



The Trusted Voice of San Diego Real Estate

December 12, 2012

Mr. Wayne Chiu, P.E.  
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,**

**Place ID: 786088Wchiu**

Dear Mr. Chiu:

As President of the Greater San Diego Association of REALTORS® (SDAR), the largest trade association in San Diego County representing over 12,000 members, 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, we are concerned it will impose expensive, onerous, and untested regulations on local governments, businesses, and residents. These new regulations will impact the region's economy without improving its water quality.

Everyone understands the importance of clean, safe water to the region. As a member of the business community, I too am interested in improving San Diego's water. It is important, however, that we use our limited resources wisely. We must ensure that our efforts produce the desired outcome of improving water quality.

SDAR applauds 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. Furthermore, we are glad to see that the Board is committed to finding the best possible solution to water quality improvement.

We are 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.





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

On behalf of SDAR, I urge you to adopt final permit language that is evidence-based and as well as environmentally and economically sustainable. Thank you for your consideration. Please contact Jordan Marks, SDAR Director of Government Affairs, at 858-715-8012 if you have any questions.

Sincerely,

Donna Sanfilippo  
President  
Greater San Diego Association of REALTORS®

*With more than 12,000 members, the Greater San Diego Association of REALTORS® is the largest trade association in the county. Our REALTORS® adhere to a code of ethics and professional standards above and beyond the norm. We help our members sell more homes. We help people realize the dream of home ownership. And we are dedicated to protecting private property rights.*

