San Diego RWQCB
Permit Reissuance Focused Meeting

August 22, 2012

San Diego Copermittees

Land Development

Alternative Compliance

Proposed Concept:

- Allow more discretion to the Copermittees in exercising alternative compliance options.

Rationale:

- Establishing a mitigation program will take significant time. Copermittee's may not have resources to identify applicable mitigation projects when they are needed.
- Developer's need the ability to maintain control of any mitigation measures necessary for their project.

Solution:

- Revise Section E.3.c. (4), p69, to allow the Copermittees to exercise alternative compliance ***as an optional program***, at their own discretion when onsite compliance is infeasible[1].
- Revise Section E.3.c.(4) to state that it is ***the sole responsibility of the project proponent to*** execute offsite mitigation project.

[1] *Copermittees are open to waiving proof of infeasibility in unique circumstances where the proposed offsite mitigation results in equal or greater overall water quality benefit.*

Alternative Compliance

Proposed Concept:

- Eliminate specific mitigation project timing requirement and replace with assurance requirements.

Rationale:

- Prior to occupancy requirement is not a practical requirement, this will prevent alternative compliance from occurring. The intent is that the off-site mitigation is a long term strategic planning effort for a higher water quality result.

Solution:

- Replace second sentence in Section II.E.3.(4)(c)(iii) with "...Each development's share of offsite mitigation project funding must be secured prior to the first occupancy. Mitigation projects will be programmed and reported on in the Copermittees WQIP."

Alternative Compliance

Proposed Concept:

- Restructure alternative Compliance requirements to help achieve other permit requirements and to better align with highest water quality priorities identified in the WQIP.

Rationale:

- Alternative compliance is another tool in the toolbox to achieve overall water quality objectives. It should synchronize with other elements of our programs.

Solution:

- Enhance permit language to indicate that Retrofit and Channel Rehabilitation as identified in the WQIP can also be utilized for offsite mitigation.

Adaptive Management

Proposed Concept

- Incorporate Adaptive Management concept as part of the Development Planning section. Allow adaptation be applied to:
  - Site specific or region specific requirements (e.g. match site specific preproject retention of 85th% storm).
  - Adaptive performance standards with technical justification and scientific data/studies.
  - Adaptive priority development project standards
    - Where projects are shown to be a significant/insignificant source of pollutants.

Rationale:

- Some of the permit's proposed performance standards and priority development projects categories do not have known *scientific* justification.

Solutions

- Ensure the permit allows adaptive management of the Development Planning Section II.E.3.

Priority Development Categories

Proposed Concept:

- Exclude Single Family Residential (SFR), that is not part of larger development, from PDP categories to direct resources to higher priorities.

Rationale:

- There are opportunities to implement excellent LID BMPs on low density residential projects without PDP classification.
- Direct resources away from unnecessary PDP paperwork toward higher priorities to achieve more substantial water quality improvements.
- SFR does not have the same impact to water quality as industrial & commercial development, therefore it should have a different threshold.
- Potential pollutants generated from SFR should be addressed by effective source control and better site design.

Solution:

- Include SFR, that is not part of larger development or a proposed subdivision, in the PDP Exemptions, Section II.E.b.(3).
- Allow Copermittees to develop "suite of BMPs" in the BMP Design Manual to meet a minimum performance standard for SFR.

Retention Requirements

Permit Concept:

- Current standard**: Infiltrate, treat or detain** the 85th% storm volume.
- Admin. Draft standard : **Retain** 85th% storm volume.
- Pollutant load reduction resulting from retention is greater than detention.

Considerations:

- Runoff is an important water source to creeks and rivers in our semi-arid climate. 85th% storm: 1/2”- 1”. 80% of raindays in last 30 yrs. had rainfall totals less than ½”.
- Retention of 85th% storm volume is not scientifically justified as beneficial for overall watershed health.
- Retaining more than pre-project volume could result in loss of downstream vegetation and subsequent channel erosion.
- EPA[1] recommends retaining pre-project volume and SCCWRP[2] recommends a water balance approach to mimic natural hydrology.

Proposed Solution

- Retain the pre-project 85th% retention volume to mimic natural hydrology, where soil conditions permit.

[1] *EPA Municipal Permit Improvement Guide, Chapter 5, Page 54*

[2] *SCCWRP Hydromodification Assessment and Management in CA*.

Retention Requirements

Permit Concept:

- Admin Draft standard : **Retain** 85th% storm on site, or mitigate offsite if infeasible.
- Pollutant load reduction resulting from retention is greater than detention.

Considerations:

- Projects need to be given a means to comply onsite even where soil conditions are poor.
- Requiring retention could result in geotechnical hazards in some areas.
- Mitigation sites may not be readily available for all development sites.

Proposed Solution:

- Three tiered compliance standard:
  1. Retain pre-project 85th% volume onsite to mimic natural hydrology, where conditions permit.
  2. Where retention is infeasible[1], design LID/BMPs to achieve pollutant load reduction greater than or equal to the retention standard (in 1 above).
  3. Where standards 1 & 2 cannot be met, provide onsite treatment and offsite mitigation (for retention and/or HMP) that provides an overall water quality benefit within the Watershed Management Area.

[1] *Copermittees are open to waiving proof of infeasibility in unique circumstances where the proposed offsite mitigation results in equal or greater overall water quality benefit.*

HMP- Predevelopment Baseline

Proposed Concept

- Require redevelopment projects to mitigate for the project's impacts. Use pre-project condition as a baseline for HMP design.

Rationale:

- Improve overall watershed water quality by promoting redevelopment and infill development on already degraded, highly impervious lands.
- Benefits of redevelopment include: reduced imperviousness, protection of undeveloped areas, improved water quality treatment, reduced commute miles, removal of blight, smart growth, etc.

Solutions

- Require projects to match pre-project flow rates and durations by preserving the pre-project baseline for HMP. Revise Section II.E.3.b.(3) accordingly.