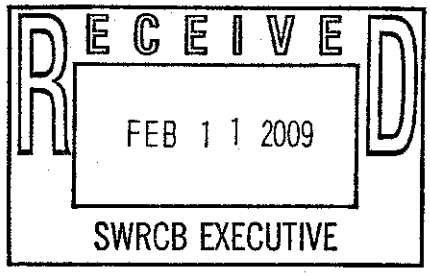
February 11, 2009



Tam Doduc, Chair and Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

VIA ELECTRONIC MAIL: commentletters@waterboards.ca.gov

Re: 2/17/09 Board Meeting, Item # 9: Proposed Resolution Adopting the Proposition 84 Storm Water Grant Program Guidelines

Dear Chair Doduc and Board Members:

On behalf of the California Coastkeeper Alliance (CCKA), which represents 12 Waterkeepers spanning the California coast, Heal the Bay, and the Natural Resources Defense Council (NRDC), we welcome the opportunity to submit these comments on the above-described Resolution adopting the Proposition 84 Storm Water Grant Program Guidelines (Guidelines).

Our organizations actively work to reduce stormwater pollution, encourage the implementation of low-impact development (LID) technologies, and increase recharge/reuse of stormwater as a potential water supply source. As members of the Storm Water Advisory Task Force (SWATF), we commend staff's efforts to develop grant guidelines that will significantly advance each of these goals, consistent with the SWATF's strong support for LID strategies (see enclosed SWATF letter to DWR for further information). We support adoption of these Guidelines, and ask the Board to approve them at the February 17th hearing.

We ask in addition that the Board direct staff to prepare for the Board's consideration a proposal for Board-directed Proposition 84 Planning and Monitoring funding, pursuant to Public Resources Code Section 75072,[1] to support LID outreach and education by the regional water boards to local coastal governments, in close coordination with other applicable agencies. Specifically, we ask that funding be directed to support regional water board and Coastal Commission staff and other relevant parties to conduct a two- to three-year, coordinated outreach effort to local governments in coastal regions that will identify and overcome barriers to LID, consistent with the Guidelines and with the presentation provided to the Water Quality Coordinating Committee at its October 2008 meeting. As part of this effort, funded staff would provide specific input to local communities on how to update their general plans and ordinances to advance LID and comply with municipal stormwater permits that are increasingly (and appropriately) requiring LID strategies as part of the permits.

LID-focused planning and site design will dramatically reduce creation and movement of polluted stormwater runoff, which in turn reduces pollution of nearby waterways, creates an important source of local water, and reduces flooding. For example, the recently-released Little Hoover Commission report states that:

[1] *See* Guidelines at pp. 10 and 52-53.

[a] 2005 report by the Los Angeles and San Gabriel Rivers Watershed Council noted that 500,000 acre-feet of stormwater runoff flow from the Los Angeles County basin to the ocean each year. The report noted that if the region could instead capture that water and reuse it, Southern California would be less dependent on water imports from Northern California.

Despite the many benefits of LID detailed in numerous state and federal reports, local General Plans and ordinances that are based on older planning models and older strategies for moving stormwater quickly to local water bodies often tend to discourage, rather than support, LID. The proposed request for directed funding would directly address this problem. This request also is consistent with the Guidelines, which state, among other things, that "PRC § 75072 provides the opportunity to fund studies or projects that include, but are not limited to" the following:

> **D. Low Impact Development (LID) Barriers (Regulatory/Standards) and Solutions**
> Eliminate the barriers from municipal ordinances, regulations, site design guidelines, and standards that are preventing or hindering implementation of LID practices. Develop and adopt incentives and standard requirements that encourage or require local jurisdictions to implement LID/green infrastructure techniques that promote the infiltration, capture, and treatment of storm water for reuse or groundwater basin recharge. To encourage engineers and developers to use LID principles it is important that regulations and standards both allow and encourage their use. Problems to address may include parking lot and driveway requirements, setback requirements, required conventional curbs, and required road and sidewalk widths.

