



California Stormwater Quality Association

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

August 27, 2004

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

Subject: Monterey Regional Stormwater Management Program

Dear Mr. Briggs,

On behalf of the California Stormwater Quality Association (CASQA), I am writing to you regarding the request that you received for an early hearing before the Central Coast Regional Board (Regional Board) on four issues related to the development and implementation of the Monterey Regional Stormwater Management Program. CASQA is composed of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout the state, and was formed in 1989 to recommend approaches to the State Water Resources Control Board (State Board) for stormwater quality management in California. In this capacity, we have assisted and continue to assist the State with the development and implementation of stormwater permitting processes.

Although CASQA does not normally submit written comments on local issues, we are concerned about the recent request by the Natural Resources Defense Council (NRDC) associated with the Monterey Regional Stormwater Management Plan (MRSWMP) and the potential statewide significance that these issues (and any decisions resulting from these issues) could have for other Phase I and Phase II stormwater programs. We understand that, on July 6th, NRDC requested that the Regional Board hold an early public hearing on the MRSWMP in order to address four issues, which were identified as:

1. Whether the Monterey Regional Group qualifies for the Permit's Attachment 4 requirements;
2. Whether all new municipal storm water permits "must be consistent with" SUSMP provisions (new development and redevelopment BMPs first adopted by Los Angeles and subsequently endorsed by the State Water Resources Control Board);
3. Whether storm water discharges to Areas of Special Biological Significance ("ASBS"), or affecting water quality in ASBSs, are prohibited and must be discontinued; and
4. Whether water quality monitoring is a critical feedback tool to determine if the Phase II programs are actually ensuring protection of water quality.

The basis for the request was, in part, due to the assertion that a decision was needed from the Board early on in order to avoid “a full scale revision” of the stormwater management plan if the Board issued a decision that was counter to staff recommendations. While we agree that the stormwater management plan may have to be revised in some sections if the Board were to issue a decision counter to staff’s recommendations during the full hearing, we do not agree that it would result in a “full scale” revision of the plan or that this provides the basis upon which the Board should be holding an early hearing to make policy decisions that could have statewide ramifications for other stormwater programs. Subsequent to the July 6th request, Board staff issued a letter on July 21st entitled “Regional Board Staff Guidance for Monterey Regional Storm Water Management Program”. The letter sought to provide direction to the interested parties regarding the four issues identified above. While CASQA’s primary concern is related to item #3 (discharges into ASBSs) we are providing comments in response to the Board staff’s direction on all four issues.

Issue #1 and #2 – Attachment 4 and SUSMPs

We agree with Board staff that the General Permit Attachment 4 requirements are equivalent to the SUSMP provisions and that the requirements of the Phase II General Permit are clear concerning the thresholds for the Attachment 4 New Development requirements. Other municipalities can be encouraged, but should not be required to implement Attachment 4 unless they meet those thresholds.

Issue #3 – Discharges to Areas of Special Biological Significance (ASBS)

Our primary concern regarding the request to require the MRSWMP to discontinue stormwater discharges into ASBSs is that the Regional Board is being requested to make a policy decision that could have statewide ramifications for other stormwater programs at a time when the State Board is conducting similar efforts. In fact, the Regional Board is being asked to make these policy decisions now despite the fact that the State Board is currently conducting a Triennial Review of the Ocean Plan and considering a number of potential revisions to the Plan including revisions that could affect how stormwater discharges to ASBSs are addressed.

CASQA has been an active participant in the State Board discussions and workshops regarding the Ocean Plan and has provided several comment letters including one on May 17th, 2004 (attached). In this letter we expressed our concern that the inclusion of stormwater regulations in the Ocean Plan encouraged a piecemeal stormwater regulatory framework. We also noted that the need for a clear and consistent statewide policy is paramount since the State Board and Regional Boards are trying to address implementation provisions for discharges (including stormwater) to ASBSs.

CASQA believes that the State would be better served through the development of a comprehensive statewide policy for the management of urban stormwater runoff whether discharged to inland surface waters, enclosed bays and estuaries, or the ocean and that, the Ocean Plan should not be applied to stormwater discharges for the same reason that the State Implementation Plan (SIP) for toxic pollutants does not apply to stormwater discharges –

because it would be a further step in the piecemeal development of policy that lacks the elements that allow it to be implemented on a practical basis.

While CASQA agrees that it is prudent for the Regional Board staff to request drainage maps so that all parties may have a better understanding of the drainage in and around the ASBSs, the Regional Board should defer the request to discontinue stormwater discharges into ASBSs until the State Board completes the Ocean Plan review and develops a plan for the statewide stormwater policy, which is also now underway. In the meantime, current municipal NPDES Permits provide adequate protection for ASBS areas.

Issue #4 – Water Quality Monitoring

We agree with Board staff that the Phase II General Permit does not specifically require water quality monitoring and that the Board should only impose monitoring requirements if there is a justifiable need. We believe the intent of EPA with the Phase II permit was to create a program that was technically and economically feasible for small municipalities to implement. There is ample characterization data from the Phase I communities to support the development and implementation of state-of-the art stormwater programs. In general, requiring Phase II programs to collect additional characterization data will reduce the resources available to the program to implement more meaningful projects. The Board should allow the flexibility for each program to determine if monitoring would be a benefit to implementation and refinement of the stormwater program.

In closing, thank you for your consideration of our concerns and for your efforts to resolve these issues. Please feel free to contact me at 530-753-6400 x232 if you have any questions regarding these comments.

Sincerely,



Karen Ashby
Chair

cc: Celeste Cantu, SWRCB
Bruce Fujimoto, SWRCB
Jarma Bennett, SWRCB
Jennifer Bitting, CCRWQCB
Donnette Dunaway, CCRWQCB

Attachment: CASQA Letter Regarding the Triennial Review of the
California Ocean Plan (May 17, 2004)