

**San Diego Region Municipal Stormwater Permit
Copermittee Management Committee**

Meeting Summary

Thursday, March 20, 2003, 10:00 a.m. – 12:00 p.m.
City of San Diego University Town Center Branch Library, 4155 Governor Drive

Chair: Teresa Brownyard, County of San Diego

Copermittee

Representatives:

City of Carlsbad – Jayne Strommer
City of Chula Vista – Muna Cuthbert
City of Coronado – Not Represented
City of Del Mar – Mikhail Ogawa
City of El Cajon – Julie Hampel
City of Encinitas – Kathy Weldon
City of Escondido – Cheryl Filar
City of Imperial Beach – Hank Levien
City of La Mesa – Driss Elwardi
City of Lemon Grove – Ed Wimmer

City of National City – Din Daneshfar
City of Oceanside – Mo Lahesie
City of Poway – Danis Bechter
City of San Diego – Ruth Kolb
City of San Marcos – Jasen Boyens
City of Santee – Rob Zaino
City of Solana Beach – Dan Goldberg
City of Vista – Keri Martinez
County of San Diego – Jon Van Rhyn
Port of San Diego – Richard Gilb

Other Participants:

Karen Helyer – Port of San Diego
Karen Henry – City of San Diego
John Phillips – RWQCB, San Diego
Stephanie Panza – City of San Diego
Rosanna Lacarra – MEC Analytical
Kelly Barker – PBS&J
Amy King – County of San Diego
Todd Snyder – County of San Diego
Jeff Murphy – County of San Diego
Michele Stress – County of San Diego
Nancy Winiarz – Port of San Diego
Kelly Moewe – Port of San Diego
Carrie Salenko – Port of San Diego
Julie Magee – City of Poway
Martin Winters – Sure Clean Power Washing

Erik Steenblock – City of Santee
Phil Hammer – RWQCB, San Diego
Stacey Baczkowski – RWQCB, San Diego
John Robertus – RWQCB, San Diego
Severo Chavez – BDS Engineering
Mark Williams – Brown and Caldwell
Ben Keasler – Camp Pendleton
Lisa Kay – MEC Analytical
Paul Hardwick – SANDAG
Steve Clark – City of La Mesa
Cecilia Padres – County of San Diego
Marco Gonzalez - Baykeeper
Danny King – City of Solana Beach
Jo Ann Weber – County of San Diego
Sayra Ramos – County of San Diego
Wayne Rosenbaum – Foley and Lardner

I. Introductions / Program Updates / Announcements

Teresa Brownyard, County of San Diego (County), opened the meeting by welcoming all attendees. Copermittee representatives then provided brief updates on recent program implementation activities. Three cities reported recent program audits performed by the Environmental Protection Agency (EPA) in conjunction with the Regional Water Quality Control Board (RWQCB) and contractors; all reported that it was a constructive exercise. A number of jurisdictions reported that they had recently hired new staff, or were planning to do so in the near future. Several Watershed Urban Runoff Management Program (WURMP) leads noted that initial WURMP implementation meetings have been held. Finally, members of the audience introduced themselves in turn.

II. Administrative Issues

- The County will provide more detail with regard to administrative items prior to each Management Committee meeting.
- The County continues its search for a regular meeting location. Two possibilities discussed were the City of San Diego's Mission Valley Branch Library and the RWQCB facility in Kearney Mesa. All comments and suggestions are welcomed.
- The County will solicit input for Management Committee agenda items prior to each meeting. All suggestions must be submitted at least three weeks prior to the meeting date.
- Jon Van Rhyn, County of San Diego, gave a brief update on the 2003-04 shared costs budget. The current cost estimate is \$918,722. This reflects the shared costs budget approved at the February 20 Management Committee meeting (\$979,492), and takes into account two credits (\$48,270 from FY 2001-02 regional monitoring cost savings, and \$12,500 for CASQA fees not spent during the last half of calendar year 2002). A spreadsheet illustrating each Copermittee's individual share was distributed to each representative. The actual cost to each jurisdiction will be lower than the spreadsheet indicates because some credits are not yet included. Once the 2002-03 fiscal year ends and regional monitoring and outreach program cost savings are known, these will be credited to each Copermittee based on the formula discussed in the MOU. Nevertheless, the figures discussed are useful as a maximum cost for budgeting purposes. Mr. Van Rhyn noted that the population numbers used to determine each jurisdiction's portion of the shared costs have been updated to reflect the State's 2002 update. The County did not update land use figures, however, because SANDAG's 2002 update has not been reviewed by each jurisdiction, and as such, is still "unofficial." The land use figures used are from 2000.

