Presentation of the Riverside County Copermittees

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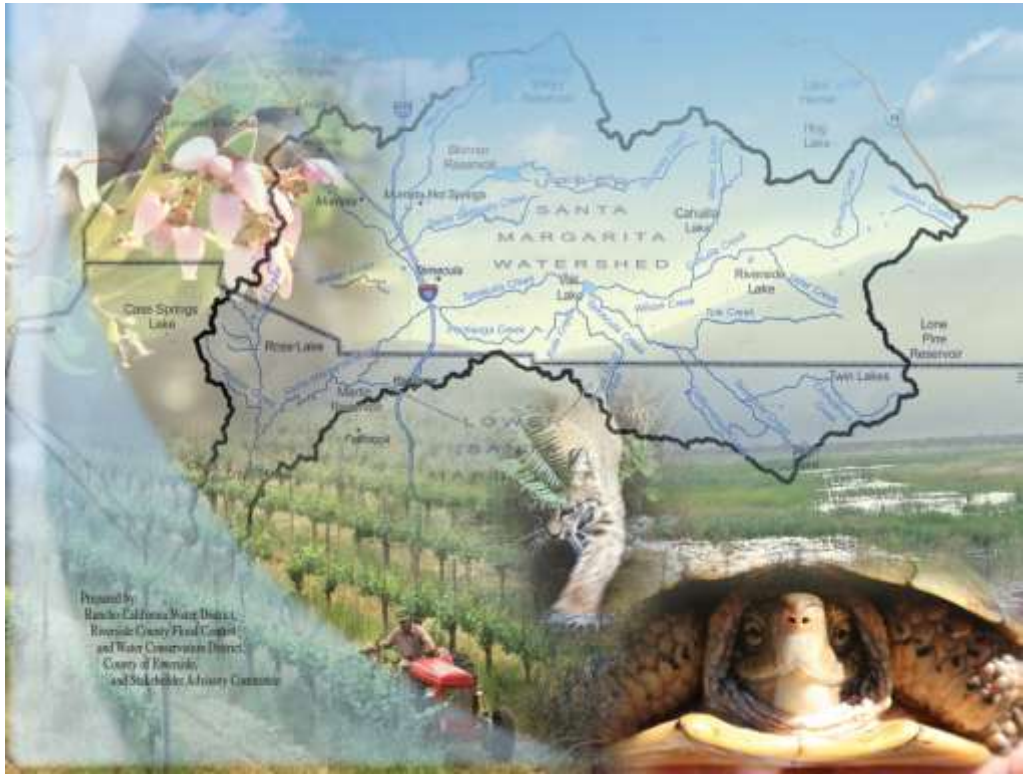
Riverside County

A partner in protecting water resources



* Habitat Conservation
* Water Conservation
* Low Impact Development
* Flood Hazard Reduction

We Appreciate Revisions

* Provision b.3.c clarifications
  * WQIP Consultation Panel
  * RWL Compliance Option (B.3.c.(3)(a))
* Provision E errata
  * “Equivalent Pollutant Load” criteria
  * Maintaining existing DCV development requirements
  * Road standards clarification

Support Receiving Water Limitation Compliance Option 2

* Provides a necessary pathway to compliance for the Permittees
* Support recommended minor modifications raised by Orange County

RWL Compliance Not Safe Harbor

(iii) Numeric goals for receiving waters that will protect the conditions of the receiving waters and attain water quality standards.

- Significant and complicated studies required for each waterbody/pollutant combination
- Must commit to plan and schedule for action
- Costs could be prohibitive
- May recommend modifications in ROWD

Critical Sediment Yield Areas (E.3.c)

Permittee Recommendation from April

(b) Each Priority Development Project must avoid impacts to receiving waters from known critical sediment yield areas or implement measures that allow coarse sediment to be discharged to receiving waters, such that the ~~sediment supply~~receiving water is unaffected by the project to the MEP.

Board staff revisions in May errata

(b) Each Priority Development Project must avoid ~~known~~ critical sediment yield areas known to the Copermittee or identified by the Watershed Management Area Analysis pursuant to Provision B.3.b.(4), or implement measures that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water ~~sediment supply is unaffected by the project~~.

Concern 1: Sediment Transport Hydromod Management BMP Requirements E.3.c.(2)(b)

Recommended Solution:

Each Priority Development Project must avoid critical sediment yield areas known to the Copermittee or identified by the Watershed Management Area Analysis pursuant to provision B.3.b.(4), or implement measures that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water. The Copermittees may propose an alternative program to assess and manage the impacts of changes in sediment supply on receiving waters as part of the Watershed Management Area Analysis incorporated into the Water Quality Improvement Plan pursuant to Provision B.3.b.(4) in lieu of this requirement.

