

Hello Board Members Doduc and Moore

Here is a summary of the topics we would like to discuss with you at our 11:00 briefing today. We have two issues we would like to discuss: Maintaining Region 3's post-construction requirements and maintaining some level of "continued implementation" where reasonable.

Post-Construction Requirements (Attachment J)

- We recognize including the Central Coast requirements in Attachment J is problematic for the State Board
- If Attachment J is removed, we request that the General Permit include language allowing the Central Coast Regional Board to implement its post-construction requirements
- We suggest the Phase II permit state that Regional Boards may adopt post construction requirements based on the following process:
 - Conduct a scientifically sound assessment of watershed processes affected by urban stormwater
 - Include LID site design and runoff reduction measures, numeric runoff treatment controls, numeric runoff retention controls, numeric runoff peak management controls, and project applicability thresholds that will maintain watershed processes and reasonably protect water quality and beneficial uses
 - Consider approval of the PC requirements through a publically noticed Regional Board action

Possible language for Draft Permit:

E.12.j. Post-Construction Storm Water Management Requirements Based on Assessment of Watershed Processes

Small MS4s subject to Provision E of this Order shall, in place of complying with the requirements set forth in Provision E.12, except for Provisions E.12.j [Planning and Building Document Updates] and E.12.d.i.a [Source Control Requirements], comply with post-construction stormwater management requirements approved by Regional Boards that have done the following:

- Conducted a scientifically sound assessment of watershed processes affected by urban stormwater
- Developed LID site design and runoff reduction measures, numeric runoff treatment controls, numeric runoff retention controls, numeric runoff peak management controls, and project applicability thresholds that will maintain watershed processes and protect water quality and beneficial uses
- Approved the post-construction requirements through a publically noticed Regional Board action

"Continued Implementation"

- Some municipalities are currently implementing at higher levels than required by the Draft Permit, some of which is necessary to address local water quality priorities

- The Draft Permit should have a mechanism to maintain this level of implementation, where it is reasonable to protect beneficial uses. We understand municipalities and NGOs have reservations about how “continued implementation” will work. To address these concerns, we recommend:
 - Reduce the scope:
 - Municipalities identify specific existing BMPs that exceed Draft Permit, instead of continuing implementation of a whole program
 - Increase municipal flexibility:
 - For existing BMPs that exceed Draft Permit, allow municipalities, in consultation with regional Board staff, to reduce implementation if justified in terms of addressing local water quality priorities and protecting beneficial uses
 - Simplify the process:
 - Rather than update SWMPs, require municipalities to list in the Guidance Document the existing BMPs they will continue implementing

Thank you
Michael Thomas