



April 17, 2007

Mr. John Robertus, Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

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SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

Dear Mr. Robertus:

The City of Laguna Beach has reviewed the Draft Tentative Order No. R9-2007-0002 and the comments submitted by the County of Orange. The City supports the comments made by the County and submits the following additional comments of local concern:

- Section E.7 of the Permit Provisions states that "Urban runoff treatment and/or mitigation must occur prior to the discharge of urban runoff into a receiving water." This prescription acts to limit the combined efforts of the Copermittees to attack the problem of nuisance flows through multi-faceted programs which include source control, sub-regional and regional BMPs. Categorically eliminating one of the treatment options available to the Copermittees seems counterproductive to achieving the goal of preserving beneficial uses, especially at the heavily-accessed beaches of Orange County.
- Section F.3 of the Tentative Order states that "Prior to expiration of this Order (five years after adoption), each Copermittee must submit to the Regional Board a Municipal Storm Water Funding Business Plan that identifies a long-term funding strategy for program evolution and funding decisions." The language of the permit is unclear as to what constitutes "long term". Fiscal planning beyond the annual fiscal analysis requirement as dictated by the Tentative Order places an undue burden on Copermittees and may force unfunded financial commitments to be made.
- Section F.3 of the Tentative Order states that "The Copermittees must collaborate to develop and implement a monitoring program to characterize pollutant discharges from MS4 outfalls in each watershed during wet and dry weather." Monitoring wet-weather flows for pollutants imposes costs on the Copermittees for information which is of dubious value in enhancing storm water programs.

The City of Laguna Beach has invested a great deal of effort and funding into a balanced approach to the protection of beneficial uses within the waterways in our jurisdiction. This balanced approach includes source tracking, enforcement measures, public education, and a network of structural BMPs including an in-stream diversion of Laguna Canyon Creek to the sewer system.

Beach monitoring data proves that this approach works. All beaches along the Laguna Beach Coastline, with the exception of Aliso Beach, are being considered for delisting from the 303(d) list of impaired water bodies. The City supports the efforts of the County in constructing the SUPER project which incorporates a similar balanced approach to clean up Aliso Beach and restore Aliso Creek.

The Tentative Order, as written, creates additional work and expense for the Copermittees without justification or proof of tangible merit. The City therefore requests that the Tentative Order be amended to eliminate the concerns outlined in the comments above. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Toni Iseman".

Toni Iseman  
Mayor

cc: Water Quality Department