

California Regional Water Quality Control Board, San Diego Region

Regional MS4 Permit Focused Meeting

Meeting Notes

Date	Location	Agenda Topics
6/27/2012 Start time: 9:30 AM End time: 3:40 PM	City of Oceanside San Luis Rey WWTP 3950 North River Road Oceanside, CA 92057 Jim Turner Conf Room	<ul style="list-style-type: none">• Meeting Procedures and Objectives• Background and Intent• Assessment and Iterative Process• Assessment and Action Levels• Assessment and Planning• Next Focused Meeting• Audience Comments

I. Introductions

Table participants introduced themselves. Lewis Michaelson (Facilitator) ensured the appropriate representatives were at the table, per the June 20, 2012, San Diego Regional Water Quality Control Board (SD RWQCB) Notice.

San Diego County Copermittees (5): Drew Kleis (City of San Diego), Jon Van Rhyn (County of San Diego), Mikhail Ogawa (City of Del Mar), Todd Snyder (County of San Diego), Elaine Lukey (City of Carlsbad)

Orange County Copermittees (5): Ziad Mazboudi (City of San Juan Capistrano), Lisa Zawaski (City of Dana Point), Grant Sharp (Orange County Flood Control District), Ryan Baron (County of Orange), Richard Boon (County of Orange)

Environmental Community (3): Thom Spanos (San Diego Coastkeeper), Rick Wilson (Surfrider), Michael Hazzard (Clean Water Now! Carlsbad)

Development/Business Community (3): Thom Fuller (San Diego Business Industry Association), Dennis Bowling (American Public Works Association), Tory Walker (San Diego Business Industry Association), Mike McSweeney* (BIA), Wayne Rosenbaum* (BIA), Mark Grey* (BIA) **Indicates representatives rotated during the meeting.*

U.S. Environmental Protection Agency (US EPA) (1): John Kemmerer

San Diego Water Board Permit Team: David Barker, Wayne Chiu, Laurie Walsh, Eric Becker

Riverside County MS4 Copermittees were invited to the focused meeting but were unable to attend due to prior commitments to other compliance issues.

South Orange County has a request in to look at the legal basis for issuing a regional permit. Pending clarification of that request, the County of Orange will participate in the focused meetings.

SD RWQCB Executive Management is represented at these meetings by David Barker, Division Chief.

II. Meeting Procedures and Objectives

Lewis Michaelson (Facilitator) provided a brief presentation on Collaborative Dialogue Principles, including the theory of collaborative dialogue and the ground rules for collaborative dialogue. In theory, collaborative dialogue is interest-based dialogue, not position-based dialogue, and uses objective criteria to attain a “win-win” solution. The ground rules for collaborative dialogue are: 1) everyone’s perspective is valued; 2) listen to understand, not to debate; 3) be hard on the issues – soft on the people; 4) avoid right-wrong paradigms; 5) everyone has an equal opportunity to participate; 6) what’s past is past – focus on the future.

III. Background and Intent

The SD RWQCB (Wayne Chiu) provided background on how the administrative draft permit was developed, how the focused meetings were envisioned to run, and what is hoped to be accomplished from this point forward. From February to May of 2011, SD RWQCB staff met with several Riverside, Orange County, and San Diego Copermittees and members of the San Diego environmental community to solicit feedback on what they found useful or not useful about existing stormwater management programs, what could be improved, what could work better, and what they would want to see work differently in a regional permit. The SD RWQCB then received the Report of Waste Discharge (ROWD) from the San Diego Copermittees. From the meetings and ROWD, there were similar, overlapping concerns and ideas, which boiled down to five basic principles:

- Simplified and more useful reporting;
- Better coordinated and more useful monitoring;
- More meaningful assessment;
- Integration of Total Maximum Daily Load (TMDL) requirements into the MS4 permits; and,
- More emphasis on strategic planning, with more flexibility in implementing the programs (adaptive management).

