

chill

CITY OF LAKE FOREST



SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2014 APR 10 PM 12 32

April 4, 2014

Mr. David Gibson
Executive Officer
California Regional Water Quality Control Board,
San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Mayor
Dwight Robinson

Mayor Pro Tem
Adam Nick

Council Members
David A. Bass
Kathryn McCullough
Scott Voigts

City Manager
Robert C. Dunek

Subject: Clarification of the City of Lake Forest Request as Outlined in the City's January 14, 2013 correspondence.

Dear Mr. Gibson:

Thank you for returning my call. Although we haven't had the opportunity to speak in person, your message was helpful in understanding the current status of the City's request. I am writing with confidence that my staff and I can provide clarification that may add to your understanding of the nature of our request and note the opportunities and importance of present timing.

Clarification of Request

A little over a year ago, the City of Lake Forest (City) submitted a formal request to both regional boards having regulatory oversight for stormwater in the City; namely, the San Diego and Santa Ana Regional Water Quality Control Boards (SDRWQCB and SARWQCB, respectively). We wish to clarify that our intent and request is to be regulated by the SARWQCB only for MS4 permitting purposes. The City recognizes that a written agreement between the two Regional Boards would have limitations including, probably most significantly, the Bacterial TMDL in the San Diego Region. It continues to be the City's intent to participate in the Bacterial TMDL. Indeed, considering that bacteria indicator issues appear to be a watershed/regional issue we recognize the value in developing a watershed/regional solution(s). The City has a long and successful history of collaboration with the County of Orange and the other south Orange County cities regulated by the San Diego Board, and we wish to continue these efforts in the same manner. It is our intent to continue development and implementation of programs related to the Bacteria TMDL through the Comprehensive Load Reduction Plan along with the other Co-Permittees working together within the Aliso Creek Watershed.

Significance to the City of Lake Forest

Designating the SARWQCB as the single Regional Board regulator represents a significant and important solution for the City in implementing the day-to-day activities typically associated with MS4 permit compliance. Reducing and/or eliminating regulatory



disparities, confusion and overlap is a priority for the City and the public we serve who are subject to these same regulatory requirements. Even minor disparities between the two MS4 permits can and do have significant impacts to the City and to the public's financial and resource burdens. We are aware that other cities (please see references below) have successfully requested and have been approved for similar/same requests. The importance and significance of purpose for these regulatory modifications has not been lost on City staff. We respectfully submit that it is a prudent and necessary solution to achieve responsible governance that is long overdue. Based upon our discussions with SARWQCB staff and the other successfully implemented cases referenced below, the mechanism required to institute regulation of the MS4 permit activities by a single Regional Board is through a relatively brief letter agreement and potentially brief recognition in the MS4 permit itself. In addition, it is our understanding that the City of Laguna Hills also recognizes the significant value of a single MS4 permit and they may be interested in being regulated by the SDRWQCB as a single regulator. Since much can be gained through relatively little effort, the City believes this opportunity to be a worthy effort and we ask for your support to make it happen.

Timing

The City is aware of SDRWQCB staff's suggestion to wait until the Report of Waste Discharge (ROWD) is submitted by the south Orange County cities for regulation under the new SDRWQCB Regional MS4 Permit. However, we would like to bring to your attention that the SARWQCB MS4 permit adoption schedule is ahead of the schedule for the San Diego Region. In consideration that approximately 70% of the City's land area resides within the jurisdiction of the SARWQCB, and the City is requesting the SARWQCB to be designated as the single regulator for MS4 permit compliance, an agreement to proceed from you and your staff would be very timely, and is urgently requested. Based upon our discussions with SARWQCB staff, they are very supportive of our request, but would like to receive your concurrence.

Examples of Precedence and Previous Successful Implementation

The City is aware of a letter agreement between the SDRWQCB and the SARWQCB that established a single designated Regional Board to regulate the Cities of Murrieta, Meniffee, and Wildomar, pursuant to Water Code Section 13228, subdivision (a).

Similar to the above example, the City is aware of another letter agreement between the Los Angeles Regional Water Quality Control Board and the SARWQCB designating the SARWQCB as the single regulator of discharges of bacteria by the Cities of Claremont and Pomona through their MS4s to receiving waters within the Middle Santa Ana River Watershed.

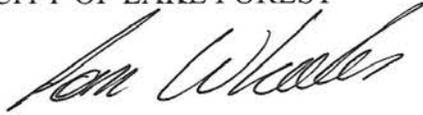
We appreciate the opportunity to provide clarification for our January 14, 2013 request and bring your attention to the importance of present timing related to the SARWQCB MS4 permit adoption schedule. We are optimistic you will find our request to be consistent with the five examples provided above and we request your concurrence at your earliest convenience in order to facilitate a path forward under the SARWQCB MS4 permit adoption schedule.

I will be in contact with you to set up a meeting between the SARWQCB and SDRWQCB staff in addition to the Cities of Lake Forest and Laguna Hills staff to further discuss this opportunity.

If you should have any questions, please contact Devin Slaven, Water Quality Administrator at (949) 461-3436 or me at (949) 461-3481.

Sincerely,

CITY OF LAKE FOREST

A handwritten signature in cursive script, appearing to read "Tom Wheeler".

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

cc: Kurt Berchtold, Executive Officer, SARWQCB
Robert Dunek, City Manager
Devin Slaven, Water Quality Administrator