

**Program Planning Subcommittee
WQIP Ad Hoc Subcommittee**

Meeting Summary – Final

April 9, 2020

Chairperson – Stephanie Gaines

MEETING ATTENDANCE					
<input checked="" type="checkbox"/>	City of Carlsbad Tim Murphy	<input type="checkbox"/>	City of La Mesa	<input checked="" type="checkbox"/>	City of Solana Beach Kelly Ogawa
<input checked="" type="checkbox"/>	City of Chula Vista Marisa Soriano	<input type="checkbox"/>	City of Lemon Grove	<input checked="" type="checkbox"/>	City of Vista Jon Nottage
<input checked="" type="checkbox"/>	City of Coronado Jessie Powell	<input checked="" type="checkbox"/>	City of National City Carla Hutchinson	<input checked="" type="checkbox"/>	County of San Diego Andrea Araujo Brianna Martin Ruth de la Rosa Scott Norris Neil Searing Stephanie Gaines Chelsea McGimpsey Joanna Wisniewska
<input checked="" type="checkbox"/>	City of Del Mar Kelly Ogawa	<input checked="" type="checkbox"/>	City of Oceanside Justin Gamble		
<input checked="" type="checkbox"/>	City of El Cajon John Phillips	<input checked="" type="checkbox"/>	City of Poway Tracy Beach		
<input checked="" type="checkbox"/>	City of Encinitas Paul Maechler	<input checked="" type="checkbox"/>	City of San Diego Jim Harry Andrew Funk		
<input checked="" type="checkbox"/>	City of Escondido Alicia Appel Juan Magdaraog	<input checked="" type="checkbox"/>	City of San Marcos Reed Thornberry	<input type="checkbox"/>	Port of San Diego
<input checked="" type="checkbox"/>	City of Imperial Beach Chris Helmer Wbaldo Arellano	<input type="checkbox"/>	City of Santee	<input type="checkbox"/>	San Diego Airport Authority
<input checked="" type="checkbox"/>	County of Orange Cindy Rivers	<input checked="" type="checkbox"/>	Riv. County Flood Control & Water Conservation District Matt Yeager, Rebekah Guill		
<input checked="" type="checkbox"/>	Wood Katherine Sharp, Kristina Hysler, Matt Rich	<input checked="" type="checkbox"/>	Dudek Bryn Evans	<input checked="" type="checkbox"/>	Weston Solutions Sheri Dister, Michelle Mattson
<input checked="" type="checkbox"/>	D-Max Engineering John Quenzer	<input checked="" type="checkbox"/>	Larry Walker Associates (LWA) Paul Hartman	<input checked="" type="checkbox"/>	Secretary (Michael Baker International) Hilary Ellis

6 Meeting Called to Order at 1:02 PM

7 Review/Accept March Meeting Summary

8 John Phillips (City of El Cajon) asked for line 57 to be corrected by adding a space to change “itis” to “it
9 is” as the only correction. There was general consensus the meeting summary is accepted with that one
10 revision.

11 Recap Assignments from March Meeting

12 At the March 4 meeting, the Ad Hoc Subcommittee reviewed the WQIP Adaptive Management Topics
13 table and identified two items to be addressed regionally: uncontrollable sources and the 303(d) list
14 updates. The Ad Hoc Subcommittee also agreed there would be some future work in reviewing the main
15 text of the Regional Board’s WQIP Annual Report review letters to determine if regional efforts are
16 warranted or sensible in replying to the letters.

