing as well as State mandates and policies affecting, among other things, transportation infrastructure, greenhouse gas emissions, water supply, and public safety. Water Board staff understands these requirements affect development patterns. For this reason, the Water Board is now requiring SWMPs to include BMPs to engage municipalities in long-term watershed planning, to provide a context for weighing the multiple objectives affecting development patterns.

Table 2 at the end of these responses to comments presents examples of applicability criteria that might achieve this balance. These examples include a range of well-defined criteria by which a city could determine applicability of hydromodification control and/or water quality treatment requirements. These examples begin by defining project categories, then identify size thresholds and specific information required to exempt a project from hydromodification and/or water quality treatment requirements.

Water Board staff acknowledges that no stormwater management strategy, or suite of approaches, has been identified that can achieve full hydrologic mitigation for the impacts of urbanization. While recognizing the challenges of applying LID in certain circumstances, for example in poorly drained soils, staff nonetheless considers LID to represent a more comprehensive effort at mitigating the hydrologic impacts of urbanization.

At the May 8, 2009 Water Board public hearing, for approval of the City of Grover Beach's SWMP, Water Board staff explained that EPA recognizes the importance of incorporating LID tools and replicating natural systems and the appropriateness of these techniques in urban, high-density settings. Water Board staff also explained that EPA finds there should not be a choice between meeting Smart Growth demands and implementing LID principles, and, although the menu of LID tools might be smaller for infill situations, there are still options of providing infiltration and replicating natural systems.

The Home Builders Association highlights language in EPA's publication, "Using Smart Growth Techniques as Stormwater Best Management Practices," that explains the hindrances LID can pose to infill and redevelopment projects. However, the Home Builders Association neglected to draw attention to the previous page (page 46) of EPA's publication that outlines the importance of regulatory language that links Smart Growth and stormwater policies. Like other development tools, LID may have its challenges when taken to the extreme; therefore, the City must develop appropriate applicability criteria for applying LID and hydromodification control criteria. The above mentioned EPA publication provides other justifications for the benefits of incorporating LID principles in Smart Growth developments. For example, the EPA publication states, "When low impact techniques and creative landscape design accompany a redevelopment project, the water quality performance at the watershed and site level is enhanced (page 19)." In the following passage, EPA emphasizes the importance of controlling hydromodification by using LID techniques for any project that could compromise a watershed:

"Some lots may not be critical for natural handling of stormwater, but may be in an area with waterways that are already compromised by development-related stormwater runoff. In this case, there are an increasing number of green building techniques and LID options for onsite stormwater control. Developers and their landscape architects should look at common urban development features, such as courtyards, small water features, and tree planting areas for stormwater control. Since these features are likely to already be included in site plans, small design modifications to handle runoff can improve your project's performance. The Center for Watershed Protection has developed several documents under its "Smart Sites" initiative, which can be found at [www.cwp.org/smartsites.pdf](http://www.cwp.org/smartsites.pdf) (page 45)."

Water Board staff subscribes to the following "Hydrologic Philosophy of Smart Growth," as presented by Richard McCuen.<sup>1</sup> As this philosophy and its associated seven principles directly parallel the guiding principle of LID, to mimic the natural hydrograph, Water Board staff finds that LID and hydromodification control are fundamentally consistent with Smart Growth strategies.

**Hydrologic Philosophy of Smart Growth:**

*If society is to control urban sprawl, then guiding principles of smart growth are needed. These principles will form the basis for a philosophy of smart growth. Seven principles related to hydrologic aspects of smart growth include:*

*Principle 1: Control Runoff at Microwatershed Level*

*Principle 2: Consider Hydrologic Processes in Microwatershed Layout*

*Principle 3: Maintain First-Order Receiving Streams*

*Principle 4: Maintain Vegetated Buffer Zones*

*Principle 5: Control Spatial Pattern of Hydrologic Storage*

*Principle 6: Control Upland Flow Velocities*

*Principle 7: Control Temporal Characteristics of Runoff*

The City is still required to develop interim hydromodification control criteria, to protect their watershed during the development of long-term hydromodification control criteria. If the City develops acceptable interim hydromodification control criteria, Water Board staff will not require the City to use the numeric hydromodification control criteria presented in the Water Board February 15, 2008 letter. See Final Table of Required Revisions, Item 11. To clarify, the numeric hydromodification control criteria in the Water Board February 15, 2008 letter that specifies a pre-development<sup>2</sup> and post-construction hydrograph match, is only triggered for projects creating or replacing 5,000 square feet or more of impervious surface; therefore, a 5,000 square foot project might not trigger this control measure.

**45 Comment:** Request that Water Board Staff Provide the Public Record with Supportive Documentation: We request that the Water Board introduce into the public record for Pismo Beach's SWMP the economic and technical information and research that the Water Board publicly referenced regarding post-construction stormwater management on Page 3, Item 12, in

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<sup>1</sup> For further explanation refer to: Richard H. McCuen, Smart Growth: Hydrologic Perspective, *Journal of Professional Issues in Engineering, Education and Practice*, Vol. 129, No. 3, July 1, 2003. ©ASCE, ISSN 1052-3928/2003/3-151-154.

<sup>2</sup> Pre-development condition is defined as the native vegetation and soil conditions that exist prior to human influence (e.g., urbanization, agriculture, grazing, timber harvest).

the October 17, Lompoc Resolution R-3 2008-0071. We assume Pismo Beach's resolution will substantially resemble Lompoc's, where the Water Board stated that it:

- A. "... has been evaluating, as demonstrated in the administrative record, the various options for control of water quality conditions affected by post-construction stormwater discharges and has concluded that controlling hydromodification typically associated with urbanization is reasonably achievable."
- B. "... considered economics and found that the best information available indicated that controlling hydromodification through, among other approaches, implementation of low impact development principles, is technically feasible, practicable, and cost-effective"; and
- C. "...found that the required revisions would not affect regional housing supply. Hydromodification controls have been applied in this and neighboring regions with no demonstrated affect on housing availability."

