Stakeholder Meeting for Proposed Compliance Options for TMDL Implementation

March 6, 2017

- Time is needed to implement the compliance option 1, after adoption (implementation is not instant).
- Is a Professional Engineer supposed to assess the potential groundwater impacts in the document? Is it civil, technical, what kind of engineer? Pick a discipline. This looks like to be the work of several professions.
- Jon Bishop: let us know what we should or shouldn’t be looking at for BMP infiltration design.
- Tim Simpson: A lot of studies are available that say storm water infiltration does not affect groundwater
  - Jon Bishop: Please provide that information
- Jon Bishop: look at existing projects that have been done and see what was considered/should be considered/ don’t need to look at.
- Bypass samples: how are they to be collected?
  - Same as permit (make it more clear)
  - Jon Bishop: these samples are intended to provide information to the Water Boards to evaluate the 85th percentile approach.
  - The stakeholders want something written saying that we won’t enforce bypass “exceedances”
- The word “continuously’ on page 2 of the straw man is not implementable, this concept needs to be further clarified, is it effective capacity for the 85th percentile per day or per storm? The draw down time needs to be specified, what about not discharging 85th percentile of the average annual rainfall volume?
- If 85th percentile for all pollutants -> will not just guess to see if it’ll work
  - We will assess existing data to justify the 85th percentile approach, but if we cannot justify this approach using existing data we may not be able to implement compliance option 1.
  - e.g. R8 scrap metal data and 85th percentile work done by SCCWRP
- Need a measurable standard to work against. Know what standard our money is going towards meeting.
- Methodology for measuring flow: samples per site because we also need the bypass volume information as well.
- We will wait for comments if Board should consider opening up these options for non-TMDL watersheds.
- Local ordinances cannot be overruled by IGP. If they don’t allow industrial infiltration, we can’t change it.
  - Jon Bishop: MS4s have no jurisdiction to prohibit the infiltration of industrial storm water.
- “Will contribute to the attainment of WQOs” language on page 8 needs reworking and the inclusion of reasonable assurance analysis language.
- Jon Bishop: we should mirror the language in the precedential decision on the LA MS4 permit for the alternative compliance approach. Rene Purdy: projects get design volume for that watershed area, this equals attainment of the WQS/WQO through the adaptive management process.
- If MS4 creates a group, they will be responsible for industries storm water discharges.
- If a discharger is new and comes into the program, would they have to do a RAA individually or is this anticipated in the overall alternative compliance framework?
- Jon Bishop: we do not have the analytical basis/data for option 1, provide this data to us if it’s available or else we cannot defend this option.
  - Option 2 needs to be a mutual agreement between MS4 and industry
  - Send us comments/ use draft strawman to submit changes