

Alameda Countywide Clean Water Program C.3.m Guidance



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Municipal Stormwater Permit: New CEQA Requirement

- Provision C.3.m requires agencies to:
 - “Evaluate water quality effects and identify appropriate mitigation measures” when conducting environmental review.
 - Implement by 5/15/04.
- C.3.m includes 10 example questions to help evaluate water quality impacts.



C.3.m Example Questions (i through v)

- Would the proposed project
 - i. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity, ... ?
 - ii. Result in significant alteration of receiving water quality during or following construction?
 - iii. Result in increased impervious surfaces and associated increased runoff?
 - iv. Create a significant ... impact to drainage patterns due to changes in runoff flow rates or volumes?
 - v. Result in increased erosion in its watershed?



C.3.m Example Questions (vi through x)

- Would the proposed project
 - vi. [Be] tributary to an ... impaired water body ... on the Clean Water Act Section 303(d) list ... [increasing a] pollutant for which [it] is impaired?
 - vii. Have a ... significant ... impact on surface water quality, to marine, fresh, or wetland waters?
 - viii. Have a potentially significant adverse impact on ground water quality?
 - ix. Cause or contribute to an exceedance of applicable ... receiving water quality objectives ... ?
 - x. Impact aquatic, wetland, or riparian habitat?



What RWQCB Staff Expects

An Example from Santa Clara Valley

- In a letter regarding SCVURPPP's FY 2002/03 Annual Report, RWQCB staff:
 - Urged the development and use of guidance material with the CEQA checklist
 - Described use of the CEQA checklist as "commonly ineffective" for addressing water quality.
 - Listed examples of water quality impacts that are "frequently not evaluated."



What RWQCB Staff Expects

An Example from Santa Clara Valley

- Examples of impacts that are “frequently not evaluated”:
 - Endangered species (e.g., steelhead)
 - Impacts to seasonal creeks
 - Impacts of stream crossings
 - Water quality impacts from increased impervious area
 - Hydrograph modification
 - Offsite impacts to channels
 - Quantification of treatment for runoff
 - Turbidity limitations for discharged water



ACCWP's C.3.m Guidance

- Used the Santa Clara Valley program as model
- Shows how the example questions correspond to the CEQA Guidelines checklist
- Identifies example questions for which it is not practical to obtain reliable answers.
- Recommends revising local guidance documents and environmental review applications to address issues identified by the example questions.



Emerging Issues:

Hydrograph Modification Management

- ACCWP is developing a Hydrograph Modification Management Plan (HMP)
 - Will control development-induced erosion of susceptible creek channels, mainly with detention basins.
 - Draft HMP due to RWQCB on 11/15/04
 - HMP is due on 5/15/05
- RWQCB has recommended CEQA documents address this topic.



Emerging Issues:

Total Maximum Daily Loads (TMDLs)

- RWQCB is developing TMDLs for water bodies listed as “impaired” on Clean Water Act Section 303(d) list.
- Bay Area TMDLs expected in 2005 or 2006.
- RWQCB recommends considering water bodies on Section 303(d) list in CEQA documents.
- Project opponents in Los Angeles area have challenged CEQA documents based on TMDLs.



City of Fremont Water Quality Review



City of Fremont's Response to Provision C.3.m

- Evaluated needs
- Updating Environmental Impact Questionnaire, which is completed by project applicants
- Training of planning staff



Example of Old Water Quality Review

- “The project may create and contribute to runoff water, but in order to prevent runoff and minimize sedimentation during construction, standard water pollution and erosion control measures following BMPs will be implemented.”



What Is Changing?

- Applicants will need to provide more water quality information on the Environmental Impact Questionnaire.
- Planning staff is modifying the approach to preparing the water quality section of environmental documents.



Environmental Impact Questionnaire

- The City proposes to require more detail on the Environmental Impact Questionnaire regarding:
 - Potential sources of groundwater contamination
 - The net increase of impervious surface
 - The use of construction BMPs and treatment measures
 - Direct discharges to water bodies



Water Quality Sections of Environmental Documents

- Key Recommended Changes
 - Identify municipal stormwater permit requirements in environmental documents.
 - Require both construction and post-construction treatment measures to address increased urban runoff.
 - No new significance thresholds have been identified.



Questions?

