

**San Diego Copermittee Comments  
Regional Board Workshop  
San Diego Regional MS4 Permit  
November 13, 2012**

# Overview

- Appreciate Board staff's efforts on Admin Draft
  - Focused Meetings and individual meetings have been very valuable
  - Support the watershed-based (WQIP) approach
  - Staff made many changes based on stakeholder input
- **Critical issues remain, and request Board direction:**
  1. Compliance Provisions
  2. Total Maximum Daily Loads
  3. Development Requirements and Hydromodification

- **MS4s have demonstrated success:**
  - Fewer beach closures
  - Removal copper from brake pads (SB 346)
  - Revised development standards (LID and HMP)
- **Challenges remain:**
  - WQOs can be exceeded even with treatment (see International BMP Database)
  - 2008 National Academy of Science Report:  
*“...pollutant loadings in stormwater effluent vary dramatically over time...”*

# WQIPs provide path forward to a new paradigm

- Addresses all prohibitions and limitations in a watershed
- Prioritizes resources
- Identifies effective actions using sound science
- Vets through public process
- Implements E.O. approved WQIP per schedule
- Revises actions/BMPs based on water quality outcomes
- Alleviates need for further TMDLs

# Compliance Provisions

**Comment 1:** Compliance language in permit is conflicting

**REQUEST:** Develop language to clearly link WQIPs to Permit compliance

- *Prohibitions and Limitations (Provision A);*
- *Water Quality Improvement Plans (Provision B);*  
and
- *TMDL Provisions (Attachment E)*

# Total Maximum Daily Loads

# TMDLs

**Comment 2:** Permit does not allow for BMP-based TMDL compliance

- Board has discretion to allow BMP-based compliance
- Previously included in Board-adopted TMDLs
- Permit removes this as an option

**REQUEST:** Add an option for BMP-based compliance with WLAs as envisioned in adopted TMDLs

# TMDLs

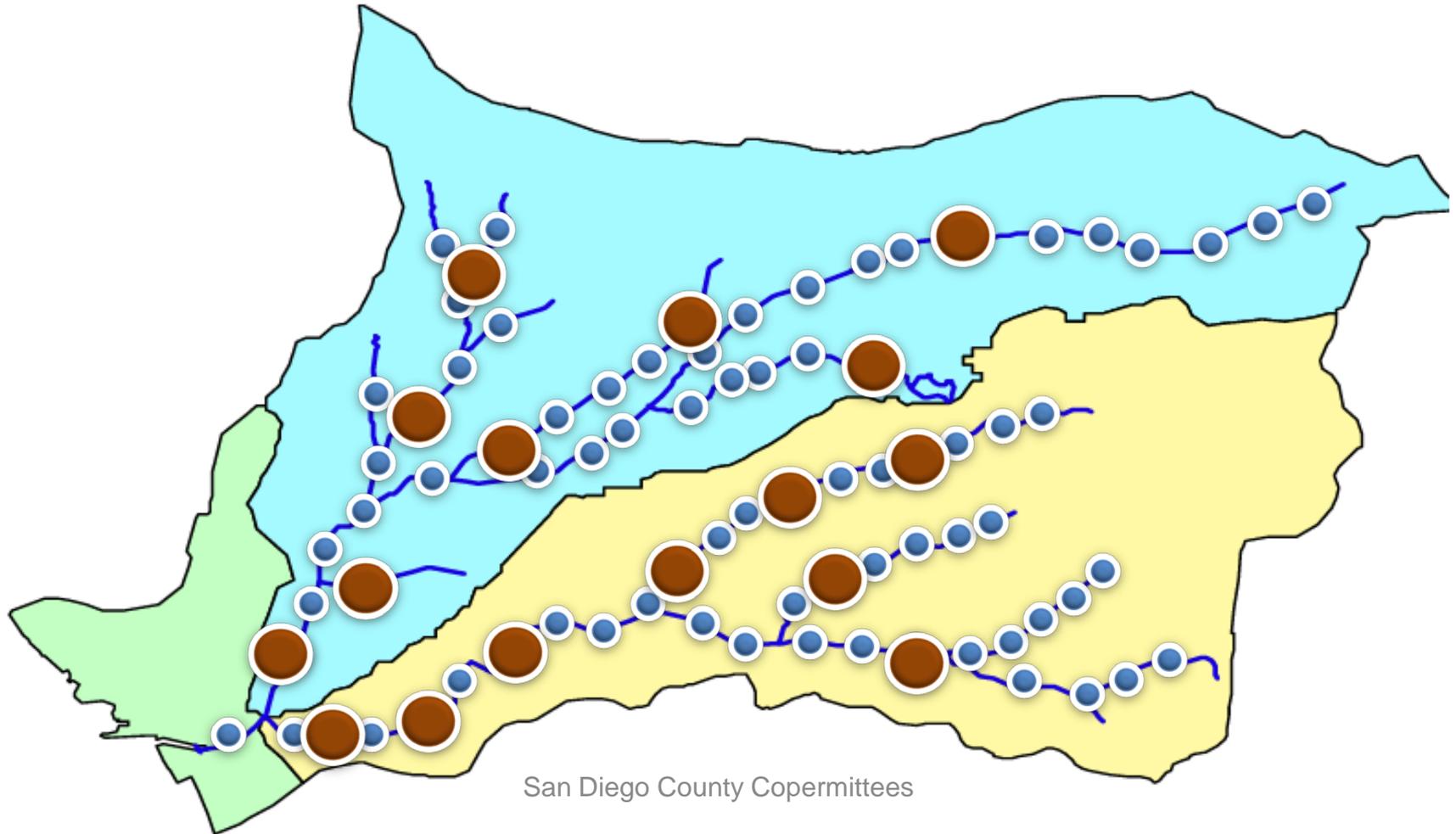
## **Comment 3:** Permit applies concentration-based Effluent Limitations at each MS4 outfall

