

Attachment 4: Water Quality Policies with Coastal Commission Staff Proposed Revisions in Underline and Strikethrough

California Coastal Commission Staff Recommended Water Quality Policy Revisions

CE 10: Watershed Management and Water Quality [GP/CP]

Objective: To ~~prevent the degradation of~~protect and, where feasible, restore the quality of groundwater basins, the ocean, and surface waters in and adjacent to Goleta.

CE 10.1: New Development and Water Quality [GP/CP]

New development shall ~~not result in~~be sited, designed, and managed to minimize the ~~degradation~~transport of ~~pollutants in runoff from~~ the ~~water quality of groundwater basins or surface~~development into groundwater basins, the ocean, or surface waters; ~~surface waters include the ocean, lagoons, creeks, ponds, and wetlands~~. Urban runoff pollutants shall not be discharged or deposited such that they may potentially adversely affect these resources.

CE 10.2: Siting and Design of New Development [GP/CP]

New development shall be sited ~~and~~, designed, and managed to protect water quality and minimize impacts to coastal waters ~~by incorporating measures designed to ensure~~consistent with the following:

- a. ~~Protection of~~Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and areas susceptible to erosion and sediment loss.
- b. ~~Limiting increases in~~Minimize areas covered by impervious surfaces. Minimize the installation of impervious surfaces especially directly-connected impervious surfaces, and, where feasible, increase the area of permeable surfaces when redevelopment occurs, to reduce runoff.
- c. ~~Limiting~~Minimize the area where land disturbances occur, such as clearing of vegetation, ~~cut-and-fill, and~~ grading, and soil compaction, to reduce erosion and sediment loss, and maintain the soil's infiltration capacity.
- d. ~~Limiting~~Minimize disturbance of hydrologic and natural drainage features ~~and vegetation~~. Plan, site, and design development to protect and, where feasible, restore hydrologic and drainage features such as groundwater recharge areas, stream corridors, drainage swales, topographical depressions, floodplains, and wetlands.
- e. In areas adjacent to an Environmentally Sensitive Habitat Area (ESHA), protect the ESHA from any significant disruption of habitat values resulting from the discharge of stormwater or dry weather runoff flows.
- f. Preserve or enhance native or drought-tolerant non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
- g. Maintain or enhance on-site infiltration of runoff, where appropriate and feasible.
- h. Address runoff management early in site design planning and analysis, integrating existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) in the design of strategies that minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.
- i. Use Low Impact Development (LID) strategies for siting and design, consistent with Policy CE 10.X [Incorporation of Low Impact Development Strategies].

CE 10.3: Incorporation of Best Management Practices for Post-Construction Stormwater Management [GP/CP]

New development shall be designed to minimize ~~impacts to water quality from increased~~post-construction changes in the site's runoff volumes flow regime (i.e., volume, flow rate, timing, and duration), and to minimize the discharges of pollutants from nonpoint sources, to the maximum extent feasible, consistent with ~~the City's the current Phase II MS4 Storm Water Permit's conditions and requirements imposed by~~ Storm Water Management Plan or a subsequent Storm Water Management Plan approved by the City and the Central Coast Regional Water Quality State Water Resources Control Board. Project design shall minimize runoff and impervious surfaces. If needed to mitigate the effects of development, pPost-construction structural BMPs shall be designed to ~~treat~~, infiltrate, retain, or filter ~~treat~~ stormwater runoff ~~in accordance with applicable standards as required by law~~. Examples of post-construction structural BMPs include, but are not limited to, the following:

- a. ~~Retention~~Bioretention and ~~detention~~ basins.
- b. Vegetated swales.
- c. Infiltration galleries or injection wells.
- d. Use of pPermeable pavement ing systems.
- e. ~~Mechanical d~~Devices such as oil-water separators and inlet filters.
- f. Revegetation of graded or disturbed areas.
- g. ~~Other measures as identified in the City's adopted Storm Water Management Plan and other City approved regulations.~~

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CE 10.X: Incorporation of Best Management Practices for Construction-Phase Water Quality Pollution Prevention [GP/CP]

Minimize water quality impacts during construction by minimizing the development footprint, phasing grading activities, using temporary soil stabilization BMPs on disturbed areas, implementing pollution prevention measures, and minimizing land disturbance activities (e.g. clearing, grading, cut-and-fill, and unnecessary soil compaction).

