

TMDL Compliance Language

•**Issue:**

- The Errata corrected “Copermittees” to “Copermittee’s” in *some* but not all places
 - If one (or more) Copermittee is not demonstrating compliance – it can be interpreted that all Responsible Copermittees are out of compliance
- Will coordinate at watershed scale, but compliance for each Copermittee should be determined on an individual basis

•**Proposed Solution:**

- Change language to Copermittee’s in all instances.

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•Requested changes to Errata Sheet (posted April 19, 2013) Attachment E Item #s:

1. Specific Provision 1.b.(3)(a) - ~~(c)~~ (d)
5. Specific Provision 4.b.(3)(a) - ~~(c)~~ (d)
6. Specific Provision 4.c.(2)(a) - ~~(d)~~ (e)
8. Specific Provision 5.b.(3)(a) - ~~(c)~~ (g)
9. Specific Provision 5.c.(1)(b)(i) - ~~(iii)~~ (viii)
14. Specific Provision 6.b.(3)(a) - ~~(c)~~ (f)
15. Specific Provision 6.c.(3)(a) - ~~(c)~~ (h)

Pre-development Baseline

Issue:

- Requires mitigation for hydromodification impacts that are not caused by redevelopment projects
- There is no nexus to impacts of redevelopment projects – therefore exposes Copermittees to legal liability
- “Pre-project” baseline would be more appropriate

Requested Language:

Post-project runoff conditions (flow rates and durations) must not exceed pre-development runoff conditions^{FN} by more than 10 percent .

...

FN: The pre-development runoff condition standard shall be applied to the extent allowable under state and federal law. A Copermittee may modify the standard for a particular project where the Copermittee finds that application of the standard would exceed the Copermittee’s authority under applicable state or federal law as applied to that project.