Clarify Flood Control Projects are not Development Projects

Proposed E.3.b.(3)(c) – (Development exemptions)

~~(b)~~(c) Flood control and watershed management projects that have minimized the need for impervious surfaces to the MEP, consistent with requirements to protect public health and safety.

Clarify Flood Control Projects are not Development Projects

Add Language from LA Permit to the Attachment C: Definition of "Redevelopment":

Redevelopment - The creation and/or replacement of impervious surface on an already developed site. Examples include the expansion of a building footprint, road widening, the addition to or replacement of a structure, and creation or addition of impervious surfaces. Replacement of impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed, exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work; resurfacing existing roadways; new sidewalk construction, pedestrian ramps, or bike lane on existing roads; ~~and~~ routine replacement of damaged pavement, such as pothole repair; and routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of facility; and emergency construction activities required to immediately protect public health and safety.

Other Issues

* "Must" provisions in Sections B.2.e and B.3.b
* Reduces flexibility (and increases cost) of WQIP development
* Simple fix: add "where applicable" language

B.2.E. IDENTIFICATION OF POTENTIAL WATER QUALITY IMPROVEMENT STRATEGIES

The Copermittees must evaluate the findings identified under Provisions B.2.a-d, and identify potential strategies that can result in improvements to water quality in MS4 discharges and/or receiving waters within the Watershed Management Area. Potential water quality improvement strategies that may be implemented within the Watershed Management Area must include the following where applicable to a Watershed Management Area:

B.3.b.(1) (b) Identify the optional jurisdictional strategies that each Copermittee will implement within its jurisdiction, as necessary, to effectively prohibit non-storm water discharges to its MS4, reduce pollutants in storm water discharges from its MS4 to the MEP, protect the beneficial uses of receiving waters from MS4 discharges, and/or achieve the interim and final numeric goals identified under Provision B.3.a. ~~Descriptions of the optional jurisdictional strategies must include~~Description of the optional jurisdictional strategies should include the following, as applicable:

B.3.b. (2) Watershed Management Area Strategies

The Copermittees must identify the optional regional or multi-jurisdictional strategies that will be implemented in the Watershed Management Area, as necessary, to effectively prohibit non-storm water discharges to the MS4, reduce pollutants in storm water discharges from the MS4 to the MEP, protect the beneficial uses of receiving waters from MS4 discharges, and/or achieve the interim and final numeric goals identified under Provision B.3.a. Description of the optional jurisdictional strategies should include the following, as applicable:~~Descriptions of the optional regional or multi-jurisdictional strategies must include:~~

B.3.b.(4)(b) The Copermittees must use the results of the Watershed Management Area Analysis performed pursuant to Provision B.3.b.(4)(a) to identify and compile a list of candidate projects that could potentially be used as alternative compliance options for Priority Development Projects, to be implemented in lieu of onsite structural BMP performance requirements described in Provisions E.3.c.(1) and E.3.c.(2). Specifically, the Copermittees must identify in each Watershed Management Area (where applicable to the Watershed Management Area):

Hydraulic Loading Rates

* **Provision E.3.c.(1)(a)(i)**
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* (i) If a Copermittee determines that implementing BMPs to retain the full design capture volume onsite for a Priority Development Project is not technically feasible, then the Copermittee may allow the Priority Development Project to utilize biofiltration BMPs. Biofiltration BMPs must be designed to maximize pollutant removal and have an appropriate hydraulic loading rate to prevent erosion, scour, and channeling within the BMP [X], and must be sized to:
*
  * [a] Treat 1.5 times the design capture volume not reliably retained onsite; OR
  * [b] Treat the design capture volume not reliably retained onsite with a flow-thru design that has a total volume, including pore spaces and pre-filter detention volume, sized to hold at least 0.75 times the portion of the design capture volume not reliably retained onsite.
  * ~~[c] Have an appropriate loading rate to prevent erosion, scout and channeling within the BMP.~~
*
* Insert Footnote X: As part of the copermittee's updates to their BMP Design Manuals, pursuant to Provision E.3.d, the copermittees must provide guidance for hydraulic loading rates and other biofiltration design criteria necessary to maximize pollutant removal.
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Critical Sediment Yield Areas (E.3.c)

* Sediment is a challenge to assess and manage
* Board staff have proposed language to manage sources of critical sediment
* Recommend additional language that allows Permittees flexibility to develop alternative compliance options for the development community

ISSUE – Allow WQIP to work

All program elements should be "adaptable", including Provisions C, D and E

* Use limited resources to achieve highest priority outcomes
* Balance Santa Ana and San Diego MS4 Permit programs where appropriate to improve program performance

WQIP revisions still subject to stakeholder and Board review