TMDL Compliance Language

- **Issue:**
  - The Errata corrected "Copermittees" to "Copermittee's" in *some* but not all places
    - If one (or more) Copermittee is not demonstrating compliance – it can be interpreted that <u>all</u> Responsible Copermittees are out of compliance

  - Will coordinate at watershed scale, but compliance for each Copermittee should be determined on an <u>individual</u> basis

- **Proposed Solution:**
  - Change language to Copermittee**'s** in <u>all</u> instances.

TMDL Compliance Language

•**Requested changes to Errata Sheet (posted April 19, 2013) Attachment E Item #s:**

1. Specific Provision 1.b.(3)(a) - ~~(c)~~ (d)
5. Specific Provision 4.b.(3)(a) - ~~(c)~~ (d)
6. Specific Provision 4.c.(2)(a) - ~~(d)~~ (e)
8. Specific Provision 5.b.(3)(a) - ~~(c)~~ (g)
9. Specific Provision 5.c.(1)(b)(i) - ~~(iii)~~ (viii)
14. Specific Provision 6.b.(3)(a) - ~~(c)~~ (f)
15. Specific Provision 6.c.(3)(a) - ~~(c)~~ (h)

Attachment E (Multiple pages)

Pre-development Baseline

Issue:

o Requires mitigation for hydromodification impacts that are <u>not</u> caused by redevelopment projects

o There is no nexus to impacts of redevelopment projects – therefore exposes Copermittees to legal liability

o "Pre-project" baseline would be more appropriate

Requested Language:

Post-project runoff conditions (flow rates and durations) must not exceed pre-development runoff conditions[FN] by more than 10 percent . . . .

FN: The pre-development runoff condition standard shall be applied to the extent allowable under state and federal law. A Copermittee may modify the standard for a particular project where the Copermittee finds that application of the standard would exceed the Copermittee's authority under applicable state or federal law as applied to that project.

Provision E.3.c.(2)(a) page 89 (redline page 94)