

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MARCH 19-20, 2009

Prepared March 5, 2009

ITEM NUMBER: 10

SUBJECT: Santa Cruz County and City of Capitola Stormwater Management Program (SWMP); Revised Resolution to Provide an Opportunity for Subsequent Public Hearings on Issues Related to Implementation of the SWMP

On February 2, 2009, California Regional Water Quality Control Board, Central Coast Region (Water Board) staff met with representatives of the County of Santa Cruz, City of Santa Cruz, City of Scotts Valley, and City of Watsonville (Santa Cruz County municipalities) to discuss their primary remaining issues concerning the municipalities' Storm Water Management Programs. The primary issues Water Board staff and the Santa Cruz County municipalities discussed were interim hydromodification control criteria, long term hydromodification control criteria, long term watershed protection, effectiveness assessment strategies, and Wasteload Allocation Attainment Programs (Total Maximum Daily Load implementation). Each of these primary issues correspond with Required Revisions that Water Board staff is specifying be made to the municipalities' Storm Water Management Programs.

As a result of the February 2, 2009 meeting, Water Board staff and the Santa Cruz County municipalities were able to come to agreement on Required Revision language that addresses the primary issues discussed at the meeting. This agreed-upon language is found in the Table of Required Revisions for County of Santa Cruz and City of Capitola, that is included in Resolution No. R3-2009-0029 (Resolution). However, following resolution of the Table of Required Revisions language, the Santa Cruz County municipalities had questions regarding the review process that would be used by Water Board staff when the Santa Cruz County municipalities update their Storm Water Management Programs in the future to address the primary issues of interim hydromodification control criteria, long term hydromodification control criteria, long term watershed protection, effectiveness assessment strategies, and Wasteload Allocation Attainment Programs. The Santa Cruz County municipalities wanted to ensure their ability to raise their concerns before the Water Board regarding Water Board staff's review and development of any subsequent requirements pertaining to those primary issues.

While Water Board staff believes that the language of the Table of Required Revisions and associated documents provides substantial information regarding what Water Board staff will require during future Storm Water Management Program updates, Water Board staff also acknowledges that addressing these primary issues in Storm Water Management Programs is relatively new and can be complex. Such conditions can lead to uncertainty regarding the acceptability of the Storm Water Management Program updates, once they are developed. For this reason, Water Board staff has agreed with the Santa Cruz County municipalities to provide them with the option for public hearings before the Water Board if they are aggrieved by future Water Board staff determinations during review of Storm Water Management Program updates addressing the primary issues of interim hydromodification control criteria, long term hydromodification control criteria, long term watershed protection, effectiveness assessment strategies, and Wasteload Allocation Attainment Programs. This approach has

previously been approved by the Water Board at a smaller scale, when similar provisions concerning interim hydromodification control criteria were included in the resolution approving the City of Lompoc's Storm Water Management Program.

However, in developing this approach for addressing the Santa Cruz County municipalities' concerns, Water Board staff does not intend to provide the Santa Cruz County municipalities and other interested parties with assurances that public hearings will be held over every disagreement that may arise involving these primary issues. On the contrary, we expect questions involving compliance with the language of the Table of Required Revisions to be handled at the Water Board staff level. To better ensure this is the case, Water Board staff has crafted the language to be included in Resolution to provide the opportunity for public hearings only in those cases where Water Board staff requires actions that exceed those already specified in the Table of Required Revisions.

The language previously included in the Resolution at item 4, on page 4, read:

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 staffs determination prior to Water Board action being final.

The above language has been replaced with the following:

4. 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.

These changes can be found underline-strikeout format in the attached Revised Resolution No. R3-2009-0029.

RECOMMENDATION

Water Board staff recommends the Water Board adopt the attached Revised Resolution R3-2009-0029, to approve the October 2008 Storm Water Management Program and require the County and City to make the revisions to their Storm Water Management Program, and thereby approve enrollment of the County and City in the General Permit.

ATTACHMENT

Revised Water Board Resolution R3-2009-0029, with Table of Required Revisions