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January 11, 2013

Wayne Chiu, P.E.
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego California 92123-4340

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

Dear Mr. Chiu:

The City of National City (City) appreciates the opportunity to comment on the proposed revision to the San Diego Regional Municipal Storm Water Permit, Tentative Order No. R9-2013-0001 (Tentative Order). The City generally supports the consensus comments prepared and submitted by the San Diego Copermittees. Two groups of comments are included in this letter: (1) Copermittee consensus comments for which the City wishes to provide additional, City-specific rationales in support of the proposed changes and (2) proposed changes that are different than the Copermittee consensus comments.

Additional City-specific rationales supporting selected Copermittee consensus comments are provided below to supplement the rationales provided in the overall Copermittee document.

- **Hydromodification management requirements for redevelopment projects, Tentative Order section E.3.c.(2)(a).** Requiring hydromodification management controls to match pre-development rather than pre-project conditions effectively has no impact on new development, for which pre-project and pre-development conditions are the same. However, requiring a redevelopment project to match runoff characteristics for the project area as it would have been before any development occurred on the property rather than based on the existing condition of the property dramatically increases requirements and cost for redevelopment projects. Redevelopment projects are important sources of jobs and economic development to cities like the City of National City. The proposed changes to the hydromodification requirements create a disincentive for redevelopment, which is particularly harmful to economically disadvantaged areas with contaminated sites due to past industrial activity that rely on redevelopment for economic improvement.
- **Non-storm water discharge requirements related to groundwater, Tentative Order section E.2.a.(1).** Tracking down locations of foundation and footing drains and crawl space pumps in the City, as well as records of prior approvals and plans and site-specific groundwater history, would be extremely time-consuming without a commensurate benefit in water quality. If any of

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these types of drains or pumps are identified as a persistent source of pollutants to the City's MS4, the City will perform the necessary follow-up investigation and research for the particular drain of concern as required by other provisions of the Tentative Order.

- **Assessment requirements, Tentative Order section D.4.** Revisions to these requirements as proposed by the Copermittees will still provide jurisdictional accountability while removing calculations and reporting requirements that would take up a proportionally large amount of program resources for a smaller jurisdiction like the City of National City and that would be unlikely to provide information useful for managing storm water programs. The proposed revisions would help minimize the extent to which reporting efforts would pull resources away from field implementation components of the City's program that reduce storm water pollution.

The City differs with Copermittee consensus comments with respect to the following sections of the Tentative Order:

- **Non-storm water discharge requirements for air conditioning condensate, Tentative Order section E.2.a.(4)(a).**
 - **Proposed revised language:** "The discharge of air conditioning condensation should be directed to landscaped areas or other pervious surfaces where feasible."
 - **Rationale and discussion:** The proposed language change would provide the City with more flexibility to target key sources of pollutants with program resources. If this recommendation is not acceptable, the City would prefer the existing Tentative Order language to the proposed consensus Copermittee language because the Tentative Order language more clearly recognizes that directing air conditioning condensate to landscaping or other pervious areas, while desirable, may not be feasible at all sites. The existing Tentative Order language also does not unnecessarily introduce the complexity of sanitary sewer diversions, as the Copermittee consensus language does. The City has required sanitary sewer diversions for air conditioning condensate discharges in site-specific circumstances, but these diversions are generally not suitable or desirable for widespread use.
- **Requirements for pretreatment for infiltration BMPs, Tentative Order section E.3.c.(5)(a)(vi).**
 - **Proposed revised language:** "Infiltration BMPs must not be used for high threat to water quality land uses and activities as designated by each Copermittee, unless sufficient permanent source control BMPs to prevent exposure of high threat activities are proposed or runoff from high threat land uses or activities is first treated or filtered to remove pollutants prior to infiltration; and"
 - **Rationale and discussion:** In some cases, developments with industrial or light industrial land use may not have significantly different pollutant generating activities than commercial properties. For example, current designs for most light industrial developments have virtually no exposed areas of industrial activities. It makes more sense to base requirements for additional measures to protect groundwater on the specific proposed activities at a development rather than general land use categories, which may or may not indicate a potential threat of groundwater contamination if

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infiltration BMPs are used. Also, permanent source control BMPs that prevent exposure of high threat activities, such as structural canopies, may be more effective and require less maintenance for continued long-term effectiveness than filtration or other pretreatment approaches and should be allowed.

The City appreciates the Regional Board's consideration of our comments. Should you have any questions about any of the comments contained in this letter, please contact John Quenzer at (858) 586-6600 or Barby Tipton at (619) 336-4583.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Manganiello". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Stephen Manganiello
City Engineer