17 **Uncontrollable Sources Comments and Preliminary Findings**

18 Paul Hartman (LWA) presented LWA’s findings regarding the controllable/uncontrollable sources issue.

19 LWA looked through the current MS4 Permit, the Permit Fact Sheet, and the region’s WQIPs.

- 20 • The Permit did not include helpful definitions of controllable or uncontrollable sources. There
21 are a couple places the Permit references controllable sources, similar to the Regional Board’s
22 comment language. In dry weather field screening, the Permit has language about identifying
23 known and suspected controllable sources and lists examples. There is similar language in the
24 IDDE section, mentioning if sources are identified as controllable then Copermittees must
25 elevate their enforcement response.
- 26 • In the Permit Fact Sheet, the term “uncontrollable” is used, recognizing there are some
27 categories in Permit Section E.2.a.(3) that are considered uncontrollable and are generally not
28 expected to be sources of pollutants to receiving waters (e.g., uncontaminated groundwater
29 infiltration, discharges from potable water sources, and foundation and footing drains).
- 30 • In the region’s WQIPs, all except the Tijuana River Watershed have references to uncontrollable
31 or controllable sources. Some WQIPs have the occasional reference; other WQIPs have multiple
32 references. If alternative language is used for the term “uncontrollable,” then some watersheds
33 will have more work to revise their WQIPs than others, based solely on the number of times the
34 term is used in their WQIPs.

35 The Regional Board’s comment that raised this issue is, “The San Diego Water Board finds that
36 agricultural lands and homeless encampments are controllable sources under the land use authority of
37 the WQIP Copermittees. With regards to agricultural land uses, WQIPs with nutrient PWQCs [Priority
38 Water Quality Conditions] or HPWQCs [Highest Priority Water Quality Conditions] shall make clear
39 substantiation in the WQIPs how the WQIP Copermittees will implement their land use authority to
40 address the PWQCs and HPWQCs for controllable sources through minimum BMPs, enhanced
41 constructed BMPs, commercial industrial inspection programs, or coordination with the adopted
42 Agricultural Orders (Orders R9-2016-0004 and R9-2016-0005).” Aside from the Mission Bay/La Jolla
43 Watershed, nutrients are either a PWQC or a HPWQC in the watersheds regionwide. The Regional
44 Board’s comment itself specifically calls out agricultural lands and homeless encampments, and it
45 includes ideas on how to address them. The Regional Board’s comment continues to address
46 uncontrollable sources, requesting the WQIPs include the “basis and detailed technical rationale in the
47 WQIP that explains how the source(s) is not able to be controlled by the Copermittee with its
48 ordinances, policies, or programs.”

49 LWA reviewed the WQIPs to find which Copermittees presently identify uncontrollable sources and how
50 they are currently addressing them.

- 51 • Brake pad wear is addressed effectively by other measures (e.g., Senate Bill to control metals
52 from brake pads).

- 53 • Copermittees aim to provide a basis and technical rationale to explain how their ordinances,
54 policies, or programs cannot control the following sources: groundwater, natural/background
55 bacteria growth in water, decaying plant sources, atmospheric deposition, discharges from open
56 space and undeveloped land, natural sources (those not influenced by human sources), bacteria
57 bound in soil and humic material, and wildlife.
- 58 • For agricultural sources and homeless encampments, WQIPs approach them through
59 identification and applicable strategies.

60 Agricultural Lands

61 In addition to the Regional Board's comment listed above, LWA identified potential steps for
62 Copermittees to consider for success in addressing agricultural lands.

- 63 • The first fundamental question is "Are there agricultural lands within the WMA?".
- 64 • Next, a key distinction to make is if the agricultural land discharges to the MS4 or not. Some
65 WQIPs added a map in the source section to clearly identify the agricultural lands that are
66 discharging to the MS4. Agricultural lands not discharging to the MS4 do not need to be
67 addressed in the WQIP as a source.
- 68 • Once identified, one approach is to find out if any of the agricultural lands are already covered
69 under existing inspection programs. If these properties are already being inspected, the
70 Copermittees should take credit for those inspections in the WQIPs. The Regional Board has
71 used the "dual regulation" concept before (e.g., the MS4 Permit requires Copermittees to cover
72 compliance for businesses or properties also covered through the Construction General Permit
73 or Industrial General Permit).
- 74 • Aside from inspections, there are extensive lists of minimum BMPs for jurisdiction-specific
75 consideration that cover different types of discharges and potential sources, especially under
76 IDDE programs, hotlines, and compliance pursuing. If a report of an illicit discharge was made
77 and it was identified to come from an agricultural land, jurisdictions already have ways to
78 address it. Detailing these existing measures and strategies are not committing jurisdictions to
79 new programs; it is leveraging measures already in place.
- 80 • Finally, to consider addressing agricultural lands without new programs, Copermittees may
81 coordinate with the General Agricultural Orders (Ag Order) by notifying the Regional Board
82 when they come across sources not regulated by the Ag Order who should be.

