



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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November 19, 2009

**BY ELECTRONIC AND REGULAR MAIL**

Mr. Russel Thompson  
rthompson@atascadero.org  
City of Atascadero  
6907 El Camino Real  
Atascadero, CA 93422

Dear Mr. Thompson:

**NOTICE OF ENROLLMENT – NPDES SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT; CITY OF ATASCADERO, SAN LUIS OBISPO COUNTY, WDID # 3 40MS04027**

The Central Coast Regional Water Quality Control Board (Water Board) received a Notice of Intent, Storm Water Management Plan (SWMP), map, and fee for the City of Atascadero's (City's) Municipal Separate Storm Sewer System (MS4). These items are required to enroll in the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit).

Water Board staff reviewed the City's SWMP and found it, combined with a number of specific revisions described in the Final Table of Required Revisions, Attachment 1, to be in compliance with the General Permit and to meet the maximum extent practicable (MEP) standard set forth in the General Permit. The City's SWMP was available to the public for a 60-day comment period, and Water Board staff received comments from stakeholders. The comments are contained in Attachment 2. Water Board staff responses to these comments are contained in Attachment 3.

The Home Builders Association initially requested a hearing on March 30, 2009. After working with City of Atascadero staff and Water Board staff, the Home Builders Association withdrew its request for a hearing for the Water Board to consider approval of the SWMP and enrollment of the City under the General Permit on April 8, 2009 (see Attachment 2). In light of the withdrawal, the General Permit states that if no hearing is requested, the Regional Water Board Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after Water Board staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in the General Permit.

I am hereby approving the City's SWMP with the following conditions:

***California Environmental Protection Agency***



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As required by the General Permit, the City must submit a report that summarizes activities performed during the annual reporting period. The City's first annual reporting period ends September 30, 2010. The City's first annual report is due to the Water Board on December 30, 2010 (90 days after the reporting period ends).

As of the date of this letter, discharges from the City's MS4 are authorized by the General Permit. The City is required to implement the SWMP and comply with the General Permit.

Thank you for your cooperation and efforts to enroll the City of Atascadero under the General Permit. If you have questions regarding this matter, please contact **David Innis** at (805) 549-3150, or [dbinnis@waterboards.ca.gov](mailto:dbinnis@waterboards.ca.gov), or Phil Hammer at (805) 549-3882 or [phammer@waterboards.ca.gov](mailto:phammer@waterboards.ca.gov).

Sincerely,

  
for Roger W. Briggs  
Executive Officer

cc: (by electronic mail)

David Athey: [dathey@atascadero.org](mailto:dathey@atascadero.org)  
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Attachment 1: Final Table of Required Revisions  
Attachment 2: Comment Letters Received during 60-day Public Comment Period  
Attachment 3: Response to Comments

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**FINAL TABLE of REQUIRED REVISIONS  
City of Atascadero March 2009 Draft SWMP**

Acronyms/Abbreviations:

- BMP - Best Management Practice
- CBSM - Community-Based Social Marketing
- E&SC - Erosion and Sedimentation Control
- General Permit - Phase II Small Municipal Separate Storm Sewer Systems General Permit
- MCM - Minimum Control Measure
- MG - Measurable Goal
- SWMP - Stormwater Management Program (or Plan)

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	Public Education and Outreach, BMP PE3	Community-Based Social Marketing Programs	The SWMP does not adequately discuss the expected effectiveness of the Public Education and Outreach BMPs for changing the knowledge and awareness of target audiences. The SWMP must focus on more hands-on or interactive approaches to public education. The City's March 30, 2008 revised draft SWMP BMP PE3 mentioned the City plans to "develop and distribute materials by tailoring existing materials towards City of Atascadero environment using Community-Based Social Marketing (CBSM) techniques." The City also infers applying the CBSM approach in BMP ID4, Recycling and Household Hazardous Waste, but only for a separate agency (Integrated Waste Management	Add to the City's March 30, 2009 revised draft SWMP BMPs that state the City will implement Community-Based Social Marketing programs, or add a separate BMP stating the City will assess Community-Based Social Marketing strategies, or equivalent marketing strategies, during Year 1, and define a schedule for applying the strategies. CBSM tools must be applied to all MCMs that require education and outreach to the public and City staff, when appropriate. The City must use CSBM tools to uncover the barriers that inhibit individuals from engaging in sustainable behaviors the City wishes to promote. Additionally, the City must promote the benefits associated with these sustainable activities through direct contact with the public to gain

