

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2007-0019
March 23, 2007**

**County of San Luis Obispo Storm Water Management Program
San Luis Obispo County**

The Regional Water Quality Control Board, Central Coast Region (“Water Board” or “Central Coast Water Board”) finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency (“EPA”) promulgated regulations under authority of the Clean Water Act (“CWA”) Section 402(p)(6). These regulations required NPDES storm water permits for operators of small municipal separate storm sewer systems (“Small MS4s”) that discharge to waters of the U.S.
2. On April 30, 2003, the State Water Resources Control Board (“State Water Board”) adopted Order No. 2003-0005 DWQ (NPDES Permit No. CAS000004) Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (“General Permit”).
3. The General Permit requires regulated Small MS4s to develop a storm water management program (“SWMP”) designed to reduce pollutant discharge to the maximum extent practicable (“MEP”) and to protect water quality. The SWMP must contain Best Management Practices (“BMPs”) that address six Minimum Control Measures. SWMPs must incorporate measurable goals and implementation time schedules, and must be available for public review and comment and are subject to a public hearing if requested prior to approval. Upon approval of a SWMP by the appropriate regional water quality control board or its Executive Officer, permit applicants obtain coverage under the General Permit.
4. The State Water Board found, and the Central Coast Water Board concurs, that implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.

5. The State Water Board found the General Permit to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Central Coast Water Board's Basin Plan.
6. This action to approve the County of San Luis Obispo SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.
7. The County of San Luis Obispo evaluated local water quality, BMP applicability, expected BMP effectiveness, and technical and economic feasibility in developing the SWMP. Specific BMPs were identified from community input, review of other programs, and evaluation of various BMP manuals and lists.
8. The County of San Luis Obispo submitted a SWMP and Notice of Intent to comply with the General Permit on March 10, 2003. In response to Water Board staff review and comments, the County prepared three revised SWMPs.
9. Following public notice in accordance with State and federal laws and regulations, the Water Board, in a public hearing on March 23, 2007, heard and considered all comments on the SWMP.
10. The Water Board finds that the SWMP is designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP meets and/or exceeds the Phase II General Permit requirements for all six Minimum Control Measures; 2) The chosen BMPs address both the research-based urban pollutants, and the locally-documented pollutants of concern; 3) the SWMP employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the five-year program prescribed by the SWMP provides a logical progression of BMP implementation to meet a full program realization within the permit term.
11. Attachment 4 of the General Permit includes Design Standards that apply to traditional and nontraditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth¹. Attachment 4 addresses post-construction requirements and compliance with water quality standards. It also includes receiving water limits necessary to protect water quality. The County of San Luis Obispo meets the Attachment 4 designation criteria. The SWMP requires the County to comply with Attachment 4.

¹ "High growth" is defined by the Permit as areas which have experienced more than 25% population growth over years 1990 – 2000, or are expected to grow more than 25% between 1999 – 2009.

12. Section 402(p)(3)(B)(iii) of the Clean Water Act requires controls that reduce pollutants to MEP, and “such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” The General Permit requires permittees to develop a SWMP designed to reduce the discharge of pollutants to MEP and to protect water quality. (General Permit Finding 14, page 3 and Provision D, pg.8.)
13. The General Permit allows permittees five years from the date of SWMP approval to fully implement the SWMP.
14. The SWMP requires the County of San Luis Obispo to develop and implement programs and model ordinances within five years to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review. The General Permit allows the Executive Officer to require changes to the SWMP (including the model ordinances and other program details) as necessary to meet the MEP standard, and to require additional monitoring and reporting.
15. Some of the SWMP elements that the County will develop during the permit term are ordinances regulating illicit discharges, construction and post-construction; a Low Impact Development (LID) Design Manual; and inspection programs. The County has obtained grant funding for the LID Design Manual. “Low impact development” generally refers to construction design features that reduce the volume of stormwater runoff and reduce pollutant loads in stormwater runoff. This design approach incorporates large-scale planning with small-scale management techniques to achieve environmental protection, while allowing for development or infrastructure rehabilitation to occur. The goal of LID is to mimic a site’s predevelopment hydrology by maintaining characteristics of stormwater runoff, in quality, rate, and quantity. Design techniques aim to infiltrate, filter, store, evaporate, and detain stormwater close to its source. In addition to micro-scale engineered features, strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, mature trees, flood plains, woodlands, and highly permeable soils. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and redevelopment / revitalization projects. The MEP standard requires implementation of LID techniques.
16. The SWMP requires the County to develop an LID incentive program by Year 2. By approving the SWMP, the Water Board is not concluding that a LID incentive program alone, as opposed to mandatory LID standards, is adequate to satisfy MEP. The Water Board or Water Board staff will determine the adequacy of the proposed stormwater ordinances and LID Design Manual as part of Annual Report review, or otherwise.