We request that the public record specifically include (a) the methodology and standards used to determine what is "reasonably achievable" in item A above, (b) what "best information available" was used to determine what is "technically feasible, practicable and cost-effective" and how it was determined to be the best information available in item B above, , and (c) what data and methodology were used to decide that hydromodification controls will not impact housing supply or availability and which communities are referenced "in this and neighboring regions" in item C above. [We] request a written, detailed comparison between state and regional stormwater criteria and standards: The association requests a clear, step-by-step description of the differences between the criteria established in the California MS4 General Order, including Attachment 4, and the criteria identified in the Feb. 15 Water Board letter, and what technical findings support the Water Board differences.

Staff Response: See the Executive Officer's July 10, 2008 letter (and its Attachment: An Example Approach for Including Quantitative Measures of Healthy Watersheds in Stormwater Management Programs), which includes 31 citations addressing the technical basis of hydromodification requirements. A modified version of the July 2008 list, along with additional references that the staff uses, is included at the end of these responses to comments. This list is not all-encompassing, but provides a representation of references Water Board staff uses and has used. Throughout the City's development of interim and long-term hydromodification control criteria, Water Board staff intends to provide the City with technical information, direction, and support.

The Homebuilders Association frequently notes that municipalities are different, and that these differences should be taken into account in the various SWMPs, and that a single approach for all municipalities is not appropriate. The State Board's General Permit is designed to allow municipalities to develop locally relevant and effective SWMPs. Going further, the Central Coast Water Board's approach allows municipalities to choose among options that take into account highly local conditions, such as water quality priorities, watershed conditions, economics, degree of build out, future development plans, the interaction of multiple municipalities and other land uses in a watershed, etc.

46 Comment: Request Elaboration of the Interim Criteria Language "as effective as": The City of Lompoc SWMP approval resolution (and we assume other SWMPs will also include) stated that "The proposed criteria must be effective as ..." We would like specific, detailed, quantifiable clarification as to what "as effective as" means. Additionally, we request that the Water Board assist in this analysis by providing the "technical findings" that demonstrate how effective the

Water Board proposed Interim Criteria are. In order to compare effectiveness, we believe that the Water Board should provide its analysis of the effectiveness of the criteria it is proposing.

Staff Response: The comment seems to be based on a premise that the Water Board is responsible for analyzing the effectiveness of hydromodification control criteria. Actually, this is the discharger's responsibility. The Water Board is responsible for protecting water quality and beneficial uses through its regulatory processes—the municipality is responsible for demonstrating compliance by demonstrating the effectiveness of its SWMP and its component parts. Like all dischargers, the municipality must demonstrate that it is not discharging pollutants above certain limits, that it is meeting narrative requirements, and that it is not degrading beneficial uses. For example, municipalities must demonstrate compliance with their wastewater treatment plant discharge permit—if a municipality decides to use a certain wastewater treatment methodology, it must demonstrate its effectiveness at achieving compliance. Regarding SWMPs, the discharger is free to use different approaches to achieve compliance, and must demonstrate effectiveness and compliance. Municipalities can use Water Board staff's hydromodification control criteria as a way to prevent degradation of beneficial uses, or it can choose a different approach—in either case the municipality must demonstrate effectiveness and compliance.

At the October 17, 2008 Water Board public hearing for approval of the City of Lompoc's SWMP, the Water Board directed Water Board staff to ensure that any interim hydromodification control criteria developed by the City of Lompoc be as effective as the interim hydromodification control criteria we presented in our February 15, 2008 letter. Those criteria are as follows:

- For new and re-development projects, Effective Impervious Area 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 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 or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

Water Board staff expects that implementation of these criteria, together with other planning efforts that contribute to long-term watershed protection, will promote the following desired conditions of healthy watersheds:

- 1) Rainfall surface runoff at pre-development levels,
- 2) Watershed storage of runoff, through infiltration, recharge, baseflow, and interflow, at pre-development levels,
- 3) Watercourse geomorphic regimes within natural ranges (stream banks are stable within natural range; sediment supply and transport within natural ranges), and
- 4) Optimal riparian and aquatic habitats.

Interim hydromodification control criteria primarily focus on items 1 and 2 above. Therefore, Water Board staff will review the City's interim hydromodification control criteria to ensure that they:

- 1) Provide numeric thresholds that demonstrate optimization of infiltration in order to approximate natural infiltration levels (such as would be achieved by implementation of appropriate low-impact development practices), and

- 2) Achieve post-project runoff discharge rates and durations that do not exceed estimated pre-project levels, where increased discharge rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses.

On January 5, 2009, the Water Board Executive Officer approved the City of Santa Maria's enrollment under the General Permit. In Santa Maria's Final Table of Required Revisions, Water Board staff presented Santa Maria with options for methods of developing interim hydromodification that are as effective as the interim hydromodification control criteria presented in its February 15, 2008 letter. Based on the Water Board's direction regarding the City of Lompoc's SWMP and the City of Santa Maria's SWMP, Water Board staff has determined it appropriate to propose similar language in other municipalities' SWMPs.

Water Board staff has requested the City of Pismo Beach modify their SWMP to clarify they will develop interim hydromodification control criteria that follows the methodology of one of the three options included in the Final Table of Required Changes, Item 11.

47 Comment: Request Public Hearing: For the reasons cited above below specific to the plan and to the Water Board staff's response and for a thorough public analysis and understanding of the city's proposed storm water management plan, the association believes that there are sufficient issues and concerns raised to warrant a public hearing on Pismo Beach's plan before the Water Board. We are so requesting such a hearing as an official appellant with adequate time to present our position at the public hearing.