Using that feedback, the SD RWQCB developed the administrative draft permit. The focused meetings are the next step in this collaborative process. The purpose of the focused

meetings is to get feedback on the administrative draft permit, keeping in mind that all elements in the administrative draft permit will remain in the permit. The form in which the elements are included is still open to change so long as the changes will be more cost effective, more efficient, more useful for Copermittees, and/or ultimately achieve improvements in water quality. The focused meetings are a unique opportunity for stakeholders to better understand what the SD RWQCB is trying to accomplish with this permit and for the SD RWQCB to better understand what stakeholders see as potential constraints or limitations in the proposed permit requirements. After these focused meetings, there will still be the same public process with any tentative order, including a public comment period, and a public permit adoption hearing.

Requirements included in the administrative draft permit were based on the current Riverside MS4 permit. The structure of the permit, however, was changed to focus the permit on goals and how to best achieve those goals, not simply plan development and implementation. The ultimate goal is to improve water quality, but there is a holistic approach in the administrative draft permit that encourages consideration of issues on a watershed scale as well as issues like water resources, climate change, and flood control management, in addition to water quality.

The SD RWQCB has a long-term vision for this permit. Although required to have 5-year permit terms, the SD RWQCB does not expect all water quality problems to be fixed in 5 years. The idea is that this permit will, at the five year mark, be renewed almost as-is. This will allow the SD RWQCB to become more familiar with the Copermittees' programs and to work as a supportive agency helping the Copermittees rather than an enforcement agency focused on each and every incident.

IV. Assessment and Iterative Process

The SD RWQCB (Wayne Chiu) explained how the iterative process is the main focus of the permit. The iterative process is embedded in the prohibitions and limitations section of the permit. The prohibitions and limitations are the end goal and are an expression of the requirements set forth in the Clean Water Act (CWA). Per the CWA, for municipal permits, there are two basic requirements/objectives: (1) effectively prohibit non-stormwater discharges, and (2) require controls to reduce pollutants in stormwater discharges from MS4s to the maximum extent practicable (MEP). In addition, the overall objective of the CWA is to restore and maintain the physical, chemical, and biological integrity of receiving waters. Understanding that these objectives cannot be achieved in one permit cycle, the iterative process is necessary. The Monitoring and Assessment Section (Section D) spells out how to assess the effectiveness of the municipal storm water programs in achieving those three objectives of the CWA.

Stakeholders (Ziad Mazboudi, City of San Juan Capistrano, County of Orange Copermittees; Drew Kleis, City of San Diego, County of San Diego Copermittees) agreed with

the basic goals of the permit and acknowledged that the iterative process is key to being successful in implementing and achieving those goals.

County of Orange Copermittees (Ziad Mazboudi, City of San Juan Capistrano) added he would like to see some common sense combined with the common goals, including recognition of financial constraints in implementation of the permit.

County of Orange Copermittees (Richard Boon, County of Orange and Lisa Zawaski, City of Dana Point) would like to see “effectively prohibit non-stormwater discharges” instead of “prohibit” in the permit language. This is directly from the CWA language and would provide latitude in the implementation of the permit and protect copermittees from unwarranted exposure to non-compliance. For example, with “prohibit” language, the test of compliance is if there is an illegal discharge / illicit connection (ID/IC) present within the jurisdiction; however, with the “effectively prohibit” language, other considerations come into play (economic, technical, social, etc.) and the presence of an ID/IC does not immediately result in non-compliance.

County of San Diego Copermittees (Drew Kleis, City of San Diego) believe that program planning is essential to achieving an iterative process and that a broader approach should be taken in terms of assessment activities and goals. The assessment should not be limited to assessing whether or not those three specific goals are reached, it should also include what information the programs need for adaptive management. County of San Diego Copermittees (Jon Van Rhyn, County of San Diego) discussed the need for a thorough discussion of the plans and plan process before fully addressing assessment. Assessment is set up when a plan is designed. In designing plans, the objectives are going to make specific commitments. In implementation, strategies to achieve those objectives are implemented. Some will work; some will not work. New knowledge may become available. The adaptive management process should be a learning lab of sorts. The SD RWQCB (Wayne Chiu) agreed there should be some assessment of the actual strategies implemented; however, that may not need to be included in the permit. The permit is looking for progress toward the three CWA objectives (improvements in discharge quality, improvements in receiving water quality, and reduction of non-stormwater discharges in the MS4).

