

## Chiu, Wayne@Waterboards

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**From:** lyris@swrcb18.waterboards.ca.gov  
**Sent:** Thursday, April 02, 2015 9:16 AM  
**To:** Chiu, Wayne@Waterboards  
**Subject:** Notice of Public Workshops - Prior Lawful Approval and Alternative Compliance Pathway for Receiving Water Limitations Proposed Amendments to Order No. R9-2013-0001  
**Attachments:** 2015-0402 Notice of PLA-RWL Public Workshops.pdf



This is a message from the California Regional Water Quality Control Board, San Diego Region (9).

Stakeholders,

Attached is the San Diego Water Board's Notice of Public Workshops to discuss Prior Lawful Approval and Alternative Compliance Pathway for Receiving Water Limitations Proposed Amendments to Order No. R9-2013-0001.

This Notice and the Regional MS4 Permit is available on the Water Boards webpage 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)

If you have any questions please feel free to give me or Wayne a call or email.

*Laurie Walsh, PE*  
San Diego Water Board

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**San Diego, CA 92108**  
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## California Regional Water Quality Control Board, San Diego Region

### NOTICE OF PUBLIC WORKSHOPS

#### **Proposed Amendments to Order No. R9-2013-0001, as amended by Order No. R9-2015-0001, to Incorporate a Definition of Prior Lawful Approval for Priority Development Projects and an Alternative Compliance Pathway for Receiving Water Limitations**

**NOTICE IS HEREBY GIVEN** that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will hold a series of public workshops to provide an opportunity for discussion and receive comments, information, and input from the public on proposed amendments to Order No. R9-2013-0001, as amended by Order No. R9-2015-0001, NPDES No. CAS0109266, *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Regional MS4 Permit). The workshops will be conducted by a professional facilitator. Two or more San Diego Water Board members may be present at the workshop, but no actions or voting will occur.

#### **Background**

On May 8, 2013, the San Diego Water Board adopted Order No. R9-2013-0001, which became effective for the San Diego County Copermittees on June 27, 2013. On February 11, 2015, the San Diego Water Board adopted Order No. R9-2015-0001, which amended Order No. R9-2013-0001, to extend coverage of the Regional MS4 Permit to the Orange County Copermittees and address a variety of other issues. The Regional MS4 Permit became effective for the Orange County Copermittees on April 1, 2015. In May 2015, the San Diego Water Board will begin the process to consider extending coverage of the Regional MS4 Permit to the Riverside County Copermittees.

During the proceedings for Order No. R9-2015-0001, the San Diego Water Board deferred consideration of two concepts proposed as permit amendments. In order to promote transparency and outreach, the Board determined that additional public discussions on those concepts should be scheduled to obtain input and advice from Copermittees and other key stakeholder groups prior to incorporating proposed permit language into a Tentative Order to amend the Regional MS4 Permit. The two proposed amendments would establish 1) a definition of the term "prior lawful approval" for priority development projects, and 2) an alternative compliance pathway that would conditionally allow the Copermittees to be in compliance with the receiving water limitations and related prohibitions in Provisions A.1.a, A.1.c, and A.2.a of the Regional MS4 Permit. Based on these considerations, the San Diego Water Board is scheduling a series of workshops to receive comments and information from the Copermittees and other key stakeholder groups concerning the prior lawful approval and receiving water limitations issues.

#### **Objective of Public Workshops**

The objective of the workshops is for the San Diego Water Board to gain a greater understanding of the perspectives that storm water program managers, non-government environmental organizations, and the development/business communities have on the prior lawful approval and receiving water limitations issues. While the professional facilitator may help the group to reach consensus on key issues, it is important to understand that consensus may not be attained at the workshops. The comments and information received during the workshops on these issues will be considered by the San Diego Water Board in finalizing proposed permit language that will be incorporated in a Tentative Order and released for formal public review and comment later this year in the course of the Board's proceedings to consider extending Regional MS4 Permit coverage to

the Riverside County Copermittees. The San Diego Water Board is seeking comments and information addressing the following questions:

- 1. Prior Lawful Approval for Priority Development Projects:** Is there a definition of prior lawful approval that will allow developers, the environmental community, and the Copermittees to clearly understand when a development project should be subject to the Priority Development Project requirements of the Regional MS4 Permit?
- 2. Alternative Compliance Pathway for Receiving Water Limitations:** What ambitious, rigorous and transparent alternative compliance path should be required that allows a Copermittee an appropriate period of time to come into compliance with receiving water limitations, as a precondition of a Copermittee being considered in compliance with the receiving water limitations while fully implementing the compliance alternative?

