

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

**RESOLUTION NO. R3-2009-0029
March 19, 2009**

**County of Santa Cruz and City of Capitola Storm Water Management Program
Santa Cruz County**

The Regional Water Quality Control Board, Central Coast Region ("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 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 Water Board's Basin Plan.
6. This action to approve the County of Santa Cruz ("County") and City ("City") of Capitola SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.

7. The County and City 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 and City submitted a SWMP and Notice of Intent to comply with the General Permit on March 7, 2003. In response to Water Board staff review and comments, the County and City 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 19-20, 2009, heard and considered all comments on the SWMP.
10. The Water Board finds that the SWMP, including the Required Revisions attached to this Resolution, 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. 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.)
12. The SWMP with the Required Revisions is in compliance with the General Permit and is necessary to achieve the MEP standard and protect water quality. The Required Revisions address the six minimum control measures required to be addressed in the federal regulations and in the State Water Board's General Permit for Small MS4s. The Required Revisions related to hydromodification ensure the County's and City's SWMP includes BMPs that will attempt to maintain pre-development runoff conditions and, therefore, attain MEP. The Required Revisions related to Wasteload Allocation Attainment Programs ensure the County's and City's SWMP includes BMPs that will achieve wasteload allocations and thereby protect water quality. Although not required, the Water Board has considered all of the factors listed in Water Code Section 13241 in reviewing the County's and City's SWMP and approving the SWMP with the Required Revisions. The Water Board considered past, present, and probable future beneficial uses of water, which are set forth in the Basin Plan, and found the Required Revisions to be necessary to attain water quality standards and minimize water quality impacts as required in the federal regulations. The Water Board considered environmental characteristics of the hydrographic units in which the County and City are located (the Big Basin and Pajaro Hydrologic Units), including the quality of water available thereto, and found

the Required Revisions to be appropriate. The proposed Required Revisions allow the County and City, up to a year after approval of the SWMP, to develop the specific hydromodification controls that will be most effective for their hydrologic units. The Water Board considered water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area. The Water Board has been addressing the need for hydromodification controls within the Central Coast Region for at least two years. The Water Board has a comprehensive monitoring program, which has provided significant information on the quality of waters, including those within these hydrologic units. The Water Board has been evaluating 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 and practicable. Without the Required Revisions, the MEP and water quality protection standards of the General Permit may not be met. The Water Board considered economics and found that the best information available indicates that controlling hydromodification through, among other approaches, implementation of low impact development principles, is technically feasible, practicable, and cost-effective. The Water Board considered the need for developing housing within the region and 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. The use of hydromodification controls will protect water quality, which is necessary to support housing. The Water Board considered the need to develop and use recycled water and found the Required Revisions would not interfere with development and use of recycled water.

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 and City to develop and implement programs and ordinances within five years to achieve MEP and to protect water quality. 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 ordinances and other program details) as necessary to meet the MEP standard, and to require additional monitoring and reporting.

THEREFORE, BE IT RESOLVED THAT:

1. The Water Board hereby approves the County of Santa Cruz and City of Capitola Storm Water Management Program, 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 and City are required to amend the SWMP no later than May 20, 2009, to include the revisions found in the **ATTACHED TABLE OF REQUIRED REVISIONS**. Failure to make these revisions may subject the County and City to enforcement action.
3. The County and City shall provide a copy of the revised SWMP to the Water Board no later than May 20, 2009, pursuant to Water Code Section 13383.

4. ~~The Executive Officer will notify the County and City and other interested persons of the acceptability of the County's and City's proposed interim hydromodification 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 staff's determination prior to Water Board action being final. The Water Board Executive Officer will notify the dischargers and other interested persons of the acceptability of the dischargers' proposed interim hydromodification control criteria for new and re-development, Wasteload Allocation Attainment Programs, long-term hydromodification plans and criteria, effectiveness assessment strategy, or measures for long-term watershed protection. If the Water Board staff proposes to require new requirements that exceed the requirements of the existing Storm Water Management Program with respect to interim hydromodification control criteria for new and re-development, Wasteload Allocation Attainment Programs, long-term hydromodification plans and criteria, effectiveness assessment strategy, or measures for long-term watershed protection, the Water Board will provide interested persons an opportunity for written comments and a hearing before the Water Board, if requested in a timely manner, prior to final Water Board action.~~

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 19, 2009.

