

## Stakeholder Meeting for Proposed Compliance Options for TMDL Implementation

March 6, 2017

- Time is needed to implement the compliance option 1, after adoption (implementation is not instant).
- Is a Professional Engineer supposed to assess the potential groundwater impacts in the document? Is it civil, technical, what kind of engineer? Pick a discipline. This looks like to be the work of several professions.
- Jon Bishop: let us know what we should or shouldn't be looking at for BMP infiltration design.
- Tim Simpson: A lot of studies are available that say storm water infiltration does not affect groundwater
  - Jon Bishop: Please provide that information
- Jon Bishop: look at existing projects that have been done and see what was considered/should be considered/ don't need to look at.
- Bypass samples: how are they to be collected?
  - Same as permit (make it more clear)
  - Jon Bishop: these samples are intended to provide information to the Water Boards to evaluate the 85<sup>th</sup> percentile approach.
  - The stakeholders want something written saying that we won't enforce bypass "exceedances"
- The word "continuously" on page 2 of the straw man is not implementable, this concept needs to be further clarified, is it effective capacity for the 85<sup>th</sup> percentile per day or per storm? The draw down time needs to be specified, what about not discharging 85<sup>th</sup> percentile of the average annual rainfall volume?
- If 85<sup>th</sup> percentile for all pollutants -> will not just guess to see if it'll work
  - We will assess existing data to justify the 85<sup>th</sup> percentile approach, but if we cannot justify this approach using existing data we may not be able to implement compliance option 1.
  - e.g. R8 scrap metal data and 85<sup>th</sup> percentile work done by SCCWRP
- Need a measurable standard to work against. Know what standard our money is going towards meeting.
- Methodology for measuring flow: samples per site because we also need the bypass volume information as well.
- We will wait for comments if Board should consider opening up these options for non-TMDL watersheds.
- Local ordinances cannot be overruled by IGP. If they don't allow industrial infiltration, we can't change it.
  - Jon Bishop: MS4s have no jurisdiction to prohibit the infiltration of industrial storm water.
- "Will contribute to the attainment of WQOs" language on page 8 needs reworking and the inclusion of reasonable assurance analysis language.

- Jon Bishop: we should mirror the language in the precedential decision on the LA MS4 permit for the alternative compliance approach. Rene Purdy: projects get design volume for that watershed area, this equals attainment of the WQS/WQO through the adaptive management process.
- If MS4 creates a group, they will be responsible for industries storm water discharges.
- If a discharger is new and comes into the program, would they have to do a RAA individually or is this anticipated in the overall alternative compliance framework?
- Jon Bishop: we do not have the analytical basis/data for option 1, provide this data to us if it's available or else we cannot defend this option.
  - Option 2 needs to be a mutual agreement between MS4 and industry
  - Send us comments/ use draft strawman to submit changes