



California Regional Water Quality Control Board, San Diego Region

April 8, 2014

Via email only

Jason E. Uhley
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 Riverside County Flood Control and
 Water Conservation District
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In reply refer to / attn:
CW-749045:wchiu

Subject: San Diego Water Board Comments on Proposed Final Santa Margarita Region (SMR) Hydromodification Management Plan (HMP) dated March 2014 Required by Order No. R9-2010-0016, NPDES No. CAS0108766

Mr. Uhley:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reviewed the proposed final Santa Margarita Region (SMR) Hydromodification Management Plan (HMP) dated March 2014. The proposed final SMR HMP was submitted by Riverside County Copermitees (Copermitees) in response to the San Diego Water Board's comment letter dated September 11, 2013. The development and implementation of the HMP is required under section F.1.h of Order No. R9-2010-0016, *Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District with the San Diego Region* (Order). The HMP defines minimum requirements to manage runoff discharge rates and durations from Priority Development Projects (PDPs) to prevent or reduce the potential for downstream increases of erosion, sedimentation, lateral bank migration, or impacts to in-stream vegetation.

Based on review of the proposed final SMR HMP and the Copermitees' responses to comments submitted by the San Diego Water Board and other interested persons, the proposed final SMR HMP is found to be inadequate and out of compliance with the requirements under section F.1.h of the Order, until the proposed final SMR HMP is revised to address the following items:

- 1) The last part of Step C in Section 2.3.ii of the proposed final SMR HMP still includes the "waivers" that would not require a PDP to consider sediment loss. Pursuant to Section F.1.h.(1)(d) of the Order, PDPs are required to implement control measures so that the design of the project and/or control measures compensate for the loss of sediment supply due to development. Unless a PDP is provided an exemption from the HMP

requirements, the requirement to compensate for loss of sediment supply is required for all PDPs. The last part of Step C in Section 2.3.ii of the proposed final SMR HMP with the heading "Provision for waiver of sediment assessment" must be removed to be in compliance with Section F.1.h.(1)(d) of the Order.

- 2) Section 3.2 of the proposed final SMR HMP still includes several exemptions that would not necessarily require a PDP to implement control measures to meet the performance standards established pursuant to Sections F.1.h.(1)(a)-(c) of the Order. Unless the Copermittees have provided sufficient evidence, data, documentation, and justification that a PDP meeting the conditions of a proposed exemption would also be able to meet the performance standards established pursuant to Section F.1.h.(1)(a)-(c) of the Order, the San Diego Water Board Executive Officer will not find the proposed exemption to be acceptable. The following revisions to Section 3.2 in the proposed final SMR HMP are required to be in compliance with Sections F.1.h.(1)(d) and F.1.h.(4)(c) of the Order:
 - a) The Concrete-Lined & Artificially Hardened and Engineered Channel Exempt Areas under Section 3.2.i of the proposed final SMR HMP must clearly state that the exemption does not apply to PDPs that discharge to Engineered, Partially Hardened and Maintained (EPHM) and Engineered, Earthen and Maintained (EEM) channels. In addition, Table 3 and Figures 10 through 12 must be revised to only include channels and areas where there are concrete-lined and/or Engineered, Fully Hardened and Maintained (EFHM) channels from the point of discharge for a potential PDP all the way to the reservoirs identified in Table 4, or Large River Reaches identified under Table 5 in Section 3.2.ii of the proposed final SMR HMP.
 - b) The Exemption for Stable Receiving Waters under Section 3.2.iii of the proposed final SMR HMP must be removed.
 - c) The Exemption for Hydrologic and Sediment Control Matching Below a Minimum Orifice Size under Section 3.2.iv of the proposed final SMR HMP must be removed.
 - d) The Exemption for 72 Hour Drawdown Requirement under Section 3.2.v of the proposed final SMR HMP must be removed.
- 3) Section 3.3.ii of the proposed final SMR HMP includes the statement, "Routine roadway maintenance projects that maintain the original line and grade, hydraulic capacity, original purpose of the facility, or emergency roadway maintenance activities that are required to protect public health and safety are exempt from HMP Performance Standards." This statement is not consistent with the exemptions allowed under Section F.1.h.(4) of the Order. If any of these types of "routine roadway maintenance projects" meet the definition of a PDP, they are required to implement control measures to meet the performance standards established pursuant to Sections F.1.h.(1)(a)-(c) of the Order.

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If, however, any of these types of "routine roadway maintenance projects" do not meet the definition of a PDP and/or do not meet the definition of a redevelopment project, the project is not required to implement control measures to meet the performance standards in the HMP, as established pursuant to Sections F.1.h.(1)(a)-(c) of the Order. The definition of a PDP is provided under Section F.1.d.(1) of the Order. According to the definition of "Redevelopment" in Attachment C to the Order, "Redevelopment does not include trenching and resurfacing associated with utility work; resurfacing existing roadways; new sidewalk construction, pedestrian ramps, or bikelane on existing roads; and routine replacement of damaged pavement, such as pothole repair."

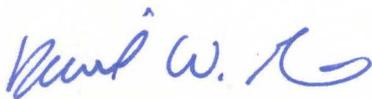
The statement must be removed from Section 3.3.ii of the proposed final SMR HMP to be in compliance with Sections F.1.h.(1)(d) and F.1.h.(4) of the Order. As an alternative, the Copermittees may revise the statement to indicate the types of "routine roadway maintenance projects" that would not be required to implement HMP requirements because they do not meet the definition of a PDP and/or a redevelopment project.

The Copermittees must incorporate the revisions described in this letter into the final SMR HMP and require implementation of the final SMR HMP for all PDPs **no later than July 11, 2014** to be in compliance with the requirements under Section F.1.h of the Order. Please provide a copy of the final SMR HMP with incorporated revisions to the San Diego Water Board by July 11, 2014.

The Copermittees may revisit the proposed additional HMP exemptions not allowed for the current Order when the Riverside County Copermittees submit the Report of Waste Discharge (ROWD) for coverage under Order No. R9-2013-0001 (Regional MS4 Permit) in 2015. Any proposed new HMP exemptions will need technical justification and have to be part of the larger Watershed Management Area Analysis that also identifies restoration and retrofit opportunities.

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 Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



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

DWG:jgs:dtb:esb:wc

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| Tech Staff Info & Use | |
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| Order No. | R9-2010-0016 |
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