Roger W. Briggs, Executive Officer

Board Resolution No. R3-2009-0029

**TABLE of REQUIRED REVISIONS
County of Santa Cruz and City of Capitola Storm Water Management Program October 2008**

Acronyms:

- BMP - Best Management Practice
- CEQA - California Environmental Quality Act
- City - City of Capitola
- County - County of Santa Cruz
- FIB - Fecal Indicator Bacteria
- LID - Low Impact Development
- MEP - Maximum Extent Practicable
- MS4 - Municipal Separate Storm Sewer System
- SWMP - Storm Water Management Plan
- TMDL - Total Maximum Daily Load
- Water Board - Central Coast Regional Water Quality Control Board

Item Number	SWMP Section	Subject	Issue	Required Revisions
1	Program Description and Management	Effectiveness Assessment	The SWMP states that the County and City will develop an effectiveness assessment strategy in Years 3 and 4, but does not commit the County and City to continuing assessment of Level 1 outcomes during that time. At a minimum, the County and City must continue to assess Level 1 outcomes while an effectiveness assessment strategy is developed.	Include a statement that the County and City will continue to assess Level 1 outcomes during Years 3 and 4. Also include a similar statement at the end of each chapter where "Program Effectiveness Assessment" is discussed.
2	Program Description and Management	Effectiveness Assessment	The SWMP includes a commitment by the County and City to use Level 1 outcomes, but does not identify the extent to which the County and City will use Level 1 outcomes for assessment.	Include a statement that the County and City will use Level 1 outcomes to assess the effectiveness of all applicable BMPs.

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3	Program Description and Management	Effectiveness Assessment	<p>The SWMP includes a commitment by the County and City to use the California Stormwater Quality Association's <i>Municipal Stormwater Program Effectiveness Assessment Guidance</i> as the basis for its effectiveness assessment strategy, but does not discuss integrated assessments, which are a critical component of the guidance. Integrated assessment, or the establishment of links between BMP/program implementation and improvement in water quality and beneficial use conditions, is necessary in order to have confidence that activities being implemented are having a positive effect on water quality and beneficial uses.</p>	<p>Include a statement that the effectiveness assessment strategy will include efforts to identify links between BMP/program implementation and improvement in water quality and beneficial use conditions.</p>
4	Total Maximum Daily Loads	Program Goals	<p>The SWMP states that a "goal of the SWMP is not to target BMPs to specific TMDLs or geographic areas, but to implement the BMPs throughout the management area in order to reduce controllable sources of sediment, FIB, and nutrients associated with the storm drain system to the maximum extent practicable." However, the SWMP must also acknowledge another goal, which is to achieve wasteload allocations in watersheds where TMDLs have been adopted. The County and City may need to implement targeted BMPs to achieve this goal.</p>	<p>Include in the SWMP the long term goal of achieving wasteload allocations, as feasible, in watersheds where TMDLs have been adopted. The short term goal can be to eliminate to the maximum extent practicable controllable sources of pollutants for which TMDLs have been adopted that are associated with the storm drain system.</p>

Item Number	SWMP Section	Subject	Issue	Required Revisions
5	Total Maximum Daily Loads	Wasteload Allocation Attainment Plans	<p>The SWMP does not address the County's development and implementation of Wasteload Allocation Attainment Plans addressing the San Lorenzo River, Aptos/Valencia Creeks, Soquel Lagoon, and Watsonville Slough pathogens/fecal indicator bacteria TMDLs. Development of a Wasteload Allocation Attainment Plan for the San Lorenzo River sediment TMDL is also not addressed. Due to the significant challenge of meeting these TMDLs' wasteload allocations, the County must use a comprehensive planning approach for addressing the TMDLs, as represented by Wasteload Allocation Attainment Plans. Wasteload Allocation Attainment Plans may be waterbody or pollutant specific.</p> <p>Wasteload Allocation Attainment Plans for the San Lorenzo River nitrate, Pajaro River sediment, and Pajaro River nitrate TMDLs are not necessary at this time, since these TMDLs do not necessitate MS4 wasteload reductions.</p>	<p>Include a BMP committing the County to develop, submit, and implement Wasteload Allocation Attainment Programs addressing the San Lorenzo River, Aptos/Valencia Creeks, Soquel Lagoon, and Watsonville Slough pathogens/fecal indicator bacteria TMDLs, as well as the San Lorenzo River sediment TMDL and the Aptos/Valencia Creeks sediment impairment. Clarify that Wasteload Allocation Attainment Programs will be developed to address controllable sources associated with the stormwater system for each impairing pollutant, but may be watershed-specific or jurisdiction-wide. Identify the specific items that the Wasteload Allocation Attainment Programs will address, including:</p> <ul style="list-style-type: none"> • An implementation and assessment strategy; • Source identification and prioritization; • BMP identification, prioritization, implementation (including schedule), analysis, and assessment; • Monitoring program development and implementation (including schedule); • Reporting and evaluation of progress towards achieving wasteload allocations; • Coordination with stakeholders; and • Other pertinent factors.
6	Total Maximum Daily Loads	Wasteload Allocation Attainment Plans	<p>The SWMP does not address the City's development and implementation of a Wasteload Allocation Attainment Plan addressing the Soquel Lagoon</p>	<p>Include a BMP committing the City to develop, submit, and implement a Wasteload Allocation Attainment Program addressing the Soquel Lagoon pathogens/fecal indicator</p>

