

SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
November 10, 2010

ITEM: 6

SUBJECT: PUBLIC HEARING: Reissuance of NPDES Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District (RCFC), within the San Diego Region. (Tentative Order No. R9-2010-0016, (NPDES Permit No. CAS0108766) (*Chad Loflen, Ben Neill, Wayne Chiu*)

DISCUSSION: Following the cancellation of the October 13, 2010 San Diego Water Board hearing on this matter, staff took advantage of the additional time to meet and discuss the proposed low impact development (LID) requirements with all parties that submitted comments on the originally proposed language (i.e. USEPA, USMCB Camp Pendleton, Building Industry Association, Natural Resources Defense Council, and the Copermittees). The discussions were limited to the LID requirements and were held over several meetings and telephone calls with one or more of the interested parties.

The Copermittees and USMCB Camp Pendleton provided several documents to staff in support of, and to clarify, their original written comments. These documents were submitted after the close of the written comment period specified in the notice for public comments. Many of these documents were in draft form and presented unsubstantiated information and conclusions. Although staff reviewed these documents, the evidence was not sufficiently conclusive or persuasive to warrant changes to the proposed LID permit language. In the interest of public disclosure, these documents are being provided as Supporting Document No. 14.

Staff has also had the opportunity since the cancellation of the October meeting to reconsider the original written

comments on the LID requirements received during the written comment period. In light of some of the verbal clarifications to the written comments provided by the interested parties, revised errata for the LID requirements have been made. These revisions make the LID requirements more consistent with the recently adopted Orange County MS4 Permit LID requirements, and specify a preference for infiltration LID BMPs. Staff did not rely on any of the documents in Supporting Document No. 14 in making these revisions.

In addition to the revised errata for the LID requirements, additional errata to the Tentative Order and Fact Sheet have been made to acknowledge the State Water Board's approval of the 2008 Clean Water Act Section 303(d) List for the San Diego Region and the rescission of the State Water Board's Order WQO 2009-0008 (Supporting Document No. 13).

SUPPORTING DOCUMENTS:

Supporting Document Nos. 1-12 were provided in the first mailout.

13. Revised Draft Updates and Errata (November 3, 2010).

14. Documents provided by commenting parties after the close of the written comment period.

RECOMMENDATION:

It is recommended that the Board receive public testimony at today's hearing, close the public comment period, and adopt the Tentative Order (with updates and errata).