Staff Response: The Home Builders Association withdrew their request for a hearing for the City's SWMP in a letter dated, April 8, 2009. See Home Builders Association's final comment for a copy of the letter.

48 Comment: The application of the Interim Hydromodification Criteria should be withdrawn (see above) or the time to complete developing the Interim Hydromodification Criteria should be two (2) years: It is unrealistic and unachievable for the Water Board to expect a small city like Pismo Beach, with limited funds and staff and a new city engineer, to simultaneously do what the Water Board staff is proposing in BMPs 6.1, 6.3, and 6.4. To draft interim hydromodification criteria, educate the public, building community and staff on the requirements, make it part of the development review process, and start inspecting construction sites for compliance in the first year of the SWMP would require using generic requirements that have not been subject to scientific analysis to measure their relevance to Pismo Beach's actual soil, hydrological and geotechnical conditions.

If the application of the interim criteria is not withdrawn as requested above, it would be more realistic for Pismo Beach to have two (2) years to create its interim hydromodification criteria, rather than the one (1) year proposed in the city plan. Our association members experience in Southern California found that a one-year deadline to properly develop interim criteria is unachievable. In one year, Pismo Beach cannot adequately research and understand the economic, technical, geological, and hydrological features that such criteria must address in order to achieve a scientifically sound method for cleaning stormwater to the MEP.

It is obviously critical to protect public safety by insuring that the interim criteria are thoroughly researched before being applied. Criteria should not be "hurried" into practice to meet an artificial deadline at the risk of unintended consequences that could jeopardize public safety or to implement criteria that does not have "technical findings" that demonstrate their feasibility and effectiveness. Pismo Beach, like most Central Coast jurisdictions, has a small, hardworking

staff. It lacks the human and financial resources to comply with a one (1) year deadline, guarantee public safety, and demonstrate feasibility and effectiveness.

We are attaching for the public record on Pismo Beach's plan the June 27, 2008, California Stormwater Quality Association (CASQA) letter to Central Coast Regional Water Quality Control Board Executive Officer Roger Briggs. CASQA, which provides stormwater quality management services to more than 26 million Californians, noted that it is a sequencing error to implement the criteria before determining what is technically possible and that it will take more than a year to do the appropriate, scientifically valid research. CASQA also noted that larger cities "have been expending significant effort on the technical challenge of developing appropriate hydromodification criteria for a number of years. Since 2001, the San Francisco Bay Area Phase I permittees have been working to address this issue, yet there is still no accepted common approach." It would seem wisest to let the larger metropolitan communities, with more human and fiscal resources, conduct thorough technical and financial analysis of how hydromodification/LID can work and then let the smaller, fiscally and staff-challenged Central Coast communities use these models and tailor them to their storm water plans to meet local conditions. We recommend that the city be given two years to develop interim hydromodification criteria.

Staff Response: The City has proposed a process resulting in interim hydromodification control criteria at the end of Year 1 of program implementation (see BMP 5.1). The City will continue to refine their applicability criteria for projects exempt from interim hydromodification control criteria, develop interim hydromodification control criteria to align with Water Board expectations, and develop planning application requirements and standards for implementing interim hydromodification, by the end of Year 1. Water Board staff finds this is an acceptable approach to achieving hydromodification controls, since it identifies interim criteria based on a preliminary assessment of conditions unique to the City, and employs these criteria after the first year by adopting them into the City project application requirements and standards.

Water Board staff realizes that hydromodification control criteria development is an iterative process. Water Board staff has tasked the City with implementing interim criteria before developing long-term criteria, to allow the City time to work through the hurdles of implementing hydromodification control criteria and set the stage for the long-term criteria. Additionally, if the City postpones adoption of hydromodification control criteria until after conducting watershed analysis and developing long-term hydromodification control criteria, new projects have potential to degrade the City's watershed. Like all areas of scientific research, LID/hydromodification research will never be complete, so waiting for the research to be complete to implement controls would likely result in no control.

Also, please see Water Board staff's response to comment numbers 44 and 45 where Water Board staff cites the references regarding smart growth and balancing the environment, economy, and social values.

49 Comment: LID Application and Manual: For essentially the reasons articulated above in the general comments and the first item above, Pismo Beach cannot prepare and adopt an LID manual in year one as the Water Board staff proposes. It is logical for the city to do actually analysis first, spend two years developing interim hydromodification criteria, and then work on the LID manual with final completion in year four. City BMP 6.9 needs to be revised. It plans to initiate long-term watershed planning by integrating MCMs in year three which is before completing items such as the LID Manual. Integrating MCMs into watershed planning should move to Year 4. The schedule for requirements for developments in BMP 6.10 and

effectiveness evaluation in BMP 6.11 also should be revised to reflect when the LID manual will be completed in Year 4. You cannot apply rules and criteria until they are in place and the staff, public, and building community know what they are.

Staff Response: BMP 5.8 explains the City will work with San Luis Obispo County to develop and implement an LID Manual by the end of Year 4. Water Board staff has not required the City adopt an LID manual by a specified date. Water Board staff has required the City develop mechanisms of educating the public about how to adhere to interim hydromodification control criteria and long-term hydromodification control criteria. An LID manual is one method for achieving this, but it is not the only mechanism. BMP 5.4 commits the City to conducting hydromodification control and LID education starting in Year 2. BMP 5.4 also commits the City to educating their municipal staff on these topics to prepare them for interim hydromodification control criteria implementation at the end of Year 1. Water Board staff finds this implementation plan for educating of hydromodification control criteria and LID meets MEP. BMP 5.8 commits the City to completing their LID Manual by the end of Year 4. BMP 5.9 explains the City will include outcomes from their long-term watershed planning efforts in their LID Manual. BMP 5.10 explains the City will require project applicants to incorporate portions of the San Luis Obispo County's LID Manual measures, prior to the City finalizing their LID Manual. Water Board staff expects the City will only require applicants to incorporate LID measures from the San Luis Obispo County's LID Manual that are appropriate for Pismo Beach's watershed conditions.