Item Number	SWMP Section	Subject	Issue	Required Revisions
			<p>pathogens/fecal indicator bacteria TMDL. Due to the significant challenge of meeting this TMDL's wasteload allocation, the City must use a comprehensive planning approach for addressing the TMDL, as represented by a Wasteload Allocation Attainment Plan.</p>	<p>bacteria TMDL. Clarify that the Wasteload Allocation Attainment Program will be developed to address controllable sources associated with the stormwater system, but may be watershed-specific or jurisdiction-wide. Identify the specific items that the Wasteload Allocation Attainment Program will address, including:</p> <ul style="list-style-type: none"> • An implementation and assessment strategy; • Source identification and prioritization; • BMP identification, prioritization, implementation (including schedule), analysis, and assessment; • Monitoring program development and implementation (including schedule); • Reporting and evaluation of progress towards achieving wasteload allocations; • Coordination with stakeholders; and • Other pertinent factors.
7	Public Education and Outreach	Dog Waste Program	<p>The City's pet waste education program consists of a one-time newsletter article to be conducted in Year 1. Since fecal indicator bacteria is a primary pollutant of concern within the City, the City must implement an ongoing pet waste education program.</p> <p>The effectiveness of a newsletter article is uncertain. While the SWMP commits the City to assessing the effectiveness of this BMP, it does not commit the City to implementing more effective BMPs if</p>	<p>Expand the City's pet waste education program to Years 2-5, in addition to Year 1.</p> <p>Include a commitment by the City to implement more effective BMPs if the newsletter article is found to be ineffective.</p>

Item Number	SWMP Section	Subject	Issue	Required Revisions
			the newsletter article is found to be ineffective.	
8	Public Education and Outreach	Deleted BMPs	The Monterey Green Gardener Certification and Our Water Our World BMPs have been deleted from the SWMPs because they are contingent upon grant funding. Rather than remove the BMPs from the SWMP, the BMPs should be reinstated, with confirmation that the County will pursue continual grant funding for the BMPs.	Reinstate the Monterey Green Gardener Certification and Our Water Our World BMPs, confirming that the County will pursue continual grant funding for the BMPs.
9	BMPs # 3-1-6, 3-1-7, 3-1-17, and 3-2-11	Measurable Goals	The measurable goals for these BMPs do not define the scope and magnitude of BMP implementation. This information is necessary to ensure BMP implementation is as effective as planned.	Include quantifiable goals the County and City will use to measure the scope and magnitude of BMP implementation, such as identifying the number of Stream Care Guides the County will annually distribute, the number of septic systems owners the County will educate, the amount of resources the County will annually contribute for outreach to farmers, and the number of businesses the City will contact.
10	BMPs # 3-1-11, 3-1-12, 3-2-12, and 3-2-13	Measurable Goals	The SWMP states that the County and City will identify targeted industries and disadvantaged communities and develop applicable outreach material, but does not expressly discuss conducting outreach to targeted industries and disadvantaged communities. The SWMP must include measurable goals for conducting outreach to targeted industries and disadvantaged communities.	Include in BMPs # 3-1-11, 3-1-12, 3-2-12, and 3-2-13 commitments by the County and City to conduct outreach to targeted industries and disadvantaged communities. Include quantifiable goals the County and City will use to measure the scope and magnitude of BMP implementation, such as identifying the percentage of identified targeted industries and disadvantaged communities for which the County and City will conduct outreach.
11	BMP # 3-2-7	Fertilizers and Pesticides	The City's fertilizer education program consists of a one-time newsletter article	Expand the City's nutrient education program to Years 4-5, in addition to Year 1.

