

CITY OF LAKE FOREST



January 14, 2013

Via US Mail and E-mail

Mayor
Scott Voigts

Mayor Pro Tem
Kathryn McCullough

Council Members
Peter Herzog
Adam Nick
Dwight Robinson

City Manager
Robert C. Dunek

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality Control Board, Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

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

Re: Request to Designate the Santa Ana Regional Water Quality Control Board to Regulate Discharges from the MS4 owned by the City of Lake Forest

Dear Messrs. Berchtold and Gibson:

The City of Lake Forest (City) is located within southwestern Orange County, and covers an area of approximately 17 square miles. Approximately 70% of the City's land area is located within the Newport Bay/San Diego Creek Watershed which is under the jurisdiction of the California Regional Water Quality Control Board, Santa Ana Region (SARWQCB). The remaining 30% of the City's land area is located within the Aliso Creek Watershed which is under the jurisdiction of the California Regional Water Quality Control Board, San Diego Region (SDRWQCB). Attached for your reference, is a map of the City depicting the jurisdictional boundary between the SARWQCB and SDRWQCB (Regional Boards).

Because of this situation, the City is subject to two separate Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards. Both jurisdictions issue comprehensive large MS4 Permits that require the City to implement extensive compliance programs. Differences in the substantive requirements of both Regions' Large MS4 Permits have significant impacts on City operations. Major program level differences force the City to implement what amounts to two different compliance programs within City limits. This results in a significant resource and administrative burden which, in turn, causes valuable resources to be diverted away from program implementation.



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Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Singular Regulation

Based upon the issues outlined above and consistent with California Water Code section 13228, the City of Lake Forest hereby requests that the Regional Boards agree to designate the SARWQCB for regulation of all portions of the City for matters pertaining to MS4 permitting, regardless of Regional Board jurisdictional boundaries. In this manner, the City of Lake Forest would be subject to a single MS4 permit.

City staff is aware that similar requests have been granted to the Cities of Murrieta, Menifee, and Wildomar in Riverside County. We are also aware that the SARWQCB is working with the Los Angeles Regional Water Quality Control Board to regulate discharges of bacteria from the cities of Claremont and Pomona. In addition, we are aware that the City of Laguna Hills will be submitting a similar request to this one; however, it is our understanding that Laguna Hills will be requesting to be singularly regulated by the SDRWQCB as the majority of their land area is located within the SDRWQCB jurisdiction.

Below, please find a discussion of the basis for this request and a description of the portion of the city that is proposed to be regulated by the Santa Ana Regional Water Quality Control Board.

Basis for the request

The City is currently named as a Permittee in Order R8-2009-0030 issued by the SARWQCB (Santa Ana Permit), and Order R9-2009-0002 issued by the SDRWQCB (San Diego Permit). It is also notable that the SDRWQCB is currently in the process to consider adoption of a new MS4 permit covering the entire region of the SDRWQCB jurisdiction, including the Counties of San Diego, Riverside, and Orange. While both of the above referenced Orders indicate the same goal of reducing the discharge of pollutants from the MS4 system, these two Orders require the City to implement extensive, but different, compliance programs. Differences in the substantive requirements of each Region Board's Orders can have significant impacts on City operations and compels the City to implement what amounts to two different compliance programs within its jurisdiction. In turn, this results in increased resource and administrative burden, which can cause inherent and unavoidable inefficiencies in program implementation. For example, there are inherent duplicative administrative and financial burdens related to the development and implementation of two different programs; staff training for different requirements; development of different compliance information for staff, contractors, developers, businesses, and the general public; development and implementation compliance program components such as differing inventory, prioritization, inspection, and documentation requirements, and different annual reporting requirements; etc. In addition, attempting to implement two differing programs creates difficulties, inefficiencies, and confusion for City staff and the public. The overarching goal and purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

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Description of the area of the City subject to the designation:

Some facts about the City of Lake Forest and the portions of the City located within different watersheds and different Regional Board jurisdictions. A map of the City depicting the Regional Board boundary is enclosed with this letter.

- 17 Square Miles*- Total Land Area of the City
- 11.5 Square Miles* – Total Land Area located in the Newport Bay/San Diego Creek Watershed (SARWQCB Jurisdiction)
- Approximately 5.5 Square Miles* - Total Land Area located in the Aliso Creek Watershed (SDRWQCB jurisdiction)
- 70% of Total Land Area* - Percent of City in the Newport Bay/San Diego Creek Watershed (SARWQCB Jurisdiction)
- 30% of Total Land Area* – Percent of City in the Aliso Creek Watershed (SDRWQCB Jurisdiction)

(* approximate)

Additional Request for Municipal Construction Projects Requiring Coverage Under the State Construction General Permit:

Understanding that the requested designation applies to the MS4 permit requirements, the SARWQCB implements a simplified process for applying for coverage under the General Construction Permit (Order 2009-0009-DWQ) for municipal projects. This process includes submission of Permit Registration Documents (PRDs) through a special category within the Storm Water Multiple Application and Reporting Tracking System (SMARTS) and waived application fees. To avoid unnecessary confusion among staff, and potential for inadvertent non-compliance, the City hereby requests to utilize the SARWQCB process to obtain coverage under the Construction General Permit for all municipal construction projects within the City limits (including those portions of the City located within the Aliso Creek Watershed).

In conclusion, the requested designation of regulatory authority to the SARWQCB will not only reduce the complexity and administrative burden upon the City of Lake Forest, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality in both regions.

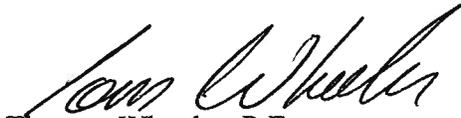
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If you have any questions regarding this request, please contact Devin Slaven, Water Quality Administrator, at 949-461-3436 or dslaven@lakeforestca.gov.

Sincerely,
City of Lake Forest



Thomas Wheeler, P.E.
Director of Public Works/City Engineer

Attachments:

Map of the City of Lake Forest Depicting Regional Board Boundary

cc:

Robert Dunek, City Manager
Devin Slaven, CPSWQ, QSD/QSP, Water Quality Administrator
Scott Smith, City Attorney, Best Best & Krieger, LLP
Mary Anne Skorpanich, County of Orange, OC Watersheds



CITY OF LAKE FOREST WATERSHED BOUNDARIES

**NEWPORT BAY
WATERSHED**

**ALISO
CREEK
WATERSHED**

