



CITY OF RANCHO SANTA MARGARITA

January 10, 2013

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Wayne Chiu, P.E.

California Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

Subject: Comment – Tentative Order No. R9-2013-0001, Regional MS4 Permit, Place ID: 786088Wchiu.

Dear Mr. Chiu:

The City of Rancho Santa Margarita appreciates the opportunity to provide comments on Tentative Order No. R9-2013-0001, which is intended by the Regional Board to serve as the basis for stormwater regulation in the City upon the expiration of current Order R9-2009-0002. The City has been actively involved in the development of the comprehensive set of comments submitted by the County of Orange and supports those comments and attaches them by reference.

The City appreciates the revisions made by Regional Board staff since the prior Administrative Draft, but believes that further changes are necessary, which are included in redline format in the County letter. A number of key issues have been extensively discussed in the focus meetings and Board workshops and, despite some changes, still remain a significant concern to the City. These include, without limitation:

- The Receiving Water Limitations provisions in the Tentative Order could expose the City to Clean Water Act liabilities for discharges that cause or contribute to an exceedance of a water quality standard. A clear linkage between the compliance provisions and prohibitions, receiving water limitations, and effluent limitations must be established.
- The provisions dealing with land development, Low Impact Development (LID) and hydromodification control are significantly ratcheted up while existing permit programs are only just being implemented and/or pending approval. In addition, many of the land development requirements conflict with applicable federal and/or state constitutional provisions, laws and court decisions and may not be practically enforceable.
- The City is particularly concerned with the elimination of all exemptions for the hydromodification control requirements, including for discharges to channels that have been engineered to prevent erosion. Exemptions for hydromodification management should include discharges to certain types of receiving waters and certain types of projects.

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- The provisions implementing the Beaches and Creeks Total Maximum Daily Load (TMDL) bacteria requirements are inconsistent with the TMDL as it was developed and pose additional significant liabilities. Permit provisions must be consistent with the corresponding Basin Plan amendments.
- The provisions requiring the development and implementation of a Water Quality Improvement Plan need to be aligned with the Jurisdictional Runoff Management Program requirements so that the programs are complimentary and prioritized instead of additive.

Thank you for the opportunity to provide comments. The City would like to request the opportunity to meet with you, other Regional Board staff and the County of Orange to review in detail the changes requested in the County letter.

Please direct any questions regarding this letter to myself or Rae Beimer, Environmental Associate, at 949-635-1800 x 6503.

Yours sincerely,



E. (Max) Maximous, P.E.
City Engineer

CC: City Council
Jennifer M. Cervantez, City Manager
Gregory E. Simonian, City Attorney
County of Orange, OC Public Works Department

EM/rb