THEREFORE, BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby approves the County of San Luis Obispo Storm Water Management Plan, subject to Paragraph 2. Coverage under the General Permit commences on the date this Resolution is adopted.
2. Pursuant to Section G of the General Permit, the County of San Luis Obispo is required to amend the SWMP no later than April 30, 2007, to include the following provisions. Failure to make these revisions may subject the County of San Luis Obispo to enforcement action:
 - a. BMP PE3A indicates the County will reach 180,000 households with public service announcements. The BMP should state the County will reach 180,000 **individuals** instead of households.
 - b. BMP PE 8A must include the following language: "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 for all purposes under this SWMP."
 - c. BMPs PE 10B and PE10C must clarify that the County will provide the activity books for **all** pre-school through grade one children and the educational materials and activities for **all** pre-school through grade six children enrolled in public schools within the permit coverage area.
 - d. The County must specify the number and type of public events at which Sammy the Steelhead makes appearances in each annual report. Annual reports must include specific information about all events and programs cosponsored by the County that are listed throughout the SWMP, including the number and type of events/programs anticipated for the upcoming year, and the County's role in those events and programs.
 - e. Add BMP PE12D to identify and rank all high tourist impact areas within the permit coverage area in permit year one, and revise each year if necessary. The list will be used to post pollution prevention signage at the top three tourist impact areas (BMP PE12C).
 - f. In BMP PE14B change the word promote to publicize.
 - g. For BMP PE 15B the County must clarify that it will establish the speaker's bureau in permit year one and maintain it annually. The County must clarify that it will track the number of available speakers and utilization of the speaker's bureau annually.

- h. For BMP PE18A the County must track the number of mutt mitts supplied annually. For BMP 18B the County must annually track the number and type of enforcement actions beginning in permit year three.
- i. The County must clarify that it will identify high impact areas in the permit coverage area in year one and will provide interpretive signage in all high impact areas beginning in year two for BMP PE19H.
- j. The County must specify, in BMP PE25D, that the Clean Water Business Recognition Award and Certification program will be developed in permit year one and will be implemented beginning in permit year two. The County must provide a description of the program in the first annual report.
- k. The County must require storm drain marking on all new development projects with storm drains for BMP PP4B.
- l. BMP PP4C must include a provision to provide a storm drain marker maintenance schedule in the first annual report.
- m. The County must clarify that the ordinance drafted and adopted for BMP IL1A will include progressive penalties and enforcement provisions and that ordinance enforcement will begin as soon as it is adopted.
- n. The County must include a commitment, in BMP IL4C, to implement the enforcement and penalty provisions of the adopted ordinance from BMP IL1 in permit years three through five.
- o. The County must include a BMP in IL4 to train restaurant health inspectors in illicit discharge detection and elimination. The County must inspect 100% of restaurants annually through the health inspection program. Health inspectors will report all storm water violations to the Public Works Department for follow-up. For violations that occur within the permit coverage area, the County must follow up on all reports, and include response actions and response times in the Annual Report.
- p. The County must include a BMP in IL4 to train CUPA inspectors in illicit discharge detection and elimination. CUPA inspectors must report all storm water violations to the Public Works Department for follow-up. For violations that occur within the permit coverage area, the County must follow up on all reports, and include response actions and response times in the Annual Report.

