

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

July 31, 2013

Mary Anne Skorpanich
Manager
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In reply refer to / attn:
CW-658018Lwalsh

Subject: San Diego Water Board Comments on Revised South Orange County Hydromodification Management Plan (HMP) dated October 25, 2012 required by MS4 Permit Order No. R9-2009-0002, NPDES No. CAS108740

Ms. Skorpanich,

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reviewed the proposed Final South Orange County Hydromodification Management Plan dated October 25, 2012 (proposed Final HMP). The proposed Final HMP was submitted by Orange County Copermittees in response to the San Diego Water Board's comment letter dated April 25, 2012. The Hydromodification Management Plan (HMP) is required under section F.1.h of Order No. R9-2009-0002, *Waste Discharge Requirements for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watershed of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District with the San Diego Region* ("Order"). The HMP defines minimum requirements to manage runoff flow from a developed area (i.e. discharge rates and durations) to ensure that runoff from Priority Development Projects does not increase erosion, sedimentation, lateral bank migration, or impacts to in-stream vegetation.

Based on review of the proposed Final HMP and the Orange County Copermittees' responses to comments submitted by the San Diego Water Board and other interested persons, the Board finds the proposed Final HMP to be adequate and in compliance with section F.1.h of the Order, provided the proposed Final HMP is revised to address the following three items:

- 1) The proposed Final HMP must be revised to clarify that Copermittees have the discretion to exempt from the hydromodification requirements in section F.1.h of the Order (as described in section F.1.h.(3)) only 1) Priority Development Projects (PDPs) discharging storm water runoff directly into underground storm drains that discharge directly to bays or the ocean; and 2) PDPs discharging runoff into conveyance channels whose bed and bank are concrete lined all the way from the point of discharge to ocean waters, enclosed bays, estuaries, or water storage reservoirs and lakes).

The proposed Final HMP currently allows Copermitees the discretion to exempt PDPs from the hydromodification requirements in section F.1.h of the Order , if PDPs discharge to engineered channel sections that have the capacity to convey the 10-year ultimate condition discharge (see proposed Final HMP section 4.3.i), if the PDP is an in-stream flood control project or if the PDP is an in-stream restoration project (see proposed Final HMP section 4.3.ii), and if the PDP discharges directly to or discharges indirectly to (via an engineered conveyance system designed to convey the 10-year ultimate condition) specific large river sections (see proposed Final HMP section 4.3.iii). The Order does not provide for these exemptions and they should be removed from the proposed Final HMP.

- 2) The proposed Final HMP must be revised to clearly state what is required of all municipal street, road, highway, and freeway projects that fit the definition of a PDP. Municipal roadway PDPs must meet the pollutant removal requirements found in section F.1.d. of the Order and hydromodification requirements found in section F.1.h of the Order. The Order does not provide for green street exemptions. Municipal street, road, highway, and freeway PDPs that employ a green street design approach must comply with the treatment control and hydromodification standards set forth in section F.1.d of the Order.
- 3) The proposed Final HMP must be revised to clearly state the questions to be answered by the monitoring program. Section 6.0 of the proposed Final HMP describes the monitoring requirements to assess the effectiveness of the proposed Final HMP. The South Orange County Copermitees note that this proposed final HMP has in large part been based on the San Diego County HMP, which was already approved by the San Diego Regional Board. The San Diego County HMP includes a Monitoring and BMP Evaluation approach developed to answer three specific questions to: 1) confirm that the HMP appropriately defines the flow duration that initiates movement of channel bed or bank materials, 2) confirm that the mitigation facilities adequately meet the flow duration design criteria outlined in the HMP, and 3) confirm the effect of development on downstream cross section incision and widening. The monitoring program presented in the proposed Final HMP should be modified to to include a question driven monitoring program approach consistent with the San Diego Water Board's adopted Regional Monitoring Framework¹, and the approved San Diego County HMP. Incorporating a question driven monitoring approach should assist South Orange County Copermitees in answering the staff's original comment that asked "*how the proposed monitoring would accomplish an "effectiveness assessment" given the monitoring locations and monitoring frequencies proposed.*"

¹ See San Diego Water Board Resolution No. R9-2012-0069, *Resolution in Support of A Regional Monitoring Framework* adopted on December 12, 2012 and the November 2012 supporting document entitled *A Framework for Monitoring and Assessment in the San Diego Region* which can be accessed at: http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/swamp/index.shtml

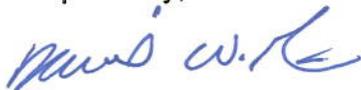
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The Copermittees should incorporate the revisions described in this letter into the Final HMP and implement the Final HMP for all PDPs no later than December 20, 2013. Pursuant to the San Diego Water Board Executive Officer's letter dated June 20, 2013, the South Orange County Copermittees must adopt their own local Standard Storm Water Mitigation Plans (SSMPs) incorporating all requirements of the Model WQMP (as revised under the terms of the June 20, 2013 letter) no later than December 20, 2013. Setting the same due date for implementation of both the local SSMPs and the Final HMP is intended to facilitate efficient compliance with both requirements.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertain to the subject matter, please contact Laurie Walsh at (858) 467-2970 or lwalsh@waterboards.ca.gov.

Respectfully,



David W. Gibson
 Executive Officer
 San Diego Regional Water Quality Control Board

DWG:dtb esb:law
 cc: Distribution list via email: Orange County Copermittees

Tech Staff Info & Use	
Order No.	R9-2009-0002
Party (GT/CIWQS) ID	525473 (Orange Cnty MS4 Copermittees)
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