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February 4, 2012

Santa Cruz County Board of Supervisors
 701 Ocean St.
 Santa Cruz, CA 95060

Meeting Date: February 7, 2012
 Agenda Item: 040

Subject: Proposed Ordinance Establishing County Code Chapter 7.79 Regarding Runoff and Pollution Control

Supervisors,

On March 3, 2003, your Board considered the Santa Cruz County's National Pollution Discharge Elimination System (NPDES) Phase II permit application and Stormwater Management Plan. At that hearing, your Board approved the Plan but also directed the County Public Works Department to engage in outreach to stakeholder groups as the Plan was refined going forward. On March 19, 2009, the County presented its Phase II permit application and Stormwater Plan for approval to the Central Coast Regional Water Quality Control Board, where it was approved with some significant enhancements as recommended by RWQCB staff. Now, in February 2012, almost 9 full years after our first hearing on this issue, your Board is being asked to adopt an ordinance establishing County Code Chapter 7.79, Runoff and Pollution Control. **We encourage you to adopt this ordinance.**

We appreciate the process used by Public Works since the draft ordinance was crafted last June, which included meetings with development professionals, and conservation groups such as our own. The changes made during this process (prior to the formal submission to your Board on December 6, 2011) greatly enhanced the likely effectiveness of this ordinance.

A key aspect of stormwater management is "de-linking" impervious surfaces to reduce the easy transport of pollutants, via a stormwater system, to our creeks, rivers, lagoons, and to the ocean. Further, the increased volume and speed of flows resulting from the routing of stormwater from locations where it had historically been retained encourages erosion of banks and other degradations of natural features. Although this ordinance will work to mitigate runoff issues from site specific development, a deficiency in the ordinance is that common infrastructure projects are not sufficiently addressed, if at all. Each new common infrastructure project (typically touted as "drainage improvements") that links previously isolated neighborhoods with hard curbs, gutters, and pipes, to a nearby creek (which is a typical destination for most of our

storm systems) significantly adds to pollution and flow volume concerns. This ordinance does not address this critical issue.

Our Redevelopment Agency (RDA) had been the primary funding source for common infrastructure improvements over the last decades. The RDA had within its Plan language the following:

The Agency shall use new and innovative storm water practices to the maximum extent practicable both in site-specific projects and in common infrastructure projects. For common infrastructure projects, such as neighborhood/regional storm water removal, such practices shall include bio-retention areas, filters (including gravel and organic filters), surface and perimeter filtration areas, vegetated swales, and wetlands, as applicable.

The direction seen in the RDA Plan was an important step in addressing common infrastructure issues, and this direction appears to have been lost with the end of RDA funding for projects. We strongly urge that this issue be addressed.

It is our understanding, from discussions the County's Stormwater Coordinator, that the issue of requirements relating to common infrastructure is running a different procedural path, and that it will be addressed in the near future. We strongly encourage you to require, as part of your approval of this ordinance, that Public Works discuss their plans on how to capture in regulation this important aspect relating to common infrastructure projects, and that you direct Public Works to prioritize this work.

In sum, we request that you:

1. Approve an ordinance establishing County Code Chapter 7.79, Runoff and Pollution Control.
2. Confirm a timeline with the Public Works Department, as part of your hearing on this ordinance, regarding their plans for changes to design criteria for common infrastructure.

Thank you for your consideration.

Yours Sincerely,


Michael Guth