County of San Diego Copermittees (Todd Snyder, County of San Diego) asked for clarification between assessment and compliance, specifically requesting language in the permit that would state if a Water Quality Improvement Plan is approved by the SD RWQCB, then implementation of that plan would constitute compliance with the permit. The Environmental Community (Thom Spanos, SD Coastkeeper) requested clarification on what compliance would be with reduction of pollutants. The SD RWQCB (Wayne Chiu) lined out the points of compliance: (1) Water Quality Improvement Plan submitted; (2) All required elements are included in the Plan; (3) Implementation of the Plan; (4) Assessment of the Plan. In terms of assessment, the point of compliance is that the assessment is completed and that information is used to improve programs and plans; nothing within the plan itself

(targets, schedules, etc.) is a point of compliance. Compliance is a track record of implementation and forward progress. The San Diego Copermittees (Todd Snyder, County of San Diego and Mikhail Ogawa, City of Del Mar) and County of Orange Copermittees (Ziad Mazboudi, City of San Juan Capistrano) would like that interpretation of compliance put explicitly into the permit. The SD RWQCB (Wayne Chiu) reminded the stakeholders that everything in the permit is written as requirement language, not explanation; explanations can go in the Fact Sheet for the permit. Stakeholders are encouraged to submit language for consideration that captures the aforementioned intent but is still stated as a requirement.

San Diego Copermittees (Mikhail Ogawa, City of Del Mar; Drew Kleis, City of San Diego; and, Elaine Lukey, City of Carlsbad) requested that permit language clearly include the ability to tailor assessment programs. Monitoring of receiving water and outfall data, from experience, cannot be tied directly to specific program implementation. County of Orange Copermittees (Grant Sharp, Orange County Flood Control District) agreed that while 50% of their annual budget is allocated to permit-required monitoring, it is a great challenge to correlate monitoring data to program actions. Additional assessment tools, such as observations or reports from non-governmental organizations (NGOs), such as Heal the Bay or the Natural Resources Defense Council (NRDC), are helpful to adequately assess program implementation. The Environmental Community (Thom Spanos, SD Coastkeeper) volunteered that SD Coastkeeper does have a lot of monitoring data; the permit should allow consideration of those data. The SD RWQCB (Wayne Chiu) acknowledged that the ability to tailor assessment programs could be expanded upon in the permit; however, collection of water quality monitoring data is still necessary to determine if conditions are improving. Furthermore, the permit does try to encourage Copermittees to work with other agencies or groups that are collecting monitoring data, and monitoring data are not limited to water quality monitoring data; monitoring data include anything being done to monitor progress.

The Development Community (Thom Fuller, BIA) requested clarification on the monitoring program being a tool to improve water quality. The SD RWQCB (Wayne Chiu) clarified that monitoring is a tool but it is also the feedback loop that indicates whether or not other tools are working and if changes are necessary. The monitoring requirements also have incorporated a set of special studies that Copermittees may use as tools.

San Diego Copermittees (Todd Snyder, County of San Diego) questioned how the permit achieves the goal of streamlined reporting; with the adaptive management context, a significant amount of changes are expected and the RWQCB may have significantly more pieces of unique programs to review which would also be subject to public review. The SD RWQCB (Wayne Chiu) explained that under current permit regulations, the SD RWQCB receives on the order of 60 reports each year with 60 plans to be familiar with. Under the administrative draft permit, that is reduced to 9 reports and 9 plans.