CE 10.X: Incorporation of Low Impact Development Strategies [GP/CP]

Development shall incorporate Low Impact Development (LID) strategies for stormwater management, to the extent appropriate and feasible, to protect water quality for the life of the project. LID integrates preventive site design strategies with small-scale, distributed BMPs to replicate the site's pre-development hydrologic balance through infiltration, evapotranspiration, harvesting, detention, or retention of stormwater close to the source. LID strategies include, but are not limited to:

- a) Site, design, and manage development to protect and, where feasible, restore natural hydrological features that provide stormwater infiltration, treatment, storage, or conveyance.
- b) Site, design, and manage development to minimize the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops).
- c) Site, design, and manage development to maintain or enhance on-site infiltration of runoff, where appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff, retain dry-weather runoff on-site, and minimize transport of pollutants.
- d) Site, design, and manage development to minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system or a waterbody without first flowing across permeable areas (such as vegetative landscaping or permeable pavement). New development shall be designed to convey runoff from impervious surfaces into permeable areas in a non-erosive manner.
- e) Where pavement is required, install a permeable pavement system (e.g., interlocking concrete pavers, porous asphalt, permeable concrete, or reinforced grass or gravel), where appropriate and feasible. Design permeable pavements so that runoff infiltrates into a subsurface recharge bed and the underlying soil, if feasible, to reduce runoff, enhance groundwater recharge, and filter out pollutants. Development shall provide for the ongoing maintenance or permeable pavement required to ensure permeability.
- f) Site, design, and manage development to preserve or enhance native or drought-tolerant non-invasive vegetation, in order to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

CE 10.4: New Facilities [GP/CP]

New bridges, roads, culverts, and outfalls shall not cause or contribute to creek bank erosion, or creek or wetland siltation, and shall include BMPs to minimize impacts to water quality. BMPs shall include construction-phase erosion and sediment control BMP, and post-development polluted runoff control ~~plans, and soil stabilization techniques~~BMPs. Where space is available, dispersal of sheet flow from roads into vegetated areas, or other onsite infiltration practices, shall be incorporated into the project design.

Construction of new stormwater outfalls shall be minimized to the extent feasible, and stormwater or dry weather runoff directed to existing outfalls with appropriate treatment and filtration, where feasible. Where new outfalls cannot be avoided, site, design, and manage outfalls to minimize adverse impacts to coastal and water resources from outfall discharges.

CE 10.X: Additional Requirements for Developments of Water Quality Concern [GP/CP]

Certain categories of development have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, and/or proximity to coastal waters. These categories of Developments of Water Quality Concern shall, at a minimum, be subject to the following additional requirements:

- a. Conduct a polluted runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.
- b. Size LID, Runoff Control, and Treatment Control BMPs to infiltrate, retain, or treat, at a minimum, the runoff volume generated by the 95th percentile 24-hour rainfall event for volume-based BMPs, or two times the 95th percentile 1-hour rainfall intensity for flow-based BMPs. The 95th percentile rainfall event shall be determined using local rainfall data.
- c. Use an LID approach that gives priority to preventive Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by structural BMPs to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later irrigation use), at a minimum, the runoff volume generated by the 95th percentile 24-hour rainfall event, to the extent appropriate and feasible.
- d. Conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, if a proposed development will not retain on-site the runoff volume generated by the 95th percentile 24-hour rainfall event using an LID approach.

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e. Use a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff volumes generated by the 95th percentile 24-hour rainfall event that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters.

f. Use structural Runoff Control BMPs to minimize adverse post-development changes in the runoff flow regime for projects that will add more than 15,000 square feet of impervious surface area and for any portion of the runoff volume that will not be retained onsite by the 95th percentile 24-hour rainfall event.

CE 10.5: Beachfront and Blufftop Development [GP/CP]

New ~~D~~development adjacent to the beach or blufftop shall incorporate BMPs designed to prevent or minimize runoff to the beach and ocean waters. If on-site infiltration of runoff is shown to be infeasible for geologic or engineering reasons, alternative types of BMPs shall be evaluated. The developer may submit a proposal to substitute alternative BMPs that do not involve on-site infiltration, to minimize changes in the runoff flow regime to the extent appropriate and feasible. All BMPs will be evaluated by the City and any proposed alternatives shall be subject to additional review.

CE 10.X: Source Control Best Management Practices [GP/CP]

Pollutant source control BMPs, which can be structural features or operational actions, shall be required in all new development to minimize the transport of pollutants in runoff from the development.

CE 10.6: ~~Stormwater~~ Specific Runoff Management Requirements for Certain Developments [GP/CP]

In addition to all other required BMPs, ~~t~~the following requirements shall apply to specific types of new development that have a potential for high pollutant loading:

a. Commercial and multiple-family development shall use~~incorporate~~ BMPs to control~~designed to minimize the discharge of~~ polluted runoff from structures, parking, and loading areas into the storm drain system and surface and coastal waters.

b. Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, ~~and~~ suspended solids, and other pollutants into~~to~~ the storm drain system and surface and coastal waters.

c. Gasoline stations, car washes, and automobile repair facilities shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, car battery acid, engine coolants ~~and~~ gasoline, and other pollutants into the stormwater drain system and surface and coastal waters.

d. Outdoor materials storage areas shall be designed to incorporate BMPs to prevent stormwater contamination from stored materials.

e. Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.

f. Any development that has a high pollutant loading, including commercial and industrial sites, shall require pre-treatment of runoff prior to infiltration.

