

San Diego Regional Stormwater Copermittees Regional Program Planning Subcommittee

Meeting Notes

Co-Chairpersons Todd Snyder and Jon Van Rhyn

Date	Location	Agenda Summary
10/26/2011 Start time: 10:30 AM End time: 1:00 PM	County of San Diego 5201 Ruffin Rd, Ste P San Diego, CA 92123	<ul style="list-style-type: none"> • FY11/12 PPS Work Plan Status Review • Overview of Permit Re-issuance Discussion with RWQCB Staff • FY12/13 PPS Work Plan and Budget • Update on Subtask 3.D Evaluation of Non-Structural BMPs • Discussion of Priority Permit Re-issuance Issues (Adaptive Management)

Meeting Attendance:

Number of Voting Copermittees at this Meeting: 6

VOTING MEMBERS

<input checked="" type="checkbox"/> City of Carlsbad Elaine Lukey	<input type="checkbox"/> City of El Cajon	<input checked="" type="checkbox"/> City of Escondido Cheryl Filar	<input type="checkbox"/> City of Lemon Grove
<input checked="" type="checkbox"/> City of Oceanside Cynthia Mallett	<input checked="" type="checkbox"/> City of Poway Roger Morrison	<input checked="" type="checkbox"/> City of San Diego Kris McFadden	<input type="checkbox"/> City of Vista
<input checked="" type="checkbox"/> Port of San Diego Allison Gutierrez Stephanie Bauer	<input checked="" type="checkbox"/> County of San Diego Jon Van Rhyn Todd Snyder	Sheri McPherson Scott Norris	Stephanie Gaines Tracy Cline

NON-VOTING MEMBERS

<input type="checkbox"/> City of Chula Vista	<input type="checkbox"/> City of Coronado	<input checked="" type="checkbox"/> City of Del Mar Mikhail Ogawa*	<input checked="" type="checkbox"/> City of Encinitas Erik Steenblock
<input checked="" type="checkbox"/> City of Imperial Beach Chris Helmer	<input type="checkbox"/> City of La Mesa	<input checked="" type="checkbox"/> City of National City John Quenzer*	<input checked="" type="checkbox"/> City of San Marcos Erica Ryan
<input checked="" type="checkbox"/> City of Santee Helen Perry	<input type="checkbox"/> City of Solana Beach	<input checked="" type="checkbox"/> Secretary Hilary Potter	<input checked="" type="checkbox"/> RBF Consulting Scott Taylor

*Indicates consultant representing copermittee

1. Introductions and Announcements

Todd Snyder (County of San Diego) will be the lead Program Planning Subcommittee (PPS) and Regional Management Committee (RMC) Chairperson due to reorganization of duties at the County of San Diego.

Kris McFadden (City of San Diego) shared that the Programmatic Environmental Impact Report for the City's System-wide Channel Maintenance Program was certified on

Monday. The City Council voted unanimously to deny the NGO appeal. The City of San Diego's experience may be helpful in aiding the other jurisdictions with their process.

Kris McFadden (City of San Diego) also announced job openings will be posted soon for a Senior Planner and a Biologist for the City of San Diego.

2. Administrative Issues

- ◆ **PPS 9/28 Meeting Notes.** Todd Snyder (County of San Diego, Chairperson) asked for revisions or comments on the September 28 Meeting Notes. Hearing none, the meeting notes were accepted as final.
- ◆ **RMC Meeting Schedule.** Sheri McPherson (County of San Diego) has scheduled the RMC meetings for the next 2 years (odd months, starting January 2012). A location is still needed for the January 19, 2012, meeting. Chula Vista will host the March 15, 2012, meeting. Encinitas will host the May 17, 2012, meeting. Copermittees were asked to contact Sheri if they would be able to host the RMC meeting on January 19, 2012.
- ◆ **Shared Costs.** Todd Snyder (County of San Diego, Chairperson) reminded members that all copermittees were invoiced for their shared costs earlier this month. Payment is needed as soon as possible.

