

RWQCB NOVEMBER 2015 MEETING

BIA's Presentation on Behalf of the
Coalition

November 18, 2015



A Trip Back in Time to 2007



Mr. Peabody & Sherman's WABAC Machine

A Contrast in Approach Regarding MS4 Permits

PRIOR MS4 PERMITS

- ❑ RWQCB and regulated community did not successfully engage with one another.
- ❑ BIA and Coalition members opposed MS4 Permit
- ❑ BIA sued, spending \$ 1.5 million dollars and lost

2013 PERMIT

- ❑ BIA commits to collaborate, and organizes private sector
- ❑ BIA decides to use it's expertise to help solve MS4 pollution problem
- ❑ BIA members work collaboratively with Co-permittees and Environmentalists to make permit work for all parties
- ❑ BIA members work closely with RWQCB staff on specific changes to ensure Permit works for all parties
- ❑ Coalition spends over \$ 1 million dollars (ongoing) working on refining permit, WQE, WQIP's, PLA, WMMA, BMP Design Manual and Coarse Sediment Yield

Joint Letter with Coastkeeper Recognized Constraints

- The Water Quality Improvement Planning process should have more robust stakeholder input.
- Each Water Quality Improvement Plan should have a stakeholder advisory group that sits in Water Quality Improvement Plan meetings, consisting of an environmental representative with knowledge of the watershed, an independent engineer/hydrologist/scientist, and a regional board staff member.
- Water Quality Improvement Plans should be done consecutively, starting with the worst watershed first.
- Because infiltration may not be feasible everywhere in San Diego County, reasonable "off-ramps" for infiltration requirements are appropriate.
- The Water Quality Improvement Plan development process must solicit and include a menu of alternative compliance options developers could use within a watershed.
- Copermittees should create and publish a schedule of public input opportunities for Water Quality Improvement Plans.
- The Permit should specify that Copermittees must accept quality-controlled data received from third parties provided that the data has been developed in conformity with the latest version of Standard Methods of Water and Waste Water Analysis.

8 WQIPS in 24 months was a monumental task

- ▣ Limited pool of experts and consultants
- ▣ This has never been done before-no template to follow
- ▣ Each component had to be completed before the next component could be started
- ▣ Each component started relied on the previous component's information
- ▣ As technical problems or questions arose, it added time demands to an already tight time schedule

BIA Agrees with RWQCB's Practical Vision

The Practical Vision is a planning tool to focus our limited resources onto our region's highest priorities for the next 7 years. This follows our agency's mission to protect, enhance and restore the quality of California waters so that our communities can use and enjoy the waters. It sets a plan to achieve healthy waters through collaboration, reliance on the latest science, prioritization of issues and actions, and prudent use of our authorities in service to the people of California.

BIA Agrees with RWQCB Vision Statement

(\$1,059,377 reasons worth)

- ▣ \$265,000 paid consultant studies, reviews, and policy work
- ▣ \$183,432 in paid BIA staff time over the past 42 months
- ▣ \$295,400 in donated legal time over the past 42 months
- ▣ \$315,545 in donated consultant time over the past 42 months

The Coalition Requests Additional 90 Days* to Address:

* Beyond time offered by RWQCB staff

Issues still in play:

- ▣ BMP Design Manuals — a little more work here
- ▣ Coarse Sediment Yield — working on tools for permit compliance and practicality
- ▣ WQIPs — add'l science based data now available
- ▣ Public Education — many false narratives out there to debunk and straighten out
- ▣ Alternative Compliance — is a critical component to the success of RWQCB goals. A lot of work still needed on this one

BMP Design Manual(s)

- ▣ Making sure they are easily understood
- ▣ Development staffs at Cities need proper training – this takes time
- ▣ Once complete, the development industry needs to be trained as well!
- ▣ Most work is 95% complete
- ▣ Need a clear procedure so that when problems arise, stakeholders/co-permittees can revise manual(s) in a timely manner

Coarse Sediment Yield (CSY)