50 Comment: SWMP Post-Construction Application Cut-Off Point should be at "Deemed Complete." The most effective time to implement hydromodification/low impact development methods is at the start of a project's design phase. The later in the process a government tries to apply post-construction stormwater methods to a project, the greater the cost and timing burdens that are placed on the jurisdiction and the project and the less likely that a technically effective, cost-efficient solution will be achieved... A better cut-off point is at the "deemed complete" stage of the project entitlement process. Projects that have not been "deemed complete" would be best able to implement new LID solutions without undue hardship on the jurisdiction or applicant. An application that has been accepted by a jurisdiction ("deemed complete") as ready for processing and a public hearings should not have to be re-designed to meet new standards. By deemed complete, both the jurisdiction and applicant have expended significant time and funds on the project. During the transition process, projects should be encouraged in their pre-application stage to voluntarily use LID methods in development design... We recommend that projects whose application has been "deemed complete" by the City of Pismo Beach be exempt from the new post construction standards, but should be encouraged to comply with the regulations on a voluntary basis. Obviously, all projects in later stages of the entitlement, design, or construction process would be exempt from the application of the regulations as well.

Staff Response: Water Board staff understands that, as a small city, Pismo Beach has relatively few projects that may be potentially affected by the "deemed complete" cut-off point proposed by the commenter. For these projects, and others for which applications are submitted during the first year of SWMP implementation, the City can voluntarily notify applicants that they should consider LID and address hydromodification in designing their projects. (Central Coast Low Impact Development Center assistance may also be available to consult applicants on ways to integrate LID into project design.)

Water Board staff agrees with the commenter that the "deemed complete" milestone is an appropriate cut-off point in the entitlement process, after which projects would not be subject to

new hydromodification requirements. Water Board staff requested in the October 23, 2008 Draft Table of Required Revisions that the City clarify what projects, in the City's review process 'pipe-line,' the City will require to meet the interim hydromodification control criteria. The City proposed, in their January 26, 2009 Draft SWMP, a specific cut-off point for projects required to adhere to the City's interim hydromodification control criteria. However, the City's January 26, 2009 Draft SWMP details that the interim hydromodification control criteria will, "apply to projects deemed complete [365 days after the date of enrollment under the General Permit]." Water Board staff has required the City change this to detail that the City will apply hydromodification control criteria to projects not yet deemed complete 365 days after the date of enrollment under the General Permit. (See Final Table of Required Revisions, Item 13.)

51 Comment: Clarify Project Phase-In Period to recognize "Deemed Complete" approach: Although it does not seem spelled out in the current plan, we recommend that the plan should clarify that the application of the new post-construction regulations to projects in the entitlement process would begin at the adoption of the City's Interim Hydromodification Criteria (proposed at two (2) years in item 1 above) and be applied to all projects not "deemed complete" at that time.

In addition, Pismo BMP PC4A states: "The City must insure that development applications are only deemed complete if they include post-construction BMP selection, sizing, and siting." It is impossible for a project to select its BMP and the related sizing and siting until it has actually been approved. Requiring it to be done before "deemed complete" means the project will never be able to proceed since the entire development could be redesigned and changed during the approval process. This level of detail requested by BMP PC4A requires extensive and costly time and effort, such as detailed grading, engineering and construction drawings necessary to determine the exact size, type and location of a BMP such as a bioswales, rain garden swale, underground cistern, storm water filter, etc., which is not practicable prior to the "deemed complete" stage. We recommend that PC4A be rewritten as follows: The City will insure that applications, received after completion of the Hydromodification Standards and LID Manual, are only deemed complete if they include a Preliminary BMP Plan indicating conceptual post-construction BMP selection, and siting. The Preliminary BMP Plan may be included in the Project Site Plan or as a separate document.

Staff Response: New post-construction requirements will be applied as conditions of approval, or through some other enforceable means, to all applicable projects not yet deemed complete by the date of adoption of the City's interim hydromodification control criteria. See Final Table of Required Revisions, Item 13.

Project applications must include enough detail to ensure City plan checkers that the project will meet hydromodification control requirements. The plan checkers are responsible for determining if the post-construction BMPs are sized and sited appropriately for a site before deeming the project complete. A plan checker cannot simply approve a project based on a commitment that a project applicant will construct their project adequately to control hydromodification. To successfully control hydromodification, project applicants must consider an approach to control hydromodification during the initial stages of project development. If a developer waits to determine the setting and sizing of post-construction stormwater BMPs until a site has already been laid out, the project applicant may be faced with an end-of-pipe expensive solution that may not effectively treat stormwater runoff or effectively meet the City's hydromodification control requirements.

52 Comment: Incorporating assessments from project geotechnical and soils consultants is imperative: All sites throughout the Central Coast do not have the same soils, geologic and

hydrological conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure. Applying the standards in those conditions can result in a public safety hazard or simply be impossible. We recommend following the approved City of San Diego's Land Development Manual – Storm Water Standards in which a Geological Investigation Report is required by a registered geologist or certified engineering geologist to indicate where infiltration is feasible or infeasible, what it can achieve, and how to mitigate impacts where it is feasible. We recommend that the City's SWMP include a community-wide analysis by a geotechnical engineer to determine which areas within the urban boundary are suitable for the application of BMPs. We also recommend that the City's SWMP state that it will rely on the applicant's professional geotechnical/soils consultant's analysis to determine if and where infiltration/low impact development. BMPs are practical, how much is achievable, and what BMPs should be used when infiltration is infeasible or limited.