3. Updates, Presentations, Informational Items

A. FY2011-12 PPS Work Plan Status Review (Todd Snyder, County of San Diego)

- ◆ **Subtasks 1.A and 2.A (PPS Meeting Support and Work Group MOU Obligation Support):** From the latest progress report, these tasks are 16% complete with less than 10% of the budget expended. These tasks provide for support from RBF Consulting at PPS and RMC meetings as well as other workgroup obligations under the MOU.
- ◆ **Subtask 3.A (Permit Re-issuance Support):** This \$50,000 task is on hold, pending issuance of the draft permit.
- ◆ **Subtask 3.D (Regional Framework/Guidance for TMDL Implementation Planning):** An update of this task is on the agenda for later in this meeting; refer to Item 4.B.
- ◆ **Subtask 3.E (Watershed Activities Database):** Mikhail Ogawa (Mikhail Ogawa Engineering) is working on the scope of work for database support, as requested.
- ◆ **Subtask 3.B (Regional Standards for Reporting and Assessment):** Jon Van Rhyn (County of San Diego) distributed handouts (see attached). The conceptual

approach for this task covers both FY11-12 and FY12-13. The budget for this task is \$60,000 to be spent over both fiscal years. If the Copermittees approve of this conceptual approach, then Jon Van Rhyn will bring a detailed approach including dollar amounts to the next PPS meeting.

Jon Van Rhyn reviewed the current work plan description for this task:
Develop regional standards for the reporting and assessment of urban runoff management programs. Coordinate the development of more specific standards by other Copermittee working bodies.

This task is required by the MOU.

Jon noted three other guidance documents applicable to this task:

- AB739 SWRCB Effectiveness Assessment Guidance (March 2011)
Regional Board staff is now required to consider this guidance when developing permits and assessing permit performance.
- CASQA Effectiveness Assessment Guidance (May 2007)
An update is currently being drafted and is expected to be released by the end of FY11-12. The Copermittees' goal should be to defer to this guidance document when possible, not try to re-create or replace it.
- Copermittees' Watershed Data, Reporting, and Assessment Needs (March 2011)
Appendix C of this document was handed out. For standards to be reported and assessed consistently within watersheds, there must be consistency across jurisdictions.

The proposed timeline for Subtask 3.B is based upon the draft permit being issued between December 2011 and February 2012, and then adopted by December 2012. It is anticipated that watershed plans will be submitted to the Regional Water Quality Control Board (RWQCB) by December 2013 with some implementation of the plans necessary for FY13-14. Therefore, the standards need to be developed and adopted by March 2013.

The conceptual draft approach for Subtask 3.B is as follows:

Year 1 (FY 2011-12)

1. Underlying Standards: Flesh out priorities for further development of underlying standards (work list, then plans / schedules for addressing)
 - a) Work with PPS to develop general approach
 - Review existing *Watershed Data, Reporting, and Assessment Needs* standards document
 - Develop general approach (common categories, etc., for consistency) for approaching individual workgroups
 - b) Work with individual workgroups to develop detailed plans for each source category
 - ERS: Residential sources / Schoolchildren
 - ICM: Industrial & commercial sources / Municipal sources
 - LD: Development (post-construction) sources / Construction sources
 - c) Work with PPS to develop overall work plan and timelines for completing priority items identified by workgroups
2. Common or default metrics / methods: Common reporting and assessment metrics; data requirements; guidance for use (L 4-1)
 - Load reductions
 - Behavioral outcomes
 - Knowledge / awareness
 - Facilitation activities
 - Feedback activities
 - Administrative activities

Year 2 (FY 2012-13)

1. Develop watershed reporting and assessment standards in preparation for new Permit
 - Group (watershed) standards (for group activities or projects)
 - Common “watershed” standards (for required use by watershed Copermittees)
 - Individually-applied jurisdictional standards (menu of options for all watershed Copermittees)

Once the standards are set, Todd Snyder (County of San Diego) explained that they should carry through the next permit cycle (5 years). The standards, as a

work product, would be created from input from the three relevant work groups, passed through the PPS, and would require approval from the RMC.

Erica Ryan (City of San Marcos) suggested that development of the standards should include looking at what other regions are doing. Todd Snyder (County of San Diego) mentioned Riverside or Orange may be comparable. Mikhail Ogawa (City of Del Mar) suggested that part of the reporting process should include communication to the RWQCB of what is changing during implementation of adaptive management.

