



# County of San Diego



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Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Electronic Submission: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Ms. Townsend:

## COMMENT LETTER – PROPOSAL TO DEVELOP A STORM WATER PROGRAM WORKPLAN AND IMPLEMENTATION STRATEGY

The County of San Diego (County) appreciates the opportunity to comment on the State Board's Draft Proposal to Develop a Storm Water Program Workplan and Implementation Strategy – Including Projects for Immediate Action (Proposal). The County applauds the State Board's stakeholder outreach efforts in developing this Proposal. The County is committed to improving the water quality of our watersheds and supports the four Draft Proposal's Guiding Principles. This letter highlights several key issues and provides comments on specific projects.

### **Funding for Stormwater Programs**

Guiding Principal 3: Implement Efficient and Effective Regulatory Programs identifies Project 8 - Funding for Storm Water Programs as a High Priority Immediate Action Project. The County supports the State's effort to increase local stormwater funding. A long-term funding source is necessary to sustain stormwater programs and to make strides in improving the integrity of our waterways. However, without a full evaluation of Municipal Permitting Compliance Cost (Project 9) associated with multiple regulatory requirements, including but not limited to: Stormwater Permits (NPDES), TMDLs, and the recently adopted State Trash Amendments, a funding approach will likely fall short. The County recommends that Project 9 be completed concurrently or before Project 8, and that the state and regional board complete thorough cost analyses for any future regulatory actions.

### **Update of Basin Plans and State Plans**

The County strongly endorses inclusion of a project that addresses updating water quality objectives because many are outdated or not based on sound science. It is essential to provide adequate resources to frequently update the Basin Plans and other State Plans to

provide the solid and defensible foundation for requirements to improve the integrity of our waterways.

**Better integration and recognition of the value of stormwater as a resource in Integrated Water Resources Management programs should be addressed in the projects.**

The County of San Diego supports the California Stormwater Quality Association's (CASQA) comments on the improved integration of stormwater into the integrated regional water management plans (IRWMPs). Several of the proposed projects include components related to IRWM, but none of the projects includes a comprehensive evaluation and discussion of how stormwater fits into the overall water resource planning for the state. In many IRWMP efforts, stormwater agencies have struggled to incorporate stormwater projects into the plans as high priorities. This could be because the role and benefits of stormwater recharge in the overall water supply picture are not clearly understood. Historically, development of funding guidelines and priorities for funding have inadvertently resulted in reduced priority of stormwater projects in the IRWM grant process because higher priorities were placed on funding projects that are considered to generate water resources in a more traditional way. Better guidance is needed for development of the stormwater portion of IRWMPs and to help agencies understand how stormwater can be used as a productive part of the state's water supply.

To address this concern, the County requests modification of projects 1c, 4, and/or 8 to include coordination with the Department of Water Resources (DWR) to identify an approach to developing principles to guide development of the stormwater portion of IRWMPs and identify other areas of water resource planning where consideration of stormwater as a resource should be incorporated at an early stage. The County additionally requests that this coordination also consider project 1b, and potentially include development of a guide or model to be consulted during the development of IRWMPs that addresses the relevant barriers identified as part of project 1b.

While the currently identified projects provide a good start at providing guidance for stormwater-specific resource plans under SB 985 and reviewing grant programs to support more stormwater funding, the County suggests a more comprehensive effort to truly integrate stormwater resource planning in the IRWMPs to fully maximize the use of using stormwater as a water resource.

**Develop Pollutant Priorities and Focus on Key Strategies to Abate Sources**

The key to achieve and sustain the beneficial uses of our waterways is reduction of pollutant. To reach this end, the County recommends prioritization of Project 21 to help identify pollutant sources and the most effective abatement strategies. Development of strategies targeted at particular sources or pollutant-generating activities will reduce pollutants as effectively and efficiently as possible. It is well worth taking the time to develop such targeted strategies.

Additionally, the County is providing comments on each of the Guiding Principles based on the proposed projects selected to achieve each principle.

**GUIDING PRINCIPLE 1: Treat Storm Water as a Valuable Resource**

Four projects (1 - 4) have been identified to achieve this principle.

*Project 1: Treat Storm Water as a Valuable Resource* – Projects 1(a-c) are focused on recognizing that stormwater is a valuable resource that should be captured and used. The purpose of these three related projects is to a) develop goals to increase capture and use of stormwater, b) eliminate existing barriers, and c) increase capture through regulatory approaches. Projects 1a and 1b are identified as Immediate Action Projects that would develop watershed-based strategies/goals to increase capture and use and identify actions to eliminate existing legal, political, logistical and technical barriers to capture and use.

The County recognizes that stormwater can be a valuable resource especially during times of drought and removing any perceived barriers will be beneficial to implementing future plans. However, the County requests that some additional concerns be addressed.

