

## Rastegarpour, Shuka@Waterboards

---

**From:** Rastegarpour, Shuka@Waterboards  
**Sent:** Friday, January 20, 2017 2:57 PM  
**To:** Rastegarpour, Shuka@Waterboards  
**Subject:** RE: TMDL Meeting

---

**From:** Wayne Rosenbaum  
**Sent:** Saturday, January 14, 2017 9:51 AM  
**To:** Warddrip, Laurel@Waterboards <[Laurel.Warddrip@waterboards.ca.gov](mailto:Laurel.Warddrip@waterboards.ca.gov)>  
**Cc:** Mike McSweeney <[MMcSweeney@biasandiego.org](mailto:MMcSweeney@biasandiego.org)>; 'Mark Grey' <[mgrey@biasc.org](mailto:mgrey@biasc.org)>  
**Subject:** TMDL Meeting

Laurel

Great meeting yesterday. One request and a couple of thoughts:

1. Can you e-mail me a copy of the power point you used?
2. I think Option 1 has real merit assuming that it provides a safe harbor for receiving water limitations caused by discharges exceeding the 85<sup>th</sup> percentile storm.
3. I think Option 1 should be extended to all industrial dischargers regardless of whether a TMDL has been established for the receiving waters
4. I understand the concern over proper maintenance. I think this could be handled through a yearly certification signed by a QISP and uploaded to SMARTS much like we do for NECs. Maybe the certification should be co-signed by a PE every five years or in the event of a system failure but if the O&M manual is properly drafted a QISP should be competent to determine if it is being followed.
5. Not discussed but a suggestion. Should those folks who sign up for the retention option also get a break on their filing fees much like the NECs
6. I think the 85<sup>th</sup> percentile standard should be adopted for all pollutant of concern at least for this permit cycle. Once we have sampling data from discharges that exceed the 85<sup>th</sup> percentile storm, we can revisit this issue. However, without hard data I don't see a basis to discriminate between pollutants.
7. I think provision VII.C.1.d.ii needs some work. I am not sure how one would calculate a Safety Factor – Reliability Calculation. Isn't this subsumed in the O&M manual concept?
8. How would we apply this Option if an industrial park were designed to capture the 85<sup>th</sup> percentile storm volume from all its industrial tenants?
9. Finally, I think Option 2 is a great idea and should be left as open as possible as its application will likely be very site specific. For example I can see this being a great solution in urban areas, particularly where hydromodification is not an issue. If a co-

permittee proposes a watershed option and the RWQCB approves that option through a public process, that should be sufficient to meet the requirements of Option 2.

Thanks

Wayne

**S. Wayne Rosenbaum**

**The Environmental Law Group, LLP**

**Varco & Rosenbaum**

*225 Broadway, Suite 1900*

*San Diego, CA 92101*

*Phone: (619) 231-5858*

*Cell: (619) 518-6618*

*Fax: (619) 231-5853*

[SWR@Envirolawyer.com](mailto:SWR@Envirolawyer.com)

[www.envirolawyer.com](http://www.envirolawyer.com)

The information contained in this electronic mail transmission is confidential and intended to be sent only to the stated recipient of the transmission. It may therefore be protected from unauthorized use or dissemination by the attorney-client and/or attorney work-product privileges. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately by telephone and to return the original document to us immediately by mail at the address above. Thank you in advance for your cooperation.