B. Overview of City/County Permit Re-issuance Discussion with RWQCB Staff

Drew Kleis (City of San Diego) and Todd Snyder (County of San Diego) met with the Regional Water Quality Control Board permit writing team (Wayne Chiu and others) earlier this month. Wayne relayed the following key points regarding the new draft permit:

- More monitoring will be required. There will be tradeoffs relative to monitoring, such as not as much reporting.
- The RWQCB is not keen on rotating monitoring around watersheds.
- The RWQCB will be looking for a more robust MS4 outfall monitoring program.
- Monitoring dry weather once per year is not sufficient to find illicit connections and illegal discharges.
- There is disagreement among RWQCB staff about the direction for the permit.
- The RWQCB permit writers want oversight to be more focused on auditing, meeting with Copermittees, and going into the field with Copermittees, instead of reviewing a lot of reports.
- The RWQCB permit writers are trying to structure the permit to put more responsibility on all jurisdictions, not allowing some jurisdictions to ride others' "coattails."
- They will be staying with a three-county regional permit approach.
- The current thought is to identify a Principal/Lead Copermittee for each watershed instead of a regional Principal Permittee for the entire permit.
- The major sections of each Watershed Plan will be:
 - Priorities
 - Defined by the Copermittees and do not have to be pollutants.
 - Strategies
 - Suite of BMPs, BMP phasing, data gaps, studies
 - Targets & Schedule

- Measureable criteria
- o Monitoring & Assessment
 - Basic requirements, plus TMDLs, etc.
- o The Iterative Process
 - What would trigger changes to programs
- JURMPs would still exist, but they would be internal operational documents that must link back to serve the Watershed Plans.
- Compliance reporting would focus on presentation of monitoring data, assessments of programs, and adaptation.
- Performance would be measured by the ultimate permit goals:
 - o Significant reduction/elimination of non-stormwater discharges
 - o Decreased pollutant levels in stormwater runoff
 - o Changes in receiving water quality
- For enforcement options, the RWQCB would look at enforcing the prohibition on non-stormwater discharges and would rely on determinations of MEP for stormwater quality.

In discussing the above list, the members questioned the difference between sampling and monitoring, questioned the reasons for the RWQCB wanting more monitoring, and suggested more interface with the EPA in development of the draft permit.

4. Copermittee Business

A. FY2012-13 Work Plan and Budget

*****APPROVED*****

All workgroup work plans and budgets will be consolidated for the PPS November meeting. Jon Van Rhyn (County of San Diego) distributed a draft FY2012-13 PPS Work Plan and Budget (see attached).

- ◆ **Subtasks 1.A and 2.A (PPS Meeting Support and Work Group MOU Obligation Support):** No change from FY2011-12.
- ◆ **Subtask 3.A (Permit Re-issuance Support):** Budgeted \$50,000 plus contract management costs, and expecting some rollover of FY2011-12 funds.
- ◆ **Subtask 3.B (Regional Standards for Reporting and Assessment):** Budgeted \$0 as significant rollover of FY2011-12 funds is expected.
- ◆ **Subtask 3.C (Regional Framework/Guidance for TMDL Implementation Planning):** This task will be re-titled as Regional Framework/Guidance for Watershed-Based Implementation Plans. Todd Snyder (County of San Diego)

provided the task description: Create a detailed five-year plan to fill existing data gaps and develop tools that will assist Copermittees with decision-making in the context of adaptive, watershed-based implementation plans. This work will build upon the evaluation of non-structural BMPs completed in FY 11-12. Specific tasks could include soliciting input from Copermittees on program priorities, identifying other ongoing projects where Copermittee participation could add value, and developing scopes of work and cost estimates for projects to be implemented by the Copermittees in the subsequent five-year period. Budget is \$108,000 plus contract management costs.

- ◆ **Subtask 3.D (Watershed Activities Database):** No change from FY2011-12.

MOTION: Approve draft PPS FY12-13 Work Plan and Budget as presented, with 3.C revision to be made by Todd Snyder per PPS 9/28 meeting notes.

- Moved by: Todd Snyder (County of San Diego)
- Seconded by: Jon Van Rhyn (County of San Diego)
- Vote: 6 in favor; 0 against; 0 abstaining. MOTION PASSED

B. Update on Subtask 3.D (Evaluation of Non-Structural BMPs)

Scott Taylor (RBF Consulting) and Mikhail Ogawa (Mikhail Ogawa Engineering) provided an update on Subtask 3.D (Evaluation of Non-Structural BMPs). This task is meant to feed into the adaptive management process and watershed planning, allowing for decisions to be made based on resources and goals. In total, there are 13 BMP abstracts being developed under this task. In creating the BMP abstracts, the consultants discovered gaps in available data and several relevant studies that are currently in progress, but not yet completed. For each BMP abstract, the consultants are evaluating pollutant removal, cost, social and/or institutional considerations, and opportunities for implementation. They are also evaluating the enforceability of the BMPs.

