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Marin County Stormwater Pollution Prevention Program
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Member Agencies:

October 13, 2015

Belvedere

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

Corte Madera

Subject: Comment Letter – Draft Stormwater Resource Plan Guidelines and Draft Proposition 1 Stormwater Grant Program Funding Guidelines (August 2015)

County of Marin

Thank you for the opportunity to comment on the draft Stormwater Resource Plan Guidelines (Plan Guidelines) and the draft Proposition 1 Stormwater Grant Program Funding Guidelines (Funding Guidelines). The following comments are submitted on behalf of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

Fairfax

Larkspur

Mill Valley

Comments on the Draft Stormwater Resource Plan Guidelines (Draft Plan Guidelines):

Novato

1. MCSTOPPP supports the existing definition of the types of projects subject to the Draft Plan Guidelines. We recommend against expanding the definition of projects for which a Stormwater 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. The intent and focus of the legislation was to promote stormwater as a resource. Expanding the scope would result in stormwater quality management agencies having to incorporate additional projects into their Stormwater Resource Plans, and to do so perpetually. It was not the intent of the legislation to create such a burden.

Ross

San Anselmo

San Rafael

Sausalito

Tiburon

2. MCSTOPPP supports the functionally equivalent option for developing a Storm Water Resource Plan. It allows agencies to build on and leverage existing efforts. This will save agencies money and will result in those existing efforts being integrated with stormwater resource planning.

3. MCSTOPPP supports using a modified version of the checklist in Appendix A of the Draft Plan Guidelines to self-certify that a Storm Water Resource Plan meets the mandatory requirements of SB985. The checklist and certification should be limited to the first table only in Appendix A, as Plans need only meet the mandatory required elements of the Stormwater Resource Plan per the California Water Code.

4. We are concerned with the potential for delay that will occur if required to develop Stormwater Resource Plans for stormwater or dry weather runoff projects that address

discharge to an Area of Special Biological Significance (ASBS). Because the draft guidelines state that such projects could be funded by unused or re-appropriated bond funds from Proposition 13, 40, 50 or 84, such projects should be exempt from the requirements of Stormwater Resource Planning Act (SB985) because these funding bond acts were voter approved prior to January 1, 2014. This would support ASBS Special Protections dischargers working to meet compliance deadlines to implement all structural controls by March 2018.

5. Section VI.A of the Draft Plan Guidelines describes the appropriate scale of the watershed or sub-watershed to be addressed by the Stormwater Resource Plan and recommends the use of the CalWater Watersheds (Table 2). While these designations are appropriate in most cases, these are guidelines and should be established as such. Caveat #2 states that the largest practicable watershed should be used and that it should cross multiple jurisdictional boundaries, both of which are more restrictive than necessary and may prevent important projects from moving forward in smaller watersheds. Caveat #4 in the section sets a lower limit on the size of the watershed at 5-16 square miles for the Stormwater Resource Plan and is inappropriate.

Recommendation – Section VI.A: Revise Caveat #2 as follows and remove caveat #4.

Caveat #2: The watershed should be of adequate size ~~the largest practicable~~ to allow for comprehensive and integrated storm water management ~~across multiple jurisdictional boundaries~~.

Caveat #4: ~~Watersheds smaller than the CalWater “Planning Watershed” size should not be used (smaller than 5 square miles in size); and~~

Comments on the Draft Proposition 1 Stormwater Grant Program Funding Guidelines:

6. Types of eligible projects should be consistent with the Proposition 1 legislation. Proposition 1 (Assembly Bill No. 1471) added Section 79747 to the California Water Code, which reads:
 - a. Of the funds authorized by Section 79740, two hundred million dollars (\$200,000,000) shall be available for grants for multibenefit stormwater management projects.
 - b. Eligible projects may include, but shall not be limited to green infrastructure, rainwater and stormwater capture projects, and stormwater treatment facilities.
 - c. Development of plans for stormwater projects shall address the entire watershed and incorporate the perspectives of communities adjacent to the affected waterways, especially disadvantaged communities. (emphasis added)

State Board staff included text specifying that stormwater treatment *train* facilities are eligible and included a definition of a Storm Water Treatment Train facility. This is not in the legislation and could be interpreted to preclude funding for a single BMP, even though it may provide multiple benefits and meet other grant requirements. While the guidelines do not state that projects have to be a part of a treatment train and do not appear to preclude single BMPs from funding as long as multiple benefits can be

demonstrated, we suggest that the guidelines reflect the language in the California Water Code and not include references to stormwater treatment train facilities.

7. In order to provide more equitability, MCSTOPPP recommends reducing the minimum grant amount for implementation projects funded under Proposition 1 to \$250,000.

Thank you for your consideration of these comments.

Sincerely,



Terri Fashing
MCSTOPPP Stormwater Program Administrator

C (electronic): Raul Rojas, Director of Public Works, County of Marin
Pat Echols, Assistant Director of Public Works, County of Marin
Steve Devine, Public Works Program Manager, County of Marin
Liz Lewis, Principal Planner, County of Marin
Marin Public Works Directors
MCSTOPPP Agency Staff Committee