#### **Public Workshops Location**

City of Vista Civic Center Complex  
Community Room  
200 Civic Center Drive  
Vista, CA 92008

#### **Stakeholder Participation**

Participation at the public workshops will be structured to provide for an appropriate level of participation by key stakeholder groups, while preserving the ability for the meeting facilitator to ensure a collaborative discussion on the issues. Meeting participants will be divided into two groups: a limited group to be seated at the meeting table and an audience group. The total number of participants at the meeting table will be limited to twenty-five (25) persons subdivided into representative stakeholder groups as described in the table below.

| Stakeholder Group                 | Participants at the Table |
|-----------------------------------|---------------------------|
| San Diego County Copermittees     | 5                         |
| Orange County Copermittees        | 4                         |
| Riverside County Copermittees     | 4                         |
| Environmental Community           | 3                         |
| Development/Business Community    | 3                         |
| USEPA                             | 1                         |
| San Diego Water Board Permit Team | 5                         |

Groups of stakeholders can share their seats at the table and rotate particular topic experts from the audience to the table depending on the topic being discussed. Audience seating will be provided so that interested persons can attend the public workshops. Audience members will be allowed to ask questions and make comments at the end of each topic discussion period.

#### **Public Workshops Schedule**

The public workshops are scheduled as follows:

| Workshop Date              | Topic Discussion Period | Topic                                                                                              |
|----------------------------|-------------------------|----------------------------------------------------------------------------------------------------|
| Tuesday,<br>April 28, 2015 | 9:30 am – 12:00 pm      | Prior Lawful Approval for Priority Development Projects                                            |
|                            | 1:00 pm – 3:30 pm       | Alternative Compliance Pathway for Receiving Water Limitations                                     |
| Friday,<br>May 22, 2015    | 9:30 am – 12:00 pm      | Prior Lawful Approval for Priority Development Projects                                            |
|                            | 1:00 pm – 3:30 pm       | Alternative Compliance Pathway for Receiving Water Limitations                                     |
| Tuesday,<br>June 30, 2015  | 9:30 am – 12:00 pm      | San Diego Water Board Wrap-up Workshop on<br>Prior Lawful Approval and Receiving Water Limitations |

#### **Availability of Draft Permit Language**

The Regional MS4 Permit is available on the following webpage:

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

Draft permit language will be made available for review and used as the starting point for workshop discussions on the prior lawful approval and receiving water limitations issues. The draft permit language will also be posted on the webpage above at least one week prior to the first scheduled workshop.

#### **Electronic Mail List Subscription**

The San Diego Water Board has established an electronic mail list specifically for information and notices on the development of a Regional MS4 Permit. The San Diego Water Board will use the email list to notify interested persons of upcoming important events and the availability of on-line documents. Persons interested in receiving future notices and information on this specific project can subscribe to one (1) of the electronic mail lists titled "Orange County MS4 Permit," "Riverside County MS4 Permit," or "San Diego MS4 Permit," located on the San Diego Water Board website at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg9\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml)

Persons who wish to receive hard copy notices of future notices or meetings on the Regional MS4 Storm Water Permit in lieu of electronic notices should submit a request to Mr. Wayne Chiu, Water Resource Control Engineer, 2375 Northside Drive, Suite 100, San Diego, CA 92108.

#### **Directions and Parking**

Interstate 15 North or South to Highway 78 West OR Interstate 5 North or South to Highway 78 East to Civic Center Drive exit; go North on Civic Center Drive approximately 1.1 miles to stoplight at Alta Vista Drive; turn right on Alta Vista Drive and right into the Civic Center Complex parking lot; follow signs within Civic Center Complex to the Community Room. Free parking is available at the Civic Center Complex.

#### **Contacts for Additional Information**

The San Diego Water Board Regional MS4 Permit Team includes the following staff:

David Barker, P.E. – Supervising Water Resource Control Engineer

Eric Becker, P.E. – Senior Water Resource Control Engineer

Wayne Chiu, P.E. – Water Resource Control Engineer

Laurie Walsh, P.E. – Water Resource Control Engineer

Christina Arias, P.E. – Water Resource Control Engineer

Questions or requests for additional information regarding this notice should be directed to Laurie Walsh at (619) 521-3373 or [laurie.walsh@waterboards.ca.gov](mailto:laurie.walsh@waterboards.ca.gov), or Wayne Chiu at (619) 521-3354 or [wayne.chiu@waterboards.ca.gov](mailto:wayne.chiu@waterboards.ca.gov).

David W. Gibson  
Executive Officer  
April 2, 2015