83 Justin Gamble (City of Oceanside) asked if there is an accepted determination of which receiving waters
84 also qualify as MS4s. Different people at the Regional Board have given different answers. Paul Hartman
85 (LWA) opined the Regional Board took a position in the current MS4 Permit findings that they consider
86 receiving waters to be MS4s in many cases. This is not what is being done in other stormwater permits
87 in the State or by other Regional Boards. Scott Norris (County of San Diego) shared from internal
88 discussion with County Counsel that if a receiving water is conveyed from one side of a street to the
89 other side (e.g., through a culvert) and no pollutants are being added from road, infrastructure, or other

90 municipal sources, then there is basis for arguing the receiving water may have existing pollutants but
91 the County is not causing or contributing to an exceedance and it is not a contribution responsibility of
92 the MS4.

93 Paul Hartman (LWA) asked the Copermittees how they have handled agricultural properties thus far.

94 • Justin Gamble (City of Oceanside) shared in the San Luis Rey River Watershed they do courtesy
95 inspections of agricultural properties to assist them with sediment control BMPs. If a property
96 should be enrolled in the Ag Order and is not, the City works with the business and property
97 owners directly to get them enrolled.

98 • Paul Hartman (LWA) mentioned development of outreach materials and coordination with the
99 San Diego County Farm Bureau has been done in the past. Stephanie Gaines (County of San
100 Diego) agreed there was coordination prior to Eric Larsen's retirement from the Farm Bureau.
101 The Ad Hoc Subcommittee discussed potential coordination through the County's Department
102 of Agriculture, Weights & Measures (AWM). AWM does water quality inspections for
103 unincorporated areas of the County but does not currently do inspections for agriculture
104 properties within incorporated city boundaries. AWM is working with sites enrolled in the Ag
105 Order to review their Water Pollution Implementation Plans (WPIPs) and has recently increased
106 inspections in the Rainbow Creek area in response to Regional Board oversight. AWM works
107 with the Farm Bureau to offer materials and outreach through these inspections. Scott Norris
108 (County of San Diego) indicated AWM probably does not have capacity at this time to increase
109 inspections to include all commercial nurseries, greenhouses, and agricultural properties in
110 incorporated parts of the County. If that is a direction to be considered in the future, discussions
111 could be started.

112 • Matt Yeager (Riverside) shared the Santa Margarita River Estuary Investigative Order specifies
113 that agricultural discharges into the MS4 become the municipality's responsibility. Having
114 coordination with a partnership between the MS4 and agriculture community will be beneficial
115 to successfully addressing this issue. In the TMDL Alternative process for the Santa Margarita
116 River Estuary, there is a staff report that associates a specific number to expected nutrient loads
117 to the MS4 from agricultural areas; it shows as an MS4 load but with the source described as
118 agricultural.

119 • Paul Hartman (LWA) mentioned LWA works in Ventura County, where there is a significant
120 amount of agricultural lands and there seems to be increased coordination between the
121 Calluegas Creek permittees, agricultural industry, POTW operators, and persons responsible for
122 other various sources. He volunteered to ask his colleagues for insight to bring to the San Diego
123 region on this issue.

124 The Ad Hoc Subcommittee asked for clarification on how the information presented by LWA at today's
125 meeting is to be used. Paul Hartman (LWA) explained these are suggestions on how to regionally
126 address comments from Attachment 1 to the WQIP letters from the Regional Board. Stephanie Gaines
127 (County of San Diego) clarified there is an opportunity for regional consistency in replying to these

128 specific topics; however, since watersheds are unique, having one response may not work for every
129 watershed. From the WQIPs, Paul Hartman (LWA) will develop a table of strategies for addressing
130 agricultural lands.

