

**San Diego Copermittee Comments
Regional Board Workshop
San Diego Regional MS4 Permit
November 13, 2012**

Overview

- Appreciate Board staff's efforts on Admin Draft
 - Focused Meetings and individual meetings have been very valuable
 - Support the watershed-based (WQIP) approach
 - Staff made many changes based on stakeholder input
- **Critical issues remain, and request Board direction:**
 1. Compliance Provisions
 2. Total Maximum Daily Loads
 3. Development Requirements and Hydromodification

- **MS4s have demonstrated success:**
 - Fewer beach closures
 - Removal copper from brake pads (SB 346)
 - Revised development standards (LID and HMP)
- **Challenges remain:**
 - WQOs can be exceeded even with treatment (see International BMP Database)
 - 2008 National Academy of Science Report:
“...pollutant loadings in stormwater effluent vary dramatically over time...”

WQIPs provide path forward to a new paradigm

- Addresses all prohibitions and limitations in a watershed
- Prioritizes resources
- Identifies effective actions using sound science
- Vets through public process
- Implements E.O. approved WQIP per schedule
- Revises actions/BMPs based on water quality outcomes
- Alleviates need for further TMDLs

Compliance Provisions

Comment 1: Compliance language in permit is conflicting

REQUEST: Develop language to clearly link WQIPs to Permit compliance

- *Prohibitions and Limitations* (Provision A);
- *Water Quality Improvement Plans* (Provision B);
and
- *TMDL Provisions* (Attachment E)

Total Maximum Daily Loads

TMDLs

Comment 2: Permit does not allow for BMP-based TMDL compliance

- Board has discretion to allow BMP-based compliance
- Previously included in Board-adopted TMDLs
- Permit removes this as an option

REQUEST: Add an option for BMP-based compliance with WLAs as envisioned in adopted TMDLs

TMDLs

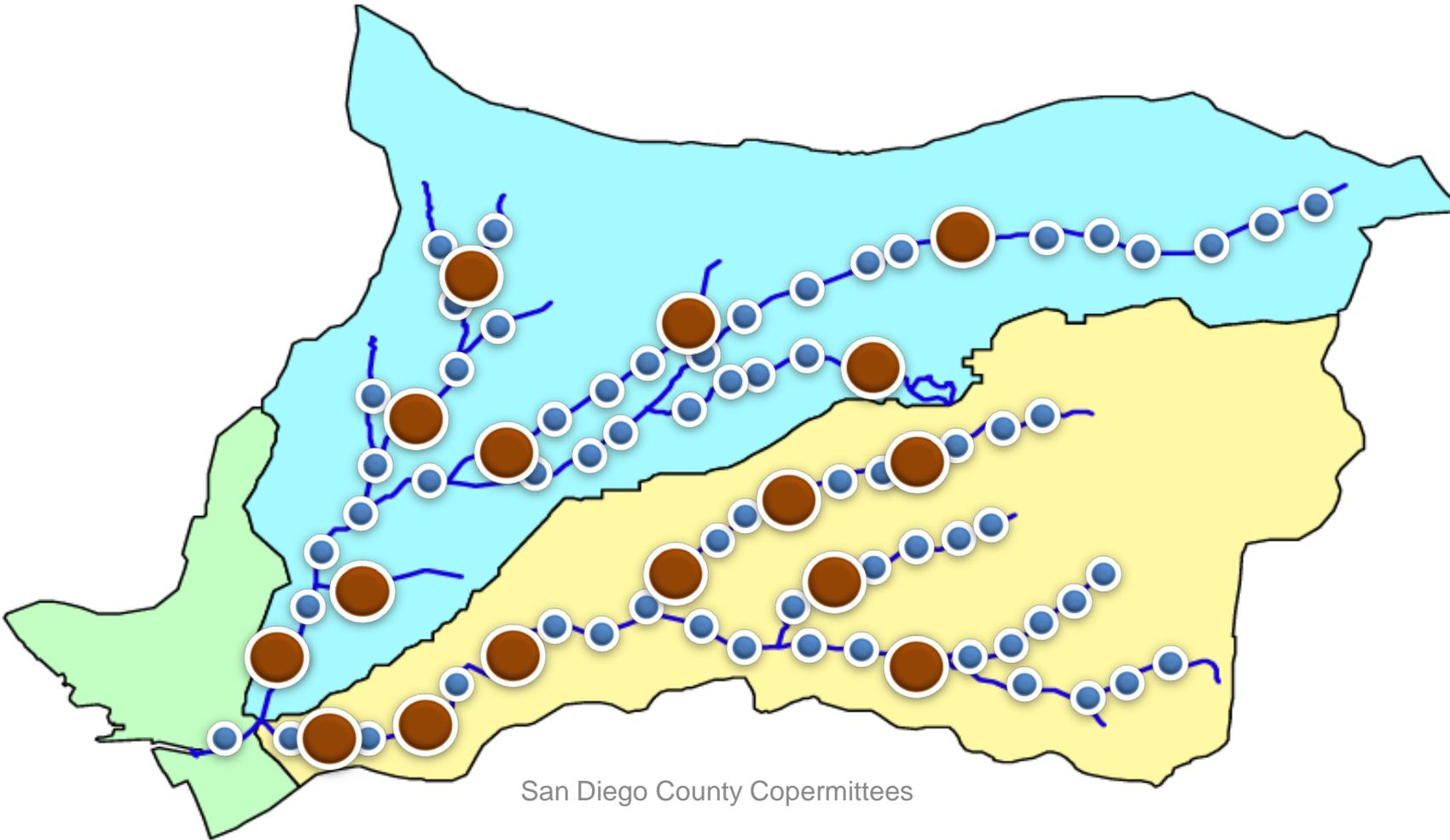
Comment 3: Permit applies concentration-based Effluent Limitations at each MS4 outfall