Each BMP abstract contains the following elements:

- Managed Variables – to be optimized by each jurisdiction
- Physical/Institutional Barriers – varies by jurisdiction
- BMP Efficacy – effectiveness and cost of implementation
- Social/Institutional Barriers – may need ordinances to overcome
- Sustainability Rating – wraps up all elements into rating

The consultants have ranked eight BMPs to identify which would be best for implementation, taking into consideration the BMPs already being implemented by the jurisdictions:

1. Irrigation Reduction

2. Animal Waste Management
3. Trash Management
4. Smart Gardening
5. Sweeping (street)
6. Slope and Channel Stabilization
7. Elimination of Groundwater Infiltration
8. MS4 Cleaning

Scott Taylor (RBF Consulting) distributed two draft BMP abstracts to the group (Irrigation Runoff Reduction, Street Sweeping). Mikhail Ogawa (Mikhail Ogawa Engineering) distributed the BMP abstract for Code Enforcement. The group reviewed the layout and the content of each of the draft abstracts.

Irrigation Runoff Reduction

Based on the literature review and BMP evaluation, Scott Taylor (RBF Consulting) shared that the key strategy in implementing this BMP is to use smart controllers. Cynthia Mallet (City of Oceanside) emphasized that the selected smart controllers need to work properly. Erica Ryan (City of San Marcos) shared that for smart controllers to work properly, they must be set up correctly, and correct set up, regardless of the type or quality of the smart controller, is a long learning curve that requires patience and consistency.

Street Sweeping

Based on the literature review and BMP evaluation, Scott Taylor (RBF Consulting) shared that there are numerous quality sweeper studies; therefore, it is not recommended for the Copermittees to spend any resources on another sweeper study. The bottom line in implementing this BMP is how much can be spent on the equipment and how long and how often can it be run. Scott Taylor (RBF Consulting) gave caution, however, that jurisdictions should not expect a detectable level of change in sampling results. The change is occurring as a result of street sweeping; however, the sample size necessary to validate the change in pollutant data is significant and not generally achievable in Southern California.

Code Enforcement

Code Enforcement is one of three BMP abstracts being drafted by Mikhail Ogawa (Mikhail Ogawa Engineering). Mikhail is drafting:

- Policy Development and Implementation
- Education and Outreach (including inspection and code enforcement)
- Source Reduction Incentive Programs (e.g., rain barrels, downspout connectors)

Mikhail described education, inspection, and enforcement as a synergistic three-legged stool. For code enforcement, there are two philosophies: deterrence (penalties, fines, citations, civil actions) and cooperation (education, compliance assistance). The variables in code enforcement are level of deterrence or cooperation and the timing in relation to the violations. The effectiveness of code enforcement and its relation to load reduction has not been well studied. One EPA source cited that 100% compliance led to 70% load reduction at construction sites. Any special study emphasis should be on identifying load reductions under full compliance with BMPs.

The Copermittees cautioned on terminology used in the BMP abstracts, including load reduction and compliance characterization. The level of effort to issue an enforcement action, the legal cost after violation, and an indication of how the jurisdictions are doing now with code enforcement should be included in the BMP abstract. Copermittees also asked for clarification on what should be tracked in code enforcement. Todd Snyder (County of San Diego) suggested, as a next step, considering three different code enforcement abstracts for the primary target audiences (residential, business, construction, etc.) so that recommendation, analysis, and information could be tailored to the different audiences.

BMP Abstract Layout/Content

Todd Snyder (County of San Diego, Chairperson) posed two questions to the members:

1. In the recommendations section of the BMP abstracts, how far should the recommendations go?
2. When completed, will these BMP abstracts be internal Copermittee-only documents or will they be accessible to external persons/groups (i.e., the public)?

A suggestion was made to use a recommendations matrix for each BMP abstract, making the recommendation flexible instead of definitive. Some Copermittees voiced preference for definitive recommendations on each BMP abstract, but with crafting of words to smooth out potential misuse of the document by third parties. The issue was raised of how these recommendations may impact other departments, such as Public Works, when the department responsible for stormwater protection is not the same department responsible for implementing the recommendations in the BMP abstracts.

Copermittees suggested keeping the BMP abstracts internal, at least initially. After the Copermittees have used the abstracts and, potentially, modified them, then the abstracts could be made a public document. Another suggestion was to make the recommendations a separate document from the abstracts, thereby allowing the informative sections of the abstracts to be public but the recommendations remain

internal. This would not be covered under the current scope of work. It was acknowledged that the reference data in the BMP fact sheets are good for council members.

