



CASQA Position Paper: Strategy for Consideration of Wet Weather in Regulatory Actions

PURPOSE: To support implementation of CASQA Vision Action 2.3¹, develop a strategy to consciously consider wet weather separately during objective development, and provide a structure for modifying existing water quality objectives in the future.

RATIONALE: Many implementation concerns for permitted stormwater agencies arise due to application of water quality objectives developed primarily based on continuous flow data during dry weather conditions (e.g. wastewater discharges) which are then applied to wet weather without guidance or consideration for implementation. Issues include:

- Consideration of exposure periods for toxic pollutants
- Consideration of the beneficial use impacts during and after storm events as distinct from dry weather conditions
- Program of implementation required to meet standards during wet weather

GOAL/AUDIENCE: Provide a near-term and long-term strategy for CASQA for identifying actions to modify objectives or develop objective implementation strategies specific to wet weather. Provide key, consistent talking points and strategy for CASQA representatives to stakeholder groups for new objective development and for comment letters on new or existing objectives (Biointegrity/Biostimulatory substances, Toxicity, Bacteria, etc.).

Strategy for New Objectives

New water quality objective development provides the best near-term opportunity to begin implementing a strategy for considering seasonal/wet weather² objectives separately.

NEAR-TERM

1. Incorporate key points into comment letters as applicable.
 - a. 13241 and 13242 analyses should be different for wet weather vs. dry weather. Different methods of compliance, different water quality that can be “reasonably achieved” etc.
 - b. Implementation provisions for objectives should clearly define implementation requirements for wet and dry weather separately if beneficial use impacts are different (e.g. for toxic pollutants, acute objectives only should apply during wet weather)

¹ CASQA Vision Action 2.3: Augment and Implement Basin Plan Amendment Process; Goal: Modify water quality standards to reflect sustainable beneficial uses and the nature and impact of stormwater.

² Seasonal or seasonality refers to wet weather. In various contexts, this term has been used to define the months of the year when wet weather typically occurs, or, to define a flow condition that results from precipitation. The underlying federal regulations (40 CFR, Part 130) use the term “seasonal variations” for TMDLs. While the precise terminology may vary, the underlying issue is the same – to ensure that wet weather flows are considered separately from dry weather conditions.

2. Educate representatives to various regulatory Stakeholder Advisory Groups (SAGs) by making the above key points during participation.
3. Develop a fact sheet with regulatory and technical justification for considering seasonal objectives during development of new policies and objectives.
4. Meet with State Water Board staff to discuss building wet weather into considerations of regulation development:
 - a. Request that State Water Board make consideration of the seasonal application of objectives a conscious part of their objective development process.
 - b. Focus on requirements for 13241 and 13242 analysis of implementation requirements separately.
 - c. Consideration of the highest attainable use and how that relates to wet weather/seasonality.
 - d. Clear definition of implementation of objectives during wet weather.
 - e. The requirement to consider seasonality for TMDLs² is challenging without a clear explanation of seasonal application of objectives. Making seasonality a consideration during objective development would align objectives and TMDL requirements, thereby creating better TMDLs.

LONG-TERM

1. Develop storm water program priorities (CASQA Vision Action 2.2³) based on new water quality objectives for wet weather conditions.

Strategy for Existing Objectives

Changing existing objectives will be a longer process and require more extensive analysis and consideration. To support this effort, implement CASQA Vision Action 2.2 to identify stormwater program priorities under the existing regulatory framework. Using this information, various tasks may be pursued in the long term. However, in the near term, the following task should be implemented.

NEAR-TERM

1. Look at STORMS projects and identify which ones the CASQA representatives should recommend consideration of wet weather specific strategies and develop key points and recommend as part of implementation committee:
 - a. Project 3a: For receiving water limitations compliance-is there a way to build in considerations for wet weather compliance into implementation of Alternative Compliance pathway language?
 - b. Project 3b: Is it possible to build in interpretations of wet weather objectives into reasonable assurance analysis (e.g. design storm)? Define what it means to have reasonable assurance during wet weather and what objectives apply.

LONG-TERM

1. With the priorities developed under Vision Action 2.2, implement strategies related to the priorities for existing objective development (Vision Action 2.3).
2. During STORMS update, suggest new STORMS project based on program priorities to support interpretation of water quality objectives for wet weather.

³ CASQA Vision Action 2.2: Articulate Stormwater Program Priorities; Goal: Ensure the most critical water quality issues associated with stormwater are identified and corresponding strategies developed to address the issues.