

CALIFORNIA REGIONAL WAER QUALITY CONTROL BOARD SAN DIEGO REGION

Reissuance of the Regional Municipal Separate Storm Sewer Systems Permit, Order R9-2013-0001, for the San Diego Region

Focused Meeting 1 Notes on Jurisdictional Runoff Management Program Provision E and Climate Change

10:00 AM – 10:05 a.m. Introduction

Staff working proposal (SWP) is not tied to response to comments obligations, it will be more informal before permit draft is shared

SWPs will be created for separate sections at a time and a final draft tentative order would be shared according to the requirements of 40 Code of Federal Regulations

(Request) that SWP will be available for the public (Non-profit Organizations and other stakeholders) and not just the Copermittees

10:05 a.m. – 10:20 a.m. Permit Reissuance Overview

10:20 a.m. – 10:40 a.m. Provision E.3 Development Planning

Option to meet Best Management Practices (BMP) requirements for BMP retention With Low impact development (LID)

Alternative compliance will require additional items for approval and use of Alternative compliance.

10:40 a.m. – 10:50 a.m. Provision E.4 Construction Management

Adding minimum BMP requirement

Adding Trash discharge Prohibitions

Adding requirement for 401 permit req. for channel maintenance

(Request) to share PowerPoint and notes with attendees/public

(Question) about HMP exemption req. every 5 years. Response: has to do with the design storm, are modeled storms adequate, we want to make sure exemptions are still appropriate with checks, assessments of storm drains based on BMP performance.

(Question) from J. Gamble about requirement to inspect 100% of inventory. Response: we will accept suggestions

(Discussion) Topics of interest discussion from S. Gaines on biofiltration requirements

(Question) about where trash requirements will be in Permit. Response: Prov. E

(Request) Solar farms – Copermittees are working on an analysis and would like to share findings/language suggestions

(Request) Mikhail O - request to have more flexibility to inspect priority sites from 100% inventory, they want to re-prioritize their inventory in accordance with WQIP priorities (3 requests)

(Question) about street sweeping – we are going to clarify street sweeping requirements

(Request) for Examples of Priority Development Projects (PDP) that fall in PDP category but don't require permits from local agency

(Question) about exempting naturally occurring discharges (groundwater)

(Request) For trash amendments requirements, request for us to consider that some City's have already installed trash capture devices to meet the requirements Of the Trash Amendments even though they have not been added to the permit

(Request) for increasing timeframe of reporting non-filers to WB, we will look into if we can extend the timeframe depending on Federal requirements

(Request) for clarification of Prov. E 2.A.1-3

(Question) Water Quality Improvement Plan (WQIP) priorities link with IDDE, response: Copermittees can prioritize IDDE investigations according to WQIP priorities (e.g. nutrients, bacteria). Response from Laurie Walsh: If CalEPA complaints don't align with WQIP priorities Copermittees have flexibility to prioritize investigations, but should notify us of investigation status

10:50 a.m. – 11:05 a.m. Provision E.5 Existing Development

11:05 a.m. – 11:25 a.m. Questions

11:35 a.m. – 11:40 a.m. Provision E.6 Enforcement

Additional emails for reporting non-filers of Agricultural Order and Cannabis Farm non-filers will be added to Prov. E.6

For agencies stating they don't need Industrial Permit coverage, we provide determinations and City's will confirm with us, we are uploading facility coverage determinations to Copermittees SMARTS profiles

11:40 a.m. – 11:45 a.m. Provision E.7 Public Education and Reporting

Adding requirements that San Diego Water Board will be making determinations whether Public Education program is adequate

11:45 a.m. – 11:55 a.m. Provision E.8 Fiscal Analysis

(Discussion) on adding requirement for Fiscal Analysis for assessment of Municipal Separate Storm Sewer System (MS4), aka infrastructure assessment - language from Salinas MS4 Permit, deferred maintenance is causing stormwater failures and contributing to pollutants in stormwater (e.g. master plan of drainage system could be considered), studies for drainage system assessments can take years and it will be difficult for agencies to update those every year.