131 [Homeless Encampments](#)

132 Homeless encampments are the other source specifically listed in the Regional Board's letter where they
133 suggest looking at minimum BMPs, enhanced constructed BMPs, and inspection programs.

134 Paul Hartman (LWA) presented potential steps for success when addressing homeless encampments in
135 the WQIPs. First is to determine if it is an issue contributing to PWQC or HPWQC in the watershed or
136 jurisdiction. If it is not an issue, then information must be given to support that determination.

137 The next step is to identify efforts outside of stormwater programs that are existing strategies to
138 address homeless encampments. There are outreach teams and regional efforts that may already be
139 addressing the issue. The Regional Board is asking for information on how they are being addressed.

140 Paul Hartman (LWA) stated some agencies were resistant to putting strategies into the WQIPs to
141 address homeless encampments; however, that thought has shifted some over the last few years, and
142 WQIPs are now including specific strategies for this issue.

143 Stephanie Gaines (County of San Diego) mentioned homelessness was discussed at the previous meeting
144 as something potentially to address at a jurisdictional level or through work with the County's Health
145 and Human Services Agency. Homeless encampments as a pollution source is a good example of an
146 issue the Copermittees can demonstrate efforts are being taken to address, but it is very challenging to
147 control.

148 Sheri Dister (Weston Solutions) recalled from a different Copermittee meeting that Regional Board staff
149 had suggested using the term "manageable" instead of "controllable." The Ad Hoc Subcommittee
150 discussed considering a shift in language, understanding the approach to addressing homeless
151 encampments will be the same regardless of what the source is termed. For LWA's continued work at
152 this time, the sources of agricultural lands and homeless encampments will not be labeled controllable
153 or uncontrollable; they will be addressed separately.

154 [Example Approaches for Agricultural Lands and Homeless Encampments](#)

155 Paul Hartman (LWA) highlighted a few approaches currently in WQIPs.

- 156 • Santa Margarita River WQIP acknowledges agricultural lands as significant sources and
157 differentiates between non-point and point sources from those properties. The WQIP also
158 includes strategies to address commercial agricultural lands with potential to discharge into the
159 MS4.
- 160 • San Diego River WQIP includes homeless encampments as potential sources of pollutants
161 (bacteria) and has strategies to address homeless encampments, including leveraging other
162 agencies and coordinating regionally.

- 163 • Tijuana River WQIP identifies agricultural lands as potential sources but does not include the
164 terms “uncontrollable” or “controllable.” Instead, the Tijuana River WQIP uses language like
165 “exempt from permit requirements,” “non-municipal sources of pollution,” and “extent to
166 which each condition is considered controllable.” The Tijuana River WQIP does include
167 strategies to address homeowners with orchards and includes mapping to identify agricultural
168 operations.

169 From the WQIPs, Paul Hartman (LWA) will develop tables of strategies for addressing agricultural lands
170 and homeless encampments.

171 Uncontrollable Sources: Groundwater

172 Paul Hartman (LWA) moved on to discuss uncontrollable sources where Copermittees may want to
173 provide a basis and technical rationale for how they are addressing them. The most common
174 uncontrollable source that would fit this condition is groundwater. Groundwater infiltration is a
175 recognized regional issue for the Copermittees.

176 For groundwater investigations, many Copermittees use continuous flow monitoring. Another common
177 method is CCTV inspections. Often, CCTV inspections find connections pushed into the side of pipes or
178 back of inlets that lead back to footing drains, slope drains, or other engineered drainage systems to
179 alleviate upward pressure from groundwater. Other, less common methods for groundwater
180 investigations by the Copermittees include isotope analysis, Piper diagrams, reviews of plans and studies
181 (i.e., development plans, as-builts, geotechnical studies), broad pollutant assessments (e.g., chemistry
182 analysis for nitrates or salt concentrations), field investigations, and analytical testing combined with
183 CCTV efforts. The County of San Diego takes a multiple lines of evidence (MLOE) approach in their basis
184 and technical justification to demonstrate there is uncontaminated, uncontrollable groundwater
185 entering the County’s MS4.

