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RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

June 1, 2012

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

Sent Via E-Mail to dgibson@waterboards.ca.gov

Dear Mr. Gibson:

Re: Schedule for Focused Meetings
on the Proposed Joint Permit for
San Diego, Orange and Riverside
County Copermittees

I am writing on behalf of the Santa Margarita Region ("SMR") Copermittees regarding the Administrative Draft of Tentative Order No. R9-2012-0011 for the San Diego, Orange and Riverside County Copermittees (Administrative Draft). Fundamentally, we believe that consideration of the Administrative Draft is premature. However, if the Regional Board insists on proceeding with development of a regional MS4 permit, each of the Copermittee programs must have an opportunity to meaningfully and effectively participate in the focused meeting process.

Development of a Joint MS4 Permit is Premature

The SMR Copermittees support the South Orange County Copermittees' position (set forth in their May 17, 2012 letter) that a regional MS4 permit is not the preferred approach at this point. In discussions leading up to the development of the SMR fourth-term MS4 permit, a regional permitting option was discussed. The SMR Copermittees requested that the Regional Board defer adoption of the fourth-term SMR permit pending coordinated discussions with the other Counties regarding the viability of a regional permit. That request was denied. We are now faced with potentially having to negotiate, develop and implement portions of two MS4 permits for the SMR within two years. This represents a potentially significant waste of limited public resources during a severe and prolonged recessionary period that is impacting State, local and taxpayer budgets. In light of these facts, Board staff should not impose a second permit renewal process upon the SMR Copermittees a mere 18 months after the Board adopted our individual SMR MS4 Permit in 2010.

The SMR Copermittees believe that a more reasonable alternative would include issuance of a fourth-term MS4 permit to the San Diego County Copermittees and development of a regional MS4 permit in 2017, by which time all three fourth-term MS4 permits issued by the San Diego Regional Board will have expired. This would enable the SMR, San Diego and South Orange County Copermittees to schedule for and properly allocate the substantial resources needed to properly undertake such a complex and resource intensive process.

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Joint MS4 Permit Development

Without waiving their above-stated objections, the SMR Copermittees are not opposed to participating in the series of focused meetings to discuss a regional permitting approach. Such meetings, if appropriately conducted, may enable the SMR Copermittees to properly evaluate the potential benefits of a regional permit. We would also note that additional meetings beyond those originally proposed by the Regional Board staff may be required if a meaningful dialogue regarding development of a regional permit is expected. Both the existing fourth-term MS4 Permits and the Administrative Draft pose many difficult issues that must be addressed.

The participation of the SMR Copermittees in the focused meetings, however, is predicated on the following scheduling requirements:

July Commencement of Focused Meetings

As previously communicated to Board staff, the SMR Copermittees are fully occupied through the end of June in developing and modifying existing compliance programs as previously directed by the Board in the 2010 MS4 Permit. Therefore, the SMR Copermittees cannot attend any focused meetings during June and still meet our compliance deadlines. Further, once those required documents are completed and submitted, the Copermittees will still need time to study the Administrative Draft and prepare comments, alternative language and questions before being able to effectively participate in the focused meetings as requested by staff. Therefore, the Copermittees reiterate our previous request that the first focused meeting occur no earlier than the week of July 23, 2012. This will provide SMR Copermittee representatives an opportunity to prepare for the focused meetings so that they may effectively represent the interests of the SMR Copermittees. If staff moves forward with focused meetings in June, this will preclude the SMR Copermittees from effective participation in the initial focused meetings.

Mid-October/Mid November Blackout

Riverside County is under the jurisdiction of three Regional Boards and three MS4 permits. As a result, between mid-September and mid-November, the Riverside County MS4 program is fully engaged in preparing the three Annual Reports required by these permits. In addition, the Riverside County MS4 Program will also be finalizing a Report of Waste Discharge for submittal to the Colorado Regional Board. As a result, the key members of SMR MS4 Program management will not have adequate time to prepare or participate in the focused meetings during the mid-September to mid-November time period. We, therefore, require that no focused meetings occur during that period. We understand that this scheduling concern is shared by the South Orange County Copermittees.

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Support for Comments by South Orange County Copermittees

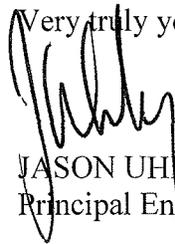
In addition to accommodation of the above-noted scheduling requirements, we support the position of the South Orange County Copermittees (set forth in their May 17th letter) that the focused meetings must:

- Provide for meaningful individual participation by all of the municipal entities that are intended to be enrolled in a regional permit, and
- Include appropriate proportionate representation by stakeholders and interested parties, recognizing that the regional permit is intended to be issued to the permittees and not others.

The SMR Copermittees reserve their right to comment on the format for the focused meetings.

Please contact me at 951.955.1273 or by e-mail at juhley@reflood.org if you have any questions concerning the matters discussed in this letter.

Very truly yours,



JASON UHLEY, P.E.
Principal Engineer

cc: David Barker, P.E.
Eric Becker, P.E.
Laurie Walsh, P.E.
Wayne Chiu, P.E.
SMR Copermittees
Chris Crompton
John Van Rhyne
David Burhenn

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