V. Assessment and Action Levels

The SD RWQCB (Wayne Chiu) explained that as the Riverside and Orange County permits were developed, Action Levels were incorporated, creating a whole new program. The original intent of Action Levels was to force Copermittees to actively address, in response to the data collected, non-stormwater discharges. In this regional permit, the approach is different. Rather than being a reactive set of requirements, in the new permit approach, the Action Levels are part of the assessment tools, part of the way to prioritize issues. However, the Action Levels used for the Riverside and Orange County permits are being used in the regional permit due to the RWQCB's approach of utilizing the requirements from the most recently adopted permit (the Riverside Permit in this case) as the foundation of the next permit, and consideration of the anti-backsliding requirements of the Clean Water Act..

The Development Community (Wayne Rosenbaum, BIA) expressed concern that due to the RWQCB staff's interpretation of anti-backsliding policy, stakeholders will have to live with the language and content of the permit in perpetuity. In addition, the permit is highly complex when it comes to assessment. The Development Community would prefer the approach taken with the Hydromodification Plan (HMP) be taken with this permit; allow the stakeholders to develop a program that makes sense, using all intellectual property and expert knowledge available, then come back to the SD RWQCB with the best program possible. With the assessment requirements in the permit, it does not seem to allow for this type of approach.

The County of Orange Copermittees (Richard Boon, County of Orange) shared that having dry weather numeric action levels set by the Basin Plan has resulted in the misdirection of resources; the numeric action levels have not led to addressing real ID/IC issues. The SD RWQCB (Wayne Chiu) responded that the values will not change but how the numeric action levels are applied is different in this regional permit. In this regional permit, the NALs and SALs are tools to better assess and prioritize resources. The Action Levels section lays out the Action Levels that have to be incorporated into the Water Quality Improvement Plan. How those Action Levels are used in the Water Quality Improvement Plan is in the Assessment Section. Within those assessments, there is a section where the monitoring data are compared to NALs and SALs. Then, that information is used to assess the Water Quality Improvement Plan and prioritize strategies. The intent is for Action Levels to become a measure of progress, not an alarm for immediate action. The SD RWQCB (Laurie Walsh) clarified that the Water Quality Improvement Plans are used to establish pollutant priorities. The Action Levels are to be used to measure progress, not to determine compliance. The San Diego Copermittees (Drew Kleis, City of San Diego) would like that language included in the permit to make the prioritization commitment clearer.

The Environmental Community (Thom Spanos, SD Coastkeeper) asked how Copermittees can change their Water Quality Improvement Plans outside the required

three-year adaptive management process. The SD RWQCB (Laurie Walsh) explained that Copermittees can always modify their Water Quality Improvement Plans more frequently; the permit just sets the minimum timeframe.

The Development Community (Wayne Rosenbaum, BIA) brought up the issue of distinguishing between stormwater and non-stormwater. With the hydromodification systems, the drain out is longer than the 3-day stormwater definition. Perhaps there is a better way to define stormwater that would not catch the hydromodification systems under the non-stormwater definition. There is a concern that much time and resources will be spent tracking non-stormwater discharges to hydromodification systems.

VI. Assessment and Planning

The SD RWQCB (Wayne Chiu) explained how the Water Quality Improvement Plan is intended to be the backbone of the permit. In earlier permits, the permits dictated what needed to be in the plans specifically, such that the plans were simply regurgitations of the permits. With this permit, it is up to the Copermittees to take the knowledge they have collected over the last 20 years and use that to develop a Water Quality Improvement Plan that is still based on the three main objectives of the CWA. This will result in MEP becoming an ever-increasing and ever-improving standard. Assessment of the plans will look at the effectiveness of the plans toward achieving the three main objectives of the CWA.

The SD RWQCB recognizes that priorities within the Water Quality Improvement Plans can change over time; the plans need to be set up such that data are collected that allow assessments of the plan elements so that the priorities can be periodically reevaluated. The SD RWQCB (Laurie Walsh) clarified that watersheds with TMDLs should have the TMDLs as the highest priorities; however, multiple benefits across priority levels may be attained (e.g., removing sediment may also reduce metals). The intent was that these Water Quality Improvement Plans could serve as Comprehensive Load Reduction Plans (CLRPs) as well.

