



**Continental Maritime
of San Diego**

**SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD**

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CMSD Serial Number: 237-12

Mr. Wayne Chiu, P.E.
Place ID: 786088Wchiu
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Comment - Tentative Order No. R9-2013-001, Regional MS4 Permit

Dear Mr. Chiu:

As a member of the San Diego Port Tenants Association, I am responding to the San Diego Regional Water Quality Control Board's Tentative Order R9-2012-0011 ("Permit") dated October 31, 2012. After reviewing the proposed Permit, I am concerned it will impose expensive and untested regulations on local governments, businesses, and residents. The new permit will impact the region without improving water quality.

I do understand the importance of clean, safe water to the region and as a member of the business community I am interested in improving San Diego's water. It is important, however, that we use our limited resources wisely, and ensure that our efforts produce the desired outcome of improving water quality. I applaud the Board's inclusion of Water Quality Improvement Plans (WQIP) as a first step in developing a cost-effective approach to improving our water. Analysis remains a critical component of a successful strategy, and I am glad to see that the Board is committed to finding the best possible solution to water quality improvement.

I am concerned however that the costs associated with enforcing and implementing the permit will have a negative impact on my business and San Diego's economy. The four primary areas of concern include: 1) the strict liability for exceeding water quality objectives; 2) the additional and changing requirements for development projects, impacting items such as storm water retention and discharge; 3) the preemption of WQIPs by new and changing regulatory requirements prior to allowing the WQIPs to be developed and implemented; and 4) the lack of reliable funding sources to implement these regulatory changes.

While it is necessary to hold individuals, businesses and governments accountable these measures must be reasonably achieved and provide a significant and positive impact on San Diego's water. I respectfully request that the Permit focus on the timely development of effective and enforceable WQIPs, and that each of these be developed through a process that ensures public participation. I also ask that the designation of Best Management Practices in each watershed be determined through the WQIP process rather than the one size fits all strategy currently proposed in the Permit. I ask further that, until the Board adopts a WQIP for a watershed, the provisions of the existing Permit remain in place for that watershed. Finally, in order to avoid unnecessary litigation I request that the Board adopt the WQIPs as Orders implementing the proposed Permit.

I urge you to adopt final permit language that is evidence-based and both environmentally and economically sustainable. Please contact me using the number below, X236, with questions. Thank you for your consideration.

Sincerely,

Dewey Youngerman
Manager, EH&S

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Cc: Sharon Cloward, San Diego Port Tenants Association

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