

San Diego RWQCB Permit Reissuance Focused Meeting

July 11, 2012

WQIP and JRMP Approval Process

Discharge Prohibitions

- Change “prohibit non-storm water discharges from MS4” to “effectively prohibit ...”

Iterative Process

- Include reference to A.4. in sections A.1, A.2, and A.3 to define compliance through the iterative process. Explicit language is needed in light of 9th Circuit Court’s finding of the separate enforceability of these provisions.

WQIP and JRMP Approval Process

Concept: The intent of the Permit is for dischargers to submit WQIP and JRMP updates for approval. Compliance is achieved through the submittal, implementation, and update of approved plans. Jurisdictional accountability comes from review and approval of jurisdictional commitments.

Examples:

- If there are 6 dischargers in one WMA, and 5 dischargers' commitments are approved when the WQIP is submitted, any re-submittals need to focus on individual dischargers, not the entire watershed.
- There appears to be no approval process for the JRMP update in year 1 of the permit.
- There is no timeline for approval of annual updates in years 2, 3, 4, 5.
- From previous workshops, "Numeric Targets" are not enforceable.

Action Items:

1. Insert language clarifying identification of individual jurisdictional commitments in WQIP, and insert language clarifying RWQCB approval of individual jurisdictional commitments.
2. Add language to include RWQCB approval timeline for JRMP updates in year 1.
3. Add language in II.F. stating there is a specific (e.g., 90-day) RWQCB approval timeline for annual updates in years 2, 3, 4, 5.
4. Add language to permit, not fact sheet, about non-enforceability of Numeric Targets

WQIP and JRMP Approval Process

Concept: WQBELs in TMDLs are currently expressed as either:

- a) Achievement of receiving water limitations, or
- b) Achievement of a receiving water limitation applied at the MS4 outfall, and applied as a concentration instead of a load.

Action Item: Add other means of demonstrating compliance with WQBELs, for example:

- Load-based compliance with Waste Load Allocations
- Implementation of EO-approved TMDL compliance plan
- Compliance with exceedance limitations expressed as ‘days’ or ‘frequency’ (Bacteria TMDL for Beaches & Creeks)
- Other means of compliance identified in future TMDL language

Adaptive Management Areas of Permit

Concept: The intent of the Permit is to allow for adaptation of Permit programs, strategies, and procedures to enable Copermittees to more effectively and efficiently achieve their goals. Modifications need not be additive. Modifications must be reasonably expected to result in equal or greater overall effectiveness. Modifications can include adjustments to level of effort or methods either geographically, across permit components, or within permit components.

Examples:

- Geographic / Level of Effort Adjustment: Refer to Slides #6 and #7
- Within Permit Component / Level of Effort Adjustment: Modifying IDDE procedures in Section II.E.2.d. (less water quality sampling, more observations)
- Within Permit Component / Method Adjustment: Modifying inspection procedures in Section II.E.5.: Refer to Slide #8
- Across Permit Component / Level of Effort Adjustment: Reducing inspection frequencies in Section II.E.5., and increasing education activities in Section II.E.7.

Action Item: To make clear what is eligible for adaptation, insert language in Section II.B.5. (Adaptive Management Process) clarifying what sections of the Permit “shall be considered, as appropriate,” by each Copermittee for adaptation.