The U.S. EPA (John Kemmerer) has been working with the RWQCB since January. The Water Quality Improvement Plans are a good approach for allowing flexibility. The bottom line is that with TMDLs, those waste load allocations need to be incorporated into the permit. The ultimate bottom line is water quality improvement on a watershed basis.

The Environmental Community (Thom Spanos, SD Coastkeeper) agreed with the same goals: seeing marked improvement in highest priorities. The Environmental Community (Rick Wilson, Surfrider) shared the most valuable part of this meeting so far has been clarification of what constitutes compliance, identification of areas of flexibility, and descriptions of ways priorities can be rearranged.

The County of Orange Copermittees (Ryan Baron, County of Orange) referenced the cause/contribute language on page 9 of the administrative draft permit. As this is strict liability language, it makes it difficult to involve NGOs as there is a legal threat. The SD

RWQCB (Wayne Chiu) referenced A.4 on page 13 of the administrative draft permit which tries to make a clearer distinction that compliance with the requirements of A.4 will lead to and will be considered by the San Diego Water Board to be in compliance with the discharge prohibitions and receiving water limitations.

The County of Orange Copermittees (Richard Boon, County of Orange) raised the issue of the recent Ninth Circuit Court Decision in NRDC vs. Los Angeles County where the court decided that the iterative adaptive response is entirely separate and enforceable to the "shall not cause or contribute" clause of the Los Angeles County Permit. The lawyers will need to take a closer look at that language. The SD RWQCB (Wayne Chiu) reiterated that the RWQCB is open to suggestions on language from all stakeholders and encouraged involvement of the NGOs in developing language.

The San Diego Copermittees (Todd Snyder, County of San Diego) pointed out that one element of the Water Quality Improvement Plans is the numeric targets. In side conversations with the SD RWQCB (Wayne Chiu), it is understood that those numeric targets are goals but are not enforceable. The San Diego Copermittees requested that be specified with permit language.

The SD RWQCB (Wayne Chiu) explained the review and approval process for the Water Quality Improvement Plans. The Water Quality Improvement Plans are to be submitted to the SD RWQCB (within 12 months of permit adoption for the San Diego Copermittees). There is then a 30-day public review period, then the Executive Officer of the SD RWQCB would determine if the plan meets the requirements of the permit and, if it does, approve the plan. In order to have this process in which the Executive Officer can approve the plans and plan updates, the permit must include very specific requirements for that plan. The SD RWQCB mentioned that the public participation component might not be fully fleshed out in this administrative draft.

The San Diego Copermittees (Drew Kleis, City of San Diego) questioned in regard to the plan update process, when compliance is determined. The permit should include clear language on compliance woven into the provisions discussed in Provision A. The SD RWQCB (Wayne Chiu) is open to recommendations or suggestions for language.

The SD RWQCB (Laurie Walsh) described the structure of the leading paragraphs for each section of the permit. The first sentence is the purpose of the provision. The next sentence is how the purpose would be accomplished. Third, is the goal of the provision.

The SD RWQCB (Wayne Chiu) mentioned there is a section talking about adaptive management on both the Jurisdictional Management Plan and Water Quality Improvement Plan scale that could be incorporated or explained better. The SD RWQCB (Wayne Chiu) asked for recommendations or suggestions.

The Environmental Community (Thom Spanos, SD Coastkeeper) voiced concern that with the 5-year permit cycle and 3-year minimum for adaptive management, some Copermittees may never have to undergo the adaptive management cycle as they have 12 months from permit adoption to develop a plan, then a 30-day public review process, then 6 months to implement the program; the permit may reach the end of its term before the 3-year minimum for adaptive management is reached. The San Diego Copermittees (Elaine Lukey, City of Carlsbad) assured that they have been practicing adaptive management in the last 10 years with the monitoring program and have been doing so, at a minimum, with the annual reporting process. The San Diego Copermittees (Elaine Lukey, Carlsbad) pointed to slide 5 of a handout they had prepared for the meeting, and reviewed the long term vs. annual processes of adaptive management (see attached). A key component of the process is RWQCB approval of the annual submittal. The three-year minimum for adaptive management roughly coincides with the Report of Waste Discharge (ROWD) preparation.

