

STORMWATER QUALITY STANDARDS TASK FORCE

MEETING SUMMARY

November 16, 2012

PARTICIPANTS

Joanne Schneider (via teleconference)
Dave Woelfel
Kurt Berchtold
Allison McKenzie
Dan Bounds (via teleconference)
Maryanne Skorpanich (via teleconference)
Ray Hiemstra (via teleconference)
Daniel Orr
Michael Recupero
Susan Paulson (via teleconference)
Marsha Westropp
Tim Moore
Gia Kim
Marc Rodenbaugh
Rebecca Franklin
Matt Yeager
Larry McKenney
Dawna Munson

REPRESENTING

Santa Ana Regional Water Quality Control Board
Santa Ana Regional Water Quality Control Board
Santa Ana Regional Water Quality Control Board
Babcock Labs
CDM Smith
County of Orange
Orange County Coastkeeper
Department of Fish & Game

Flow Science
Orange County Water District
Risk Sciences
San Bernardino County
San Bernardino County
City of San Bernardino

Santa Ana Watershed Project Authority
Santa Ana Watershed Project Authority

The Stormwater Quality Standards Task Force meeting was called to order at 9:30 a.m. by Larry McKenney at the Santa Ana Watershed Project Authority, Riverside, California. Brief introductions were made.

Larry McKenney also briefly reviewed the origins of the Task Force and provided some history of the process in completing the triennial review, up to the Basin Plan Amendment being approved in June, the changes made to accommodate the EPA voice, and the comment period before the approval hearing on November 6.

1. SWRCB Meeting of November 6, 2012

Tim Moore reviewed the EPA's November 5 letter. The State Board had pulled the item off the agenda, which was surprising. He reviewed how the EPA had concerns and the State Board asked that they put their concerns in writing. Joanne Schneider added that prior to the State Board hearing, they had the opportunity to brief the State Board members individually, and each appeared to be interested in what the Task Force is doing and they had received positive feedback. At this stage we still believe that we're right substantively and legally.

2. Next Steps for the Basin Plan Amendment

Discussion and an exchange of ideas ensued as to how the Task Force should proceed. A suggestion was made that perhaps it would be beneficial to get some technical support from CDM as to how the Task Force came to the conclusions. Tim Moore said we want to go back to the State Board as soon as possible, and at that time, it may be good to bring others to speak, i.e. technical experts, elected officials etc. He reviewed the State Board meeting dates made available on their website.

Larry McKenney also noted that some actions are happening now in the Los Angeles and San Diego regions regarding the region-wide permit process. Apparently, there were some comparisons drawn between what they're doing and what this Task Force is trying to do, which may have mischaracterized the work of this Task Force. Considering all the factors and the turnover in State Board staff, a date should be scheduled to go back to the State Board.

Kurt Berchtold suggested that it would have to go back to the Regional Board first. Discussion ensued about the expectations for implementing the narrative pathogen language; the pros/cons of rewriting or removing the sentence, what can possibly be done to further clarify for the EPA that the records do specifically show what they want; and the best approach for answering EPA's comments as clearly as possible and moving forward. Further discussion ensued as to all the concessions and discussions this Task Force has pursued to better please the EPA and it has not helped; that all the work and research this Task Force has done is very well documented and justified; and that perhaps it would be best to see if we can make cogent arguments to persuade the State Board and take it from there.

Joanne Schneider recommended that Kurt Berchtold write Nancy Wu to confirm whether these constitute all the comments they expect to provide. It would be helpful to get a response on the record. Discussion ensued about possible recommendations, such as having some Task Force members meet with Nancy Wu to give her an opportunity to consider the answers; providing a supportive legal argument; getting a specific punch list of items from the EPA that they want better clarified or addressed, and then verifying with them that it will be enough.

Larry McKenney recommended that the core team/cost share partners should hold a follow up meeting on behalf of the Task Force to see where we're getting with regard to drafting answers. The overall strategy will be that we're trying to answer EPA's letter the best we can to get a proposal before the State Board. If it requires us to make an amendment and change our process, that will be brought back before the Task Force. In parallel, the Regional Board members will hold a meeting with Nancy Woo. The Task Force concurred. Ray Hiemstra noted to stress that this is something developed for Region 8, and the Task Force is not trying to set a precedent.

If anyone has other issues or comments that need to be addressed, they should be emailed to Larry, Joanne, or Tim. The Task Force group will be updated through email. If there are too many roadblocks and substantive changes that need to be made to the amendment, the Task Force will hold a meeting for that.

Some discussion ensued about the EPA not participating at the stakeholder planning level, and that perhaps if they did, there may be fewer roadblocks to the process.

The meeting adjourned at 10:40 a.m.

Handout Materials

None