III. San Diego Regional Water Quality Control Board Update

Stacey Baczkowski, RWQCB, noted that the State Water Resources Control Board (SWRCB) has issued a request for proposals for Proposition 13 grants. Concept proposals will be due either May 2 or May 9 – as of March 20, the SWRCB's web site (www.swrcb.ca.gov/funding/index.html) was unclear on this. Ms. Baczkowski offered the assistance of her staff in helping to develop concept proposals. She also noted that review of the 2001-02 Jurisdictional Urban Runoff Management Program (JURMP) Annual Reports is underway.

John Phillips, RWQCB – Industrial Compliance Unit, noted that the RWQCB has recently received many Notices of Non-Applicability (NONAs) and Non-Exposure Certifications (NECs). He noted that, though the RWQCB appreciates these submittals, they will become meaningless upon adoption of the new industrial stormwater permit (date unknown). Under the new permit, industries will have to re-submit some type of certification (possibly web-based) to Sacramento. Mr. Phillips noted that any questions pertaining to industrial facilities or coordination of industrial inspections should be directed to him at (858) 627-3928.

IV. Stormwater Enforcement Issues

Phil Hammer, RWQCB, discussed the “low-level” types of enforcement actions available to the RWQCB and how each is used. First and foremost, the RWQCB uses the SWRCB’s water quality enforcement policy as guidance. “Low-level” enforcement options include:

- Verbal / E-Mail Enforcement – Verbal enforcement is typically used for very minor, easily corrected field violations (i.e. RWQCB staff observes that a silt fence has fallen over at a construction site that is otherwise in full compliance).
- Letter – Letters are usually issued for minor violations that are noted during document reviews or for clarification of the RWQCB’s position on a certain issue (i.e. The recent 85th percentile storm event letter).
- Notice to Comply – NTCs are typically used for minor field violations that are slightly more serious than violations warranting verbal enforcement, and often where some type of documentation is needed (i.e. An insignificant discharge which does not threaten public or environmental health – uncovered trash dumpsters at a municipal yard).
- Notice of Violation – NOVs are issued for both field violations and during document reviews. They are used for discharges or threatened discharges that the RWQCB determines are potential threats to public or environmental health (i.e. A large construction site slope does not have erosion control BMPs in place). NOVs are also used in response to late reports or reports with missing information.

Other factors used to determine enforcement, include:

- The nature of the violation and the amount of time and effort required for enforcement.
- The nature of the violation relative to the rest of the region’s efforts.

John Robertus, Executive Officer of the San Diego RWQCB, then provided a broad discussion of stormwater enforcement issues. He opened with a reference to two recent articles in *Stormwater Magazine*, one discussing the Moonlight Beach wastewater treatment facility, the other discussing the City of San Diego’s stormwater program. He pointed to both as examples of success stories in reducing pollution. He then indicated that his personal objective is to succeed in reducing pollution through the NPDES program so as to obviate the need for future TMDLs. He averred that the starting point for everything cities are doing to manage their stormwater should be the condition of their receiving waters. Mr. Robertus complimented the City of San Diego on their monitoring program, which he argued is a critical element of any successful stormwater program.