186 There may be an opportunity here, using the groundwater investigation methods identified previously,
187 to articulate details of a regional MLOE approach that could get buy-in from the Regional Board. Joanna
188 Wisniewska (County of San Diego) shared the WQIP Annual Reports this year include a report that
189 describes the methodology the County used for assessing sources in the MS4 during dry weather,
190 including desktop exercises, continuous monitoring data, CCTV, analysis, Piper diagrams, and indicator
191 data (e.g., chlorine, fluoride, TDS concentrations, MBAS). She also presented the report at the 2019
192 CASQA Conference. Joanna Wisniewska (County of San Diego) will provide Stephanie Gaines (County of
193 San Diego) with a PDF of her CASQA presentation for distribution to the Copermittees and consideration
194 of a future live presentation.

195 The Regional Monitoring Ad Hoc Subcommittee is also looking at this issue and may have useful
196 information.

197 303(d) Comment and Preliminary Findings

198 Section 6 of Attachment 1 of the WQIP Annual Report letters speaks to updating the 303(d) list
199 summaries to the most current approved list as of January 2021. The most current list approved by
200 California’s Office of Administrative Law (OAL) is the 2014/2016 Integrated List. There is a 2018

201 solicitation out from the State Board for comments, but it does not have changes for the San Diego
202 Region from the 2014/2016 list.

203 LWA pulled a series of figures together for the San Diego Region, built from information from the State
204 Board website. The layers have not been fully vetted with the actual 2014/2016 303(d) list, but they
205 provide a visual representation of the changes. The 2014/2016 303(d) list includes 51 new water bodies
206 (19 shoreline and 32 river/stream segments).

207 The most common new listings were fecal indicator bacteria, nutrients, benthic community impacts,
208 pesticides, and trash. There are a few new listings for toxicity.

209 • The “pathogens” pollutant category has been re-named as “fecal indicator bacteria” (FIB), as the
210 State Board is moving away from the total and fecal coliform and Enterococcus approach. In the
211 region, there are 42 new listings for FIB, mostly in creek segments and rivers.

212 • For nutrients, the 51 new listings are mostly for nitrogen or phosphorus in upstream rivers and
213 creeks.

214 • The miscellaneous category is mostly benthic community impacts. There are listings for benthic
215 macroinvertebrates, which is concerning with the new biological objectives policy from the
216 Regional Board and potential new policies from the State Board. The Tijuana River also has a
217 solids listing under the miscellaneous category.

218 • For trash, most water bodies stayed the same. The bulk of the listings are in the Pacific Ocean
219 shoreline and areas of Mission Bay. Without looking into the data in detail, Paul Hartman (LWA)
220 thinks these are probably listed based on beach cleanup information. While it is good when 50
221 pounds of trash are removed from a beach, that means there were 50 pounds of trash on the
222 beach and, therefore, the beach may be listed as impaired from that data.

223 • For pesticides, bifenthrin is the most popular reason for listing, and there are a couple new
224 listings for malathion.

225 Paul Hartman (LWA) showed a table with watershed comparisons for the new additions, aiming to take
226 a regional look at the changes. All watersheds show 303(d) listing additions from FIB and benthic
227 community impacts. All except Mission Bay/La Jolla Watershed show 303(d) listing additions from
228 nutrients and pesticides. All except the Santa Margarita River Watershed and the Tijuana River
229 Watershed show 303(d) listing additions for trash.

230 Paul Hartman (LWA) spoke to potential regional approaches to these changes.

231 • FIB: There is discussion at the Permit reissuance level. There are groups within all three counties
232 working with Regional Board staff to develop new compliance approaches within the Permit and
233 TMDL revisions. Regional Board is developing language for Attachment E that builds on work
234 from the Reports of Waste Discharge (ROWD) from a couple years ago. One way to approach FIB
235 issues includes strategies to address human sources of waste, including a compliance pathway
236 presented at the regional level to address sources of human waste in the watershed.