The proposed directed funding request ideally would bring together local planning agencies, the California Coastal Commission, the University of California system, stormwater quality agencies, and the regional water boards in an effort to ensure that General Plans and ordinances are updated to encourage development strategies that slow and sink stormwater flow, which will enhance local supplies of clean water and reduce flooding. We urge the Board to direct staff to investigate this important and timely directed funding opportunity further, and to bring it to the Board for review and potential approval at a future meeting.

Thank you for your consideration of these comments.

Sincerely,

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Attachment: Little Hoover Commission Report excerpt on LID
Enclosure: Letter from SWATF to DWR (Nov. 2008)

Low Impact Development a Key Response to Stormwater[2]

As the water boards have attempted to improve regulation surrounding urban stormwater, they have begun to focus more on low impact development (LID) as both a key to reducing stormwater discharges and as a potential source of recycled water. The state, as a whole, should continue discussing ways to encourage and improve LID.

The goal of LID is to maintain the hydrology of a development site even as development occurs. LID attempts to hold water on site through water storage and infiltration with the ground. Examples of LID include rooftop gardens on public buildings, rain barrels that catch rain water for reuse, permeable pavement and other methods that decrease the imperviousness of an area that often occurs when it is developed into an urban use.

LID marks a profound change in urban development. Past practices focused on moving water from rain storms quickly away from development to prevent flooding. In Los Angeles, for example, engineers designed concrete channels to convey large volumes of water from occasional but fierce rain storms.

The water boards and other state agencies have made efforts to promote – and require – LID:

> ***Central Coast LID Center.*** Using $2.25 million from the state board, the Central Coast Regional Water Quality Control Board helped develop the Central Coast LID Center, which opened in 2008. The non-profit, affiliated with an already-existing LID center in Maryland, opened in San Luis Obispo in 2008, and will develop technical expertise for the state on LID, provide education and outreach on the topic and serve as a library for research on the issues.
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> ***LID Education Project.*** Developed by the water boards, the Coastal Commission and several other groups, including the California Stormwater Quality Association, the project is intended to hold workshops and promote LID throughout the state to local government officials, state officials, developers and others. The project, which was just launched 2008, is seeking to raise more than $2 million to pay for the workshops and other efforts.
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> ***LID Regulations.*** Both the state water board and some regional boards have begun to require LID in permits. The San Francisco Bay Regional Water Quality Control Board, for example, is requiring in stormwater permits that new development maintain pre-development erosion levels, while the San Diego Regional Water Quality Control Board in its stormwater permits is requiring all new development and redevelopment projects to implement LID where feasible. Other boards are beginning to place numeric limits on development sites, limiting the amount of impervious surfaces in new development.

The construction industry and municipalities have objected to some of the boards' more aggressive efforts to require LID, arguing that it can increase design and construction costs. In addition, local governments may need to review decades-old ordinances: The city of Lompoc, for example, found that ordinances required impervious concrete in parking lots, which conflicted with Central Coast Regional Water Quality Control Board's requirements to dramatically decrease imperviousness.

Despite these conflicts, most stakeholders agree that LID is an essential tool to addressing stormwater pollution. In addition, LID may help local communities retain and eventually reuse water by recharging ground water basins. A 2005 report by the Los Angeles and San Gabriel Rivers Watershed Council noted that 500,000 acre-feet of stormwater runoff flow from the Los Angeles County basin to the ocean each year. The report noted that if the region could instead capture that water and reuse it, Southern California would be less dependent on water imports from Northern California.

Sources: Water Education Foundation. 2007. "Stormwater Management: Turning Runoff into a Resource." Eric Berntsen, State Water Resources Control Board. January 28, 2008. "Incorporation of LID into State Water Board Programs." Roger Briggs, Executive Officer, Central Coast Regional Water Quality Control Board, and Al Wanger, Deputy Director, California Coastal Commission. October 27, 2008. "Statewide Low Impact Development Education Project." Presented to the Water Quality Coordinating Committee. Central Coast Regional Water Quality Control Board. June 10, 2008. "Staff report, Proposed Re-Direction of Low Impact Development Project Funds to Support the Central Coast Low Impact Development Center."

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[2] Little Hoover Commission, *Clearer Structure, Cleaner Water: Improving Performance and Outcomes at the State Water Boards*, p. 81 (Jan. 2009).