

**From:** [lyris@swrcb18.waterboards.ca.gov](mailto:lyris@swrcb18.waterboards.ca.gov)  
**To:** [Chiu\\_Wayne@Waterboards](mailto:Chiu_Wayne@Waterboards)  
**Subject:** REVISED Notice of Public Workshop Continuation - Tentative Order R9-2013-0001 Regional Storm Water Permit  
**Date:** Friday, December 07, 2012 10:19:45 AM

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Greetings Copermittees and Interested Persons,

Attached is the REVISED Notice of the Public Workshop Continuation on Tentative Order R9-2013-0001. This revised Notice provides direction from the San Diego Water Board's Chairman on procedures for hearing input from the Copermittees and other interested persons at the upcoming San Diego Water Board's December 12, 2012 meeting.

Additionally, a copy of the San Diego Water Board's list of questions posed by the Board at the November 13, 2012 Public Workshop are also attached.

This REVISED Notice of the Public Workshop Continuation, list of Board member questions, and all other documents pertaining to Tentative Order R9-2013-0001 can be found on the San Diego Water Board website at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/index.shtml)

Questions can be directed to either myself or Wayne Chiu at (858) 637-5558 or [wchiu@waterboards.ca.gov](mailto:wchiu@waterboards.ca.gov).

Laurie Walsh P.E.  
San Diego Water Board  
858-467-2970  
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## California Regional Water Quality Control Board, San Diego Region

# **REVISED<sup>1</sup>** **NOTICE OF WORKSHOP CONTINUATION**

The public workshop held on November 13, 2012 will be continued to discuss

**Tentative Order No. R9-2013-0001, NPDES No. CAS0109266  
Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the  
San Diego Region**

**Wednesday, December 12, 2012  
9:00 a.m.**

**California Regional Water Quality Control Board, San Diego Region  
Regional Water Board Room  
San Diego Water Board Office Building  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340**

### **SUBJECT OF WORKSHOP**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will continue an informational public workshop on December 12, 2012 at its regularly scheduled public meeting to receive information and discuss proposed requirements in the public draft of a Regional NPDES Permit for Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Regional MS4 Permit) (Tentative Order No. R9-2013-0001). A public workshop was held on November 13, 2012, regarding the Tentative Order; however, the workshop was continued because more time is warranted to discuss certain proposed requirements of the Tentative Order. The San Diego Water Board posted the Tentative Order on October 31, 2012 at the following website:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/index.shtml)

### **BACKGROUND**

The San Diego Water Board is considering the adoption of a Regional MS4 Permit that will be issued to municipal Copermitees in San Diego County, Southern Orange County and Southwest Riverside County. Currently, each of these counties within the San Diego Region has its own MS4 Storm Water Permit. In order to better achieve regulatory consistency as well as maximum efficiency and economy of resources, the San Diego Water Board has drafted a single MS4 Permit based on the boundaries of the San Diego Region instead of county political boundaries. Under this approach, the Regional MS4 Permit will uniformly regulate all three counties within the San Diego Region once it becomes effective

<sup>1</sup> Text changes to the original November 26, 2012 notice are indicated in red.

Notice of Workshop Continuation  
Tentative Order No. R9-2013-0001

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—November 26, 2012  
December 7, 2012

for all Copermittees. The Regional MS4 Permit will also provide opportunities for a comprehensive monitoring framework, incentive for a regional collaborative approach, and opportunities for regional cost efficiencies among Copermittees. Upon adoption by the San Diego Water Board, this Regional MS4 Permit will be issued to all 39 Copermittees in a phased manner according to the expiration dates of their current MS4 Storm Water Permits and after consideration of Reports of Waste Discharge filed by the Orange County and Riverside County Copermittees.

## PROCEDURAL MATTERS

The San Diego Water Board held a public workshop on November 13, 2012 in which Water Board staff explained the permit development process and summarized significant elements of the Regional MS4 Permit for the San Diego Water Board Members and the public. Many Copermittees and other interested stakeholders voiced comments and concerns regarding the Tentative Order. At the conclusion of the item, San Diego Water Board members asked staff to prepare responses to specific questions (see attachment). The specific questions pertain to items of concern voiced at the public workshop and generally fall into one of three areas: hydromodification management, total maximum daily loads (TMDLs), and costs associated with storm water programs.

On December 12, 2012, the San Diego Water Board will continue the public workshop for this item. Water Board staff will provide oral responses to the questions posed by the San Diego Water Board members. Copermittees and members of the public are also invited to provide comments on the subject matter as permitted by the Chair. The San Diego Water Board may provide general feedback to staff on development of the Tentative Order; however, no action or voting will take place at this workshop.

