

CALIFORNIA COASTAL COMMISSION

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Tu#12a

Staff: JHG & JCK-SF

Staff Report: August 22, 2000

Hearing Date: September 12, 2000

Item Number: Tu#12a

To: California Coastal Commissioners and Interested Persons

From: Peter M. Douglas, Executive Director
Jaime C. Kooser, Deputy Director, Energy, Ocean Resources and Water Quality
Jack H. Gregg, Water Quality Supervisor

Subject: California Coastal Commission's *Plan for Controlling Polluted Runoff*

1. STAFF RECOMMENDATION

California Coastal Commission's *Plan for Controlling Polluted Runoff*

Motion: I move that the Commission adopt the revisions to the California Coastal Commission's *Plan for Controlling Polluted Runoff*.

Recommendation: The staff recommends a yes vote. Passage of the motion will result in adoption of revisions to the California Coastal Commission's *Plan for Controlling Polluted Runoff*.

Resolution: The Commission hereby adopts the revisions to the *Plan for Controlling Polluted Runoff* (CPR Plan) on the grounds that the CPR Plan carries out the requirements of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 that require each coastal state to prepare a Coastal Nonpoint Pollution Control Program to reduce significant sources of NPS pollution into coastal waters.

2. COASTAL COMMISSION ACTIONS TO ADDRESS NPS POLLUTION

The Commission continues to enhance and modify its programs to better manage polluted runoff by building on technical assistance tools, improving public education, increasing coordination and interaction with the RWQCBs, and through effective use of its regulatory authorities. Specific actions are identified in the Commission's *Plan for Controlling Polluted Runoff* which the Commission adopted in January, 2000. At that hearing, the Commission directed staff to include language in the CPR Plan to reflect the Commission's goal of achieving the best possible

water quality protection in local coastal programs and coastal development permits by applying, where appropriate, numeric sizing criteria in the design and construction of post-construction treatment control best management practices (BMPs). Specifically, the guidance on numeric criteria would require consideration of treatment control BMPs for a project be designed to treat, infiltrate, or filter storm water runoff from each runoff event up to and including the 85th percentile 24-hour runoff event. At the August hearing, the Water Quality Unit presented a water quality workshop on stormwater design criteria, including a staff report with the proposed language changes. Commissioners requested clarifications in the proposed language to reflect their goal of case-by-case consideration of numeric sizing criteria. In consultation with legal counsel, staff proposes the following language to address the Commission's concerns:

At the January 2000 public hearing, the Commissioners directed the Coastal Commission staff, where appropriate, to apply numeric sizing criteria in the design and construction of post-construction treatment control best management practices (BMPs). Specifically, the Commissioners requested staff to consider having treatment control BMPs for a project be designed to treat, infiltrate, or filter storm water runoff from each runoff event up to and including the 85th percentile 24-hour runoff event, throughout the Coastal Zone.¹ Upon reviewing the scientific literature, staff has concluded that regional or local considerations must be evaluated in the determination of appropriate numeric sizing criteria for BMPs. These considerations include variations in watershed geology, topography and precipitation patterns. Given the range of variability of these factors, the "85th percentile, 24-hour runoff event" numeric sizing criterion is being used as guidance on a case-by-case basis. This will ensure that BMPs are adequately sized to protect water quality to the maximum extent practicable.

Attachment 1 provides Part 1 of the CPR Plan, the text portion, so that the changes may be seen in the context of the document. Attachment 2 is a table of contents for the CPR Plan that staff recommends adding to the CPR Plan as an additional revision.

Also, staff is developing guidance for Commission staff and local government staffs to use when amending, updating, or preparing new LCPs. Commission staff is also considering ways to increase its participation in watershed management efforts that will restore, protect, or enhance coastal resources. The Commission staff remains dedicated to protecting water quality in the coastal zone.

¹ Currently, within the coastal zone, only projects in Los Angeles County and cities within the county, and the City of Long Beach are subject to a similar numeric sizing criteria; it has been imposed by the California Regional Water Quality Control Board – Los Angeles Region (LARWQCB). The Executive Officer of the LARWQCB, per Board Resolution No. R-00-02, approved the Standard Urban Storm Water Mitigation Plans with requirements for Los Angeles County and cities in Los Angeles County, and the City of Long Beach, to incorporate numeric sizing criteria for post-construction treatment control BMPs in certain development categories, on March 8, 2000. The San Diego Regional Water Quality Control Board is considering the adoption of similar BMP sizing criteria to be applied to eight categories of new and re-development in San Diego County and Cities.

Tu#12a Attachment 1

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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The California Coastal Commission's *Plan for Controlling Polluted Runoff (Coastal CPR Plan)* [Plan for the period July 1, 1999 through June 30, 2003]

SUMMARY

The mission of the California Coastal Commission is to “protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations” (Strategic Plan, June 1997). Objective 1.1 of the Commission’s Strategic Plan is to “reduce polluted runoff.” Polluted runoff, also known as nonpoint source (NPS) ¹ pollution, is a significant cause of harmful impacts to coastal waters and habitats, and thus impedes full achievement of the Commission’s goals.

