



June 7, 2011

Bruce Wolf, Executive Director
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Comment Feasibility/Infeasibility Criteria Report MRP Provision C.3.c.i. (2)(b)(iv) and C.3.c.iii. (1)

Dear Mr. Wolf:

This comment letter is in regards to the Bay Area Stormwater Management Agencies Association (BASMAA) Feasibility/Infeasibility Criteria Report submitted to the RWQCB on April 29, 2011. We appreciate the opportunity to comment on this regional effort to achieve the collective goals of encouraging infill projects while developing effective strategies to address water quality concerns. Low Impact Development (LID) measures pose particular challenges for Bay Area site development where land is not available for passive water infiltration, soil types and site conditions may impede water infiltration, and the technical feasibility of rainwater harvesting does not meet reliable supply and demand parameters. We support allowing engineered and maintained biotreatment systems for new and redevelopment projects when it is infeasible to implement harvesting, infiltration, and/or evapotranspiration measures.

As an affected industry we commend BASMAA and your staff for working to define feasibility criteria and procedures that will encourage infill development where institutional barriers and site-specific constraints may limit the application of the LID treatment measures allowed by the Municipal Regional Permit (MRP). The inclusion of Hydrologic Soils Group Classification (HSG) Maps that identify the soil type and infiltration rate and the Saturated Hydraulic Conductivity (Ksat) Maps to define retention storage volume and underlying soil filtration rates are both key to standardizing the feasibility process and complying with MRP requirements for new and redevelopment projects. It is critical for project applicants to have a sequential process for assessing site feasibility to treat stormwater runoff in local and county guidance documents.

While progress has been made in stormwater technologies, reasonably sized infiltration measures and devices cannot achieve the capture objective for all locations within the MRP area. Approximately 88 percent of all soils within the MRP boundary were classified as either HSG C (low infiltration) or D (very low infiltration). On sites with a C or D classification, a much smaller proportion of stormwater runoff can be infiltrated. However, by allowing the use of biotreatment facilities to capture and treat runoff as an alternative to infiltration facilities, Permittees can provide project applicants the opportunity to design effective treatment systems for projects located on C or D soils. Although biotreatment systems have been used on new development projects throughout the Bay Area for many years, facilities designed using current criteria have an improved ability to meet the pollutant removal objectives of the MRP, and in addition provide some measure of flow modification through retention and evapotranspiration.

evapotranspiration. Over the past nine years, Bay Area Permittees have adapted, implemented, and continuously improved bioretention criteria to optimize performance.

The environmental benefits of compact, infill, and redevelopment projects are enhanced by allowing greater flexibility in the treatment of stormwater runoff. For Bay Area projects none of the prescribed LID options; infiltration, evapotranspiration, or harvest and reuse, can be counted on to be feasible for every proposed project. It is a problem compounded by non-infiltrative soils, the close proximity to adjacent structures, limited landscape space, imbalanced supply and demand of harvested water, geotechnical hazards, and high groundwater elevations.

We support the criteria and procedures recommended in the BASMAA Feasibility/Infeasibility Criteria Report and ask that they be formally incorporated into local and county guidance documents for project compliance with Provision C.3 requirements. Project applicants need the opportunity to apply feasibility and infeasibility criteria to their projects as part of their stormwater quality control submittals.

Thank you for your time and consideration, we look forward to participating in this process.

Sincerely,

HMH



Mike Campbell, AICP, CPSWQ
Stormwater Compliance Manager

