



Scott A. Mann
Mayor

John V. Denver
Mayor Pro Tem

Wallace W. Edgerton
Councilmember

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Councilmember

Matthew Liesemeyer
Councilmember

June 25, 2015

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
2015 JUN 29 09 09 58

Dear Messrs. Berchtold and Gibson:

Re: Request for Designating the Santa Ana Regional Board as Regulating Discharges from MS4 owned by the City of Menifee

The City of Menifee is located within southwestern Riverside County, and covers an area of approximately 47 square miles. While the city is located primarily within the Santa Ana Watershed and therefore is under the jurisdiction of the Santa Ana Regional Board, approximately 737 acres (or 2.5%) of the city extends into the Santa Margarita Watershed which is under the jurisdiction of the San Diego Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. Because of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

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Pursuant to discussions with staff at both Regional Boards and consistent with California Water Code section 13228, the City of Menifee hereby requests that the San Diego Regional Board designate the Santa Ana Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the Santa Ana Regional Board, and any other associated requests.

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and order R9-2010-0016 with the San Diego Regional Board (San Diego Permit) - which is currently up for renewal. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Menifee, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Menifee is made with the understanding that:

- For the purposes of MS4 permitting only, the Santa Ana Regional Board would regulate the entirety of the City of Menifee. As a result, the City of Menifee would be subject to a single MS4 permit, which would be issued by the Santa Ana Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Menifee would be performed by the Santa Ana Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board, which include the City of Menifee as a responsible party, will be incorporated into the MS4 permit issued by the Santa Ana Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the San Diego Regional Board would remain wholly under the jurisdiction of the San Diego Regional Board.

Description of the area of the City subject to the designation:

Some facts about the City of Menifee and the portion within the jurisdiction of the San Diego Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the city = 47 square miles
- Area within the Santa Margarita Region Watershed = 1.15 square miles
- Percent of City in the Santa Margarita Region Watershed = 2.5%

Other Requests:

Understanding that the requested designation applies to the MS4 permit requirements, the Santa Ana Permit incorporates a simplified process in section XIV.G.1. for applying for coverage under the General Construction Permit (Order 2009-0009-DWQ) for municipal projects. This process includes submission of the NOI or Permit Registration Documents (PRDs) directly to the Executive Officer, and waived application fees. To avoid unnecessary confusion among staff, and potential for inadvertent non-compliance, the City of Menifee specifically requests that this portion of the MS4 permit would be applicable within the entire City, including those portions of the city within the jurisdiction of the San Diego Regional Board.

In conclusion, the requested designation of regulatory authority to the Santa Ana Regional Board will not only reduce the complexity and administrative burden upon the City of Menifee, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality in both regions.

If you have any questions regarding this request, please contact Nino Abad at 951.672.6777.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jonathan G. Smith". The signature is fluid and cursive, with a large initial "J" and "S".

JONTHAN G SMITH, PE
PUBLIC WORKS DIRECTOR
CITY OF MENIFEE

Attachments:

Map of the City of Menifee

ec:

Nino Abad, City of Menifee

Stuart McKibbin, Riverside County Flood Control

Julianna Gonzalez, Riverside County Flood Control

