



California Regional Water Quality Control Board, San Diego Region

NOTICE OF PUBLIC HEARING CONTINUATION

The public hearing opened on April 10 and 11, 2013 will be continued to discuss

**Tentative Order No. R9-2013-0001, NPDES No. CAS0109266
National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge
Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s)
Draining the Watersheds within the San Diego Region**

**Wednesday, May 8, 2013
9:00 a.m.**

**California Regional Water Quality Control Board, San Diego Region
Regional Water Board Room
San Diego Water Board Office Building
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340**

SUBJECT OF PUBLIC HEARING

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will continue the public hearing on May 8, 2013 at its regularly scheduled public meeting to consider adoption of Tentative Order No. R9-2013-0001, NPDES No. CAS0109266, *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Tentative Order). The San Diego Water Board has continued the public hearing regarding the Tentative Order opened on April 10, 2013 because more time is warranted to discuss proposed changes to the requirements of the Tentative Order. During the April 10 and 11 hearing, San Diego Water Board staff proposed additional changes to Tentative Order based on testimony received. These proposed changes, or Errata, summarized on April 11 are now available and have been provided to stakeholders.

BACKGROUND

The Tentative Order is a regional MS4 permit that proposes to jointly cover all 39 Copermittees within the San Diego Region (i.e., South Orange County, Southwestern Riverside County, and San Diego County), in a phased manner as their current MS4 permits expire or upon request for earlier coverage prior to permit expiration. The Tentative Order covers multiple discharge points to multiple receiving waters throughout the San Diego Water Board Region. All MS4 Copermittees in the San Diego Region are therefore on notice that they may ultimately be regulated under the Tentative Order, if adopted.

PROCEDURAL MATTERS

The written comment period for the Tentative Order closed on **January 11, 2013**. A limited number of written documents were admitted after the close of the written comment period based upon rulings by the San Diego Water Board. Of these, the San Diego Water Board admitted into the record on April 11, 2013, a document labeled "April 2011 Meeting Water Quality Standards for San Diego's Recreational Waters, a Cost Benefit Analysis" prepared by the City of San Diego and offered for inclusion in the record by the County of San Diego. As determined by the San Diego Water Board on April 11, designated parties may submit written comments on the above document not later than **5 p.m. on April 26, 2013**. No additional written materials will be accepted or provided to the San Diego Water Board Members.

The scope of the continued hearing on May 8 will be limited. Designated Parties with time remaining from their original blocks of time will be permitted to use their remaining time for rebuttal testimony and/or closing comments only. According to the San Diego Water Board's records, the Copermittees, Environmental Groups, and Building Industry Coalition have 36, 5, and 13 minutes remaining, respectively, for this purpose.

In addition, the San Diego Water Board will allow Parties and the public the following additional blocks of time to orally comment on the Errata prepared by San Diego Water Board Staff and on the document, "April 2011 Meeting Water Quality Standards for San Diego's Recreational Waters, a Cost Benefit Analysis" admitted on April 11, 2013. Parties and Interested Persons may also use this time to comment on revisions to the Tentative Order released March 27, 2013, to the extent that they lacked sufficient time to review and respond to these revisions before the April hearing.¹

Copermittees: 45 minutes
Environmental Groups: 15 minutes
Building Industry Coalition: 15 minutes
Interested Persons: 15 minutes

The San Diego Water Board will not permit the Parties to combine their new allocations of time with their time for rebuttal testimony and closing arguments and strongly discourages repetitive testimony and argument. In addition, Board Member and Board Counsel may ask questions at any time. Time for questions and responses will not count against allocated time.

INFORMATION REGARDING HEARING

Information related to this matter, including the Tentative Order, the April 19, 2013 Errata, and earlier Hearing Procedures, is available and may be reviewed at the San Diego Water Board's office or on the

¹ On April 11, 2013, the San Diego Water Board asked the Parties to identify any areas of revisions released March 27, 2013 for which they lacked sufficient time to review and no party responded. In the event that Parties have limited additional comments, however, the Board will allow it within these blocks of time.

San Diego Water Board's web page at:

http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/stormwater/index.shtml

Please contact Wayne Chiu at (858) 637-5558 or wchiu@waterboards.ca.gov for questions or comments regarding this hearing notice.

Please bring the foregoing to the attention of any person known to you who would be interested in this matter.

DAVID W. GIBSON
Executive Officer
April 19, 2013