



CITY OF CLAREMONT

Community Development Department

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December 9, 2009

Michael J. Adackapara
Division Chief
California Regional Water Quality Control
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

CRWQCB - REGION 8
MJA

DEC 16 2009

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Re: Renewal of Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino and the Incorporated Cities of San Bernardino County, Tentative Order NO. R8-2009-0036, NPDES No. CA56180036, Areawide Urban Storm Water Runoff

Dear Mr. Adackapara:

The City of Claremont submits this comment letter in connection with the Santa Ana Regional Board's consideration of the San Bernardino County National Pollutant Discharge Elimination System ("NPDES") Permit and Waste Discharge Requirements ("San Bernardino Permit"). Claremont is a general law city located in the County of Los Angeles. The City is a co-permittee on the NPDES permit/WDR issued by the Los Angeles Regional Board and is not within the jurisdiction of the Santa Ana Board. Claremont sends this letter to clarify and confirm that the San Bernardino Permit has no application to Claremont.

In Findings 7-15 and Section V.D.1 of the San Bernardino Permit, the Santa Ana Regional Board applied the Middle Santa Ana River (MSAR) Watershed Bacteria Indicator TMDL to the San Bernardino Permit co-permittees, as listed in Table 1 of the Permit. Claremont is not a co-permittee on the San Bernardino Permit, and, therefore, none of the permit, including the portions related to the MSAR TMDL apply or could apply in any way to Claremont. Claremont requests that the Regional Board expressly acknowledge this fact.

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When the Regional Board amended the Basin Plan in 2005 to incorporate the MSAR TMDL, it included Claremont without the City's knowledge and participation. Because Claremont is not located within the area to which the Basin Plan applies and is not under the Santa Ana Board's jurisdiction, Claremont believes and continues to believe that the MSAR TMDL should not apply to it. However, in the spirit of cooperation and in response to a Water Code section 13267 order issued by the Executive Officer, Claremont agreed to join the MSAR TMDL Task Force. Claremont will, at this time, continue to participate in the Task Force. By its participation in the Task Force, Claremont in no way agrees to subject itself to the Santa Ana Region Basin Plan or the San Bernardino Permit.

Very truly yours,



Craig Bradshaw
City Engineer

C: Jeffrey C. Parker, City Manager
Tony Ramos, Assistant City Manager
Tony Witt, Community Development Director
Shawn Hagerty