

## Wayne Chiu - Pre-Workshop Administrative Draft Permit Comments

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**To:** "Wayne Chiu (wchiu@waterboards.ca.gov)" <wchiu@waterboards.ca.gov>  
**Date:** 4/23/2012 9:07 AM  
**Subject:** Pre-Workshop Administrative Draft Permit Comments  
**CC:** "McFadden, Kris" <KMcFadden@sandiego.gov>, "Harris, Bill" <BillHarris@sa...>

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Hi Wayne-

In advance of the 4/25 workshop, we wanted to provide several process and technical comments to guide the discussion on the 25<sup>th</sup> and/or in the subsequent focused meetings.

### Process Comments

- We request that Board staff provide detail regarding the intent of key sections of the Permit both during an introductory presentation on 4/25 as well as during each of the subsequent focused meetings. Discussion regarding Permit language may be facilitated where consensus can first be reached regarding purpose/intent.
- We request that the Regional Board allow the Copermittees to provide input on the workshop process and topics at the 4/25 workshop, such as:
  - Based on initial discussion with Board staff, we understand that municipal, environmental, building industry and EPA representatives will be invited to participate in the focused meetings. We request that Board staff allow for broader participation in the meetings, such as, representation from the business community at large.
  - We request that Board staff include Section II.A and II.C in at least one of the focused meetings, such as the first meeting regarding the Water Quality Improvement Plans.

### Technical Comments

1. ***Some of the Permit conditions increase the scope of Copermittee responsibility beyond MS4 discharges. The Permit should be revised to limit Copermittee responsibilities to their MS4 discharges.*** Here are some examples:
  - Water Quality Improvement Plans. Not only are the Copermittees required to develop WQIPs to identify water quality issues resulting from discharges from our MS4s, but also to identify all other sources of pollution in each watershed, define numeric targets that apply to the receiving waters, develop strategies to meet these numeric targets, and conduct monitoring. (Permit p. 13) Our WQIP duties go well beyond controlling and monitoring our own discharges, instead making the Copermittees ultimately responsible for the restoration of impaired beneficial uses in receiving waters.
  - Monitoring and Assessment Requirements. We are not only required to monitor MS4 discharges and their effect on water quality, but to monitor sources outside of our jurisdiction and control. This is and should be the State's responsibility. For example: "(v) In addition to the non-storm water MS4 monitoring stations identified in accordance with Provisions D.1.a.(1)(a)(i)-(iv) above, *each Copermittee must identify stations that will be screened and monitored during dry weather days to identify non-storm water discharges from sources not directly under the jurisdiction of the Copermittee.*" (p. 27)
2. ***The Permit should allow for the Copermittees to use an iterative, adaptive management process to more efficiently achieve water quality goals.*** As discussed in the process comments above, this topic warrants further discussion to understand how Board staff attempted to incorporate adaptive management into key

sections of the Permit, such as Section II.A. In the context of a Permit built around numeric targets, adaptive management and the allowance for an iterative process should be reflected in the Prohibitions and Limitations, and in reduced prescriptiveness in programs. For example, the Permit should not specify that Copermittees must inventory, track and inspect every residential property every five years (II.E.5.d.1.). Instead, Copermittees should be able to identify a more efficient combination of education, enforcement, incentives and other strategies.

- 3. *Monitoring should be strategic to ensure that the most important questions are being addressed in a prioritized, cost-effective manner.*** In the context of a Permit based on numeric targets, where compliance is results-driven, the Copermittees (as with the implementation sections of the Permit), should have the ability and responsibility for strategically planning their monitoring efforts to help support our program planning and adaptive management efforts. Time should be set aside at the monitoring and assessment focused meeting to discuss how best to accomplish this objective.
- 4. *HMP/development regulations are unclear or more background is needed:***
  - a. In Section E.3.c.(3), it is unclear how the proposed hydromodification management BMP requirements relate to the current HMP that was developed by the San Diego copermittees under the current permit; there is no mention of the current HMP. Provide clarification at the workshop on April 25<sup>th</sup> or address in more details at the Jurisdictional Program focused meeting.
  - b. In Section E.3.b.(2), the PDP categories size limit is proposed to go down to 10,000 sf for commercial, industrial, residential and public development projects. it is unreasonable to impose the BMP sizing criteria and HMP requirements on developments as small as 10,000sf. It is likely to be infeasible to meet HMP requirement on a 10,000 sf development. Provide analysis/justification to demonstrate impact of different development sizes on water quality to justify choosing this threshold.

Please call if you would like to discuss. Thanks, -Drew

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