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			<p>to be conducted in Year 3. Since nutrients are a primary pollutant of concern within the City, the City must implement an ongoing nutrient education program.</p> <p>The effectiveness of a newsletter article is uncertain. While the SWMP commits the City to assessing the effectiveness of this BMP, it does not commit the City to implementing more effective BMPs if the newsletter article is found to be ineffective.</p>	<p>Include a commitment by the City to implement more effective BMPs if the newsletter article is found to be ineffective.</p>
12	Public Involvement and Participation	Clean Beaches Coalition	The City has deleted the Clean Beaches Coalition BMP from the SWMP without justification.	Reinstate this BMP and include a measurable goal for the BMP, such as identifying the number of marine debris cleanups that the City will coordinate.
13	BMP # 5-1-12	Measurable Goals	The SWMP does not identify the number of industrial waste inspectors and storm drain and sewer maintenance workers the County will train.	Identify in BMP # 5-1-12 the number of industrial waste inspectors and storm drain and sewer maintenance workers the County will train.
14	BMP # 5-2-6	Measurable Goals	BMP # 5-1-6 for the County has been updated to include measurable goals; however BMP # 5-2-6 for the City has not been updated to include measurable goals.	Update BMP # 5-2-6 to include measurable goals consistent with the updates that were made to BMP # 5-1-6.
15	BMP # 5-1-8	Sewer Lateral Upgrade Program	The text of the SWMP indicates that the County will assess water quality data to determine if sewer laterals are a significant source of pollution, and develop a sewer lateral upgrade program if necessary. However, this BMP is not itemized in the measurable goals and implementation schedule	Identify a measurable goal and implementation schedule for assessment of water quality data related to sewer laterals and development of a sewer lateral upgrade program if necessary.

Item Number	SWMP Section	Subject	Issue	Required Revisions
			columns of Table 5-1.	
16	BMP # 5-1-10	Measurable Goals	The measurable goal for this BMP does not define the scope and magnitude of BMP implementation. This information is necessary to ensure BMP implementation will be as effective as planned.	Include a quantifiable goal that the County will use to measure the scope and magnitude of BMP implementation, such as identifying the percentage of complaints to which the County will respond, the percentage of problem systems for which the County will conduct follow-up inspections, and percentage of systems that the County will evaluate in conjunction with remodels.
17	BMPs # 5-1-11 and 5-2-9	Enforcement	The SWMP states that enforcement of the ordinances will only occur in Year 1. Enforcement of the ordinances must occur in all years.	Modify Tables 5-1 and 5-2 to exhibit that the County and City will enforce the ordinances in all years.
18	BMP # 5-1-9	Pet Waste Ordinance	The SWMP discusses a pet waste education program and placement of pet waste collection kiosks. However, no description, measurable goals, or implementation schedule are provided for these BMPs.	Describe the pet waste education program and the placement of pet waste collection kiosks. Identify measurable goals and implementation schedules for these BMPs.
19	BMP # 5-1-4	Implementation Schedule	The implementation schedules for this BMP do not align with the measurable goals.	Ensure the implementation schedules for this BMP align with the measurable goals. Ensure each measurable goal has a corresponding implementation schedule.
20	BMP # 6-2-5	Inspections	The SWMP does not commit the City to conducting construction site inspections or related enforcement during Year 1. The City must implement such activities in Year 1 in order to meet the MEP standard.	Include in BMP # 6-2-5 a commitment by the City to conduct construction site inspections and related enforcement during Year 1.
21	BMP # 6-2-5	Inspections	The SWMP discusses inspection of stormwater construction BMPs during the dry season, but does not identify the types of construction projects the City	Identify the types of construction projects the City will inspect during the dry season and identify the frequency of the inspections.

