

ATTACHMENT F

NON-POINT NONPOINT SOURCE PROCEDURES

WHEREAS, nonpoint source (NPS) pollution, caused by a variety of factors including sediments, nutrients, pathogens, heavy metals, hydrocarbons, and pesticides contained in urban and agricultural runoff, is considered a serious threat to the ecological health of San Francisco Bay; can make the Bay unsuitable for water-oriented recreation; and accounts for a considerable proportion of the Bay's total pollutant load; and

WHEREAS, the State Board and the Regional Board have determined that San Francisco Bay and its tributaries are impaired due to exceedances of water quality standards for certain trace metals, such as mercury, and other pollutants, including polychlorinated biphenyls (PCBs) and diazinon, which largely come from NPS pollution; and

~~WHEREAS, non point source pollution (urban and agricultural runoff and erosion) is a major source of pollutants to San Francisco Bay; and~~

WHEREAS, the State Board and the California Coastal Commission developed the *Plan for California's Nonpoint Source Pollution Control Program* (California NPS Program Plan) for reducing and preventing NPS pollution in California. The California NPS Program Plan, which was approved by the U.S. Environmental Protection Agency and National Oceanic and Atmospheric Administration in July 2000, expands the State's NPS pollution control efforts by identifying 61 management measures (MMs) that provide specific goals for controlling NPS pollution from land use activities related to: (1) agriculture, (2) forestry, (3) urban areas, (4) marinas and recreational boating, (5) hydromodification (waterway alteration), and (6) wetlands, riparian areas and vegetated treatment systems; and

WHEREAS, as outlined in the California NPS Program Plan, the State's water quality agencies have increased their focus on promoting collaborative efforts to implement management practices (MPs) to prevent or reduce NPS pollution throughout the State, including San Francisco Bay; and the California NPS Program Plan lists BCDC as an implementing agency for a number of MMs within each of the following categories: (1) urban areas, (2) marinas and recreational boating, (3) hydromodification, and (4) wetlands, riparian areas and vegetated treatment systems; and

~~WHEREAS, the Regional Board's Basin Plan recognizes the seriousness of that non-point sources of NPS pollution is the leading cause of water quality impairment in the Bay Area region, and the Basin Plan includes a number of NPS pollution control programs and measures to control them; and including: collecting and evaluating resource data, working with watershed partners to identify and implement control strategies and treatment alternatives, and educating and providing technical assistance to the public, agencies, and private landowners, in addition to the use of administrative~~

tools (e.g., waste discharge requirements [WDRs], waivers of WDRs, and Basin Plan prohibitions) authorized through the Porter-Cologne Water Quality Control Act; and

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~~WHEREAS, the Regional Board's non-point source program consists of the collection and evaluation of resource data, water quality sampling, modeling, and the identification and analysis of control strategies and treatment alternatives, focusing first on source control alternatives and the development of Best Management Practices (hereinafter "BMPs") followed by treatment alternatives; and~~

~~WHEREAS, the Regional Board's program to control erosion recognizes that local governments can and should take the lead in implementing BMPs to control erosion and that the Regional Board can take appropriate enforcement action pursuant to the Water Code to abate and clean up water quality problems resulting from erosion; and~~

~~WHEREAS, BCDC'S Bay Plan Water Quality policies state that polluted runoff should be controlled by EMPs and that shoreline projects should minimize erosion through use of appropriate erosion control practices; and~~

WHEREAS, existing programs for controlling pollution, including stormwater management plans, total maximum daily load implementation plans, and construction site stormwater runoff and erosion and sediment controls, are increasingly effective in controlling Bay NPS pollution; and

WHEREAS, MP's are appropriate for controlling, reducing or eliminating NPS pollution and may be non-structural, such as site planning, or structural, such as sedimentation basins, vegetated treatment systems, water quality inlets, and grassy swales, some of which may be implemented under the joint jurisdiction of the Regional Board and BCDC; and

