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SAN DIEGO PORT TENANTS ASSOCIATION

December 19, 2012

Mr. David Gibson, Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Ste. 100
San Diego, CA 92123-4340

Dear Mr. Gibson,

I am contacting you on behalf of the San Diego Port Tenant's Association (SDPTA). The Association was formed in 1989 as a non-profit mutual benefit corporation and is made up of over 250 members that include Tideland's businesses that are tenants of the Unified Port District. On behalf of the Board of Directors of the San Diego Port Tenants Association, please allow me to offer the follow comments and suggestions in regard to the Regional MS4 Permit:

Monitoring and Assessment. With regard to the use of members of the public to support volunteer monitoring, SDPTA is very concerned about the possibility for mis-interpretation of this provision. Well-intentioned but overly-aggressive parties may interpret this provision to allow volunteers to enter private property, via the public right-of-way, looking for unlawful or improper discharges. This raises several legal concerns and poses significant liability issues for copermitees should a volunteer be injured in the course of an unauthorized inspection, or if private property is damaged, or if manufacturing processes are adversely affected as a result of the unauthorized intrusion.

We recommend that the language governing the use of volunteers be very explicit regarding the intent of the Board which we believe is to help

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copermittees reduce monitoring costs by utilizing volunteers to monitor properties that are part of the public right-of-way.

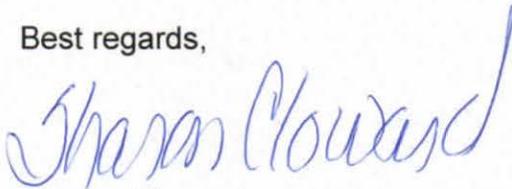
Non-Storm Water Discharges. The Regional MS4 Permit currently specifies that air conditioner condensation is a non-storm water discharge that must be directed to landscaped areas or other pervious surfaces, where feasible. SDPTA is concerned about the cost of compliance for this particular. Re-routing condensation lines in existing buildings, more often than not is very expensive. We would suggest that the new requirements be limited to development/re-development. In addition, discharges from fire suppression equipment maintenance activities can be treated with BMPs and in such cases should not be considered an illicit discharge.

Finally, The Regional MS4 Permit Generally specifies that all non-storm water discharges must be terminated rather than making a distinction that discharges with permits are actually authorized. SDPTA recommends that the Regional Board add language for clarification, something like the following:

Each Copermittee shall effectively prohibit all types of non-storm water discharges into its MS4 nless such discharges are authorized by a separate National Pollutant Discharge Elimination system (NPDES) Permit.

On behalf of SDPTA, I want to thank the Regional Board and Staff for the very collaborative nature of this process. We thank you for the opportunity to submit these comments, and appreciate your consideration.

Best regards,



Sharon Cloward
President, San Diego Port Tenants Association

Cc: SDPTA Board of Directors
Port Chair, Lou Smith, San Diego Unified Port District
Port President, Wayne Darbeau, San Diego Unified Port District