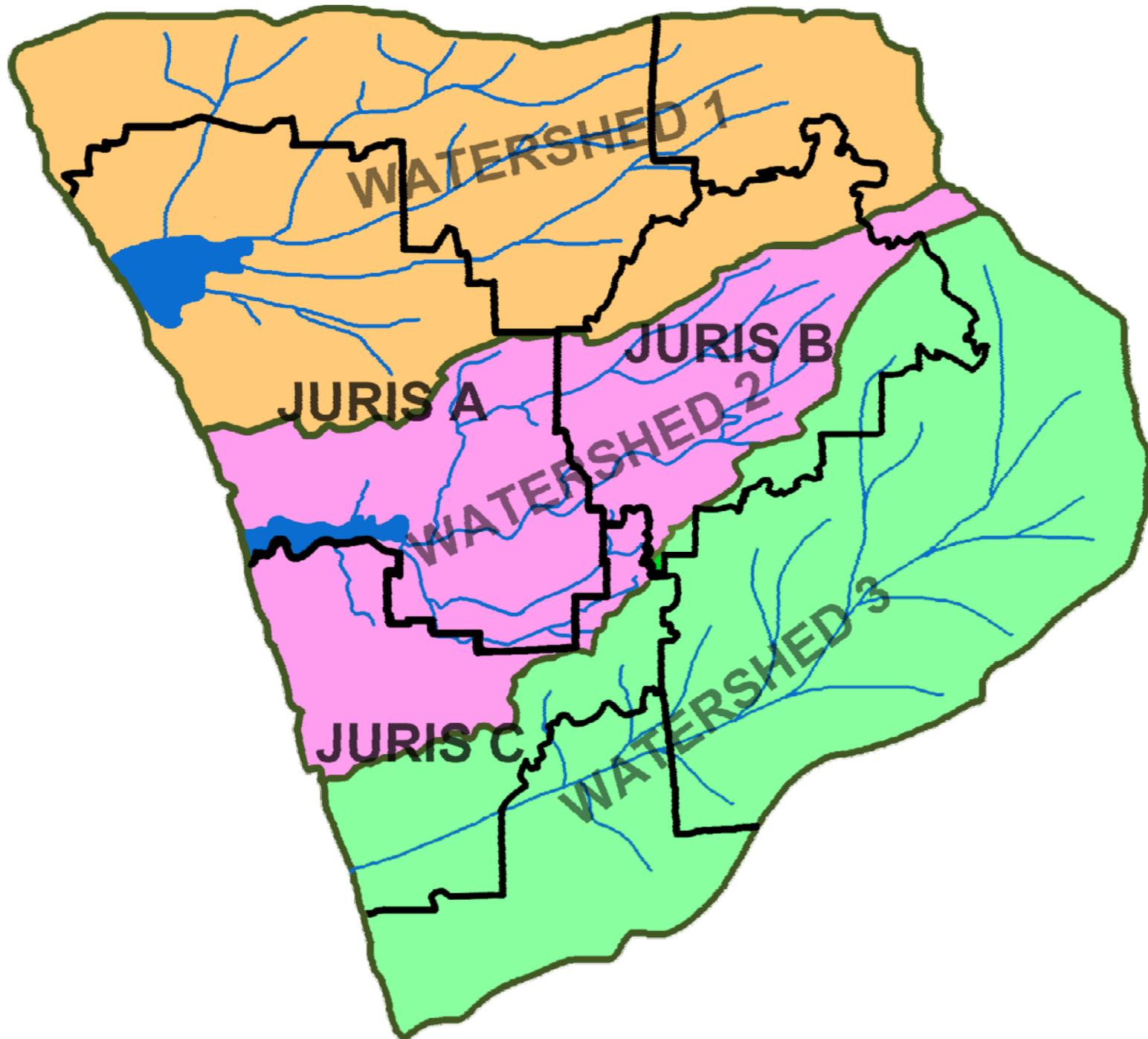
Adaptive Management Areas of Permit: Residential Example

Concept: Permit intent is to allow for adaptation of:

- Residential inventory content
- Tools used to address Residential land use as source: O+E, IC/ID complaint response, inspections, street sweeping, MS4 cleaning
- Any other tools needed, providing that residential land use is a source of a WQIP priority

Example: If a Copermittee is in Watersheds 1 and 2 in the figure (slide 7), and residential land use is only a priority in Watershed 1, the Copermittee could conduct IC/ID complaint response in Watershed 2, and conduct any combination of other tools in Watershed 1 to address the priority.

Action Item: Clarify language, where appropriate, to allow modifications to inventories and control strategies with supporting rationale and justification.