Response: we could require this every 5 years, request to add infrastructure assessment to a new provision like E.9. Erica Ryan suggestion to include it in E.3 (2nd request to distinguish the requirement in a subpart of the provision and not in E.8). Suggestion for when identifying deficiencies in this assessment an impact to water quality assessment can be added, driving question to this requirement is “what is the plan to fix infrastructure deficiencies,”

(Request) for example of how a deficient stormwater infrastructure impacts water quality, Erica Ryan provided response

(Question) about defining efficient programs

Suggestion from Laurie Walsh to include questions that help answer this in Permit

(Chat question) can driveways be isolated from PDP requirements. Response: cannot split the project to avoid PDP requirements.

(Chat question) what is site specific criteria. Response: using design storm for area, site infiltration rates, type of soil, etc

(Chat question) can Underground proprietary BMPs be used. Response: likely yes, if biofiltration requirements are met

(Chat question) where will the definition of commercial equestrian facilities be used from? Response: we may likely look at County’s definition

(Chat question) Retrofitted. Response: we will look into this

(Chat question) Trash BMPs for Trash Order requirements, what is the expectation of BMPs approved and what documentation do we want like design specs?

(Chat question) criteria for CAFOs. Response: We don’t define it, we will look at fed. Regs for definition

11:55 a.m. – 12:15 p.m. Climate Change

James Smith gave presentation and shared clip of Del Mar sand bluffs

Climate Change is not a new program, but new considerations will be added to existing programs in permit

Model by Southern CA Coastal Water Research Program (SCCWRP), with adaptations

(Question) from C. Makenzie on how climate change will be added into targets for existing TMDLs like nutrients. Response: we’ve been thinking about it with sediment TMDLs, would require TMDL updates, but currently we don’t have plans to update the TMDLs, we could add considerations to implementing permit

(Question) from Hunter on wildfires and rebuilt timing, exemptions from monitoring or BMP implementations. Response: there are no current exemptions in the development requirements of the Permit, but we can consider these and will accept language suggestions

(Suggestion) on making sure permit is enforceable, statewide attention about retroactive violations being dismissed, region 8 staff working proposal, OCCK will be sharing section from R8 permit that we can look at

(Request) for SWP redline strikeout version of permit to be shared

Note on the Reissuance Process: gather comments and suggestions from today's meeting to finalize language of Prov E and then share SWP. The next meeting is not yet scheduled and could likely be about monitoring and reporting requirements. Request by Laurie W for Copermittees to make their comment letters in ADA format so that we can easily post them on our public website

(Request) for Copermittees to send Water Board Staff review timeframes that will work for them to review the SWP

(Request) for pre-meeting notes or presentation slides be shared, or proposed permit revisions be shared in advance of future meetings

(Question) about verbal warnings, our intent is to request documentation of verbal warnings given by Copermittees

(Question) from G. Sharp with County of Orange about our expectations concerning WQIPs and Copermittee implementation plans, revisiting PWQCs and modifying them. Response: Copermittees can update their WQIPs when new data becomes available, triggers of adaptive management are not being used, Attachment 1 from 17-18 AR comment letters identified areas where watersheds had to adapt their programs

(Question) from S. Gaines with County of San Diego about administrative draft and timing. Response: we will not be using "administrative draft" term instead we will be releasing SWPs in sections and a final version of a SWP will be shared before the tentative draft is released, we will be tracking all of the comment documents we receive outside of the formal comment process.

(Question) from Hunter with Land Stewards about updating minimum BMP requirements prior to occupancy. Response: CC&Rs will be looked at to ensure requirements for backyard maintenance are met

(Recommendation) for focused meetings – applying Prov. F to other provisions like Provision B or others, so Copermittees can see how a change in one provision will impact the requirements from other provisions

(Request) from Brian from TorreyWalker to distinguish erosivity concerns with capacity concerns, Consider that Peak flow and HMP requirements may not always connect

12:15 p.m. – 12:30 p.m. Questions and Close