- ▣ This area was not well understood during the WQIP process
- ▣ Even after WMMA was done, nobody sensed the magnitude of the issue surrounding avoidance
- ▣ Understanding where sediment lies was poorly transmitted — transparency
- ▣ Once map was available, the subject took on great importance
- ▣ Need a variety of tools to address the permit's goal of “no net loss”

Coarse Sediment Yield (CSY)

COMPLIANCE CHALLENGES

- ▣ *How are you (applicant & co-permittee) going to document the permit requirements are met?*

Practicality on meeting the permit requirement

We suggest a workshop similar to how the Hydromodification issue was handled after the 2007 permit was adopted

COMPLIANCE CHALLENGES

- ▣ *Drainage boundaries aren't necessarily the project boundaries.*

How does one allow sediment from somewhere else to flow through your project? How can your sediment flow through other properties to the receiving water?

Practicality on meeting the permit requirement

Why Did This Become an Issue So Late in the Game?

LACK OF TRANSPARENCY

- ▣ During WQIPs an 8 ½ x 11 diagram showed coarse sediment mainly in east county where little development occurs
- ▣ Original link crashed your computer (file too large) even city engineers couldn't load it
- ▣ Needed GIS software to view map
- ▣ Public couldn't find it easily
- ▣ Perhaps final map should have "smoothed the curve out"
- ▣ No workshop to explain map

HIGH ANXIETY AFTER MAP RELEASED

- ▣ Projects and property owners panicked by sediment on their projects
- ▣ Permit stressed avoidance — more panic
- ▣ Everyone assumed the worst — extreme panic
- ▣ Permit timeline pressures — maximum panic

BIA Member's Reactions After the Coarse Sediment Map was Released



Engineer



Hydrologist



Even our children panicked
when we came home from
work, stressed over sediment



Developer

So What Did We Do

CALLED RWQCB STAFF FOR GUIDANCE



Our Collective anxiety

THEIR RESPONSE WAS



They explained their intent:
**NO NET IMPACT TO
RECEIVING WATERS**

Work on Coarse Sediment Yield

- ▣ Meeting with RWQCB staff for clarification and understanding the Permit's intent
- ▣ 3 meetings w/RWQCB staff and stakeholders (co-permittees, Coastkeeper)
- ▣ Produced academic paper on sediment yield
- ▣ Produced dimensionless equation to demonstrate no net impact
- ▣ Working collaboratively to provide tools for BMP Manuals to meet permit requirements

Co-permittees Need Additional Time To:

- ▣ Provide public workshops to educate, solicit input on Coarse Sediment Yield
- ▣ Coordinate CSY solutions into their BMP Design Manuals
- ▣ Review all available, sound science that was not given due consideration when preparing the WQIPs, and include where applicable
- ▣ Time to schedule Council committee hearings, planning commission & City Council approval
- ▣ Concurrent training for Development Services staff and industry professionals

How Do We Get to the Goal?

- ▣ Allow an additional 180 days for RWQCB, Copermitees and the Community to:
 - Come together to agree on standards that achieve the goals of the permit including:
 - ▣ CSY--avoidance
 - ▣ Reduction in hydromification impacts
 - ▣ Supplementing coarse sediments where avoidance or reduction is not possible
 - Incorporate a fully developed and workable CSY program into the BMP design manual
 - Allow the Copermitees to adopt the BMP design manual into an enforceable ordinance
 - Due to unresolved issues with the some WQIPs, we respectfully request that WQIPs receive a public hearing before the full Board

Final Thoughts

- ▣ During discussions on CSY, RWQCB staff agreed that other options could be proposed to demonstrate no net impact
- ▣ Our intent is to have as many tools in our tool box to achieve the goals of the permit.
- ▣ It is important and necessary for RWQCB staff to be available to answer questions as we move forward to ensure permit goals are met

What We All Want and Need

A Permit That Works for All Stakeholders and Gets Results



RWQCB



Environment



Co-Permitees



The Coalition