Staff Response: Water Board staff expects geotechnical/soils information to continue to inform site design for projects in Pismo Beach. However, Water Board staff does not expect such information to necessarily preclude those sites from using low impact development BMPs or to necessarily be the basis for exemptions from requirements to mimic the natural hydrograph in post-development runoff events. The Water Board will review the City's hydromodification controls, stormwater treatment BMPs, and applicability criteria (where and when specific numeric criteria are to be met through post-construction BMPs for new development and significant redevelopment) to determine if the City is achieving water quality protection from these pollution sources to the MEP. Should the City propose to exempt certain developments from infiltration or low impact development BMPs, the City would need to demonstrate that alternative or conventional BMPs result in the desired conditions of healthy watersheds, including the conditions of rainfall runoff, groundwater recharge, sediment transport and supply, and riparian and aquatic habitat. To achieve the appropriate balance of environmental and societal goals, the City should consider and select BMPs and applicability criteria from a watershed perspective.

The City's SWMP includes hydromodification control criteria exemptions for portions of the City that have a direct ocean discharge. Water Board staff agrees that projects with a direct ocean discharge require less stringent, or no, hydromodification controls, because they will not cause hydromodification in the watershed. However, Water Board staff expects the City to develop more stringent water quality treatment criteria for these projects relative to projects in other parts of the City to protect water quality in the Pacific Ocean. See Final Table of Required Revisions, Item 12.

53 Comment: Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards: When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no "extra" land available, it will not be possible to provide additional land for filtration purposes. We recommend that normal, routine maintenance of existing infrastructure by home owner associations, public agencies, and developers should not be considered new development and should be exempt from the new standards. These projects should be added to the City's list on page 38 of routine maintenance items that are exempt from the interim and final hydromodification requirements when they are drafted. In addition to that list, the City's plan notes that it will examine on a case-by-case basis for exemptions from hydromodification and LID requirements projects with high water table, soil conditions, and the lack of potential sediment transport to sensitive habitat. We recommend that the City add to that list of case-by-

case review projects that provide affordable housing, smart growth, reduced green house gas emissions, transportation system improvements, economic vitality and similar public sector benefits that are part of a balanced decision-making process to achieve and maintain overall community well-being.

Staff Response: At this time, the City is committed to developing new requirements for hydromodification control for new development and significant redevelopment. Maintenance activities for existing public infrastructure are subject to multiple BMPs to reduce their potential contribution to stormwater pollution (see the Pollution Prevention/Good Housekeeping for Municipal Operations). Through other management measures in the SWMP, private developments and homeowners associations would be subject to education as well as potential enforcement on source control, pollution prevention, and illicit discharges, but would not be subject to hydromodification controls for maintenance activities. Page 35 of the City's January 26, 2009 Draft SWMP includes applicability criteria for implementing interim hydromodification control criteria. The City has exempted some routine-type maintenance projects from the City's future interim hydromodification control criteria. Water Board staff anticipates the City will continue to develop and refine clear and effective applicability criteria. See Final Table of Required Revisions, Item 12.

Also, please see Water Board staff's response to comment numbers 44 and 45 regarding redevelopment/infill/smart growth projects

54 Comment: The "pre-development" definition must be "immediate pre-project": How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site. Defining pre-development as the original natural condition, regardless of current usage, will make many urban infill, smart growth projects fiscally and technically infeasible. Defining pre-development as before anything has been changed on a site is counterproductive to the current sustainability and new urbanism planning concepts and will promote sprawl, long-distance commuting, and increased air pollution.

In addition, a "pre-development" standard harkening to when the land was vacant presents a liability issue that will hamper urban infill by making insurers refuse to support a project because adding more water to an area than has been the standard for a lengthy time period will threaten to undermine nearby buildings constructed to withstand less groundwater. Insurers will not take that risk. Projects will not get built. There will be no improvement in storm water management.

The EPA publication, mentioned in the General Comment Section above, also states with respect to the definition of pre-development that (emphasis added): "When you write your ordinance, however, you may want to avoid confusion by specifying that the pre-development condition *refers to the site immediately prior to redevelopment.*"

In Attachment C – Definitions, the San Diego Region California Regional Water Quality Control Board in order No. R9-2007-0001 for the incorporated cities of San Diego County, the San Diego Unified Port District, and San Diego County Regional Airport Authority defines: "Pre-Project or Pre-Development Runoff Conditions (Discharge Rates, Durations, Etc.) – Runoff conditions that exists onsite immediately before the planned development activities occur. This definition is not intended to be interpreted as that period before any human-induced land activities occurred. This definition pertains to redevelopment as well as initial development."

The requirement that post-construction must meet pre-construction conditions (defined as undeveloped soil type and vegetation) is unwarranted. Under the U.S. Green Building

Council, which administers the LEED AP program and certifies buildings, a building site that achieves the highest level, Platinum, does not have to meet this stringent requirement. We recommend defining pre-development as "the immediate pre-project condition" just as the San Diego Regional Water Quality Control Board has done.

Staff Response: Water Board staff views changing the definition of pre-development condition as described in the comment as lowering the standard for post-construction runoff control. Water Board staff agrees that hydrologic performance should not necessarily outweigh other important environmental goals such as infill, redevelopment priorities, and regional growth patterns that can also affect watershed health. Effective implementation that balances these goals requires well-crafted applicability criteria, which define what types of projects and under what circumstances controls and quantifiable measures apply.

Water Board staff will consider applicability criteria, including hydrologic baseline conditions, when the City prepares its interim and long-term hydromodification criteria. The options for developing interim hydromodification control criteria, presented in the Final Table of Required Revisions, Item 11, provide flexibility for defining the hydrologic baseline conditions. Specifically, the Water Board Executive Officer has approved the City of Santa Maria's methodology for developing interim hydromodification criteria, including the City's selection of pre-construction conditions as a baseline for hydrologic conditions in significant redevelopment projects.

Water Board staff has adopted the following definitions to represent both ends of the spectrum for hydrologic baseline conditions:

**Pre-development:** The native vegetation and soil conditions that existed prior to human influence (e.g., urbanization, agriculture, grazing, timber harvest).