The County recommends that use of stormwater not be limited to infiltration. Many of the capture and use strategies are focused on infiltration and groundwater recharge. Unfortunately, due to generally low soil infiltration rates, there are relatively few areas within San Diego County that would support large-scale groundwater recharge projects. Therefore, the County suggests that the Guiding Principle be modified to ensure that a range of uses be included, such as above ground storage (reservoirs), smaller-scale onsite storage and use (rain barrels, cisterns, or other low impact development techniques), and mixing with recycled water.

*Project 2 Stakeholder Collaboration to Promote Storm Water as a Resource* – is a medium priority project with the goal of establishing a template for formal (or informal) agreements between State and Regional Boards and other agencies.

The County concurs that developing agreements may be beneficial to establishing collaboration and identifying mutually agreeable goals and objectives, but they are often difficult, time consuming, and often do not result in a desired outcome. It would be difficult to develop a State-wide template that would work for every agency or situation. The County recommends that this project be dropped from a medium to low priority and be developed on a local or sub-regional basis.

*Project 3 – Monetary Value of Storm Water* – is a medium priority project with the goal to monetize the value of stormwater as it relates to both supply and water quality.

The County agrees that this would be a valuable exercise especially for Collaborative Efforts (Project 2), and would be a valuable tool to promote many of the other projects. However, if monetary value is based solely on groundwater storage, it seems this would favor areas that have large recharge capacity and negatively impact areas such as San Diego that have soils with low infiltration rates and/or few groundwater recharge opportunities. This would also be detrimental for agencies considering desalination as an alternative water supply source. The County recommends that alternative evaluations be considered when monetizing the value of stormwater, such as providing water for restoration efforts or onsite irrigation.

*Project 4 – Storm Water Resource Plan Implementation (SB 985)* - is a very high priority project identified as an Immediate Action Project. The goal of this project is to develop and

implement watershed-based plans that will increase stormwater capture, treatment and use. The Water Board's objectives are to develop guidelines for public agencies to incorporate Storm Water Resource Plans (SRPs) into existing watershed plans. This project would identify potential funding sources for priority actions identified in the SRPs. The SRPs are intended to encourage public agencies to use existing public owned lands and easements to capture, treat, store, and use stormwater and dry weather flows.

1. Development and implementation of SRPs would be an additional regulatory burden on local agencies redundant with recently prepared Water Quality Improvement Plans (WQIPs) under our Municipal Stormwater Permit. WQIPs have many similarities to SRPs including prioritizing high threats to water quality and developing both structural and non-structural strategies to address water quality issues. Our current Municipal Stormwater Permit also includes requirements for watershed-based plans and includes requirements for priority development projects that are designed to include 100% retention and infiltration of stormwater for a specified design storm. Unless these plans can be found to be equivalent to SRPs then each local agency or watershed group would need to amend their WQIP and other local programs and ordinances to bridge the gap between these programs.
2. Information on the Initiative for Project 4 indicates that funding will be available for priority projects identified in approved SRPs. However, there is no funding for actual development of these plans for local agencies or for Regional Board staff to review and approve the SRPs. Without funding for development of SRPs or review and approval of SRPs there is little incentive to develop these types of plans.
3. Use of publicly owned lands and easements to capture, treat, store, and use stormwater is a worthy goal and is a major component of all of the WQIPs that were recently submitted to the San Diego Regional Board. However, there has been little discussion about ongoing operation and maintenance of these systems or the cost involved. Funding for operation and maintenance is imperative to the long-term success and sustainability of these programs.

**Guiding Principle 2: Storm Water Programs Preserve Watershed Processes to Achieve Desired Water Quality Outcomes**

There are three high priority projects identified to meet this principle with two (5 and 6) being identified as Immediate Action Projects. The County, under our current Municipal Stormwater Permit, already implements stormwater programs that preserve the watershed process. Our current permit requires hydromodification to be evaluated for all priority development projects and will likely be amended by the end of 2015 to include an alternative compliance option that allows implementation of off-site compliance for development projects under certain circumstances.

*Project 5 – Alternative Compliance Approaches for Municipal Storm Water Permit Receiving Water Limitation* – The purpose of this project is to develop template language to add to stormwater permits that will allow Alternative Compliance for all regions. The County supports the idea of Alternative Compliance but has some concerns on how it will be incorporated into permits. It should be noted that the storm drain system is not the source of all pollutants in a watershed; for example, total dissolved solids is often a region water quality problem that is not specific to stormwater conveyance discharges.