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			will inspect or the frequency of the inspections.	
22	BMP # 6-2-1	Riparian Buffers	The SWMP discusses riparian buffers for Soquel Creek, Noble Gulch, and Tannery Gulch. However, it is unclear whether there are any other riparian or wetland areas within the City. If so, the City must establish buffers for those areas as well.	Confirm that the City protects all riparian and wetland areas with at least a 30-foot buffer. If such buffers are not in place, commit to creating riparian and wetland buffers. Also confirm that during development of any riparian and wetland buffers that local conditions, such as habitat degradation, water quality, and land management practices will be assessed, and more substantial buffer zones will be applied where necessary to protect riparian areas and wetlands.
23	Construction	Enforcement Protocol Development	For the City, the text of the SWMP states that the enforcement actions City staff will take for stormwater violations at construction sites will be determined during the first year of the program. However, Table 6-2 does not include this BMP.	To ensure this BMP is completed and tracked, add the BMP to Table 6-2.
24	Reserved	Reserved		
25	BMPs # 7-1-1, 7-1-2, 7-2-1, and 7-2-2	Long-Term Watershed Protection	While the SWMP discusses review and updating of County and City plans, policies, ordinances, and development requirements in terms of long-term watershed protection, it does not commit the County and City to developing quantifiable measures that indicate how the County's and City's watershed protection efforts achieve desired watershed conditions.	Include a commitment by the County and City to develop where feasible quantifiable measures that indicate how the County's and City's watershed protection efforts relative to stormwater management achieve desired watershed conditions.
26	BMP # 7-2-4	Plan Review	The SWMP does not describe the City's current plan review and permitting	Identify the City's currently used plan review and permitting procedures.

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			procedures.	
27	BMP # 7-1-4	Design Standards	Modifications to the revised SWMP have removed four tasks (“measurable goals”) from this BMP that provide detail regarding the implementation of this BMP. These tasks provide clarification regarding implementation of design standards and must be reinstated.	Reinstate the four tasks (“measurable goals”) that have been removed from the revised SWMP, including implementation schedules. Ensure that the tasks are quantifiable.
28	BMP # 7-1-4	Design Standards	The SWMP states that existing design criteria will be assessed in terms of long-term watershed protection. Existing design criteria must also be assessed in terms of the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) requirements and Attachment 4 to the General Permit.	Include a commitment to assess existing design criteria and other development project conditions in terms of the General Permit requirements and Attachment 4 to the General Permit. Also commit to modifying design criteria and other development project conditions to ensure they are compliant with the General Permit and Attachment 4. The following language, or its equivalent, will be sufficient: “The County will assess, and modify where necessary, its design criteria and other development project conditions to ensure they are compliant with the General Permit and Attachment 4.”
29	BMPs # 7-1-4 and 7-2-5	Design Standards	The SWMP is unclear whether the County and City are implementing their current design standards. Measurable goals for implementation of current design standards are not provided.	Include measurable goals for implementation of current design standards, such as application of the current design standards to 100% of new development and redevelopment projects.
30	BMP # 7-1-4	Design Standards	A measurable goal for implementation of modified and updated design standards is not provided.	Include a measurable goal for implementation of modified and updated design standards, such as application of the modified and updated design standards to 100% of new development and redevelopment projects.

Item Number	SWMP Section	Subject	Issue	Required Revisions
31	BMPs # 7-2-5 and 7-2-10	Design Standards	The SWMP states that the City will apply design criteria to projects starting in Year 3. Interim hydromodification control criteria must be implemented and applied to new development and redevelopment projects starting one year after adoption of the SWMP.	Clarify that the City will implement and apply interim hydromodification control criteria to new development and redevelopment projects starting one year after adoption of the SWMP.
32	BMP # 7-2-5	Design Standards	The SWMP commits the City to assessing design standards in terms of long-term watershed protection, but does not commit to modifying design standards as needed to achieve long-term watershed protection.	Include a task committing the City to modifying design standards as needed to achieve long-term watershed protection.
33	BMP # 7-2-5	Design Standards	The implementation schedules for this BMP do not align with the measurable goals.	Ensure the implementation schedules for this BMP align with the measurable goals. Ensure each measurable goal has a corresponding implementation schedule.
34	BMP # 7-2-5	Design Standards	The SWMP states that treatment standards will be applied to 100% of applicable projects. However, it does not discuss application of other design standards.	Modify the SWMP to commit the City to applying treatment and other design standards to 100% of applicable projects.
35	BMP # 7-2-6	BMP Maintenance	The SWMP states that in Year 2 the City will identify the types of mechanisms it <i>will consider</i> for ongoing maintenance and monitoring of stormwater BMPs. Rather than identifying mechanisms under consideration for implementation, the City must expressly identify the mechanisms it will implement. While the City commits to developing components of a program to ensure	Rephrase the SWMP to state: "Identify the mechanisms the City will implement to ensure ongoing maintenance and monitoring of stormwater BMPs." Commit to implementing a program to ensure ongoing maintenance of stormwater BMPs.