Todd Snyder (County of San Diego) asked all Copermittees to keep the two posed questions in mind when reviewing and providing feedback on the BMP abstracts. All draft abstracts will be submitted to the PPS within the next week. The PPS members are asked to review and comment on the draft abstracts. A follow-up discussion will be held at the PPS November meeting. The BMP abstracts will be finalized in early December and then can be used to inform ongoing development of TMDL implementation plans.

C. Priority Permit Re-issuance Issues for Continued Copermittee Discussion

Jon Van Rhyn (County of San Diego) distributed a handout to structure the adaptive management discussion around the major areas to consider what the Copermittees want from the permit (see attached).

It is clear that the RWQCB wants a learning permit, allowing Copermittees to adapt. A concern is that if the RWQCB sets general expectations, then they are not enforceable. The requirements need to be specific.

In the Riverside and Orange permits, there are two tracts: dry weather and wet weather. For dry weather tract, the MS4 is monitored and when exceedances occur, the sources are sought out and practices are changed. For the wet weather tract, samples are taken and the program is adapted to improve the ability to decrease pollutant levels over length of the permit cycle. Jon Van Rhyn (County of San Diego) noted that there is no good adaptation process to reference or model.

- Initial Plans/Programs (which program is the baseline for adaptation?)
 - JURMP
 - WURMP
- Standards / Criteria
 - What criteria trigger change?
- Feedback
 - What types of feedback are relevant?
 - Performance based or resource based?
 - Target audience measurements, surveys, enforcement results, etc.
- Adaptation
 - Once it is understood from the feedback that change is necessary, how will the change be made?
 - Will changes need to be approved by the RWQCB or are changes initiated and then reported to the RWQCB?

- Modified Programs
 - Once programs are modified, the cycle re-starts with the criteria that trigger change.

The adaptive management concept sounds great; however, there needs to be enough specificity in the permit to understand the requirements. Attention should be paid to supportive versus enforceable language for adaptive management.

Todd Snyder (County of San Diego) informed the members that the RWQCB permit writers kept referring to Provision A.4 of the current permit with regard to enforcement expectations and methods for the new permit. Copermittees are encouraged to review Provision A.4 of the current permit.

For the PPS November meeting, members will continue the discussion on adaptive management.

5. Action Items

Action Item		Responsible Party	Timeline
1	Please contact Sheri McPherson (County of San Diego) if you can host the RMC meeting on 1/19/12.	All Copermittees	ASAP
2	Pay invoices for shared costs.	All Copermittees	ASAP
3	Provide draft detailed scope for Subtask 3.B.	Jon Van Rhyn	11/16
4	Once received from RBF, distribute draft BMP abstracts to Copermittees (Subtask 3.D).	Todd Snyder	11/9
5	Review and provide feedback on draft BMP abstracts.	All Copermittees	11/16
6	Prepare for discussion on adaptive management at PPS November meeting.	All copermittees	11/16
7	Determine a location for the PPS 11/16 meeting.	Sheri McPherson	11/9

6. Next Meeting

Date: November 16, 2011

Time: 1 PM to 3:30 PM

Location: TBD

Agenda Items for next meeting: Subtask 3.D (Evaluation of Non-Structural BMPs); Draft detailed approach for Subtask 3.B; Permit reissuance discussion of adaptive management; FY12-13 work plans and budgets from all work groups/subcommittees

FY2011-12 REGIONAL TASKS AND WORK PRODUCTS
(for inclusion in Annual Report)

Working Body	Task/Work Product	Program Implementation	Status
Regional Program Planning Subcommittee	Permit Re-issuance Support	Discussion topics have been identified. Copermittees to continue discussion of priority items at subsequent PPS meetings: adaptive management, watershed permit, regulatory obligations, Coastkeeper/litigation, and report/plan streamlining.	Ongoing
Regional Program Planning Subcommittee	Regional Standards for Reporting and Assessment	Copermittees have approved a conceptual approach for this task. County of San Diego is developing detailed work plan for the 11/16 meeting.	Ongoing
Regional Program Planning Subcommittee	Development of Watershed Program Approach	Due to Permit re-issuance, this task was determined by the subcommittee to no longer be necessary at this time.	Removed
Regional Program Planning Subcommittee	Regional Framework/Guidance for TMDL Implementation Planning	Draft BMP abstracts are to be distributed to Copermittees for review prior to the November 16 meeting.	Ongoing
Regional Program Planning Subcommittee	Watershed Activities Database	Copermittees are to enter new information and validate the information entered by the consultant. Through use of the database, Watershed Leads are evaluating the database and will bring any issues or suggestions to the County for consideration by the RPPS.	Ongoing