

Planning Commissioners Lunch Workshop – Natural Environment
Feb. 15, 2008

San Diego Regional Water Quality Control Board
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Stormwater Program:

The Regional Board issues a Municipal Separate Storm Sewer System (MS4) permit in order to establish the conditions under which pollutants can be discharged from the storm drain system to local streams, coastal lagoons, and the Ocean. The MS4 permit implements requirements of the Clean Water Act and Federal NPDES stormwater regulations. Since 1990, permits have been issued to municipalities based on their county location. There are three MS4 permits in the San Diego Region (San Diego County, Riverside County, and Orange County). The MS4 permit for San Diego County was renewed in January 2007.

Under the MS4 each municipality must develop a storm water management program designed to control the discharge of pollutants into and from the MS4. Storm water management programs must include measures to: (1) Identify major outfalls and pollutant loadings; (2) Detect and eliminate all non-storm water discharges to the system, except as specifically exempted; (3) Prevent and reduce pollutants in runoff from industrial, commercial, and residential areas through the implementation of BMPs (Best Management Practices); (4) Control storm water discharges from new development and redevelopment; (5) Inspect industrial, commercial, and construction activities; (6) Provide pertinent education and promote public reporting of pollution; and (7) Monitor discharges and impacts on receiving waters.

The new San Diego MS4 permit now includes requirements for hydromodification and Low Impact Development.

Hydromodification addresses the changes in a watershed's runoff characteristics resulting from development, together with associated morphological changes to channels receiving the runoff. Each Copermittee has to develop and apply criteria to Priority Development Projects so that runoff discharge rates, durations, and velocities from Priority Development Projects are controlled to maintain or reduce downstream erosion conditions and protect stream habitat.

Each Copermittee has to require each Priority Development Project to implement Low Impact Development (LID) BMPs which will collectively minimize directly connected impervious areas and promote infiltration at Priority Development Projects.

Important Links:

http://www.waterboards.ca.gov/sandiego/programs/sd_stormwater.html

<http://www.waterboards.ca.gov/stormwtr/index.html>

401 Programs:

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the U.S., must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. If during a project waters of the U.S. will be dredged or filled, then 401 water quality certification is necessary. Most 401 water quality certifications are issued in connection with the U.S. Army Corps of Engineers Clean Water Act 404 permits for dredge and fill dischargers.

Isolated Waters (e.g. ephemeral streams, vernal pools, etc.): Isolated waters were determined by the U.S. Supreme Court (in the "SWANCC" decision); isolated waters are no longer considered waters of the U.S. Therefore, federal permits will not be issued, and 404 permits from the U.S. Army Corps of Engineers and 401 certifications from the San Diego Regional Water Quality Control Board are not needed. The State protects and regulates isolated waters through the California Water Code. Under state law, the duty to file a report of waste discharge is mandatory; if you have a surface water that is "isolated" you must apply for and obtain waste discharge requirements prior to impacting that waterbody.

Impacts to waters of the U.S. or isolated waters usually need to be compensated on a 3:1 ratio (1:1 creation, 2:1 enhancement/restoration). If impacts can be avoided in the planning phase of the project, no mitigation is necessary.

Most projects are regulated by the Regional Water Quality Control Boards (Regional Boards). The State Water Resources Control Board (State Water Board) directly regulates multi-regional projects and supports and coordinates the Program statewide.

Important Links:

<http://www.waterboards.ca.gov/sandiego/programs/401cert.html>

<http://www.waterboards.ca.gov/cwa401/index.html>