CE 10.7: ~~Drainage and~~ Construction-Phase and Post-Construction Stormwater Management Plans [GP/CP]

~~New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Drainage Plans shall be designed to complement and use existing drainage patterns and systems, where feasible, conveying drainage from the site in a nonerosive manner. Disturbed or degraded natural drainage systems shall be restored where feasible, except where there are geologic or public safety concerns. Applications Proposals for new development shall include the following:~~

a. A Construction-Phase Erosion Control and Stormwater Management Plan that specifies the BMPs that will be implemented to minimize erosion and sedimentation; provide adequate sanitary and waste disposal facilities; and prevent contamination of runoff by construction practices, materials, and chemicals.

b. A ~~Post-Development~~Construction-Phase Stormwater Control Plan~~Drainage and Stormwater Management Plan~~ that specifies the BMPs—including site design methods, source controls, ~~and~~ treatment controls, and runoff controls—that will be implemented to minimize polluted runoff and changes in runoff flows from the development after construction is completed. This plan shall detail the operation, monitoring, and maintenance of BMPs necessary to protect surface and coastal waters for the life of the development.

CE 10.8: Operation and Maintenance of ~~Stormwater Management Facilities~~ BMPs [GP/CP]

New development shall be required to provide ongoing operation and maintenance of BMPs ~~measures where maintenance is~~ as necessary ~~for their effective operation to protect surface and coastal waters for the life of the development.~~ The permittee and/or owner, including successors in interest, shall be responsible for all structural and non-structural BMPs and devices ~~treatment controls and devices~~ as follows:

a. Implement appropriate protocols to manage both structural and non-structural BMPs (including ongoing operation, maintenance, inspection, and staff training) in all development.

~~ab.~~ All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to ~~September-October 1st~~30th of each year.

~~bc.~~ Additional inspections, repairs, and maintenance should be performed after storms as needed throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.

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~~d.~~ Public streets and parking lots shall be swept ~~as needed and financially feasible~~ to remove debris and ~~contaminated residue~~ pollutants in accordance with a set schedule.
d.e. Private streets and parking lots shall be swept on a periodic basis. The homeowners association, or other private owner, shall be responsible for sweeping of private streets and parking lots.

CE 10.9: Landscaping to Control Erosion [GP/CP]

Any landscaping that is required to control erosion shall use native or drought-tolerant noninvasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Permit applications will be reviewed to ensure that the discharge of dry-weather runoff to surface and coastal waters is minimized, to the maximum extent feasible. Dry-weather runoff is composed of discharges unrelated to precipitation, resulting from urban land uses such as landscape irrigation.

CE 10.X: Water-Efficient Landscape [GP/CP]

New development shall be required to implement appropriate measures to ensure the design and management of a water-efficient landscape, to minimize runoff, and transport of sediment and pollutants to surface and coastal waters

Compare to CE 1.9(i) and(j)

CE X.x: Avoid Land Disturbance Activities During the Rainy Season [GP/CP]

~~i.~~ Grading, earthmoving, and vegetation clearance ~~adjacent to an ESHA~~ shall be prohibited during the rainy season, generally from November 1 to ~~March 31~~April 30, except whereas follows:

~~(1) where erosion control measures such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the project and approved in advance by the City;~~ The City grants an extension for a specific length of time, based on an inspection of the project site, and a determination that conditions at the site are suitable for continued work with implementation of appropriate erosion and sediment control measures that will be maintained during the activity; or

~~(2) where necessary to protect or enhance the ESHA itself; 3) where~~ The City allows for necessary ~~to protect or enhance the ESHA itself; or 3) where necessary~~ land disturbance activities under emergency conditions to remediate hazardous flooding or geologic conditions that endanger public health and safety, and BMPs to protect sensitive coastal and inland resources are implemented where feasible;

~~j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.~~

Categories of Developments of Water Quality Concern:

a. Residential development that creates and/or replaces five or more dwelling units.

b. Hillside development on a slope greater than 15 percent on a site with erodible soils.

c. 75 percent or more of the site's surface area will be impervious surfaces.

d. Development that creates and/or replaces a cumulative site total of 10,000 square feet or more of impervious surface area.

e. A parking lot, street, road, or highway facility that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.

f. A vehicle service facility, including a retail gasoline outlet, commercial car wash, or vehicle repair facility.

g. Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.

h. Any project developed on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.

i. Developments that create and/or replace a cumulative site total of 2,500 square feet or more of impervious surface area, if the development is located within 100 feet of coastal waters (including the ocean, estuaries, wetlands, lagoons, and streams) or discharges directly to coastal waters (i.e., does not discharge to a public storm drain system).

j. Any other development determined by the City to be a Development of Water Quality Concern.