**Pre-project:** Condition immediately prior to the proposed project. The condition includes, but is not limited to, soil type, vegetation, and amount of impervious surface.

Staff is not proposing the City always use the pre-development hydrologic baseline condition when matching runoff patterns from a site. The City must evaluate what portions of the City and what types of projects will have what level of impact on the City's waterbodies and in the surrounding watershed. When conditioning runoff flow controls for projects, the City must use the appropriate hydrologic baseline (i.e., pre-development, pre-project, or a condition between these two baselines) to restore, protect, or prevent further impacts to beneficial uses, dependent upon receiving water body and watershed conditions and as needed to achieve healthy functioning watersheds. The appropriate hydrologic baseline may be different on a project-by-project basis; however, the City must account for the cumulative effects of development in their watershed.

55 Comment: Economic balance: As previously mentioned, most Central Coast municipalities have small staffs and very limited financial resources. They and the construction industry face numerous regulations and requirements from a wide variety of government agencies, all with important and legitimate public benefit goals. Neither the governments nor the development community can resolve the often conflicting demands local, state and federal agencies impose. San Luis Obispo County is preparing to adopt "smart" or "strategic" growth goals into its General Plan, pushing more intense residential development into urban areas at the same time as the storm water plans over-reliance on hydromodification/LID seems likely to make such development prohibitively expensive in places like Pismo Beach. Similarly, making urban infill

harder to achieve by over-emphasizing increased urban infiltration will leave cities like Pismo Beach and San Luis Obispo County unable to meet green house gas reduction goals mandated by AB 32 and part of the efforts to address global climate change. We recommend that Pismo Beach's plan include a clearly worded BMP that recognizes that maximizing storm water management improvement must be balanced against community need for affordable housing, reduced air pollution, market-place economics, municipal economics, and local public acceptance.

Staff Response: See Water Board staff's response to comment number 44 regarding redevelopment/infill/smart growth projects.

Water Board staff supports the commenter's recommendation that the City should strive for a balanced community outcome when developing hydromodification control and applicability criteria, but Water Board staff is not requiring the City add a BMP to commit to achieving this.

56 Comment: Additional Specific Comments: Pismo Beach's plan to "achieve the following interim requirements" for its Hydromodification Program as noted on page 35 should eliminate the reference to Effective Impervious Area (EIA), either remove or define the authority for regulating developments down to the level of 5,000 square feet, revise the definition of post-construction runoff to pre-project levels in order to allow for smart growth and urban redevelopment projects, and clearly describe what is being referenced and intended by the phrase "pre-construction time of concentration" and how that is being determined. The CASQA letter referenced above notes that using EIA as a driver for "LID approaches is currently the subject of intense controversy within the stormwater quality management/science community as well as among planners and practicing landscape architects." The letter specifically notes that the controversy includes if "it (EIA) is compatible with smart growth, and possibly increase urban sprawl." We recommend not applying EIA criteria on urban infill and redevelopment projects intended to combat sprawl and produce smart growth. In the Development Review section on page 38, the sentence beginning "Not only on-site detention basins" appears to be missing a word or two, making it hard to understand the full meaning intended. We recommend rewriting that sentence to make its meaning clearer and to explain if infill projects in the built out downtown would have to supply detention basins and how they would do that when no land is available for such efforts.

Staff Response: In the City's January 26, 2009 Draft SWMP, the City removed the commitment included in their September 2008 SWMP to simply use the hydromodification control criteria, which includes an effective impervious area (EIA) measure, included in the Water Board's February 15, 2008 letter. The January 26, 2009 Draft SWMP commits the City to developing criteria equivalent to the hydromodification control criteria included in the Water Board's February 15, 2008 letter. See Final Table of Required Revisions, Item 11. Water Board staff has required the City to include options for developing interim hydromodification control criteria. The City will dictate, when they develop their metrics for controlling hydromodification in Pismo Beach, if EIA is an appropriate metric to impose on new developments and significant redevelopments, and if so, which projects in the City must to adhere to the EIA thresholds.

In the January 26, 2009 Draft SWMP, the City modified the language in the Post-Construction Stormwater Management MCM section titled, 'Development Review,' to reflect the commenter's suggestion.

57 Comment: Continued Collaboration with Stakeholders such as the Home Builders Association: Pismo Beach's SWMP requires continued development/modification of various

items such as a CEQA Checklist, LID Standards, and Hydromodification Criteria and Plans, throughout the five-year cycle. It is important that these items receive the same public scrutiny as the SWMP itself. We recommend that the SWMP include a BMP stating that the City will continue to provide stakeholder consultation opportunities for all of the items to be developed during the five-year cycle.

Staff Response: As discussed previously in the responses to Coastkeeper comments (Comment numbers: 16, 17, 18, and 35), Water Board staff has added a required revision that the City comply with public notice requirements when implementing their public involvement and participation program. See Final Table of Required Revisions, Item 4. Water Board staff has added a required revision that the City develop a BMP to increase opportunities for public input on the SWMP. See Final Table of Required Revisions, Item 3.

Water Board staff will provide an opportunity to stakeholders to comment on interim hydromodification control criteria prior to implementation. The Water Board will provide interested persons the opportunity for comment on the City's proposed interim hydromodification control criteria and a hearing before the Water Board if any party is aggrieved by the Water Board staff's determination, prior to Water Board action being final.