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36	Existing Structural Stormwater Controls	Measurable Goals	<p>ongoing maintenance of stormwater BMPs, the City does not commit to implementing the program.</p> <p>This BMP has been deleted from the County portion of the revised SWMP. This BMP must be reinstated.</p>	<p>Include an implementation schedule.</p> <p>Reinstate the "Existing Structural Stormwater Controls" BMP. Include a quantifiable goal the County will use to measure the scope and magnitude of BMP implementation, such as identifying the percentage of existing structural and non-structural controls that the County will maintain annually.</p>
37	BMP # 7-2-9	Training	<p>The SWMP discusses training municipal staff on proper inspection and monitoring of structural controls, but only discusses training of planners in the "measurable goals" section.</p>	<p>Provide a measurable goal for training of the municipal staff that will conduct inspections of structural controls. Ensure that the measurable goal is quantifiable and defines the scope and magnitude of BMP implementation.</p>
38	BMP # 7-2-9	Training	<p>The SWMP does not identify the topics of training, such as low impact development and hydromodification. More detail is needed regarding the topics of training to ensure municipal staff will be adequately informed on new and complex subjects.</p>	<p>Identify the topics the City will address during training of municipal staff on post-construction issues. Include low impact development and hydromodification as topics of training.</p>
39	BMPs # 7-1-5 and 7-2-10	Alternative Interim Hydromodification Criteria	<p>The SWMP does not include the schedule the County and City will follow to develop the interim hydromodification control criteria. The SWMP also does not identify the goals and expected effectiveness of the alternative interim hydromodification control criteria.</p>	<p>Modify the SWMP to include the development of interim hydromodification criteria using one of the options listed below:</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</p>

Item Number	SWMP Section	Subject	Issue	Required Revisions
				<p>watersheds:</p> <ul style="list-style-type: none"> For new and re-development projects, Effective Impervious Area¹ 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-construction² 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 stream³ or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration. <p>OR</p> <p>Option 2: The County and City may use the following process to develop interim criteria as effective as the above criteria. "As effective</p>

¹ 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.

² Pre-construction condition is defined as undeveloped soil type and vegetation.

³ A first order stream is defined as a stream with no tributaries.

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				<p>as” means the County and City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the County’s and City’s watershed(s)) to control hydromodification and protect the biological and physical integrity of the County’s and City’s watershed(s). Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:</p> <p>A. Adopt and implement hydromodification criteria developed by another local municipality and approved by Board staff, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria;</p> <p>OR use the following methodology to develop interim criteria:</p> <p>B. Include a BMP to develop interim hydromodification criteria, including a period of no less than three (3) weeks to allow for Water Board staff’s review of the proposed criteria. The BMP shall state:</p> <p>The County and City shall develop interim flow control and infiltration criteria. These interim criteria shall be developed within one year of the County and City enrollment. For the interim criteria, the County and City shall:</p>

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				<ul style="list-style-type: none"> • Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-development 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. Pre-development refers to the soil type, vegetation and amount of impervious surface existing on the site prior to the development project. • 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-impact development strategies. • Identify the projects, including project type, size and location, to which the County and City will apply the interim criteria. The projects to which the County and 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. • Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, potentially including continuous

Item Number	SWMP Section	Subject	Issue	Required Revisions
				simulation of the entire rainfall record. <ul style="list-style-type: none"> • Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.
40	Post-Construction	Hydromodification Management Plan	The SWMP does not commit the County and City to having long-term hydromodification control criteria in place and implemented by the end of Year 5.	Include a statement in the SWMP committing the County and City to having long-term hydromodification control criteria in place and implemented by the end of Year 5.
41	Post-Construction	Hydromodification Management Plan	While the SWMP discusses development of interim hydromodification control criteria, it does not clearly describe the process the County and City will follow to develop long-term hydromodification criteria as part of a Hydromodification Management Plan.	Include a BMP describing how and when the County and City will develop long-term hydromodification criteria and control measures as part of a Hydromodification Management Plan that will be based on a technical assessment of the impacts of development on the County's and City's watersheds. An adequate technical assessment will address the following: <ul style="list-style-type: none"> • Hydrograph modification (flow volume, duration, and rate); • A wide range of flow events and continuous flow modeling; • Effects of imperviousness; • Evaluation of downstream affects (stream stability); • Buffer zone requirements; and • Water quality impacts. The assessment should result in: <ul style="list-style-type: none"> • Numeric criteria for runoff rate, duration, and volume control for development and

