

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
June 9, 2010

- ITEM: 9
- SUBJECT: Approval of the Hydromodification Management Plan for the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority (Tentative Resolution No. R9-2010-0066) (Christina Arias)
- PURPOSE: The purpose of this item is for the San Diego Water Board to consider adoption of Tentative Resolution No. R9-2010-0066 (Supporting Document 1) which would approve the Hydromodification Management Plan for the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority, dated December 29, 2009 (Supporting Document 2).
- PUBLIC NOTICE: Public Notice of this item was published in the San Diego Union Tribune on April 8, 2010, and a letter was sent electronically to the Interested Persons mailing list on April 7, 2010 (Supporting Document 3). The item was also posted on the San Diego Water Board's web page on April 7, 2010, and noticed in the meeting agenda mailed on May 20, 2010.
- DISCUSSION: Provisions D.1.g and J.2.a of Order No. R9-2007-0001 (the San Diego Municipal Storm Water Permit) require the County of San Diego, the incorporated cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority (Copermittees) to submit a Hydromodification Management Plan (HMP). The purpose of the HMP is to manage increases in runoff discharge rates and durations from all Priority Development Projects (PDPs), where such increased rates and durations are likely to cause increased erosion of channel bed and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force. Implementation of an HMP is necessary because it establishes standards for mitigating increases in runoff

discharge rates and durations that are caused by land development.

#### HMP Development

The HMP was developed over an extensive 27-month period following adoption of Order No. R9-2007-0001 on January 24, 2007. During this time, the Copermittees formed a Technical Advisory Committee (TAC) consisting of, in addition to all Copermittees, representatives from the environmental community, representatives from the engineering community, and individuals from academia with technical expertise on geomorphology and geotechnical engineering. The TAC met several times throughout the course of HMP development. Although consensus between TAC members was not always reached, the TAC played an instrumental role in providing valuable input for HMP development. The San Diego Water Board also met with the Copermittees several times during the course of HMP development to discuss the Copermittees' proposed approach, to clarify expectations, and ensure the HMP was consistent with requirements set forth in Order No. R9-2007-0001.

On January 21, 2009, the County of San Diego submitted a Draft HMP on behalf of the Copermittees to the San Diego Water Board for review and comment. The Draft HMP was revised and resubmitted on May 1, 2009 in response to San Diego Water Board comments and questions. By letter dated June 29, 2009, the San Diego Water Board provided written comments on the Draft HMP to the Copermittees (Supporting Document 4). The letter identified areas where the Draft HMP failed to meet requirements of Order No. R9-2007-0001 and needed additional clarification. By letter dated December 29, 2009, the County of San Diego submitted a Final HMP on behalf of the Copermittees to the San Diego Water Board. On January 14, 2010, the San Diego Water Board posted the Final HMP on its website and initiated an informal 30-day public review and comment period on the document. The San Diego Water Board received 3 comment letters on the Final HMP, and considered these comments in identifying necessary revisions to the Final HMP as set forth in Tentative Resolution No. R9-2010-0066.

#### HMP Revisions

Tentative Order No. R9-2010-0066 incorporates revisions to the HMP in order to ensure compliance with Order No. R9-2007-0001. The most notable revision was made to the Final HMP Monitoring Plan to ensure compliance with Provision D.1.g (1)(k) to "...assess the effectiveness of implementation of the HMP."

The Final HMP Monitoring Plan includes a minimum of 5 monitoring points throughout San Diego County for 2 rainy seasons. The San Diego Water Board, however, finds the proposed monitoring to be inadequate for purposes of assessing effectiveness of HMP implementation. The proposed monitoring would not adequately characterize flow rates and sediment concentrations associated with the typical range of channel dimensions and materials, contributing watershed sizes, land uses, vegetative cover, and rainfall patterns throughout San Diego County. Copermittees will need data associated with this range of conditions to distinguish erosion caused by anthropogenic activities from naturally occurring erosion in order to assess the effectiveness of the HMP.

In order to remedy the deficiencies of the HMP Monitoring Plan and ensure Permit compliance, Tentative Resolution No. R9-2010-0066 includes a requirement that for each hydrologic unit, the Copermittees must monitor in-stream flow based sediment concentrations downstream of planned or completed PDPs. Monitoring would occur downstream of a minimum of 20 percent of PDPs subject to HMP requirements per hydrologic unit at a minimum of two storms each rainy season until Order No. R9-2007-0001 is superseded. Funding for this program could come from conditioning PDPs as part of the land development process. Additionally, monitoring efficiencies could be realized by combing efforts with existing monitoring requirements.

#### Public Comments

Tentative Resolution No. R9-2010-0066 was made available for public review and comment for 33 days. The San Diego Water Board received 10 comment letters by May 10, 2010 (Supporting Document 5, items a-j). All comments were responded to in writing (Supporting Document 6).

### Copermittee Comments

As part of the public comment period and in response to Tentative Resolution No. R9-2010-0066, the Copermittees offered to provide an additional two sampling points (for a total of 7 sampling locations in their letter dated May 10, 2010 (Supporting Document 5 c)). Although this is an improvement over the initial proposal, the proposed number of sampling locations is still inadequate. More monitoring locations are needed to provide a basis for performing statistical analysis that would allow the Copermittees to definitively assess the effectiveness of the implementation of the HMP and capture the variability of stream conditions throughout San Diego County. Additionally, the data could be used to successfully verify and/or refine the assumptions, findings, and requirements of the HMP.

### Other Comments

San Diego Coastkeeper and Natural Resources Defense Council (NRDC) submitted a joint letter expressing opposition to certain aspects of the HMP. The letter stated that the methodology presented in the HMP was poorly founded and overly complex, contained too many exemptions, contained an incomplete monitoring program, and should mandate Low Impact Development (LID) design for meeting hydromodification mitigation requirements. The letter also stated that the definition of "pre-project" hydrology should be interpreted as "pre-development, naturally occurring" hydrology. The San Diego Water Board considered these comments and some exemptions were removed from the Final HMP via Tentative Order R9-2010-0066, as well as modifications to the HMP Monitoring Plan. Tentative Resolution No. R9-2010-0066 was not changed to mandate LID or include the proposed "pre-project" definition since neither was consistent with the requirements of Order No. R9-2007-0001. Both items, however, should be considered by the Copermittees during HMP implementation.

### KEY ISSUES

The Copermittees claim that Tentative Resolution No. R9-2010-0066 requires expensive monitoring in excess of \$1 million over 5 years. San Diego Water Board finds that monitoring costs will be substantially less because water quality sampling included in the HMP monitoring program can be combined with existing monitoring requirements. Additionally, projects that have the potential to cause

hydromodification impacts can be conditioned to support the monitoring program as part of the land development permitting process.

LEGAL CONCERNS: None.

SUPPORTING  
DOCUMENTS:

1. Tentative Resolution No. R9-2010-0066
2. Hydromodification Management Plan dated December 29, 2009
3. Letter to Interested Persons dated April 7, 2010
4. Letter from San Diego Water Board to Lead Copermitee dated June 29, 2010
5. Comment Letters Received by May 10, 2010
  - a) Sierra Club
  - b) San Diego Coastkeeper/Natural Resources Defense Council
  - c) County of San Diego
  - d) City of Vista
  - e) City of Chula Vista
  - f) City of Encinitas
  - g) City of Santee
  - h) City of Poway
  - i) City of La Mesa
  - j) City of Imperial Beach
6. Response to Comments

RECOMMENDATION(S): Adopt Tentative Resolution No. R9-2010-0066.