



TO: SWRCB
FROM: Nina Danza, Sierra Club Los Padres Chapter
RE: SWSI Draft Comments

7/21/15

- 1. URGENCY.** I am providing input as a professional civil engineer who has been involved with storm drain projects both as a public works employee and citizen volunteer in California since 1983. This is precisely the period that the average person has become aware of what storm water is and what impact it has on the environment. I would like the water board to seize this momentum and reach the SWSI goals very promptly to achieve success economically, scientifically and responsibly. This program needs to be mainlined more quickly than the recent groundwater sustainability plan requirements or ocean trash amendments if species already nearly extirpated, such as steelhead trout, are to be saved. As the water board has stated itself in the SWSI draft, the existing California socio-enviro conditions “COMPELS IMMEDIATE ACTION” (ref: p. 1).
- 2. STOP REPEATING HISTORY.** I am strongly in favor of the SWSI program goals to “provide multiple benefits including improved water quality, increased water supply, increased space for public recreation, enhanced stream and riparian habitat (ref: p. 1).” If enacted swiftly, these goals would protect the Santa Clara River (Ventura County) the LAST NATURALLY FUNCTIONING riverine system left in Southern California. If the SWSI is given too little time, effort and priority, history will repeat itself and the Santa Clara River will be destroyed as has happened on every other watercourse within hundreds of miles. The River will be channelized, its flows diverted excessively, its floodplain urbanized and fouled with pollution.

The water board must exercise stronger foresight and preserve quality existing environments like the Santa Clara River, rather than exhibit expensive hindsight in restoring destroyed ones to the tune of billions, such as planned for the Los Angeles River. The SWSI needs to convey that foresight clearly and prominently.
- 3. CURRENT EXAMPLE.** Please consider a specific local example. As of today, 7+ miles of the Santa Clara River are going to be paved along one side for flood control within a few years (SCR-3 and SCR-1 reaches). The plans are already in progress and have absolutely NO multipurpose value added: no groundwater recharge, no water quality improvement, not even construction of a simple bike path. These river miles contain endangered species habitat; are a shred of the last 3% of riparian habitat left in the State; are among some of the property owned by the CA Coastal Conservancy / The Nature Conservancy partnership for the Santa Clara River Parkway (santaclarariverparkway.org), and are already identified as potential recreation in local plans. None of these beneficial uses have much chance of survival if the SWSI is not rolled out sooner than the SCR-1 and SCR-3 flood walls.
- 4. STREAM FLOW AND FLOODPLAIN STORM WATER DETENTION/ INFILTRATION.** The #1 priority project named in the SWSI is increased storm water capture and use. And an extremely high potential location to achieve this is with stream flows within a floodplain. Stream flows obviously naturally infiltrate to recharge aquifers, and floodplain areas are among the most likely zones to contain suitable below ground characteristics for infiltration. However, the water board is known for paralyzing stream flow recharge projects. Stream flow infiltration projects are held up because stream water may not be of high enough quality to allow into the groundwater. Perhaps stream water pre-treatment is required as part of a project but adding the pre-treatment may render the project infeasible. The result is utter failure to capitalize on ideal storm water capture and use locations.

I suggest a special category be defined in the SWSI for allowing stream flow and flood plain storm water retention / detention projects. Surface drainage outside of a floodplain can still be subject to industrial, construction, and municipal permit conditions, but once drainage has become part of the stream flows it is counterproductive to the SWSI goals to prohibit their capture for retention and infiltration. Indeed, the infiltration will improve the water quality naturally in a cost-effective and sustainable manner.

5. **REVENUE PRODUCING STRATEGY.** The SWSI is an exceptional opportunity for the water board to develop a revenue producing strategy. For example, based on my experience, construction and industrial permittees are relatively unconcerned about meeting storm water rule conditions because there are virtually NO CONSEQUENCES. Certainly if a penalty element was part of those permit programs the water board would achieve much greater compliance success. I am sure the following concepts have been debated during SWSI formulation, but the draft program is entirely too soft on a revenue producing strategy. Revenue producing strategies might involve:
 - a. **MONETARY FINE.** Levy fines for exceeding water quality discharges limits, receiving water limits, or TMDL violations. Have fines been used, and if so, where and when have they been collected. Have fines been employed after a first offense or have there been repeated offenses before a fine was collected.
 - b. **MITIGATION BANK FUND.** Mitigation banks have already been used, and similar strategy would involve collecting funds for projects that fail to incorporate storm water features. Conversely funds could be provided for projects that do incorporate storm water resource features. One observation about mitigation banks: their long term result may be an aggregation of protected water resource areas while other water resources areas are allowed to be degraded. That result is less than desirable from the point of view of a long term sustainable future.
 - c. **CAP AND TRADE CONCEPT.** The air resources board cap and trade program has generated millions of dollars of income for clean air programs while reaching the ultimate goal: reducing green house gas. I strongly urge the water board to find a way to model that success. A SWSI cap and trade style program could be based on some universal component that dischargers must reduce, or a wide-spread benefit that permittees must provide. Perhaps the cap and trade concept could be watershed-specific and generate revenue to disburse in that particular watershed.

Thank you very much and please do not hesitate to contact me to discuss.