The Commission’s *Plan for Controlling Polluted Runoff (Coastal CPR Plan)*, previously entitled the *Polluted Runoff Strategy*, outlines the Commission’s authorities to address polluted runoff and identifies actions, with timelines and milestones, to achieve the Commission’s objective to reduce polluted runoff. ² The four program enhancements that comprise the *Coastal CPR Plan* are developed from the Commission’s existing and newly developed tools and programs related to the management of polluted runoff. Implementation of the *Coastal CPR Plan* will help to direct Commission staff’s efforts to prevent and control polluted runoff, thus leading to improved coastal water quality and enhanced coastal resources and uses.

PART ONE: INTRODUCTION

A. BACKGROUND

The California Coastal Act (PRC §§ 30000 *et seq.*) mandates the protection and restoration of coastal waters (Table 1). The Commission certifies Local Coastal Programs (LCPs) and approves coastal development permits (CDPs), energy projects, and federal (federally approved, conducted or funded) projects consistent with these policies. By doing so, the coastal program protects water quality through the management of development that generates runoff or creates spills. The Commission also implements educational and technical assistance programs and coordinates with other agencies to address land-use and development activities that may generate polluted runoff.

¹ A list of abbreviations used in this document is provided in Part Three, Attachment 1.

² Information on the Commission’s Coastal Nonpoint Pollution Control Program—including the *Coastal CPR Plan*, reports to Commissioners, and links to related information—is available on the Commission Home Page at <http://www.coastal.ca.gov>.

Table 1. Coastal Act Policies Relevant to the Control of Polluted Runoff

§	Summary of Coastal Act Policy
30012	Carry out a public education program to promote coastal conservation.
30230	Maintain, enhance, and where feasible restore marine resources.
30231	Maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
30232	Protect against the spillage of crude oil, gas, petroleum products, or hazardous wastes.
30233	Limit the alteration of wetlands, coastal waters, estuaries; provide for feasible mitigation measures to minimize adverse environmental effects.
30235	Phase out or upgrade where feasible existing marine structures causing water stagnation contributing to pollution problems and fish kills.
30236	Limit hydromodification of rivers and streams; channelizations, dams, other substantial alterations of rivers and streams shall incorporate best mitigation measures feasible.
30240	Protect environmentally sensitive habitat areas (ESHAs). Site and design new development in areas adjacent to ESHAs to prevent significant adverse impacts.
30243	Protect long-term productivity of soils and timberlands.
30250	Site and design new development so as to not have significant adverse impacts, either individually or cumulatively, on coastal resources.
30251	Minimize alteration of natural land forms.
30253	Assure that new development is stable, has structural integrity, and does not contribute significantly to erosion.
30705	Control impacts of dredging in specified port areas.
30706 (b)	Minimize harmful effects to coastal waters, including water quality, from the nature, location, and extent of any fill (seaward of the mean high tide line within the jurisdiction of ports), including disposal of dredge spoils, and minimize reductions of volume, surface area, or circulation of water.
30708 (a) and (d)	Locate, design, and construct all port-related development so as to (a) minimize substantial environmental impacts and (d) provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

Nonpoint sources, including natural sources, are the major contributor of pollution to impacted streams, lakes, marine waters, groundwater basins, wetlands and estuaries in California, and are an important contributor of pollution to harbors and bays [California CWA § 305(b) Report on Water Quality, 1998]. Closures of beaches and shellfish beds due to contamination indicate that coastal areas are also affected by polluted runoff. In 1996, 187 beaches were closed or posted, representing 3,118 days of beach closure. Data from the National Shellfish Registry reveal that more than 1,500 acres of potential shellfishing beds were closed in California in 1995. According to the National Oceanic and Atmospheric Administration (NOAA), polluted runoff contributed to 100 percent of these closures.

B. THE COASTAL CPR PLAN

The Commission's *Plan for Controlling Polluted Runoff* (*Coastal CPR Plan*), previously entitled the *Polluted Runoff Strategy*, outlines the Commission's authorities to address polluted runoff and identifies actions to achieve the Commission's objective to reduce polluted runoff. The *Coastal CPR Plan* specifies the Commission's role in addressing polluted runoff within the confines of existing budgets, staffing, and statutory authority.

