



Thursday, July 24, 2008

Re: Invitation to storm water workshop

Good morning:

The Home Builders Association would like to invite you or a representative to attend a meeting we are having with the Central Coast Regional Water Quality Control Board staff meeting at 9:30 a.m. Friday, Aug. 1, in the board's office, 895 Aerovista Place, Suite 101, San Luis Obispo.

The staff is aware we will be inviting some of our members and local public officials to discuss issues, questions and concerns regarding the Water Control Board direction for the MS4 Storm Water Management Plans.

We hope you can let us know if you will be attending or whom you might be sending as soon as possible since we want to let the water board staff know how many and who will be attending.

We have asked the water board staff to start the meeting by:

- Giving us an overview of the regional board's objectives for the municipal plans;
- Providing examples of what the staff has seen as acceptable and unacceptable in the local plans submitted so far; and
- Discussing the effects of the July 2 Orange County Superior Court decision concerning the Los Angeles Regional Water Quality Control Board.

We could then start discussing some of our questions and ideas below. Some of them involve proposals that we believe have been accepted in San Diego County.

Our goal is simple. We are always interested in being part of the solution, making sure that the upfront planning is as thorough as possible, and that the proposed regulations/standards are realistic, practical, and achievable in order to avoid unintended consequences later.

In our conversations with local governments, we have sensed some ambiguity regarding what the regional board wants to see. That manifests itself in some haziness in answers to our questions. So we felt it would help everyone produce a more usable product that better met everyone's needs if we could all get together for a discussion like the one we will hold Aug. 1.

Here are some questions/concerns/ideas that we would like to put on the table:

1. **Grandfathering certain project classifications.** It is important that a project application that has been accepted by a jurisdiction ("deemed complete") as ready for processing and a public hearing should not need to be re-designed to meet the new standards. By that time, both the applicant and jurisdiction have expended significant time and funds on analysis and processing. When a proposed project has completed all of the required studies and supplied all the required information and materials, the jurisdiction determines that the application is "deemed complete" and is now ready to be publicly evaluated.

We propose that projects whose application has been "deemed complete" in a jurisdiction be exempt from the new standards as should all projects already under construction.

811 El Capitan Way, Suite 120
San Luis Obispo, California
93401-3333

805.546.0418: phone
805.546.0339: fax
www.hbacc.org: internet

2. **Incorporating Assessments from Project Geotechnical and Soils Consultants.** As you know, all sites throughout the Central Coast do not have the same soils/site conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure.

We propose that if the applicant's Geotechnical/Soils Consultants certify that the site conditions are not conducive to applying the new standards, then the new standards not be applied to the site.

3. **Normal maintenance of existing infrastructure by Public Agencies, Project Developers, and Home Owners Associations be exempted from the new standards.** When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no "extra" land available, it will not be possible to provide additional land for filtration purposes.

We propose that normal maintenance of existing infrastructure by Public Agencies, Project Developers, and Home Owners Associations be exempt from the new standards.

4. **The "Pre-Development" definition is critical.** How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site.

We believe it should be defined as the immediate pre-project condition. If the predevelopment standard is set when a site was vacant regardless of how long the site has been developed, many urban revitalization and redevelopment projects could become infeasible.

5. **Impact on Insurance.** Have water boards and local governments communicated with insurance companies concerning limitations, restrictions, or opposition they may have on home owner insurance or infrastructure bonding policies due to long-term liability concerns?
6. **Impact on Department of Real Estate, Home Owner Associations, and Realtor Associations.** Are water boards and local governments making sure that storm water plans do not conflict with State Department of Real Estate and Home Owner Association rules and regulations? Has input has been sought from these organizations?
7. **Proposed Standard Plan.** Does the regional board have a standard plan or language that individual jurisdictions can use to insure more consistency between various jurisdictions and to encourage sharing of information, and data, as well as providing opportunities for cost sharing of activities covering multi-jurisdictions.

We would also ask that you provide us as soon as possible any additional concerns or issues that you would like to discuss, which we will forward to the Water Board staff.

We look forward to your participation Aug. 1.

Sincerely yours,

Jerry Bunin
Government Affairs Director
Home Builders Association

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