The Development Community (Tory Walker, SD BIA and Vista Chamber of Commerce) questioned how adaptation and flexibility will be given to Copermittees, raising the San Diego HMP as an example. The SD HMP was developed by top-notch technical experts with decades of hydrologic experience. In spite of that, trying to bring concepts from the northwest, through the Bay area, and down to San Diego has resulted in an HMP with serious need for modification. Without flexibility, the Copermittees are constrained to the HMP as-is. The SD RWQCB (Wayne Chiu) re-stated that every element in the administrative draft permit will remain in the permit; how the elements are implemented is still subject to discussion.

The San Diego Copermittees (Jon Van Rhyn, County of San Diego) raised the issue that adaptive management is fundamentally different than management; there needs to be a structured commitment to the learning process which may not be clear in the administrative draft permit.

The County of Orange Copermittees (Ziad Mazboudi, City of San Juan Capistrano) asked what the timeframe is to align the three counties under the regional permit. The SD RWQCB (Wayne Chiu) responded that San Diego Copermittees will be enrolled when the permit is adopted. As the Orange County and Riverside County permits expire, then the Orange County and Riverside Copermittees will come under the regional permit. There is, however, a clause that would allow earlier enrollment by the Orange County or Riverside Copermittees, so long as they have fulfilled their requirements under their current permit, including hydromodification and a model Water Quality Management Plan (WQMP), and have a Water Quality Improvement Plan submitted to the RWQCB.

The County of Orange Copermittees (Ryan Baron, County of Orange) asked what the basis was for implementing a regional permit. The SD RWQCB (Wayne Chiu) responded that there were two main factors: 1) At this point, all three permits have basically the same elements and requirements; and, 2) the RWQCB is under resource constraints with fewer

resources to administer multiple permits. The County of Orange Copermittees (Ryan Baron, County of Orange) are concerned that all Copermittees will not have had an opportunity to submit an ROWD to shape this regional permit. The SD RWQCB (Wayne Chiu) has spoken with the Copermittees of all three counties and has found similar issues across the three counties. The SD RWQCB (Eric Becker) will discuss the ROWD issue with legal counsel.

VII. Next Focused Meeting

The next focused meeting is set to address similar topics as this focused meeting. Based on the progress and direction of the discussions at the first meeting, stakeholders may have some recommendations on different or additional topics that are germane and timely to discuss at the second meeting, and thus were asked to propose topics for discussion to the SD RWQCB (Laurie Walsh) no later than Tuesday, July 3. The agenda for the meeting will be distributed Friday, July 6.

VIII. Audience Comments

Question: Is there any intent to have technical discussion in the focused meetings?

Response: The discussion level at the focused meetings will primarily remain at the conceptual level.

Question: Should specific language drafts be brought to the table at future focused meetings?

Response: Specific language drafts should be submitted in writing before September 14. The discussion level at the focused meetings will primarily remain at the conceptual level.

Question: Regarding Action Levels and Assessment, is the intent of Section D.4.a that Copermittees must follow up on all exceedances of NALs?

Response: Intent is that Copermittees will prioritize and ultimately address all exceedances on a prioritized basis.

There were several comments about revisiting and discussing several technical aspects in the permit requirements. SD RWQCB responded that there were some aspects of the permit requirements, such as Action Levels and design or performance criteria, that would not be changed. The way those requirements are applied and complied with, however, can still be changed in the permit and will be discussed in subsequent focused meetings.

IX. Meeting Adjourned

SDRWQCB Focused Meeting #1 June 27, 2012



SD County Copermittee Vision

“Our vision is for the protection of water quality in our streams, bays, ocean, and other water bodies that benefits wildlife, recreation, the environment, and other community needs as supported by sustainable stormwater management.”