58 Comment: Countywide Technical Advisory Committee Needed: As we have mentioned previously, and now believe the Water Board concurred with on October 17, 2008, the Water Board should encourage and assist the various jurisdictions of San Luis Obispo County in the formation of a Technical Advisory Committee to share information and advice on preparing SWMPs, hydromodification criteria and plans, and LID BMPs. San Diego County is successfully using such an approach. The result should be hydromodification criteria, plans, and BMPs that are feasible, practical, and usable, and achieve the intended objectives of the MS4 Order. Existing city BMPs 6.1 and 6.9 should be expanded to indicate that the City and other municipalities in San Luis Obispo County should work together beyond developing an LID Manual and long-term watershed planning. They should have a formalized Technical Advisory Committee where they regularly share information and advice. We recommend specifying in Pismo Beach's plan that the Water Board staff will assist in creating and will participate in a Countywide Technical Advisory Committee.

Staff Response: The City of Pismo Beach, along with several other local communities, is part of the San Luis Obispo County Partners for Water Quality. This group has formed a technical advisory committee to support development of hydromodification control criteria. Water Board staff will be involved in this effort. Water Board staff encourages the Homebuilder's Association to get involved in this committee and help local communities work through its perceived challenges to developing hydromodification control criteria. The members of this committee are also getting involved with a consortium of municipalities throughout the Central Coast region, who plan to retain the Central Coast Low Impact Development Center and a team of true LID/hydromodification experts to assist them with development of effective hydromodification controls. The Final Table of Required Revisions, Item 10, requires the City commit to coordinating with other municipalities and land users that share the City of Pismo Beach's watershed, as part of the City's long-term watershed planning efforts.

#### **Comments from Homebuilders Association of the Central Coast, April 8, 2009**

59 Comment: Withdrawal of Public Hearing Request for Arroyo Grande and Pismo Beach Phase II MS4 SWMPs: The Home Builders Association of the Central Coast is hereby withdrawing its prior requests for public hearings that we have made in separate letters

submitted December 5, 2008 and December 19, 2008, for the Arroyo Grande and Pismo Beach Phase II MS4 SWMPs. The association is making this request (a) after evaluating the water board staff responses to some of our previous correspondence and (b) comparing the referenced comment letters with the association's Grover Beach SWMP comment letter of December 12, 2008. The substantive comments and issues we raised in the Arroyo Grande and Pismo Beach letters can be covered in a Grover Beach SWMP public hearing. It seems most sensible to hold the hearing for Grover Beach since the city has also requested a hearing. Our request, in this letter, to withdraw our previous request for public hearings is predicated on the: 1) Water Board holding a public hearing for the Grover Beach SWMP, and 2) The enrollment of the Arroyo Grande and Pismo Beach SWMPs be deferred until after the Grover Beach public hearing such that any changes that result from the public hearing can be applied to the Arroyo Grande and Pismo Beach SWMPs as appropriate. Please acknowledge receipt of and agreement with this letter to the association by letter or email.

Response: The Water Board's Executive Officer waited until after the City of Grover Beach's SWMP was heard by the Water Board, to enroll the City of Pismo Beach under the General Permit and approve the City's SWMP.

**Table 2: Examples of Applicability Criteria for Stormwater Requirements<sup>3</sup>****Regulated Projects are Defined in the Following Categories:**Special Land Use Categories

(a) New Development or redevelopment projects that fall into one of the categories listed below and that create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site). This category includes development projects on public or private land, which fall under the planning and building authority of the Permittees:

- (i) Auto service facilities, described by the following Standard Industrial Classification (SIC) Codes: 5013, 5014, 5541, 7532-7534, and 7536-7539;
- (ii) Retail gasoline outlets;
- (iii) Restaurants (SIC Code 5812); or
- (iv) Parking lots that are stand-alone or part of any other development project.

(b) For redevelopment projects, specific exclusions to this category are:

- Interior remodels;
- Routine maintenance or repair such as:
  - roof or exterior wall surface replacement,
  - pavement resurfacing within the existing footprint.

Other Development Projects

New development projects that create 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single-family home subdivisions, multi-family attached subdivisions (town homes), condominiums, and apartments), mixed-use, and public projects. This category includes development projects on public or private land, which fall under the planning and building authority of the Permittees.

Other Redevelopment Projects

Redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single-family home subdivisions, multi-family attached subdivisions (town homes), condominiums, and apartments), mixed-use, and public projects. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a previously developed site. This category includes redevelopment projects on public or private land, which fall under the planning and building authority of the Permittees. Specific exclusions to this category are:

- Interior remodels;

<sup>3</sup> This information is provided for purposes of example only and are derived from the San Francisco Bay Regional Water Quality Control Board Draft Municipal Regional Stormwater NPDES Permit, Tentative Order R2-2008-XXXX. <http://www.waterboards.ca.gov/sanfranciscobay/mrp.shtml>

- Routine maintenance or repair such as:
  - roof or exterior wall surface replacement,
  - pavement resurfacing within the existing footprint

#### New Road Projects

Any of the following that create 10,000 square feet or more of newly constructed contiguous impervious surface: streets, roads, or highways; contiguous paved surfaces installed as part of a street, road or highway project (including contiguous sidewalks and bicycle lanes); or impervious trails that are greater than 10 feet wide or are creek-side (within 50 feet of the top of bank). This category includes new road projects that fall under the building and planning authority of the Permittees and excludes Caltrans new road projects.

#### Road Expansion or Rehabilitation Projects

Arterial streets or roads that are:

(a) Rehabilitated down to the gravel base (i.e., roads or pavement that are demolished and rebuilt from the gravel base up); (b) Widened with additional lanes, sidewalks, or medians; or (c) Replaced, and that create and/or replace 10,000 square feet or more of contiguous impervious surface.

#### **Exemption from Installing Hydraulically Sized Stormwater Treatment Systems:**

The following Regulated New Infill or Redevelopment Projects may provide alternative compliance with the permit by Maximizing Site Design Treatment Controls<sup>4</sup> to provide as much on-site stormwater treatment as possible:

- a Projects that meet USEPA's Brownfield Sites definition found in Public Law 107-118 (H.R. 2869) – "Small Business Liability Relief and Brownfields Revitalization Act" signed into law January 11, 2002, and that receive subsidy or similar benefits under a program designed to redevelop such sites;
- b Low-income housing as defined under Government Code section 65589.5(h)(3), but limited to, the actual low-income portion, or low income impervious area percentage, of the project;
- c Senior citizen housing development, as defined under California Civil Code section 51.11(b)(4); or
- d Transit-Oriented Development<sup>5</sup> projects.