Item Number	SWMP Section	Subject	Issue	Required Revisions
				<p>redevelopment projects;</p> <ul style="list-style-type: none"> • Numeric criteria for stream stability impacts for development and redevelopment projects; • Identification of areas within the County and City where these criteria must be met; • Specific performance and monitoring criteria for installed hydromodification control infrastructure; • Riparian buffer zone requirements; and • Appropriate hydromodification control measures such as LID concepts, on-site hydrologic and water quality controls, and in-stream controls. <p>Identify the key steps in the process that the County and City will use to develop the Hydromodification Management Plan. Examples of steps that the County and City should consider include:</p> <ul style="list-style-type: none"> • Development of problem statement and objectives; • Review of literature and data availability; • Characterization of watershed and future development patterns; • Determination of assessment methodology; • Development of criteria and guidance; and • Development of an implementation strategy.
42	Post-Construction	Hydromodification Management Plan	Development and implementation of a Hydromodification Management Plan is	Identify development and implementation of a Hydromodification Management Plan as a

Item Number	SWMP Section	Subject	Issue	Required Revisions
			not called out as a BMP in the BMP tables. Because of the importance of this activity, it should be expressly called out in the BMP tables to aid in scheduling and tracking of the task.	specific BMP in the BMP tables.
43	Post-Construction	Application of New Design Standards	The SWMP does not identify the stage in the project planning, design, and review process that the County and City will use as the cut-off point to determine which projects in the development review pipeline will be subject to new design requirements, such as alternative interim hydromodification control criteria.	Identify the stage in the project planning, design, and review process that the County and City will use as the cut-off point to determine which projects in the development review pipeline will be subject to new design requirements. For projects in the planning, design, and review process at the time the new design requirements take effect, the cut-off point must be chosen in order to apply the new design requirements to as many projects as is feasible.
44	Post-Construction	CEQA Checklist	For the City, the SWMP does not discuss review and revision of the CEQA initial study checklist to ensure runoff quality and quantity are considered.	Include review and revision (if necessary) of the CEQA initial study checklist to ensure runoff quality and quantity are considered by the list, or, through other means ensure that CEQA analysis is based on complete information on stormwater BMPs, including the types, sizes, and locations of structural BMPs.
45	Post-Construction	Low Impact Development	For the City, the SWMP briefly mentions LID, but does not provide information regarding the expected scale of LID implementation. The SWMP must be clear that requirements for new development will optimize implementation of LID techniques.	Specify that requirements for new development will optimize implementation of LID techniques.
46	Post-Construction	Tracking BMPs	For both the County and City, the SWMP does not include a tracking system for approved structural BMPs.	Include BMPs to develop and implement a tracking system for approved structural BMPs.

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			Such a system is needed to prioritize and inspect the structural BMPs.	
47	BMPs # 8-1-2 and 8-2-2	Measurable Goals	The measurable goals for these BMPs do not identify the scope or magnitude of BMP implementation. This information is necessary to ensure BMP implementation will be as effective as planned.	Include a quantifiable goal the County and City will use to measure the scope and magnitude of BMP implementation, such as identifying the percentage of facilities at which the County and City will implement the designated BMPs. Commit to implementing the designated BMPs at all appropriate locations.
48	BMP # 8-1-3	BMP Implementation	While the SWMP states that it will report on the municipal BMPs implemented, it does not commit to any specific level of BMP implementation. Detail regarding the BMPs that will be implemented is needed to ensure that adequate BMPs are implemented.	Include in BMP 8-1-3 a commitment by the County to implement specific BMPs or types of BMPs as part of the Integrated Pest Management and Integrated Vegetation Management Program policies.
49	BMPs # 8-1-3, 8-1-4, 8-1-5, 8-2-3, and 8-2-4	Measurable Goals	The measurable goals for these BMPs do not identify the scope or magnitude of BMP implementation. This information is necessary to ensure BMP implementation will be as effective as planned.	Include quantifiable goals that the County and City will use to measure the scope and magnitude of BMP implementation, such as identifying the amount the County will reduce pesticide and herbicide use, the frequency that the County and City will sweep municipal parking lots, and the percentage of chlorinated/brominated water discharges to which the County and City will apply BMPs.
50	BMPs # 3-1-11 and 3-2-12	Targeted Industries	These BMPs do not discuss the process and criteria that will be used to identify industries targeted for education. This information is needed to define the scope of the education effort.	Include a description of the process and criteria that will be used to identify industries targeted for education. Ensure the criteria includes consideration of type of industry, pollutant generating potential, compliance history, and location.
51	BMPs # 6-1-1, 6-1-2, 6-1-	Construction BMPs	While these BMPs discusses review and updating of BMPs to be required at	Include a commitment to identify in an annual report SWMP update the identified BMPs

