

San Diego Regional Stormwater Copermittees Regional Program Planning Subcommittee

Meeting Notes

Co-Chairs Todd Snyder and Jon Van Rhyn

Date	Location	Agenda Summary
9/6/2012 Start time: 10:00 AM End time: 12:30 PM	County of San Diego 5510 Overland Ave San Diego, CA	<ul style="list-style-type: none"> • Debrief on RWQCB Wrap Up Session • Finalize Permit Redline • Cover Letter for September 14th Submittal

Meeting Attendance:

Number of Voting Copermittees at this Meeting: 8

VOTING MEMBERS

<input checked="" type="checkbox"/> City of Carlsbad Elaine Lukey Tim Murphy	<input checked="" type="checkbox"/> City of El Cajon Jaime Campos	<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 Steve Strapac	<input type="checkbox"/> City of Vista	<input checked="" type="checkbox"/> Port of San Diego Allison Vosskuhler
<input checked="" type="checkbox"/> City of San Diego Ruth Kolb Heather Stroud	<input checked="" type="checkbox"/> County of San Diego Jon Van Rhyn Todd Snyder	Scott Norris Tracy Cline	Joann Weber

NON-VOTING MEMBERS

<input type="checkbox"/> City of Chula Vista	<input checked="" type="checkbox"/> City of Coronado Rosanna Lacarra*	<input checked="" type="checkbox"/> City of Del Mar Mikhail Ogawa*	<input checked="" type="checkbox"/> City of Encinitas Erik Steenblock
<input type="checkbox"/> City of Imperial Beach	<input type="checkbox"/> City of La Mesa	<input checked="" type="checkbox"/> City of National City John Quenzer*	<input type="checkbox"/> City of San Marcos
<input checked="" type="checkbox"/> City of Santee Helen Davies	<input type="checkbox"/> City of Solana Beach	<input checked="" type="checkbox"/> Airport Authority Annie Martin	<input checked="" type="checkbox"/> Secretary Hilary Potter
<input checked="" type="checkbox"/> AMEC Matt Rich			

*Indicates consultant representing copermittee

1. Introductions and Announcements

Copermittees introduced themselves.

2. **Administrative Issues**
3. **Administrative Draft Permit Activities**

- A. **Debrief on RWQCB Wrap Up Session**

Based on the San Diego Regional Water Quality Control Board (RWQCB) Workshop held September 5, 2012, it is hard to know what to expect with regard to specific changes to the administrative draft permit. The RWQCB highlighted the top 8 issues that resonated with them from the MS4 Focused Meetings. The consensus among the Copermittees is that they are cautiously optimistic.

- B. **Finalize Permit Redline**

Provision A

Heather Stroud distributed a handout with the Attorneys' Group recommended language for Provision A. They have essentially flipped the presumption of compliance to say that Copermittees are assumed in compliance unless the RWQCB has denied approval of a WQIP or subsequent update. This gives the attorneys some assurance that Copermittees don't have liability and closes the gap that Copermittees don't have to wait for the RWQCB to act on approving a WQIP in order to have permit coverage. The attorneys have added a caveat at the beginning of Provision A that states this redline version does not address all the issues that have been raised by the NRDC lawsuit, the Copermittees understand that there is a State Water Resources Control Board (SWRCB) workshop on November 20 regarding the issue, and the Copermittees reserve the right to submit additional language based on what happens at that workshop. The redline version does not match the CASQA language, but does reference it within the caveat. This redline version is based on the original administrative draft permit. The attorneys participating in developing this include attorneys from the City of Santee, the Airport Authority, Riverside County, Orange County, San Diego County, the City of Carlsbad, and Helen Peak who represents several cities.

The Copermittees came to a consensus to replace Provision A with the Attorneys' Group redline version for submittal to the RWQCB.

Monitoring and Assessment Section

Joann Weber explained that the Monitoring and Assessment Section in the current redline version is a little weak and does not match what was presented at the MD4 Focused Meetings and what has been discussed with RWQCB staff. Joann requested the mini-monitoring workgroup be allowed to work on the redlines this afternoon to bring the section in line with what was presented to and discussed with RWQCB staff. In addition, per a meeting with RWQCB staff, the RWQCB is open to having the deadline for submittal of WQIP annual reports moved from October 31 to January

31 in order to allow the incorporation of monitoring results and assessment in the report.

