California Regional Water Quality Control Board, San Diego Region

February 13, 2008

Errata and Proposed Revisions to Tentative Order No. R9-2008-0001.

I. Summary:

Two sets of revisions are proposed to Tentative Order No. R9-2008-0001.

1. Dates: First are revisions of compliance dates to reflect the postponed adoption of the Tentative Order. The Tentative Order was originally scheduled for adoption in August 2007. Some compliance dates were revised in the December 2007 revised Tentative Order. However, some dates were inadvertently not revised. Those are addressed in this errata.

2. Clarifications: Second are clarifications to certain requirements. These are not substantive changes and are meant to clarify the expectations and intent of the tentative requirements.

II. Revisions to Compliance Dates

The following revisions are proposed:

	Permit Section	Revised Text	Discussion
1	Section D.3.a.4.c	Each Copermittee must evaluate its existing flood control devices, identify devices causing or contributing to a condition of pollution, identify measures to reduce or eliminate the structure's effect on pollution, and evaluate the feasibility of retrofitting the structural flood control device. The inventory and evaluation must be completed by ~~July 1, 2008~~ May 1, 2009 and submitted to the Regional Board with the Fall ~~2008~~ 2009 annual report.	The due dates should be revised to reflect the delayed permit adoption.

	Permit Section	Revised Text	Discussion
2	Section H.3.a.2	Principal Permittee: The Principal Permittee is responsible for collecting and assembling each Copermittee's individual JURMP Annual Report. The Principal Permittee must submit Unified JURMP Annual Reports to the Regional Board by September 30 of each year, beginning on September 30, ~~2008~~ 2009. The Unified JURMP Annual Report must contain the 13 individual JURMP Annual Reports.	The September 2008 date should be 2009. The 2008 period is covered under interim reporting requirements in Section H.4.
3	Section H.4	For the July 2007-June 2008 reporting period, Jurisdictional URMP and Watershed URMP Annual Reports must be submitted on January 31, ~~2008~~ 2009. Each Jurisdictional URMP and Watershed URMP Annual Report submitted for this reporting period must, at a minimum, include comprehensive descriptions of all activities conducted to fully implement the Copermittees' Jurisdictional URMP and Watershed URMP documents, as those documents were developed to comply with the requirements of Order No. 2002-01. The Principal Permittee must submit these documents in a unified manner, consistent with the unified reporting requirements of Order No. 2002-01.	The January 31, 2008 date should be 2009 to reflect the current schedule for adoption.
4	Attachment E, Section II.B.3.d	Conduct Dry Weather Field Screening and Analytical Monitoring The Copermittees must commence implementation of dry weather field screening and analytical monitoring under the requirements of this Order by May 1, ~~2008~~ 2009... *[the rest of the requirement is unchanged]*	The date for commencing the revised dry-weather monitoring program should be changed from May 2008 to May 2009.

III. Revisions to Tentative Requirements

The following revisions are proposed:

	Permit Section	Revised Text	Explanation
1	Section D.1.f.2.c.v.	At least 25% of projects with drainage insert treatment control BMPs must be inspected ~~by the Copermittee~~ annually.	This section should be changed to delete the requirement that Permittees inspect the sites, instead allowing some other sort of inspection, with verification, as was done for the requirement to annually inspect high priority treatment control BMPs (Section D.1.f.2.c.iii).
2	Section D.1.h.4	Within three years of adoption of this Order, each Copermittee must revise its SUSMP/WQMP (see Section D.1.d) to implement updated hydromodification criteria for all Priority Development Projects. Criteria must be based upon findings from local and regional hydromodification studies ~~publications produced by the Stormwater Monitoring Coalition (SMC) and Southern California Coastal Water Research Project (SCCWRP)~~, ~~including~~ with explicit consideration for any descriptive or numeric criteria applicable to the San Juan Hydrologic Unit described therein.	The proposed revision is to remove reference to SMC/SCCWRP reports and replace it with reference to applicable local or regional studies
3	Section D.2.d.1.c, but applies to each reference to "Enhanced BMPs" for ESAs and 303(d) Impairments.	Enhanced BMPs are control actions specifically targeted to the pollutant or condition of concern and of higher quality and effectiveness than the minimum control measures otherwise required. Enhanced in this context means better, not simply more, BMPs.	The purpose of this revision is to clarify expectations for "enhanced" BMPs. A footnote will be added to the first use of "enhanced BMPs."

	Permit Section	Revised Text	Explanation
4	Section D.1.d.6.c	All treatment control BMPs must be located so as to ~~remove~~ reduce pollutants from runoff prior to its discharge to any waters of the U.S. Multiple Priority Development Projects may use shared treatment control BMPs as long as construction of any shared treatment control BMP is completed prior to the use or occupation of any Priority Development Project from which the treatment control BMP will receive runoff.	The second revised draft added "remove" in order to maintain consistency with changes made previously to Section D.1.d.6.b. However, "reduce" is the more appropriate term for storm water (not dry-weather) treatment.

Low-impact Development Clarification. The following revisions (numbers 5-9) are proposed to clarify the Regional Board's expectation that low-impact development be emphasized in the development component section of the Permit (Section D).

5	Section D.1.c.2	Low Impact Development Site design BMPs to minimize and mitigate hydromodification, including, but not limited to, where feasible measures which maximize infiltration, provide retention, slow runoff, minimize impervious footprint, direct runoff from impervious areas into landscaping, and construct impervious surfaces to minimum widths necessary;	"Low Impact Development" is added to the beginning of the phrase for clarification. These BMPs are identified interchangeably as site design BMPs and LID BMPs in the literature. The revision also clarifies the purpose of the identified site design BMPs.
6	Section D.1.d.4.	Low Impact Development Site Design BMP Requirements *[the rest of the requirement is unchanged]*	"Low Impact Development" is added to the title of the section for the reason cited above.

	Permit Section	Revised Text	Explanation
7	Section D.1.d.4.ii	For Priority Development Projects with landscaped or other pervious areas, properly design and construct the pervious areas to effectively receive and infiltrate or treat runoff to the MEP from ~~at least a portion of~~ impervious areas prior to discharge to the MS4. The amount of the impervious areas that are to drain to pervious areas must be based upon the total size, soil conditions, slopes, and other pertinent factors of the project.	In these two sections, the phrase "a portion" is replaced with "to the MEP" to clarify the expectation that the identified factors be considered. It is anticipated that MEP will be evaluated based on the criteria developed pursuant to Section D.1.d.9.
8	Section D.1.d.4.iii	For Priority Development Projects with low traffic areas and appropriate soil conditions, construct to the MEP ~~a portion of~~ walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.	
9	Section D.1.d.9	As part of its local SUSMP, each Copermittee must develop, and require Priority Development Projects to implement, siting, design, and maintenance criteria for each site design and treatment control BMP listed in its local SUSMP to determine feasibility and applicability and so that implemented site design and treatment control BMPs are constructed correctly and are effective at pollutant removal, runoff control, and vector minimization. LID techniques, such as soil amendments, must be incorporated into the criteria for appropriate treatment control BMPs. Development of BMP design worksheets which can be used by project proponents is encouraged.	This revision would add language clarifying that the intent is also to make sure criteria is developed for determining the "applicability and feasibility" (see Section D.1.c.2) of LID/Site design BMPs.
10	Fact sheet table of acronyms	BIA - Building Industry Association of ~~San Diego~~ Orange County	BIA should refer to the organization in Orange County, not San Diego County.