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	3, and 6-2-1		construction sites, they do not commit to identifying the updated BMPs. Identification of the updated BMPs is necessary to ensure they achieve the MEP standard.	that will be required at construction sites as a result of the scheduled reviews. The SWMP update must occur as part of the annual report addressing the time period during which the BMPs are identified.
52	BMP # 7-1-6 and Table 7-2	CEQA Checklist	<p>For the County, the SWMP does not identify the standard the CEQA checklist will be held to.</p> <p>For the City, the SWMP does not commit to reviewing and updating the CEQA checklist.</p>	<p>For the County, include a commitment to review, and update where necessary, the CEQA checklist so that it addresses storm water quality and quantity consistent with the goal of long-term watershed protection.</p> <p>For the City, include a BMP to review, and update where necessary, the CEQA checklist so that it addresses storm water quality and quantity consistent with the goal of long-term watershed protection.</p>
53	BMPs # 8-1-1, 8-1-2, 8-1-6, 8-2-1, 8-2-2, and 8-2-5	Municipal BMPs	The SWMP commits to developing BMPs, but does not commit to identifying the developed BMPs in the SWMP. BMPs must be identified in the SWMP to ensure they achieve the MEP standard.	Include a commitment to identify in an annual report SWMP update the developed BMPs that will be implemented. The SWMP update must occur as part of the annual report addressing the time period during which the BMPs are developed.
54	BMP # 6-1-2	Riparian Corridor and Wetlands Protection Ordinance	The SWMP does not discuss annual reporting regarding implementation of the ordinance. This information is necessary to ensure the ordinance is implemented appropriately.	Include in BMP # 6-1-2 a commitment to annually report the number of exceptions, exemptions, or variances to the ordinance granted by the County. Also commit to describing any exceptions, exemptions, or variances in the annual reports, including the rationale for the exception, exemption, or variance.

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	3, and 6-2-1		construction sites, they do not commit to identifying the updated BMPs. Identification of the updated BMPs is necessary to ensure they achieve the MEP standard.	that will be required at construction sites as a result of the scheduled reviews. The SWMP update must occur as part of the annual report addressing the time period during which the BMPs are identified.
52	BMP # 7-1-6 and Table 7-2	CEQA Checklist	<p>For the County, the SWMP does not identify the standard the CEQA checklist will be held to.</p> <p>For the City, the SWMP does not commit to reviewing and updating the CEQA checklist.</p>	<p>For the County, include a commitment to review, and update where necessary, the CEQA checklist so that it addresses storm water quality and quantity consistent with the goal of long-term watershed protection.</p> <p>For the City, include a BMP to review, and update where necessary, the CEQA checklist so that it addresses storm water quality and quantity consistent with the goal of long-term watershed protection.</p>
53	BMPs # 8-1-1, 8-1-2, 8-1-6, 8-2-1, 8-2-2, and 8-2-5	Municipal BMPs	The SWMP commits to developing BMPs, but does not commit to identifying the developed BMPs in the SWMP. BMPs must be identified in the SWMP to ensure they achieve the MEP standard.	Include a commitment to identify in an annual report SWMP update the developed BMPs that will be implemented. The SWMP update must occur as part of the annual report addressing the time period during which the BMPs are developed.
54	BMP # 6-1-2	Riparian Corridor and Wetlands Protection Ordinance	The SWMP does not discuss annual reporting regarding implementation of the ordinance. This information is necessary to ensure the ordinance is implemented appropriately.	Include in BMP # 6-1-2 a commitment to annually report the number of exceptions, exemptions, or variances to the ordinance granted by the County. Also commit to describing any exceptions, exemptions, or variances in the annual reports, including the rationale for the exception, exemption, or variance.