Mr. Robertus then transitioned to a discussion of the four tiers of enforcement as presented in the Malcolm K. Sparrow book, *The Regulatory Craft*. The four tiers include:

- 1) Resource Efficiency (i.e. How well do you run your office? Are documents submitted on time? Do documents have the appropriate certification statements?) – These measures, he stated, are indicators of how well an office is run.
- 2) Agency Activities and Output (i.e. How good are your JURMP, WURMP, and ordinance documents?) – These documents, he stressed, are critical to successfully identifying and abating sources of pollution. The RWQCB evaluates them as such.
- 3) Behavioral Outcomes (i.e. Establishing accountability by creating an audit trail to ensure that one is doing what he says he is doing) – Mr. Robertus noted that many recent NOVs have been issued for paper or document

violations. In particular, some documents have been found to be too generic. Each jurisdiction has unique drainage systems and receiving waters; documents should reflect this with specific reference to unique jurisdictional systems and circumstances. It was also noted that a common trigger for NOVs is a situation in which staff responsible for implementing BMPs is not familiar with the documents that outline required BMPs. Mr. Robertus suggested that BMPs should be selected based on the pollutants they are intended to control.

4) Enforcement Activity – It was noted that several NOVs were issued for discharges after recent storms.

Mr. Robertus stated that the County of San Diego’s municipal stormwater permit is the single most important permit that the RWQCB regulates. The permit regulates the most pollution in terms of quantity and variety. He then touched on the subject of maximum extent practicable (MEP), and noted that the EPA is insistent that there is a correlation between MEP and the attainment of water quality standards. He suggested that BMPs that do not achieve water quality standards within a reasonable timeframe (10 to 15 years) are not likely being implemented to the MEP.

In response to a question, Mr. Robertus indicated that a public workshop on the regional bacteria TMDL would be held on Thursday, March 27th at 1:30 p.m. As opposed to most TMDLs, which are intended for a particular water body, the bacteria TMDL will likely be issued for several water bodies region-wide.

V. Stormwater Permit Updates and Miscellaneous Issues

Wayne Rosenbaum, Foley and Lardner, discussed changes to the Construction Permit, proposed Tier II Small MS4 Permits, and proposed changes to the Industrial Permit. The full presentation is available for viewing on the Copermittees’ web site at www.projectcleanwater.org/html/copermittees.html.

Construction Permit Changes

- Decreased threshold – Now sites disturbing one acre of land or more are subject to permit requirements.
- There is no grandfathering.
- Only certain people (usually a mayor or city manager) are delegated to sign the NOI.
- Unanswered questions:
 - How will municipalities treat smaller projects in terms of identification, prioritization, and inspection?
 - There may be a perception problem in that the smallest sites are subject to the same fee as the largest sites.
 - The perception of some that there is a different level of enforcement for CIP and private projects.

Proposed Tier II Small MS4 Permits (based on draft on SWRCB/RWQCB web site)

- There are both automatic and categorical designations; however, based on the qualifying factors, most potential sites in San Diego County are likely to fall under the scope of the permit.
- What’s regulated? Similar requirements as URMPs (i.e. discharge prohibitions, effluent limitations, education plan, monitoring and reporting program).
- The permit was originally scheduled to be adopted on December 2, 2002, but was postponed due to several issues raised (particularly by school districts). One outstanding issue is the potential for duplication between the industrial permit and the small MS4 permit.
- Unanswered questions:
 - Who will be subject to the Permit?
 - How will small MS4s coordinate activities with the municipal Copermittees?
 - Will some of the small MS4s be granted group permits?

Proposed Changes to the Industrial Permit (based on information on the SWRCB web site)

- Expands coverage to include light industrial SIC codes – there is no NONA.
- Eliminates certain ISTEAs exemptions.
- Allows RWQCB to delegate compliance inspections to other public agencies or private industry.
- Increases SWPPP requirements (i.e. requires more detailed description of each BMP, requires that each BMP be related to pollutants of concern, and requires the permittee to lay out the who, what, when, where, and how of its implementation; also increases monitoring, education, and reporting requirements.)
- Effect on Copermittees:
 - Increased number of mandatory industrial sites
 - There is some question over how it will be determined whether an NEC or an NOI will be appropriate
 - Education will be key: Copermittees need to explain why to potential permittees why these requirements are necessary to improve water quality.

