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April 9, 2013

Mr. David Gibson, Executive Director
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA92123

Dear Mr. Gibson:

Subject: Request for delay in adoption of MS4 Stormwater Permit to allow for more dialog and understanding among stakeholders

On March 6, 2013 the San Diego Regional Water Quality Control Board (Regional Board) announced that hearings for the proposed Municipal Storm Water Permit for the San Diego Region would be held on April 10 and 11, 2013. The San Diego Port Tenants Association is particularly concerned with this permit, as the association represents businesses that lease land from the San Diego Unified Port District; their operations are on Port Tidelands surrounding San Diego Bay, and range from hospitality & tourism to maritime, marine industrial and marine recreation. We strongly believe that it would be prudent to postpone any approval of the Municipal Storm Water Permit until the California State Water Resources Control Board provides guidance on the Receiving Waters Limitation language, which if not included in the initial approval of this regional permit, could necessitate that the Regional Board amend its regulations in the immediate future. Secondly, we are concerned that the Regional Board has decided to move this hearing forward without providing sufficient time to appropriately respond to and address stakeholders' concerns. The Port Tenants wish for more time to fully understand this permit as it relates to their business operations, future development, sustainable practices and liability. Locally, and on a statewide level, there continue to be numerous outstanding issues with this proposed permit. We believe it would be inappropriate and irresponsible to rush adoption without continued dialog between the stakeholders and Regional Board staff. Considering the significant financial burden this permit will have on so many local governments, we believe it is more important to create a permit that incorporates sound regulation than to needlessly rush toward an arbitrary deadline.

The Regional Board staff has acknowledged on the record that the impacts of some of the proposed standards and regulations are not fully understood. We do not even know that compliance can be achieved with the tools and science available today. However, we do know for certain, based on the Regional Board's own studies, that significant cost in the range of billions of dollars will be incurred as a result of copermittees trying to comply with the proposed regulations if implemented.

Respectfully,

Sharon Bernie-Cloward, President
San Diego Port Tenants Association