The Copermittees came to a consensus to allow the mini-monitoring workgroup additional time to work on redlines to bring the section in line with what was presented to and discussed with RWQCB staff and to move the deadline for submittal of WQIP annual reports from October 31 to January 31.

Provision E.1

Jon Van Rhyn (County of San Diego) explained that the current redline version of Provision E.1 goes through the conditions under which Copermittees can modify program requirements, including modifications to less than any specific minimum in Section E of the permit. Provision E.1 lays out two tracks: one to modify a program on a watershed management area basis and one to modify a program on a jurisdictional basis.

The Copermittees discussed several options for this section, including: the City of San Diego's recommendation to replace E.1 with a one-line reference back to Provision B; the current redline version which incorporates language provided by the ICM workgroup; and, the City of Del Mar's suggested language per email dated September 5, 2012.

The City of San Diego's recommendation addresses modification of programs on a watershed management area basis, but not how to modify a program on a jurisdictional basis.

The specific criteria in the ICM workgroup's version may inhibit Copermittees' ability to try new approaches without first establishing statistically relevant justification for the proposed modifications.

Other issues raised included: the lack of a review or approval process for JRMPs; the lack of a defined relationship between JRMPs and WQIPs; the concerns of the RWQCB and non-governmental organizations (NGOs); the balance between requirements and procedures in the permit language; and, the potential for multiple, varied responses on JRMP modifications for those Copermittees in multiple watersheds.

The Copermittees reached consensus to proceed with the ICM workgroup's version with modifications: remove the first part that addresses program modification on a watershed management area basis and remove subbullet iii under program modifications on a jurisdictional basis.

Section E.4.b – Building Permits

The City of Vista commented on 8/30/12 that the reference to building permits should be removed from Section E.4.b. This comment was brought to the attention

of the Land Development Workgroup. The Land Development Workgroup provided additional redline language to address the City of Vista's comment.

The Copermittees reached consensus to accept the Land Development Workgroup's redline version of Section E.4.b.

Provision E.5.b – Residential Sources

The Copermittees were presented with three options for this section provided by the City of Coronado, the City of Carlsbad, and the City of Del Mar. Rosanna Lacarra (City of Coronado) went through Coronado's redline version and provided justification for each revision. Elaine Lukey (City of Carlsbad) provided justification for Carlsbad's redline version.

The Copermittees discussed the proposed redlines. Issues included: matching 40 CFR language; potential acceptance by the RWQCB and NGOs of proposed revisions; the balance between the residential program and monitoring (sampling); and, timeline for implementation of the residential program.

The Copermittees reached consensus to accept a combination of the City of Coronado and City of Carlsbad suggested redlines.

Shelter Island TMDL

The City of San Diego would like Attachment E.2.b.1 (Receiving Water Limitations for the Shelter Island TMDL) to be removed.

The Copermittees reached consensus to remove Attachment E.2.b.1.

Provision B – Water Quality Improvement Strategies

Ruth Kolb (City of San Diego) presented a recommendation from Bill Harris (City of San Diego, Education) to add "(to include public outreach and participation programs)" after where it states "Additional structural and non-structural BMPs" in the Water Quality Improvement Strategies section. This would make sure that cities will not be able to take away public education and outreach programs.

The Copermittees reached consensus to add the recommended language.

C. Cover Letter for September 14th Submittal

Todd Snyder (County of San Diego) distributed a rough draft of the cover letter for submittal with the comment table and redline permit on September 14. The letter clearly states that the comments and redlines included represent a consensus, not unanimous approval, from the Copermittees and that the RWQCB should expect additional comments from individual jurisdictions. The high level, critical issues addressed in the letter include Provision A, the non-enforceability of numeric targets and action levels, water quality monitoring, development planning, and existing development. The Copermittees recommended adding a section on

adaptive management indicating that the Copermittees are in favor of the concept, as mentioned in the Report of Waste Discharge (ROWD), but need the permit language to clearly support the concept.

4. Action Items

Action Item		Responsible Party	Timeline
1	Revise redline version of permit per revisions discussed at meeting and input from mini-monitoring workgroup. Provide final redline version to Copermittees	Consultant – AMEC	9/10/2012

5. Next Meeting

TBD

**FY2012-13 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		Ongoing
Regional Program Planning Subcommittee	Regional Standards for Reporting and Assessment		Ongoing
Regional Program Planning Subcommittee	Regional Framework/Guidance for Watershed-Based Implementation Planning		Ongoing
Regional Program Planning Subcommittee	Watershed Activities Database		Ongoing