- 237 • Nutrients and Benthic Community Impacts: The State Board has been working on the
238 Biointegrity/Biostimulatory Policy for years. The Regional Board is developing their Biological
239 Objectives Policy. Both these policies will impact the watersheds in the future.
- 240 • Trash: When Permit language for the Trash Amendments is released, there will be opportunity
241 for comment.
- 242 • Pesticides: There is activity at the State level getting close to adoption for the Urban Pesticides
243 Amendments. The approach is essentially to establish an Alternative TMDL that requires certain
244 BMPs and monitoring efforts to suffice for compliance.

245 Paul Hartman (LWA) mentioned the first key step when 303(d) listings are added is to validate the
246 listing. There are mistakes made sometimes when the State Board assesses the data. New listings must
247 adhere to the State listing policy.

248 As watersheds review these 303(d) listing changes, they will need to review where the 303(d) question
249 fits in the WQIP prioritization process and if new listings result in new PWQCs to be addressed.

250 Stephanie Gaines (County of San Diego) will send the updated presentation from this meeting to the
251 Copermittees. Paul Hartman (LWA) will add a tab to the WQIP Adaptive Management Topics Excel file.
252 The tab will summarize information from today's presentation in a more numeric format for easier
253 reference.

254 **Comparison of WQIP Annual Report Letters – Next Steps**

255 LWA has also started to review the body of the WQIP letters to see if there are opportunities for
256 regionally consistent responses to issues. They have started compiling the requirements by watershed
257 into spreadsheets. The response due dates are different by watershed (2021, 2022, or beyond).

258 There are some common issues related to over-irrigation audits, BMP implementation, and how BMPs
259 (structural and non-structural) are associated with load reductions claimed in the WQIPs. For treatment
260 control BMPs installed over the years as part of new developments, the Regional Board wants to know if
261 they were installed, if they are being maintained correctly, and if they are getting the expected
262 reductions. There may be work that could be done regionally to have consistent approaches to justifying
263 load reductions and consistent reductions for similar types of BMPs. At a future WQIP Ad Hoc
264 Subcommittee meeting, Paul Hartman (LWA) will provide a summary of thoughts and issues on
265 reporting to the Regional Board on pollutant load reductions from particular non-structural BMP
266 programs and how to prevent possible contradictions between watersheds in the region.

267 **Action Items and Next Steps**

268 The Ad Hoc Subcommittee plans to meet again in May, pending compliance with the Brown Act in light
269 of COVID-19 social distancing issues. Stephanie Gaines (County of San Diego) is working with County
270 Counsel to understand the legal options and allowances for public meetings during the pandemic.

271 **Meeting adjourned at 2:59 PM.**

272 *Action Items*

- 273 1. Paul Hartman (LWA) to review and develop table of strategies from WQIPs for addressing
274 agricultural lands.
- 275 2. Paul Hartman (LWA) to ask his firm for insights regarding coordination done in Calluegas
276 Creek/Ventura County between municipalities and agriculture landowners or other sources
277 permitted outside the MS4 permit.
- 278 3. Paul Hartman (LWA) to develop table of strategies from WQIPs for addressing homeless
279 encampments.
- 280 4. Joanna Wisniewska (County of San Diego) to provide Stephanie Gaines (County of San Diego) with
281 PDF of her CASQA presentation on assessing sources in the MS4 during dry weather. Stephanie
282 Gaines (County of San Diego) to send the presentation to the Copermittees.
- 283 5. Copermittees to let Stephanie Gaines (County of San Diego) know if they are interested in a live
284 presentation from Joanna Wisniewska (County of San Diego) at a future meeting.
- 285 6. Stephanie Gaines (County of San Diego) to send updated presentation from 4/9 WQIP Ad Hoc
286 Subcommittee meeting (given by Paul Hartman [LWA]) to Copermittees.
- 287 7. Paul Hartman (LWA) to add a tab to the Attachment 1 comments tracking Excel file. The tab is to
288 summarize information from the 4/9 presentation in a more numeric format for easier reference.
- 289 8. At future meeting, Paul Hartman (LWA) to provide summary of thoughts and issues on reporting to
290 the Regional Board on pollutant load reductions from particular non-structural BMP programs and
291 how to possibly prevent contradictions between watersheds in the region.