- Requires compliance at every discharge point in the MS4 rather than the cumulative loading to receiving waters
- Limits ability to strategically target problem areas

REQUEST: Include an option for load-based WLAs (not WQ objectives) as envisioned in adopted TMDLs

Effect of Effluent Limits (Chollas Creek)

- Outfalls that must be addressed if effluent limits are WQOs
- Outfalls that must be addressed if effluent limits are WLAs



San Diego County Copermitees

Project I Bacteria TMDL

Comment 4: Permit does not acknowledge Project I Bacteria TMDL reopener

- During TMDL adoption hearing, Permittees raised technical issues and concerns related to attainability
- To address concerns, the Board itself added a reopener provision to the TMDL
- Permit does not allow for CLRP modifications

REQUEST: Insert language in *Modification of Programs* (Provision H) to reopen Permit to incorporate TMDL revisions and CLRP modifications

Hydromodification

Hydromodification Management Plan

Comment 5: Draft permit revises Board-adopted HMP prematurely and without technical basis

San Diego HMP:

- Technically robust
- Publicly vetted
- 5-yr effectiveness monitoring (in progress)

REQUEST: Reaffirm Resolution R9-2010-0066;
reference the Resolution in the permit

HMP Applicability

Comment 6: The draft Permit expands the application of HMP to areas where there will be no benefit (at a large cost)

- HMP Goal: Protect streams from unnatural **erosion**
- No potential impact to:
 - Ocean
 - Depositional (non-erosive) streams
 - Concrete lined flood control channels

REQUEST: Maintain HMP exemptions as identified in the Board-adopted San Diego HMP

HMP Baseline

Comment 7: The draft Permit requires projects to reduce flow to “naturally occurring” rates rather than to pre-project rates

- Discourages redevelopment projects that benefit water quality
- Mandates mitigation beyond project’s impacts

REQUEST: Replace “pre-development naturally occurring” with “pre-project”

Summary of Requests

Compliance

- Develop language to clearly link WQIPs to Permit compliance

TMDLs

- Add options for BMP- and load-based compliance with WLAs
- Insert language in *Modification of Programs* (Provision H) to reopen Permit to incorporate TMDL revisions and CLRP modifications

Summary of Requests

Hydromodification Management Plan

- Reaffirm Resolution R9-2010-0066; reference the Resolution in the permit
- Replace “pre-development naturally occurring” with “pre-project”