



B A S M A A



Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

October 13, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board

Subject: Draft Storm Water Resource Plan Guidelines and Draft Proposition 1
Storm Water Grant Program Funding Guidelines (August 2015)

Dear Ms. Townsend:

Thank you for the opportunity to comment on the draft Storm Water Resource Plan Guidelines (Plan Guidelines) and the draft Proposition 1 Storm Water Grant Program Funding Guidelines (Funding Guidelines). These comments are submitted on behalf of the Bay Area Stormwater Management Agencies Association (BASMAA)¹. In addition to the following Bay Area-specific comments, BASMAA also strongly supports the four key principles and comments and recommendations submitted by the California Stormwater Quality Association.

Of particular interest to Bay Area stormwater programs are the following issues – listed with quoted excerpts from either the draft Plan Guidelines or the draft Funding Guidelines – followed by *our comments*:

Draft Stormwater Resource Plan Guidelines

Section I: Purpose (p. 12) – “These Guidelines apply to public agencies that receive grant funds for storm water and dry weather runoff capture projects...”

BASMAA strongly supports this definition of the types of projects subject to the Plan Guidelines. This definition exactly matches that in the Water Code and the intent of the legislation that created the requirement for Storm Water Resource Plans (Senate Bill 985: Stormwater Resource Planning, 2014). BASMAA strongly recommends against expanding the definition of projects for which a Storm Water Resource Plan must be in place to be eligible to receive any post-January 1, 2014 voter-approved bond funds. Doing so would overreach the intent of the creating legislation and result in significant negative and unintended consequences. The intent and focus of the legislation was to promote stormwater as a resource. The focus and scope was not any

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¹ BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 99 agencies, including 84 cities and 7 counties. BASMAA focuses on regional challenges and opportunities to improve the quality of stormwater flowing to our local creeks, the Delta, San Francisco Bay, and the Pacific Ocean. The members of BASMAA are responsible for complying with the requirements of municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System (NPDES) permits issued by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board).

BASMAA Comments on Draft Storm Water Resource Plan Guidelines and Draft Proposition 1 Storm Water Grant Program Funding Guidelines

stormwater project. Expanding the scope would result in stormwater quality management agencies having to incorporate any project into their Storm Water Resource Plans, and to do so perpetually. It was not the intent of the legislation to create such a burden.

Section I: Purpose (p. 12) – “Existing planning documents and local ordinances may be utilized as a functionally equivalent Plan, including but not limited to: watershed management plans¹, integrated resource plans, urban water management plans, or similar plans that include storm water and dry weather runoff capture and use as a component of their goals and objectives... If a planning document does not meet the standards of Water Code section 10560 et seq., a collection of local plans and ordinances and regional plans may constitute a functional equivalent, if the plans and ordinances collectively meet all of the requirements of Water Code section 10560 et seq.”

“¹This also encompasses Watershed Management Programs and Enhanced Watershed Management Programs as set forth in the LA County and City of Long Beach MS4 Permits (Order Nos. R4-21012-0175 and R4-2014-0024).”

BASMAA strongly supports the functionally equivalent option for developing a Storm Water Resource Plan. It allows agencies to build on and leverage existing efforts and by doing so, will save agencies money and result in those existing efforts being integrated with stormwater resource planning. BASMAA recommends that to be consistent and current with reference to the Los Angeles County and City of Long Beach MS4 permits in the footnote, the following should be included in the referenced paragraph:

“...urban water management plans, green infrastructure plans², or similar plans...”

“²This also encompasses Green Infrastructure Planning and Implementation as set forth in the San Francisco Bay Area Municipal Regional Permit (Order R2-2015-XXXX, NPDES Permit No. CAS612008).”

Section II: Introduction and Background (p. 13) – “Design of green infrastructure to capture dry weather runoff should correspond to a watershed-based plan to achieve multiple benefits that supports water quality protection of surface and ground waters within the watershed. Coordinated storm water management, monitoring, and evaluation on a watershed basis minimizes monitoring costs and maximizes the value of monitoring results across programs intended to protect beneficial uses.”

BASMAA recommends that to be consistent and current with reference to the Los Angeles County MS4 permit at the end of the previous paragraph, the following should be included at the end of the referenced paragraph:

“The San Francisco Bay Regional Water Board is among the first of the Regional Water Boards to incorporate a green infrastructure master planning and implementation approach that provides a strong incentive for stormwater and dry weather runoff capture in its Municipal Regional Permit (Order R2-2015-XXXX, NPDES Permit No. CAS612008).”

Draft Proposition 1 Stormwater Grant Program Funding Guidelines

Chapter III. Eligibility Requirements, Section B. Eligible Project Types, Sub-section II. Implementation Grants (p. 4) – “Implementation grants will only be awarded to projects that are included and implemented in an adopted IRWMP,…”

BASMAA understands this guidance is consistent with Water Code section 79740² (Assembly Bill 1471: The Water Quality, Supply, and Infrastructure Improvement Act of 2014; Proposition 1, Chapter 7). However, it is both problematic and confusing. Problematic because, as has been the case for stormwater projects throughout the state, it has been difficult for stormwater quality management agencies to get stormwater projects to be included in integrated regional water management plans. Confusing because the phrase “implemented in a plan” (paraphrasing “implemented in an adopted IRWMP”) is ungrammatical. A project can be included in a plan but a project is not implemented in a plan. A plan does not implement. Rather than perpetuating the confusion caused by the ungrammatical language in Proposition 1, the State Water Board should provide guidance on what it means for a project to be implemented in an adopted IRWMP. Accordingly, BASMAA recommends adding the following footnote:

“Implementation grants will only be awarded to projects that are included and implemented² in an adopted IRWMP,…”

“²In this context, the meaning of the term “implemented” shall be equivalent to the meaning of the term “incorporate” regarding the inclusion of Storm Water Resource Plans in IRWMPs (Water Code section 10562.(b)(7))”

Thank you again for opportunity to provide input. Please contact me with any questions.

Sincerely,



Geoff Brosseau, Executive Director

cc: BASMAA Board of Directors

² 79740. The sum of eight hundred ten million dollars (\$810,000,000) shall be available, upon appropriation by the Legislature from the fund, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan consistent with Part 2.2 (commencing with Section 10530) of Division 6 and respond to climate change and contribute to regional water security as provided in this chapter.