



**MONTEREY
COASTKEEPER®**

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Mr. Roger Briggs
Executive Officer
RWQCB, Central California Region
896 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

January 25, 2009

Re: Monterey Coastkeeper's public comments on the draft Stormwater Management Plan for Scotts Valley, submitted October 27, 2008

Dear Mr. Briggs,

I am writing to offer commentary on the Scotts Valley draft Stormwater Management Plan (SWMP), which was posted for public review in November of 2008. **The Monterey Coastkeeper opposes the approval of this draft, which we feel is overly vague, missing major components, and therefore does not meet the Maximum Extent Practicable (MEP) on several levels.**

Even recognizing the limitations of a small city in putting together and implementing an effective stormwater management program, we feel that the City of Scotts Valley could make a much more targeted effort that would identify the specific areas of concern and address them appropriately. The SWMP in its current form is ambiguous and lacks specificity; a combination which we fear will lead to a vague and unambitious effort towards curbing stormwater pollution.

In addition to the weakness of language that prevents the inclusion of specific implementation details and goals, the existing plan lacks specific components required by the National Pollution Discharge Elimination Systems (NPDES) permit that mandates it. Missing components include: measurable goals, a clear and timely implementation plan, and the inclusion of responsible parties for actionable items, as well as some major components such as a commitment to effectiveness assessment, a commitment to suitable hydromodification criteria, the application of Design standards that meet the requirements of Attachment 4 to the General Permit, or the development and implementation of Wasteload Allocation Attainment Plans to address the City's impaired water bodies.

Even with the required revisions enacted, we question the plan's ability to meet the MEP. For example, only three BMPs are selected for important minimum control measures such as Illicit Discharge

**Item No. 11 Attachment No. 9
March 19-20, 2009 Meeting
City of Scotts Valley SWMP**


Connection Investigation and Abatement. Furthermore, the City's commitment to public education is limited to publishing three brochures and informing schools of the availability of field trips to a Waste Water Treatment plant which does not currently address stormwater. These (and other) actions seem passive at best, and we doubt that they are truly the maximum extent practicable.

We stand in support of the Board staff's Required Revisions to the plan as outlined in the November 24th 2008 letter sent to the City. However, we are concerned with the schedule by which the plan will be reviewed. The nature of the required revisions are such that once they are written into the plan, the document will be virtually a new SWMP. For this reason, we chose not to give the level of detailed commentary that we have engaged in over other SWMPs in the region.

For this reason, the Monterey Coastkeeper would like to request a hearing on the Scotts Valley SWMP, with the intention of reserving the right to participate in the discussion on the future of the Scotts Valley SWMP. If an agreement between Board staff and the City is reached that is acceptable to the Monterey Coastkeeper, we will rescind our request for a hearing. The Monterey Coastkeeper shares the Regional Board's desire to see stormwater programs approved and implemented in a timely fashion, however we would like to ensure that the plans that are given Board approval are truly up to the task of improving water quality throughout the Monterey and Santa Cruz region, where challenges abound.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Ford". The signature is fluid and cursive, with the first name "Allison" written in a larger, more prominent script than the last name "Ford".

Allison Ford
Program Manager

CC: Mr. Ken Anderson, City of Scotts Valley

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Roger Briggs
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Central Coast Region
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Via email: rbriggs@waterboards.ca.gov

January 26 2009

Dear Mr. Briggs,

We write these comments with regard to the City of Scotts Valley Storm Water Management Plan from October 2008. In summary, we find the plan to be lacking in many important regards, largely putting off to the future details for monitoring and managing the City's stormwater. Many of the measures lack adequate enforcement measures, goals, or ways of adaptively managing the program to improve storm water.

We support the Regional Board's suggestions:

For new and re-development projects, Effective Impervious Area 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-construction 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 preconstruction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

As the board states, we also support the following actions:

- 1) Rainfall surface runoff at pre-development levels,
- 2) Watershed storage of runoff, through infiltration, recharge, baseflow, and interflow, at pre-development levels,
- 3) Watercourse geomorphic regimes within natural ranges (stream banks are stable within natural range; sediment supply and transport within natural ranges), and

4) Optimal riparian and aquatic habitats.

As such, we are concerned that the City has not taken the following Board's suggestions:

1) Provide numeric thresholds that demonstrate optimization of infiltration in order to approximate natural infiltration levels (such as would be achieved by implementation of appropriate low-impact development practices), and

2) Achieve post-project runoff discharge rates and durations that do not exceed estimated pre-project levels, where increased discharge rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses.

We strongly suggest numeric goals and scientific monitoring to assure improved water quality

Detailed comments on a few of the proposed BMPs follow.

BMP 2 – 3

Effectiveness of interagency cooperation should be measured in outcomes of new programs initiated with interagency collaboration. The outcome as stated is a meeting, not a measurable outcome with regard to saving public money or guaranteeing clean water outcomes. How will this BMP result in cleaner water? How can the City of Scotts Valley better address measurable outcomes for interagency collaboration towards this end?

BMP 3-3

“Field screenings” are mentioned, though many illicit discharges cannot be visually measured. For instance, discharges of many toxins, such as oil, gas, pesticides, etc., cannot be visually detected at all times of the year. Can the City implement scientific monitoring measures of major sources of illicit discharges that assure the public that such discharges do not take place?

BMP 4-2

Site inspections should take place during major rain events when it is most possible to visually determine adequacy of BMPs. It is often difficult to locate problems with BMPs without adequate runoff. Can the City ensure the efficacy of BMPs during high flow events by inspecting the BMPs when there is no runoff?

There is no fine associated with noncompliance, and so there may not be adequate motivation for following this BMP. We recommend that a fine be instituted to further motivate people to follow this BMP. Why has the City not detailed a system of punitive fines for violations?

Many thanks for the opportunity to comment and good luck with your important work

Grey Hayes