

### Change Sheet for the Tentative Ventura County MS4 Order

Change	Page	Location	Action	Added or Deleted Text (additions are underlined, deletions are strikeout)	Explanation
1	13-19	Tentative Order, Section B, "Nature of Discharge"	Add New Finding	<p>After Finding 16, insert the following:</p> <p>The Order requires projects where it has been demonstrated to be technically infeasible to achieve less than 30% Effective Impervious Area, to mitigate off-site 1.5 times the volume that would normally be required to be retained on site. The increase in off-site mitigation is warranted because it has been concluded that, at impervious land cover over 30%, impacts on streams and wetlands become more severe, and degradation is almost unavoidable without special measures (Prince George's County, MD 1999; BASMAA 1999; Center for Watershed Protection 2003). The off-site mitigation volume requirement may be met through retention and/or biofiltration.</p>	Staff is proposing increased offsite mitigation for projects exceeding 30% EIA. See also Attachment A.
2	13-22	Tentative Order, Section B, "Nature of Discharge"	Add New Finding	<p>After Finding 25, insert the following:</p> <p>A major concern expressed by commenters is the 30% EIA limitation may not allow some projects to be built. Part of the rationale supporting the feasibility of on site retention in Order 09-0057 was derived from the Richard Horner (2007) study. The Horner study purports to demonstrate that stormwater infiltration is feasible throughout Ventura County and is the key study for an upper-bound EIA requirement. Horner's approach to demonstrate feasibility is to estimate stormwater runoff volume and compare it to infiltration</p>	Staff recognizes the significance of the 30% EIA threshold but cannot justify a strict cap. Staff is proposing to eliminate the strict 30% cap on EIA. See also Attachment A.

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				<p>capacity. While the Horner report has value at a general level and complements findings of other studies in Southern California and elsewhere. Staff has the following concerns with the Horner study conclusions with regard to the universal feasibility of achieving less than 30% EIA:</p> <ul style="list-style-type: none"> <li>• The Horner analysis is based on engineered infiltration basins rather than undisturbed pervious cover.</li> <li>• The Horner analysis cites the UCSB infiltration studies which are based on a relatively high permeability soils. However, the EIR cited in the study by Horner shows a significant quantity percentage of the Ventura County soils are described as sandy loamy and are classified as “low permeability and slow draining.</li> <li>• The Horner analysis normalizes runoff rates and infiltration capacity to an annual basis which may not address the critical conditions appropriate for the seasonal precipitation patterns in Ventura County.</li> <li>• Horner states the study was limited in scope such that its universal applicability throughout Ventura County is not well supported.</li> </ul> <p>Staff recognizes the significance of the 30% EIA threshold but cannot justify a strict cap.</p>	
3	13-35	Section E Federal, State, and Regional	Replace	<p>In number 18 delete and replace the following: <del>currently under review for reissuance</del></p>	The General Construction Permit was adopted subsequent to the existing language.

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		Regulations		<u>and September 2, 2009</u>	
4	13-38	Section E Federal, State, and Regional Regulations	Replace	In number 23 delete and replace the following to <del>control pollution in storm water</del> to the “maximum extent practicable” (MEP). <u>Reduce the discharge of pollutants to the maximum extent practicable.</u>	The Clean Water Act was incorrectly cited.
5	13-46	Section G Public Notification	Delete	In #3 last sentence, delete the following text:  <del>and July 10, 2008,</del>	Board meeting was cancelled due to Writ of Mandate. The same change will also be made to the Fact Sheet.
6	13-72	Section 4.E.III.2.(c)	Replace/ Add	In (c) Alternative Compliance Measures, replace and add the following text:  (c) Alternative Compliance Measures. When a permittee finds that a project applicant has demonstrated technical infeasibility, the permittee shall identify alternative compliance measures that the project will need to comply with as a substitute for the otherwise applicable post-construction requirements listed in subparts 4.E.III.1.(a)-(c) of this permit. The Ventura County Technical Guidance Manual shall be revised to identify the alternative compliance measures and shall include the following requirement: (1) Minimum on-site requirement. The project must <u>take all feasible measures</u> to reduce the percentage of Effective Impervious Area to no more than 30 percent of the total project area and treat all remaining runoff pursuant to the design and sizing requirements of subparts 4.E.III.1.(b)-(d). (2) Offsite mitigation volume. The difference in volume	Staff recognizes the significance of the 30% EIA threshold but cannot justify a strict cap. Staff is proposing to eliminate the strict 30% cap on EIA and increase the off-site mitigation ratio for these sites. See also Attachment B.

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				<p>between the amount of stormwater infiltrated, reused, and/ or evapotranspired by the project on-site and the otherwise applicable requirements of subparts 4.E.III.1.(a)-(c) (the "offsite mitigation volume"), above, must be mitigated by the project applicant either by performing offsite mitigation that is approved by the permittee or by providing sufficient funding for public or private offsite mitigation to achieve equivalent stormwater volume and pollutant load reduction through infiltration, reuse, <del>and/or</del> evapotranspiration <u>and/or biofiltration.</u></p> <ul style="list-style-type: none"> <li>▪ <u>For projects with demonstrable technical infeasibility that cannot reduce the Effective Impervious Area to 5% or less of the total project, but are able to reduce the Effective Impervious Area to no more than 30 percent of the total project, mitigation or payment in lieu must be equivalent to the amount of stormwater not managed on site.</u></li> <li>▪ <u>For projects with demonstrable technical infeasibility that cannot reduce the Effective Impervious Area to 30% of the total project or less, mitigation or payment in lieu must be for 1.5 times the amount of stormwater not managed on site.</u></li> </ul>	