The San Diego Water Board's acting Chair, Gary Strawn, has issued the following additional direction in response to requests from Copermittees and other interested persons wishing to make formal presentations at the December 12, 2012 workshop. The San Diego Water Board is not seeking formal presentations from the Copermittees or other interested persons on all of the questions posed to staff at the conclusion of the November 13, 2012 workshop and is not interested in rehashing presentations made at the November 13 workshop. The San Diego Water Board is seeking comments from Copermittees or other interested persons specifically on the questions related to 1) the projected costs of implementing the Tentative Order, including cost breakdowns, timeframes and comparisons with current expenditures and 2) the projected costs of not implementing the Tentative Order in terms of beach closures, public health effects, public costs and other pertinent considerations. The San Diego Water Board will allow comments pertaining to the other questions if the Copermittees or other interested persons wish to provide additional information not previously presented. Presentations may be informal, and if visual aids are necessary to convey information they will be permitted. To ensure a productive and efficient workshop, and to ensure that all attending have an opportunity to participate, presentations by Copermittees or other interested persons may be limited at the discretion of the acting Chair. This workshop has significant interest and to provide enough time for all interested persons to participate, participants with similar comments are requested to make joint presentations.

## INFORMATION REGARDING WORKSHOP

If you have any questions regarding the workshop, please contact Wayne Chiu at (858) 637-5558 or via e-mail at [wchiu@waterboards.ca.gov](mailto:wchiu@waterboards.ca.gov) or Laurie Walsh at (858) 467-2970 or via e-mail at [lwalsh@waterboards.ca.gov](mailto:lwalsh@waterboards.ca.gov).

**Questions from San Diego Water Board Members  
November 13, 2012 Public Workshop  
on  
Tentative Order No. R9-2013-0001  
Regional Municipal Separate Storm Sewer Systems (MS4) Permit**

**Hydromodification**

1. When accounting for the impacts caused by hydromodification at a development or redevelopment site, how far back should the analysis go, preproject or predevelopment? {*Grant Destache*}
2. How can the San Diego County Hydromodification Plan (HMP) be implemented into the MS4 Permit in a more succinct manner? How can we implement the rules and regulations in the San Diego County HMP, because we really have not had it in place for very long before we, “throw it down the drain?” {*Grant Destache*}
3. How do you document predevelopment or naturally occurring on a map? How is “naturally occurring” defined? How far back do you go to document predevelopment? 100 years? 500 years? Before the Indians were picking up acorns? {*Gary Strawn*}
4. Why was the concrete/hardened channel exemptions removed? {*Eric Anderson*}
5. Copermittees commented that road projects have unique space limitations and may not be able to meet retention & HMP requirements. Should road projects be treated differently and could requirements in the new CALTRANS Storm Water Permit be used to provide more options? {*Grant Destache*}
6. If a project is unable to comply with the HMP requirements at the site, how far away from the site can the project proponent place their retention basins? What other limitations exist when not placing a BMP on site? There is a concern that low income areas will become targets for placement of the retention basins. {*Tomas Morales*}

**Cost**

1. What is the cost of not implementing the provisions in the Tentative Order? (e.g. beach closures, ill health that taxpayers have to pay for through their private health plans or public costs, deaths ....) {*Henry Abarbanel*}
2. Lots of big cost numbers were used during the meeting. (e.g. \$2 to \$4 billion over 20 years) How much do the Copermittees spend now? What is being spent now and on what? {*Henry Abarbanel*}
3. What is the breakdown of costs? What is the timeframe of these costs? How much is already being spent? {*Tomas Morales*}

### **Total Maximum Daily Load (TMDL)**

1. Can the Copermitees meet the bacteria levels that are specified in the Total Maximum Daily Loads (TMDLs)? What sorts of technologies are available to the Copermitees to treat bacteria to the levels specified in the TMDLs?  
{*Grant Destache*}
2. Can the Copermitees achieve adequate waste load reductions in MS4 discharges to meet the effluent limitations and compliance dates for bacteria in the Tentative Order? {*Grant Destache*}
3. What are the benefits of BMP based compliance with the TMDLs for bacteria compared to compliance with Water Quality Based Effluent Limitations (WQBELs)?  
{*Grant Destache*}
4. Address the issues that Ruth Kolb, City of San Diego raised regarding the Bacteria TMDLs. Clarify how we incorporated the Bacteria TMDLs into the Tentative Order to demonstrate that we incorporated it into the Tentative Order the way it was intended to be implemented. {*Eric Anderson*}
5. Throughout the presentations, it was said that it is infeasible to cleanup bacteria. Provide an explanation as to why, it is not the case, that cleanup of bacteria is infeasible. IN OTHER WORDS... Explain why it is in fact feasible to cleanup bacteria. Is it feasible to cleanup bacteria to the levels in the TMDLs?  
{*Tomas Morales*}

### **Other**

1. Clarify if the Tentative Order is a one size fits all approach. Is the Water Quality Improvement Plan a one size fits all approach? {*Grant Destache*}
2. Further explain the Illicit Discharge Detection and Elimination requirement in Provision E.2.a.(1) and (3) of the Tentative Order that pertains to discharges from footing drains and fountain drains. {*Eric Anderson*}