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			Authority).	commitments and develop new social norms.
2	Construction Site Stormwater Runoff Control Program	Table 11 – Construction Site Runoff Control BMPs and Table 11b – CON 2 Construction Site Inspections and Enforcement	The City replaced MG CON2C in the revised Draft SWMP in response to the Water Board’s Table of Required Revisions issued on March 9, 2009. The new MG requires the City to “increase contractor and general public awareness of post-construction and E&SC site BMPs.” The revised MG has no corresponding element in Table 11b.	The City must revise Table 11b to complement the revised activity and effectiveness measures for MG CON2C listed in Table 11.
3	Post-Construction Stormwater Management in New Development and Redevelopment	Interim Hydromodification Control Criteria Development	<p>In our March 9, 2009 Table of Required Revisions (Item 9) we required the City modify MG PC1D to replace the City’s draft hydromodification plan (including Appendices C and D) with a statement that interim hydromodification control criteria would be developed within the first year. The City complied with part of the requirement, but left some language in Section 4.5.2.</p> <p>Since Water Board staff last submitted comments on the City’s SWMP, Water Board staff standardized the terminology for</p>	<p>Revise the section in the SWMP titled, “Interim Standards for Hydromodification.” Add a BMP to the Post-Construction Stormwater MCM to include language stating the City will choose one of the following three options for developing interim hydromodification criteria:</p> <p>Option 1: The proposed criteria may include the following types of requirements, which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
			defining hydrologic baseline conditions. The City must modify their SWMP language to reflect the revised terminology.	<ul style="list-style-type: none"> <li>• For new development and re-development projects, Effective Impervious Area<sup>1</sup> shall be maintained at less than five percent (5%) of total project area.</li> <li>• For new development and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-development<sup>2</sup> runoff hydrographs, for a range of events with return periods from 1-year to 10-years.</li> <li>• For projects whose disturbed project area exceeds two acres, preserve the pre-development drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream<sup>3</sup> or larger, and ensure that post-project time of</li> </ul>

<sup>1</sup> Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

<sup>2</sup> Pre-development condition is defined as the native vegetation and soil conditions that exist prior to human influence (e.g., urbanization, agriculture, grazing, timber harvest).

<sup>3</sup> A first order stream is defined as a stream with no tributaries.

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>concentration is equal or greater than pre-project<sup>4</sup> time of concentration.</p> <p>OR</p> <p>“As effective as” means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the watershed) to control hydromodification and protect the biological and physical integrity of the City’s watersheds. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:</p> <p>Option 2: Adopt and implement hydromodification criteria developed by another local municipality and approved by the Water Board, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria.</p> <p>OR</p> <p>Option 3: Use the following methodology to</p>

<sup>4</sup> Pre-project refers to the condition immediately prior to the proposed project. The condition includes, but is not limited to, soil type, vegetation, and amount of impervious surface.

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>develop interim flow control and infiltration criteria:</p> <ul style="list-style-type: none"> <li>• Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-project runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses.</li> <li>• Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable low-impact development strategies.</li> <li>• Identify the projects, including project type, size and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria will include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.</li> <li>• Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and</li> </ul>

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>duration criteria, including continuous simulation of the entire rainfall record.</p> <ul style="list-style-type: none"> <li>Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.</li> </ul>
4	Post-Construction Stormwater Management in New Development and Redevelopment	Interim Hydromodification Control Criteria Development Strategy 4.5.2, Item 4	<p>SWMP Section 4.5.2 Item 4 includes several exemptions from hydromodification criteria (e.g., no infiltration requirements for development or redevelopment within a 0.5 mile radius of a bus stop) that are not substantiated with documented factual information to support the exemptions.</p> <p>BMP PC 1 states the City will adopt and enforce an ordinance to require specific post-construction stormwater management controls, including General Permit Attachment 4 criteria and hydromodification controls, for applicable new development and redevelopment projects. However, Section 4.5.2 specifies some of those applicability criteria before the City has developed, and the Water Board has approved, MG PC1D (gain approval of an interim hydromodification control plan) and</p>	<p>The City must revise Section 4.5.2, Item 4, and all other pertinent portions of Section 4 to state the City will submit their proposed interim hydromodification control criteria (numeric and non-numeric), no less than three (3) weeks prior to 365 days after enrollment under the General Permit, to provide Water Board staff adequate time to review the proposed criteria. Similarly, the City must state they will submit their proposed long-term hydromodification control criteria in Year 5. The City must remove exceptions to the application of interim and long-term criteria until they are defined and substantiated in a proposed design guidance document and approved by the Water Board Executive Officer.</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
5	Protect Riparian Areas, Wetlands and Buffer Zones.	MG PC4A review effectiveness of City standards	MG PC1E (develop long-term hydromodification criteria). Existing City standards are not consistent with Water Board Basin Plan.	The City must revise MG PC4 to state the City will change existing City standards to be consistent with RWQCB riparian buffer widths.
6	Section 1.2 Regulatory Requirements	MEP Standards for Post-Construction Minimum Control Measures	In Section 1.2 the City details "the expectations that the Regional Board has regarding the City of Atascadero and the MEP standards." The section cites letters issued by the Executive Officer. In some instances the text has been paraphrased rather than the exact wording.	The City must revise Section 1.2 to cite the exact wording used by the Executive Officer in his February 15, 2008 and July 10, 2008 letters to define MEP standards for post-construction MCMs.

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