VI. BMP Guidelines for Contaminated Sites

Mike Vernetti, County of San Diego, discussed recently developed BMP guidelines for contaminated sites. The full presentation can be accessed on the Copermittees' web site at www.projectcleanwater.org/html/copermittees.html. The guidelines were developed by the Stormwater Technical Workgroup, which consisted of members of the County Department of Environmental Health (DEH), the RWQCB, and several representatives of the consulting community. Mr. Vernetti first discussed the types of activities that require BMPs at contaminated sites (i.e. drilling, excavation from tank closures, de-watering activities, soil stockpiles, etc.). He then discussed examples of BMPs that are effective during each type of activity. Finally, he described the Voluntary Assistance Program (VAP), a service offered by the County DEH. VAP services include staff consultation, project oversight, and technical or environmental report evaluation on projects pertaining to properties contaminated with hazardous substances. Additional resources can be found on the County DEH website at www.sdcountry.ca.gov/deh/lwq/sam, or by contacting Mr. Vernetti at mike.vernetti@sdcounty.ca.gov.

VII. CASQA Update

Jon Van Rhyn, County of San Diego, provided an update on recent activities of the California Stormwater Quality Association (CASQA). He started by encouraging participation at two CASQA workshops being co-sponsored by CASQA and the City of San Diego on April 16 and 17 at the San Diego Concourse. These workshops are intended as training sessions on the revised California State BMP Handbooks. He also noted that the CASQA Executive Program Committee and Board of Directors both recently met. Most issues discussed were of a logistical nature and were related to CASQA's recent incorporation as a nonprofit public benefit 501(c)(3) corporation.

Mr. Van Rhyn then discussed proposed legislation, AB 10X. AB 10X has already been passed and signed by the governor. The legislation will increase municipal permit fees to achieve full cost recovery for the administration and enforcement of the municipal stormwater permit. This will mean increased costs for Copermittees, but it is unknown at this time just how much of an increase will be involved. The next CASQA meeting will be held on May 9, 2003; the subject will be stormwater funding. Mr. Van Rhyn will forward to Copermittees minutes from the Executive Committee's March meeting as soon as they become available.

VIII. Workgroup Updates

Chairs of all active workgroups provided updates on recent activities:

Monitoring Workgroup (http://www.projectcleanwater.org/html/wg_monitoring.html)

Mr. Van Rhyn provided the update on behalf of Eric Klein, County of San Diego.

Coastal Storm Drain Monitoring Workgroup

This workgroup continues to meet regularly with the objective of developing and implementing an Adaptive Coastal Storm Drain Monitoring Program beginning April 1, 2003.

- The Workgroup's draft proposal was submitted to the RWQCB for comment on February 21.
- Workgroup representatives met with RWQCB staff on March 13 to discuss revisions to the proposed program.
- The workgroup met on March 18 to discuss final revisions to the adaptive program based on the comments provided by the RWQCB. These revisions are currently being incorporated and the final document will be e-mailed to coastal representatives on March 20.

Mr. Van Rhyn also noted that the completion of the adaptive monitoring program marks the end of the County's involvement as lead of this workgroup.

Dry Weather Monitoring Workgroup

D-MAX Engineering has nearly completed the regional dry weather data analysis project. The workgroup will meet in early April to review the results of the regional data analysis, refine selected dry weather monitoring action levels, and begin preparing for the 2003 dry weather monitoring season that begins on May 1, 2003.

- The revised Dry Weather Monitoring Action Level Table will be submitted to the RWQCB on April 20. Many of the action levels for field screening and analytical monitoring will remain unchanged. Several action levels, including those for bacteria, will be modified based on the results of the regional data analysis.
- The proposed program should require approximately the same amount of effort as the current program (collectively speaking). At the same time, the coastal jurisdictions should be able to identify and clean-up more sources of bacterial contamination.

Outreach Technical Workgroup (http://www.projectcleanwater.org/html/wg_outreach.html)

Michele Stress, County of San Diego, provided the update on behalf of workgroup chair, Marsha Cook, County of San Diego.

