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STATUS REPORT ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

The 15 Co-permittees of the Santa Clara Valley municipal stormwater program range from the very large city of San Jose to the very small town of Monte Sereno, and also include Santa Clara County and the Santa Clara Valley Water District. They have been jointly permitted since 1990, and thus have a great deal of experience in stormwater management. The FY 2002-03 Annual Report documents many noteworthy examples of hard work, innovation, and improvement in the Co-permittees' stormwater programs, including the following:

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- Cupertino extended its Integrated Pest Management program into its Streets Department, to control roadside spraying activities.
- Mountain View was amongst the Co-permittees who extensively cross-trained personnel on stormwater issues, bringing awareness of stormwater issues to streets, parks, water, wastewater, fleet services, and facilities personnel.
- Palo Alto, on its own initiative, required post-construction stormwater treatment best management practices (BMPs) at all the private projects it approved in FY02-03. Palo Alto also made presentations informing its Planning Commission, Architectural Review Board, and City Council about Provision C.3 requirements for post-construction stormwater treatment at new and re-development projects.
- Los Gatos, Monte Sereno, and Saratoga, on their own initiative, also required stormwater treatment BMPs at most of their new and re-development projects.
- The City of Santa Clara stopped issuing verbal warnings to industrial facilities with stormwater violations, after determining that 75% of facilities given a verbal notice repeat the violation, while only 25% of facilities issued a written notice repeat the same violation. Santa Clara now issues a written violation notice at the first offense.

The FY 02-03 Annual Report revealed two significant issues of potential permit violation as well:

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- For the fourth consecutive year, the County of Santa Clara did not prepare an adequate annual report, nor did the County fulfill permit requirements for industrial inspections, control of illegal dumping, and new development planning. A December 2003, evaluation of the County's stormwater program, conducted by Tetra Tech under a grant from U.S. EPA, confirmed that the County's program lacks adequate resources and support to implement a comprehensive storm water program, and that permit requirements are not fully met. Board staff is preparing a recommendation for appropriate enforcement action for this ongoing permit violation.

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- The City of San Jose reported in its annual report that it has formulated its own “Alternative Compliance” or “waiver” program for Provision C.3 New Development Stormwater Treatment requirements, without submitting the program for Water Board staff review. Board staff will request further information from San Jose about the status of its waiver program and will evaluate what further action is appropriate. In addition, Board staff has learned that San Jose’s City Council has approved a policy that may not fully implement Provision C.3 by the required dates in the permit. The policy appears to require only a *subset* of the one-acre size, Group1 new and re-development projects to install stormwater treatment BMPs, as compared to the specific language of Provision C.3, which requires *all* Group 1 projects to initiate implementing stormwater treatment measures by October 15, 2003. Board staff is sending San Jose a letter concerning this issue.

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