The *Coastal CPR Plan* is linked to the *Plan for California's Nonpoint Source Pollution Control Program: 1998 –2013* (1998 State NPS Plan) completed by the staffs of the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), and Coastal Commission. The Commission, SWRCB, and RWQCB are working together and with other public and private entities to upgrade and implement the State NPS Pollution Control Program for the protection of water quality and to comply with the requirements of the federal Clean Water Act (CWA) and federal Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).³ The 1998 State NPS Plan includes three elements:

1. *California's Management Measures for Polluted Runoff* (CAMMPR) which identifies management measures appropriate for implementation in California and existing State authorities to implement the management measures.⁴ The management measures address six land-use categories: agriculture, forestry, urban areas, marinas and recreational boating, hydromodification, and wetlands and riparian areas (see Part 3, Attachment 3 of this document).
2. A 15-Year Program Strategy: a statewide strategy to implement, through self-determined mechanisms and enforceable policies, the management measures over a 15-year period.

³ Under CZARA, coastal states must enhance cooperation between their land and water use management agencies, identify management measures to prevent and control polluted runoff, and ensure that enforceable mechanisms exist where voluntary efforts are insufficient to restore and protect State waters. California intends to implement a comprehensive State NPS Pollution Control Program under the CWA and CZARA rather than develop a separate new NPS program for the coastal zone. In July 1998, the U.S. Environmental Protection Agency (EPA) and NOAA—the lead federal agencies that administer the CWA and CZARA respectively—conditionally approved California's submittal pursuant to CZARA, and subsequently provided guidance to California regarding elements needed for the State to achieve full approval (see Part Three, Attachment 2 of this document).

⁴ Management measures serve as general goals for the control and prevention of polluted runoff; site-specific management practices are used to achieve the goals of each management measure.

3. The first of three 5-Year Implementation Plans: a more specific plan that outlines the State's strategies and priorities for implementing management measures during the next five years.

The 15-Year Strategy and 5-Year Plan also identify a process and actions for six Program Areas—administrative coordination, public participation, technical assistance, critical coastal areas, additional management measures, and monitoring.

Concurrent with the upgrade of the State NPS Pollution Control Program, the Commission staff is conducting numerous efforts to enhance the coastal program's management of polluted runoff. The primary focus of this work is to make the Commission's current operations more effective in addressing land use activities that generate polluted runoff, including obtaining and applying new information. In 1995, staff—with the help of an internal task force and discussions with Commissioners—prepared a strategy to address polluted runoff in the coastal zone that added detail to areas that were not fully described in the CNPCP as originally submitted. The Commission's Management Team approved the *Polluted Runoff Strategy of the California Coastal Commission*, which Commissioners reviewed at the February 1997 public hearing. Since that date, the plan has been revised (now titled *Coastal CPR Plan*) to include the most recent changes to the Commission's and the State's NPS strategy.

The *Coastal CPR Plan* is comprised of four interrelated elements with actions and milestones. The elements are: (1) Implementation of Management Measures through Planning, Regulation, and Technical Assistance; (2) Administrative Coordination; (3) Public Participation and Education; and (4) Funding. Many of the actions identified in the *Coastal CPR Plan* have been incorporated into the 15-Year Program Strategy and 5-Year Implementation Plan elements of the State NPS Pollution Control Program. These actions are expected to help facilitate implementation of the State NPS Pollution Control Program as well as to improve the coastal program's overall treatment of water quality-related issues. Implementation of the *Coastal CPR Plan* will occur over the next four years (1999 through 2002) in order to remain consistent with the timeline of the first 5-Year Implementation Plan outlined in the 1998 State NPS Plan. The 1998 State NPS Plan begins in July 1998—the date of the Final Conditional Approval by EPA and NOAA.

In implementing the *Coastal CPR Plan*, the Commission recognizes the need to use limited resources efficiently as well as to ensure actions are tailored to match the diversity of California's climate and land use activities. Part of this strategy is to focus attention where water quality problems exist and where the coastal program can make a difference in correcting those problems. This involves being able to make informed decisions about the kinds of management actions that are appropriate for development, and being able to forge strong partnerships with the agencies and individuals that must be involved in implementing those actions.

At the January 2000 public hearing, the Commissioners directed the Coastal Commission staff, where appropriate, to apply numeric sizing criteria in the design and construction of post-construction treatment control best management practices (BMPs). Specifically, the Commissioners requested staff to consider having treatment control BMPs for a project be

designed to treat, infiltrate, or filter storm water runoff from each runoff event up to and including the 85th percentile 24-hour runoff event, throughout the Coastal Zone.¹ Upon reviewing the scientific literature, staff has concluded that regional or local considerations must be evaluated in the determination of appropriate numeric sizing criteria for BMPs. These considerations include variations in watershed geology, topography and precipitation patterns. Given the range of variability of these factors, the "85th percentile, 24-hour runoff event" numeric sizing criterion is being used as guidance on a case-by-case basis. This will ensure that BMPs are adequately sized to protect water quality to the maximum extent practicable.

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Tu#12a Attachment 2

The California Coastal Commission's
Plan for Controlling Polluted Runoff (Coastal CPR Plan)

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