*Project 6 – Watershed Based Compliance, Management Guidelines and Tools* – The objective of this project is to develop technical guidance including data and modelling needs. The County recommends that watershed-based Compliance and Management Guidelines include consideration of a pollutant trading/credit framework. Since many watersheds can be impacted by sources outside the MS4 network, such as copper or zinc related to vehicle usage, the County recommends that guidelines recognize that addressing stormwater discharges alone may not be sufficient to achieve water quality standards in all waterbodies. Furthermore, cost involved with developing and implementing a model will result in significant additional program costs that the County requests be considered in Project 9 – Municipal Storm Water Compliance Cost.

*Project 7 – Post Construction Requirements for Watershed Health* – The objective is to develop technical guidance and permitting tools to promote post-construction requirements based on watershed processes. The County recommends that post construction requirements not only consider watershed health, but also the potential impact on using stormwater as a resource in the most beneficial way for the watershed.

### **Guiding Principle 3: Water Boards Implement Efficient and Effective Regulatory Programs**

There are 12 projects identified as high or medium priority and one low priority to meet this principle. Notably, this principle recognizes the need to provide consistent funding sources that assist local agencies to meet their water quality goals. Furthermore, this principle also identifies the need to include program monitoring, effectiveness, and compliance measures.

The County agrees that providing funding to implement stormwater programs is imperative to the success of implementing regulatory programs and that *Project 8 Funding for Stormwater Programs* is an essential component. However, until compliance costs for Municipal, Construction, and Industrial Permits are determined, these funding strategies are likely to fall short of the need. The County recommends that the cost analysis in Project 9 include the expected benefits of implementing stormwater programs. The County further recommends that Municipal, Construction and Industrial compliance cost be included as projects in the Immediate Action Projects.

The County recommends that *Project 12 Municipal Storm Water Program Monitoring and Effective Assessments* include development of baseline monitoring guidelines that are clearly linked to program effectiveness, the adaptive management process, and to answer management questions. Baseline monitoring guidelines would provide consistency for monitoring programs throughout California but should allow for regional flexibility where needed to address specific goals or to coordinate with other monitoring programs.

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The County recommends that *Project 14 Storm Water Permit Compliance Evaluations* be used to refine Storm Water Permit requirements to focus on requirements that are effective and efficient, and eliminate elements that do not result in positive water quality outcomes. The County further recommends incorporation of results from this project into Project 15 when developing minimum control measures.

*Project 20 Alignment of Water Quality Statewide Planning Efforts with Storm Water Program Implementation – Pilot using the Biological Integrity Plan.* The County agrees with CASQA that this project is overly focused on the Biological Integrity Plan. The County recommends that the project objective be to define the tools and strategies necessary to

achieve the goals of ensuring that water quality planning efforts are well integrated into the stormwater program. The County further recommends that the project scope explain how the tools and strategies will be developed and then piloted using the Biological Integrity Plan. It is also critical to implement this integration in the development of the statewide bacteria objectives as bacteria are a critical pollutant for stormwater dischargers. Statewide objectives should consider stormwater program implementation; therefore it may be warranted to pilot the integration with the statewide bacteria objectives rather than the biological integrity policy. If the biological integrity plan is used as the pilot, the County would support using the recommendations in the National Research Council Report on Urban Stormwater Management in the United States (NRC 2008) in the integration.

**Guiding Principle 4: Collaborate to Solve Water Quality and Pollution Problems with an Array of Regulatory and Non-Regulatory Approaches**

There are two projects identified to address this principle, one medium priority (Project 21) and one high priority included as an Immediate Action Project (Project 22). The goal is to provide support through collaboration between the State and industries to achieve true source control. The County agrees that the State Board should take the lead to collaborate with appropriate industries to reduce pollutant sources where appropriate before they become entrained in the stormwater system.

The County supports raising Project 21 to Immediate Action Project as suggested by CASQA, and also recommends that this project be modified to include pollutant source identification studies and coordination with existing programs. The County recommends that pollutant sources first be identified to allow identification of the best pollution prevention strategies. The County also supports the CASQA recommendation that the scope be modified as follows: Conduct pollutant source identification studies for pollutant priorities to identify their sources in urban runoff. Based on the specific sources of each pollutant, identify and examine feasible and cost-effective control strategies including prevention-based strategies. Prevention-based strategies may include product substitution, life-cycle management strategies, and operational source controls.

The County of San Diego appreciates the opportunity to comment on the Proposal to Develop a Storm Water Program Workplan and Implementation Strategy. If you have any questions or require additional information, please contact Jo Ann Weber, Program Manager, at (858) 495-5317 or e-mail at [JoAnn.Weber@sdcounty.ca.gov](mailto:JoAnn.Weber@sdcounty.ca.gov).

Sincerely,



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TODD E. SNYDER, Manager  
Watershed Protection Program