- q. Add to IL6A: "Correct 100% of problems detected in the audit."
- r. The County must ensure septic system inspections (BMP IL7C) are conducted by qualified County personnel or by contractors with a C42 contractor's license. Inspection reports shall include, at a minimum, all information on the San Luis Obispo County Septic Tank Inspection Form and Septic Verification Form. The County must identify, map and inspect both private and County owned septic systems.
- s. In conjunction with BMP IL8, the County must develop and implement a plan to address illegal dumping in all permit areas, including periodic inspections, cleanup, and criminal or civil penalties. The County must develop the plan by permit year three and implement the plan in permit years three through five.
- t. The County must commit to respond to 100% of storm water reports associated with the Pollution Prevention Hotline in BMP IL3C.
- u. Clarify that the County will revise the grading ordinances in BMP CON1A by the end of permit year two.
- v. Clarify that the County will establish protocols to ensure construction project proponents have coverage under the General Stormwater Construction Permit in permit year one and implement protocols in permit years two through five for BMP CON2B.
- w. For BMP CON3A the County must create procedures for construction site inspections in permit year one and implement those procedures in permit years two through five. This schedule must include hiring (if necessary) and training all inspectors in permit year two.
- x. On page 59 of section 4, BMP CON6A does not contain an implementation timetable. The County must include a timetable in for CON6, which includes annual implementation starting in permit year one.
- y. The County must indicate, in BMP CON7B, that they will respond to 100% of citizen reports.
- z. The County must clarify, in BMP PC1A, that they will adopt the final ordinance/revisions and begin enforcement by the end of permit year three.
- aa. The County must clarify that the revised CEQA checklist for BMP PC2A will be implemented by the end of permit year three.

- bb. The County must include language in BMP PC5A indicating that compliance with the Attachment 4 design standards required in the ordinance described in PC1 will be mandatory for 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 ordinance.
- cc. Indicate, in BMP PC9A, that the County will include policies for post-construction stormwater management in the revised Conservation Element of the General Plan. Policies are codified and enforced through County ordinances.
- dd. For BMP MO1B, clarify that each County municipal operations employee will be trained annually.
- ee. As a part of BMP MO2A the County must identify heavily soiled areas or other areas that will require street sweeping more frequently than quarterly. The County must explain how they will identify areas for more frequent street sweeping in BMP MO2A. The County must include a BMP for sweeping County-owned parking lots and include parking lots in the frequency analysis in BMP MO2A. The County must commit to track curb miles swept and the amount of material collected annually.
- ff. In BMP MO3A the County must clarify that the storm sewer collection system inspection program will include inspecting all catch basins and other storm drain components twice per year. Catch basins and other storm drain components will be cleaned at least twice per year unless the inspections demonstrate that cleaning is not necessary.
- gg. Clarify that for BMP MO5B the County will develop road and bridge maintenance procedures in permit year two and will begin implementing the procedures in permit year two.
- hh. The County must commit to responding to 100% of noncompliance conditions and tracking all noncompliance, corrective, or preventive action and response times associated with County facility inspections for BMP MO6.
- ii. The County must commit to maintaining oil water separator systems described in MO9 at least semi-annually.
- jj. The County must include a BMP to provide at least 30-day public comment period before adoption of each of the following. Notice shall

be provided (but not limited) to the Central Coast Water Board's list of interested parties: illicit discharge ordinance (IL1); pet waste ordinance (IL11); grading ordinance (CON1A); inspection procedure and protocol (CON3A); post construction ordinance revisions (PC1A); LID design manual (PC5); and Conservation Element (PC8A).

- kk. In BMP IL1C, require evaluation of violation **and response** types.
 - ll. In BMP PC4B the County must include language indicating that the self-certification must ensure adequate long-term maintenance of all post-construction BMPs through funding commitments, covenants, maintenance agreements, right-of-entry for inspection or other acceptable methods specified in the ordinance (See PC1A). (For years 1-2, certification will be based on SWMPPs.)
 - mm. The County must include a BMP in PC4 to inspect projects sites one acre or more in size for compliance with statewide General Construction Permit and SWPPP requirements for post construction BMPs starting in permit year two (i.e., these inspections must occur until the County begins the PC4A inspections to ensure ordinance compliance).
 - nn. The County must respond to all instances of non-compliance for BMPs MO4B-C and MO7C, and implement corrective actions on 100% of noncompliance issues.
 - oo. The County must distribute the educational and outreach information and guidance described in CON4 and CON5 to all project applicants, regardless of project size, and post a complete copy of the BMP manual (CON5A) on the website.
3. The County of San Luis Obispo shall provide a copy of the revised pages of the SWMP to the Water Board no later than April 30, 2007, pursuant to Water Code Section 13383.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on March 23, 2007.

Roger W. Briggs, Executive Officer

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