- The Outreach Workgroup will be changing its approach to regional education in the next fiscal year. Instead of conducting regional workshops, a speakers' bureau will be formed where a variety of experts will be invited to speak to trade associations, business, and residential groups. All are invited to participate (including the RWQCB). Interested parties should contact Marsha Cook.
- The FY 2002-03 mobile workshops have been completed. The next series of workshops will be targeted toward the food industry. A food BMP guide is nearing completion and will be distributed by the County as part of its restaurant inspection program; the electronic file will be made available to all Copermittees.

- The County of San Diego conducted a presentation (mini-workshop) to the Independent Pool and Spa Association (IPSA).
- The regional movie slides are currently showing in some theaters and will be shown in others until the end of the fiscal year.

Data and Information Workgroup (http://www.projectcleanwater.org/html/wg_data.html)

Amy King, County of San Diego, provided the update. The Data and Information Management Workgroup is conducting a survey to assess how each Copermittee manages data for individual elements of its stormwater program. Among other benefits, survey results will ultimately help the WURMP groups pull data together for reporting purposes. An electronic copy of the survey will be provided with the March 20 Copermittee Management Committee meeting summary and will also be available on the workgroup's web page (see link above). The workgroup will summarize the survey data and discuss the results at an upcoming Copermittee meeting. Please email completed surveys to Amy King (amy.king@sdcounty.ca.gov) by Monday, May 5.

Co-chair Paul Hardwick, SANDAG, also noted that three cities are partnering together to get their MS4s digitized. If anyone else is interested, contact Mr. Hardwick.

The next Workgroup meeting will be held on Monday, April 7, 2003 from 2:00 p.m. – 4:00 p.m. at SANDAG (401 B Street, downtown San Diego).

BMP Workgroup

Drew Kleis, City of San Diego, will be chairing this new workgroup. The workgroup will hold its first meeting shortly. Contact Mr. Kleis for more information, or if interested in participating.

Assessment Workgroup

Jon Van Rhyn, County of San Diego, will be chairing this new workgroup. The first meeting will be held the week of April 7th. Contact Mr. Van Rhyn for more information, or if interested in participating.

IX. Other Business

- Martin Winters, Sure Clean Pressure Washing, Inc., voiced concern over what he perceived as inadequate stormwater education and enforcement in the pressure washing industry. Existing BMP guidelines, he said, are wholly inadequate. He noted that he would be demonstrating recently developed equipment at the City of San Diego's General Services yard on March 24 at 9:00 a.m.
- Marco Gonzalez, Baykeeper, expressed discontent with the stormwater legislation (AB 1517) recently written by the County of San Diego and introduced by Assemblyman Plescia. He asked that the County rescind its support of this legislation, describing it as a "slap in the face" of the environmental community. He noted that he had initiated a records request to document that the County had violated the Brown Act by conducting meetings with regard to this proposed legislation in closed session. He also indicated that Copermittees involved with the Building Industry Association (BIA) litigation of the permit would be targeted for future litigation by the environmental community.
- Rosanna Lacarra, MEC Analytical, noted that the mass loading sampling for FY 2002-03 has been completed.
- Ed Wimmer, City of Lemon Grove, asked that, at the next Management Committee meeting, the County provide an update on the funding study and proposal it presented at the January Management Committee meeting.

X. Next Meeting

The next Copermittee Management Committee meeting will be held on May 15, 2003 from 10:00 a.m. – 12:00 p.m. at the City of San Diego's Mission Valley Branch Library at 2123 Fenton Parkway.

XI. Action Items

- Provide more detail with regard to administrative items prior to each meeting – **County of San Diego**
- Solicit input for agenda items prior to each meeting – **County of San Diego**
- Forward CASQA Executive Committee meeting notes to Copermittees – **County of San Diego**
- Complete the Data and Information Management Workgroup's data survey and return to Amy King – **All**
- Provide an update of the County's stormwater funding study and proposal at the next Management Committee meeting – **County of San Diego**