Adaptive Management Areas of Permit: Inspections

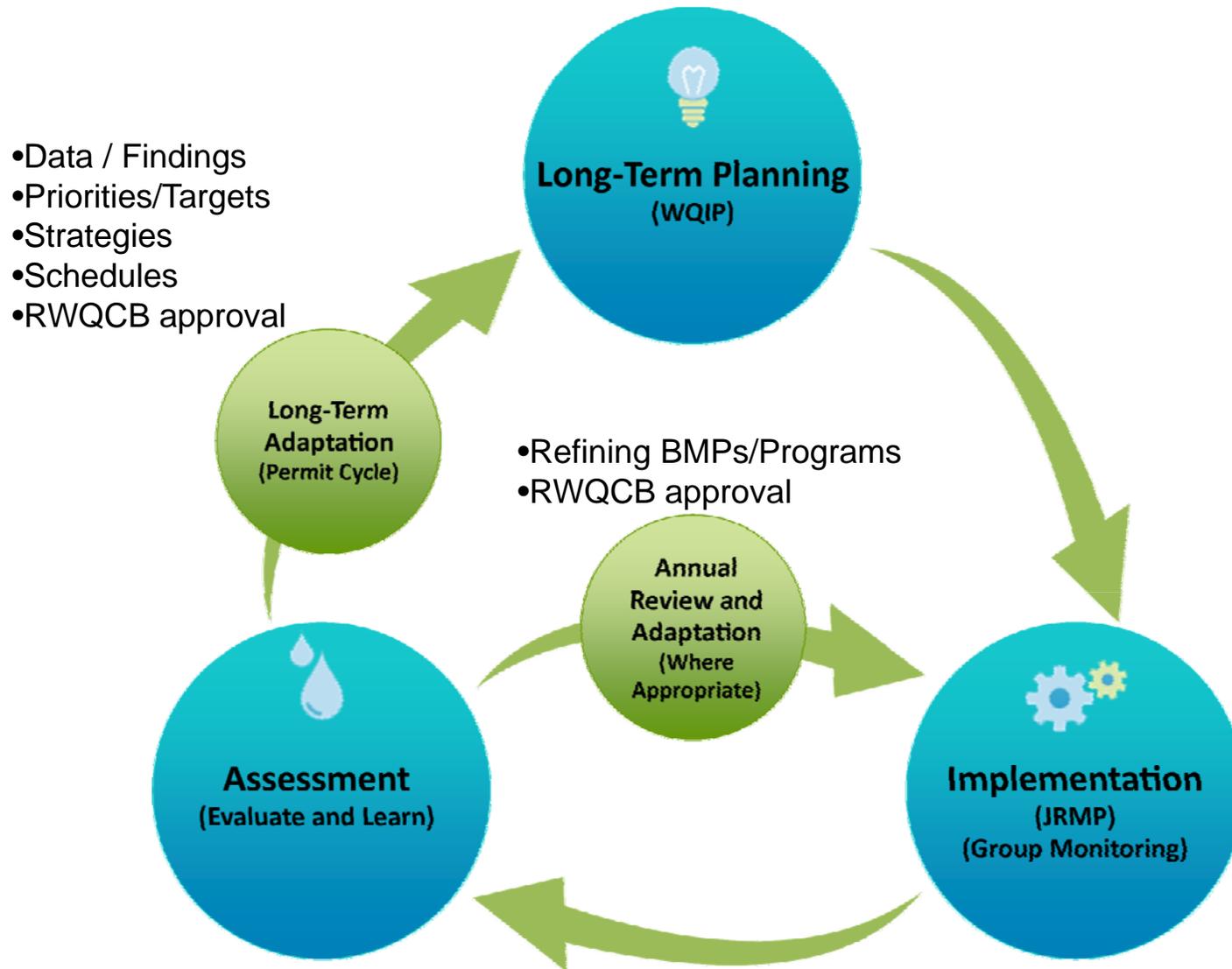
Concept: Permit intent is to allow for adaptation of Provision E requirements to allow modifications to inspection methodology as a result of adaptive management

Example: Use of multiple inspection methods to effectively and efficiently verify implementation of BMPs

- “Traditional” Inspections (internal, single business, some external)
- Property-Based Inspections (external-focused on PGAs, internal if necessary, multiple-businesses on one property)
- Patrols or complaint based inspections

Action Item: Clarify language, where appropriate, to allow modifications to inspection methods and requirements with supporting rationale and justification

Adaptive Management Areas of Permit: Long-Term vs. Annual Processes



Adaptive Management Areas of Permit: Strategic Monitoring & Assessment

Concept: Require development of Strategic Monitoring and Assessment Plan as part of the WQIP to inform adaptive management. Key plan characteristics:

- Addresses the following areas of assessment:
 - Goals/Outcomes/3 primary objectives (Non-SW discharges, MEP, Rcvg Wtrs)
 - Sources/Pollutant Generating Activities
 - Programs/BMPs
- Provides individual Copermitttee measurability
- Utilizes a strategic, question-driven approach
- Prioritizes (geographic, pollutant, water body, etc.)
- Ability to use a statistically supported approach for assessment

Example: Increase efficiencies in IDDE Programs with observational methods (or other strategies); monitoring does not have to be water quality sampling

Action Items:

- Structure initial requirements according to above in Section II.D.
- Adjust language in Section II.B. to require a strategic monitoring and assessment plan as a part of the WQIPs.