



City of San Diego



County of San Diego

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

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March 15, 2013

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Mr. David Gibson
California Regional Water Quality Control Board
San Diego Region 9
9174 Sky Park Court, Suite 100
San Diego, CA 92123

**NOTICE OF PUBLIC HEARING – NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT AND WATER DISCHARGE
REQUIREMENTS FOR DISCHARGES OF URBAN RUNOFF FROM THE
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S) DRAINING THE
WATERSHEDS WITHIN THE SAN DIEGO REGION**

Dear Mr. Gibson:

On March 6, 2013 the San Diego Regional Water Quality Control Board (Regional Board) announced that hearings for the proposed Municipal Storm Water Permit for the San Diego Region would be held on April 10 and 11, 2013. The City of San Diego (City) and the County of San Diego (County) submitted lengthy written comments during the public comment period for the draft permit and is concerned that the hearings will be held without our respective jurisdictions being given an opportunity to review responses to their comments. Furthermore, we believe that it would be prudent to postpone any approval of the Municipal Storm Water Permit until the California State Water Resources Control Board provides guidance on the Receiving Waters Limitation language, which if not included in the initial approval of our regional permit, could necessitate that the Regional Board amend its regulations in the immediate future.

The City and the County appreciate the difficulties and challenges in implementing such complex regulatory matters as the Municipal Storm Water Permit, but as copermittees regulated by this permit, we are concerned that the Regional Board has decided to move this hearing forward without providing sufficient time to appropriately respond to and address stakeholders' concerns.

Locally and on a statewide level there continue to be numerous outstanding issues with this proposed permit. We believe it would be inappropriate and irresponsible to rush adoption

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without continued dialog between the stakeholders and Regional Board staff. The City and County are committed to the goal of improving water quality through the storm water management programs that have been developed in conjunction with the Regional Board, but the current proposed permit include provisions that are flawed and need to be addressed.

Considering the significant financial burden this permit will have on so many local governments, we believe it is more important to create a permit that incorporates sound regulation than to needlessly rush toward an arbitrary deadline. The Regional Board staff has acknowledged on the record that the impacts of some of the proposed standards and regulations are not fully understood. We do not even know that compliance can be achieved with the tools and science available today. However, we do know for certain, based on the Regional Board's own studies, that significant cost in the range of billions of dollars will be incurred as a result of copermittees trying to comply with the proposed regulations if implemented.

As stewards entrusted with managing public tax dollars, we do not believe it is prudent to implement policy without having a clear understanding of whether it will mitigate the problem it was created to address. The City and the County believe it would be more productive to postpone any hearing in order to step back and continue working with all stakeholders to clearly define goals that are achievable and do not have such detrimental financial impacts to local governmental services.

Thank you for your consideration of this request. If the Regional Board does choose to move forward with holding the hearing in April, the City and County respectfully request to speak at the designated meeting to have the record reflect our respective positions on this matter. We would also respectfully request a time certain be allocated at the beginning of such hearing so that the City and County representatives can provide testimony.

If you have any questions, please contact Richard Crompton, County of San Diego Director of Public Works at (858) 694-2233 or Kip Sturdevan, City of San Diego Director of Transportation and Storm Water at (619) 236-6594.

Respectfully,



Hon. Bob Filner
Mayor
City of San Diego



Hon. Greg Cox
Chairman
San Diego County Board of Supervisors