<sup>4</sup> Maximizing Site Design Treatment Controls is defined as including a minimum of one of the following specific site design and/or treatment measures:

- Diverting roof runoff to vegetated areas before discharge to storm drain;
- Directing surface runoff to vegetated areas before discharge to storm drain;
- Installing landscaped-based stormwater treatment measures (non-hydraulically-sized) such as tree wells or bioretention gardens; or
- Installing prefabricated/proprietary stormwater treatment controls (non-hydraulically-sized).

<sup>5</sup> Transit-Oriented Development — Any development project that will be located within ½ mile of a transit station and will meet one of the criteria listed below. A transit station is defined as a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. A bus hub or bus transfer

All other Regulated New Infill or Redevelopment Projects may provide alternative compliance by satisfying one or more of the following requirements after minimizing the new and/or replaced impervious surface on-site:

- a. Installing, operating and maintaining Equivalent Offsite Treatment<sup>6</sup> at an off-site project in the same watershed;
- b. Contributing Equivalent Funds<sup>7</sup> to a Regional Project.<sup>8</sup>

**Applicability of Hydromodification Management Standard:**

The Hydromodification Management (HM) Standard shall apply in all areas except where a project:

- discharges stormwater runoff into creeks or storm drains that are concrete-lined or significantly hardened (e.g., with rip-rap, sackrete) downstream to their outfall in San Francisco Bay;
- discharges to an underground storm drain discharging to the Bay; or
- is located in a highly developed watershed.<sup>9</sup>

However, plans to restore a creek reach may reintroduce the applicability of HM controls, and would need to be addressed in the HM Plan.

station is required to have an intersection of three or more bus routes that are in service 16 hours a day, with a minimum route frequency of 15 minutes during the peak hours of 7 am to 10 am (inclusive) and 3 pm to 7 pm (inclusive).

- i. A housing or mixed-use development project with a minimum density of 30 residential units per acre and that provides no more than one parking space per residential unit; or
- ii. A commercial development project with a minimum floor area ratio (FAR) of three and that provides:
  - (a) For restaurants, no more than 3 parking spaces per 1000 square feet;
  - (b) For offices, no more than 1.25 parking spaces per 1000 square feet;
  - (c) For retail, no more than 2.0 parking spaces for 1000 square feet. Sharing of parking between uses within these maximums is allowed. Carshare and bicycle parking spaces are not subject to these maximums.

<sup>6</sup> Equivalent Offsite Treatment—Hydraulically-sized treatment (in accordance with the permit) and associated operation and maintenance of:

1. An equal area of new and/or replaced impervious surface of similar land uses as that created by the Regulated Project;
2. An equivalent amount of pollutant loading as that created by the Regulated Project; or
3. An equivalent quantity of runoff from similar land uses as that created by the Regulated Project.

<sup>7</sup> Equivalent Funds—Monetary amount necessary to provide both:

1. Hydraulically-sized treatment (in accordance with the Permit) of:
  - a. An equal area of new and/or replaced impervious surface of similar land uses as that created by the Regulated Project;
  - b. An equivalent amount of pollutant loading as that created by the Regulated Project; or
  - c. An equivalent quantity of runoff from similar land uses as that created by the Regulated Project; and,
2. A proportional share of the operation and maintenance costs of the Regional Project.

<sup>8</sup> Regional Project—A regional or municipal stormwater treatment facility that discharges into the same watershed as does the Regulated Project.

<sup>9</sup> Within the context of these requirements, “highly developed watersheds” refers to catchments or subcatchments that are 65% impervious or more.

**Impracticability Provision:**

Where conditions (e.g., extreme space limitations) prevent a project from meeting the HM Standard for a reasonable cost, *and* where the project's runoff cannot be directed to a regional HM control within a reasonable time frame, *and* where an in-stream measure is not practicable, the project shall use (1) site design for hydrologic source control, *and* (2) stormwater treatment measures that collectively minimize, slow, and detain runoff to the maximum extent practicable.

In addition, if the cost of providing site design for hydrologic source control and treatment measures to the maximum extent practicable does not exceed 2% of the project cost (as defined in "a." below), the project proponent shall provide for or contribute financially to an alternative HM project as set forth below:

- a. *Reasonable cost:* To show that the HM Standard cannot be met at a reasonable cost, the project proponent must demonstrate that the total cost to comply with both the HM Standard and the permit's treatment requirement exceeds 2 percent of the project construction cost, excluding land costs. Costs of HM and treatment control measures shall not include land costs, soil disposal fees, hauling, contaminated soil testing, mitigation, disposal, or other normal site enhancement costs such as landscaping or grading that are required for other development purposes.
  - b. *Regional HM controls:* A regional HM control shall be considered available if there is a planned location for the regional HM control and if an appropriate funding mechanism for a regional HM control is in place by the time of project construction.
  - c. *In-stream measures practicability:* In-stream measures shall be considered practicable when an in-stream measure for the project's watershed is planned and an appropriate funding mechanism for an in-stream measure is in place by the time of project construction.
  - d. *Financial contribution to an alternative HM project:* The difference between 2 percent of the project construction costs and the cost of the treatment measures at the site (both costs as described in Section 2.a of this Attachment) shall be contributed to an alternative HM project, such as a stormwater treatment retrofit, HM retrofit, regional HM control, or in-stream measure. Preference shall be given to projects discharging, in this order, to the same tributary, mainstem, watershed, then in the same municipality or county.
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