~~WHEREAS, treatment alternatives include the construction of appropriate facilities such as sedimentation basins, storm drain catch basins, new marshes, oil and grease separators, and under some circumstances direct sanitary sewer hookups, some of which may be constructed within the joint jurisdiction of the Regional Board and BCDC; and~~

~~WHEREAS, non-point source pollution control alternatives or BMPs include, but are not limited to, street sweeping, recycling and public awareness programs, pesticide and hazardous waste ordinances, erosion control, catch basin and storm drain cleaning, appropriate placement of runoff discharge points, and covering of pollutant handling and storage areas; and~~

WHEREAS, stormwater runoff includes NPS pollutants that can be carried from construction sites, roads and other surrounding areas by rainwater directly into the Bay or into constructed storm drain systems, which may be regulated under stormwater National Pollutant Discharge Elimination System (NPDES) permits; and

WHEREAS, the State Board and Regional Board administer the NPDES program to regulate certain storm water discharges, including construction sites disturbing an acre or more of land, certain industrial activities, and municipalities; and

WHEREAS, the Association of Bay Area Governments (hereinafter "ABAG") there is a variety of guidance and information available on MMs, MPs and stormwater best management practices (BMPs), including a ~~has prepared a field manual of standards~~ for erosion and sediment control measures developed by the Regional Board, to guide local governments and other agencies in preparing effective erosion and surface water runoff control ordinances and BMPs;; BMP manuals developed by the California Stormwater Quality Association and Bay Area Storm Water Management Agencies Association (BASMAA), and guidance currently being developed by the State Board; and

WHEREAS, the McAteer-Petris Act empowers the Commission to grant a permit subject to reasonable terms and conditions including the uses of land or structures, intensity of uses, construction methods and methods for dredging or placing of fill; BCDC may issue permits to place fill, extract materials or substantially change the use of any water, land or structure in the Commission's jurisdiction; and some projects requiring a BCDC permit may also require an NPDES permit from the Regional Board or the State Board; and

WHEREAS, BCDC'S Bay Plan water quality policies state that new projects should be sited, designed, constructed and maintained to prevent or minimize the discharge of pollutants to the Bay by controlling pollutant sources at the project site, using non-polluting construction materials, and applying appropriate accepted and effective BMPs consistent with standards in municipal stormwater permits; state and regional stormwater management guidelines; and with the protection of Bay resources;

THEREFORE, the Regional Board, pursuant to its law and policies and regulatory authorities to enhance and protect water quality and beneficial uses, agrees to determine the acceptability of control or treatment alternatives for non point source pollutants, and to: (1) provide BCDC information on stormwater management and appropriate and effective erosion and sediment control practices, including recommended permit conditions for NPS pollution control; (2) provide technical assistance and annual training to BCDC staff on applicable water quality laws, regulations, and policies and NPS pollution MPs; and (3) coordinate with BCDC on the review of projects within BCDC's jurisdiction that could have significant NPS pollution impacts. agrees to provide BCDC with information on any proposed treatment or control alternatives for non point source pollution, including recommended permit conditions.

The State Board, pursuant to its operating authorities and policies, agrees to provide BCDC with guidance, plans, policies, standards and technical assistance, where appropriate, on stormwater management and NPS pollution control strategies to enable

BCDC to implement applicable NPS pollution MMs and MPs within BCDC's jurisdiction.

BCDC agrees to: (1) coordinate with and support the State Board and Regional Board on NPS pollution management in San Francisco Bay; (2) require projects to be consistent with standards in existing municipal stormwater permits and State and regional stormwater management guidelines where appropriate; and (3) require in permits the use of MMs contained in the California NPS Program Plan and appropriate and effective MPs and stormwater BMPs, ~~treatment alternatives, and measures recommended by the Regional Board and contained in ABAC's manual of erosion control,~~ consistent with its BCDC's law and policies, in order to control ~~non-point source~~ NPS pollution.