SD County Copermittee Visioning and Goal Setting 2010

SD County Copermitee Goals

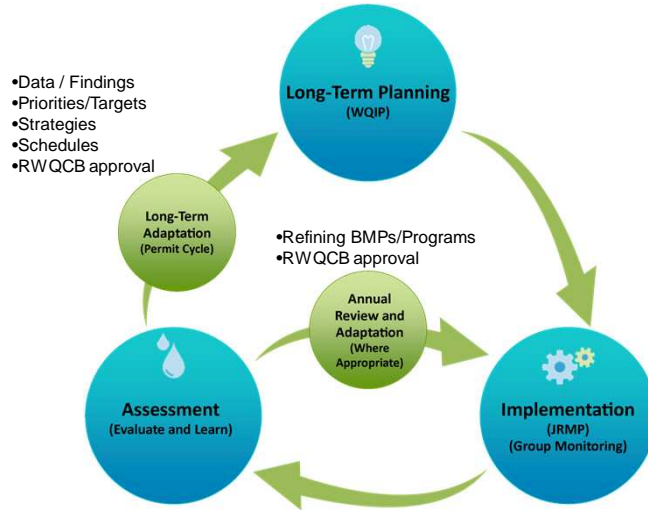
- Protect and restore appropriate beneficial uses for prioritized water bodies impacted by stormwater.
- Achieve sustainable stormwater management that balances social, economic, and environmental needs.
- Focus stormwater management on sources and practices that jurisdictions have the ability to affect or control.
- Support development of a regulatory framework and establish an organizational structure that facilitates implementation of the most effective and efficient stormwater management program.

SD County Copermittee Visioning and goal setting 2010

SD County ROWD Objectives

- Emphasis on Strategic Planning
- Enhanced Watershed and TMDL Focus
- Streamlined & Meaningful Assessment
- Coordinated & Strategic WQ Monitoring
- Simplified & Meaningful Reporting
- Emphasis on Adaptive Management
- Clear Understanding of Compliance

Long-Term vs. Annual Processes



SDRWQCB NPDES Permit Reissuance Focused Meeting 6-27-12 SD Copermittees Handout

5

Key Concepts

SDRWQCB NPDES Permit Reissuance Focused Meeting 6-27-12 SD Copermittees Handout

6

How can adaptive management or the “iterative process” be incorporated into the draft permit better?

Clarify in the permit:

- Define compliant adaptive management as approved plan iteration
- Allowance for replacement of required activities with more efficient activities
- Adaptation distinctions:
 - Annually review and consider adaptation of control strategies
 - Periodically review and consider adaptation of goals & priorities

How can the draft permit be modified to support a Copermittees’ ability to plan and/or procure resources?

Clarify in the permit:

- Different purposes of WQIP & JRMP
 - WQIP serves as guidance for watershed priorities
 - JRMP identifies full suite of control strategies for implementation
- Allowance for jurisdiction-specific goals, priorities, activities focused on WQIP priorities
- Consideration of environmental, social and economic factors
- Allowance for replacement of required activities with more efficient activities
- Copermittees’ responsibilities are limited to their MS4 discharges and their impacts on receiving waters
- Sufficient time to develop/update plans, obtain RWQCB approval, budget and implement

How can the draft permit be modified to improve program and goal assessment?

Clarify in the permit:

- Assessment structure facilitates development of strategic, adaptive management in WQIP
 - Goals/Objectives/Outcomes
 - Sources/Pollutant Generating Activities
 - Program/BMP efficiencies
- Use a question/objective-driven approach
- Statistically supported representative approaches to program assessment is used where appropriate (e.g., monitoring) focused on WQIP priorities

How can the proposed provisions be modified to reduce or eliminate conflicts with other requirements or programs?

- Sync plan development and update schedules with other regulatory deadlines
- RWQCB to address:
 - conflicts with CEQA (e.g., definitions)
 - conflicts with groundwater regulations
 - habitat needs (e.g., flows)
 - other RWQCB-issued NPDES Permits