- Requires compliance at every discharge point in the MS4 rather than the cumulative loading to receiving waters
- Limits ability to strategically target problem areas

**REQUEST:** Include an option for load-based WLAs (not WQ objectives) as envisioned in adopted TMDLs

# Effect of Effluent Limits (Chollas Creek)

- Outfalls that must be addressed if effluent limits are WQOs
- Outfalls that must be addressed if effluent limits are WLAs



# Project I Bacteria TMDL

## Comment 4: Permit does not acknowledge Project I Bacteria TMDL reopener

- During TMDL adoption hearing, Permittees raised technical issues and concerns related to attainability
- To address concerns, the Board itself added a reopener provision to the TMDL
- Permit does not allow for CLRP modifications

**REQUEST:** Insert language in *Modification of Programs* (Provision H) to reopen Permit to incorporate TMDL revisions and CLRP modifications

# Hydromodification

# Hydromodification Management Plan

**Comment 5:** Draft permit revises Board-adopted HMP prematurely and without technical basis

San Diego HMP:

- Technically robust
- Publicly vetted
- 5-yr effectiveness monitoring (in progress)

**REQUEST:** Reaffirm Resolution R9-2010-0066;  
reference the Resolution in the permit

# HMP Applicability

**Comment 6:** The draft Permit expands the application of HMP to areas where there will be no benefit (at a large cost)

- HMP Goal: Protect streams from unnatural **erosion**
- No potential impact to:
  - Ocean
  - Depositional (non-erosive) streams
  - Concrete lined flood control channels

**REQUEST:** Maintain HMP exemptions as identified in the Board-adopted San Diego HMP

# HMP Baseline

**Comment 7:** The draft Permit requires projects to reduce flow to “naturally occurring” rates rather than to pre-project rates

- Discourages redevelopment projects that benefit water quality
- Mandates mitigation beyond project’s impacts

**REQUEST:** Replace “pre-development naturally occurring” with “pre-project”

# Summary of Requests

## Compliance

- Develop language to clearly link WQIPs to Permit compliance

## TMDLs

- Add options for BMP- and load-based compliance with WLAs
- Insert language in *Modification of Programs* (Provision H) to reopen Permit to incorporate TMDL revisions and CLRP modifications

# Summary of Requests

## Hydromodification Management Plan

- Reaffirm Resolution R9-2010-0066; reference the Resolution in the permit
- Replace “pre-development naturally occurring” with “pre-project”