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Pala Pauma Valley Community Sponsor Group
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By: USPS

Monday, December 10, 2012

Mr. Rich Crompton, Director
County of San Diego Department of Public Works
5510 Overland Ave, Ste 410
San Diego, CA 92123

Dear Mr. Crompton,

*Re: Comment – Tentative Order No.R9-2013-0001, Regional MS4 Permit,
Place ID: 786088Wchiu*

At its December 4, 2012 meeting the Pala Pauma Community Sponsor Group (“PPCSG”) voted unanimously to support the action of San Diego County to protect water quality while controlling the mounting and unsubstantiated costs of increased regulation on local governments, business and industry. In particular, PPCSG supports the view that regulation based upon unproven science used in pursuit of parametric objectives that are apparently unattainable is poor governance and detrimental to the interests of our community.

PPCSG believes that it is incumbent upon regulatory agencies to ensure that their enacted regulations are practical, cost-effective, and scientifically based. We are concerned that, otherwise, public funds may have to be spent to comply with requirements that are not proven nor effective, and that this will ultimately reduce the funding available for community projects and essential public services and increase the costs absorbed by trade and industry thereby inhibiting badly needed economic growth.

It appears that, as written, the Tentative Order will result in a significant and unprecedented level of regulation and cost without clear scientific basis or environmental benefit. The three main areas of concern in the draft permit are: i.) a far-reaching Bacteria Total Maximum Daily Load (“BTMDL”), ii.) additional requirements for development projects, and iii.) performance standards that unnecessarily expose municipalities to third-party lawsuits

PPCSG understands that the cost to comply with the Bacteria TMDL is estimated to be between \$2.6 billion and \$4.9 billion for the named watersheds in the region over the 20 year TMDL compliance timeline, of which only 18 years remain. The numeric targets in this TMDL may never be attainable even if government agencies were to spend billions in public resources, thereby increasing the costs of business and trade. PPCSG understand that available technology does not exist to return urbanized watersheds back to pristine, “reference” conditions.

Additionally, the Tentative Order requires that new and re-development projects return site hydrology to pre-development conditions as opposed to pre-project conditions. Returning urban infill projects to conditions that existed under "natural", pre-urban conditions would be a substantial constraint to re-development to the disadvantage of general Plans that seek to use infill development as a way of reducing urban sprawl. Further, the Tentative Order ignores all of the good work invested in the Hydromodification Management Plan developed at a significant cost to the public over the past years between the County and Regional Board staff and apparently seeks to impose a new, one-size-fits-all requirements standard that is unrealistic and without scientific justification. The result of all these changes is that the structures built to mitigate development impacts will need to be bigger and will cost significantly more than under the currently approved program.

PPCSG understands that receiving water limitations language is contrary to the intent of the Federal Clean Water Act, which is to assure municipal agencies will be regulated to a reasonable standard resulting in State and Regional Water Boards having the responsibility to ensure that water quality regulations are applied in a context that results in economic and environmental sustainability. PPCSG further understands that the 21 Co-permittees in our region (the County, 18 cities, Port District, and Airport Authority) already spend close to \$120 million a year to comply with current regulations. PPCSG would like to see the Regional Board adopt Permit standards that will be cost neutral in a way that local municipalities will have the flexibility to apply funding to priority areas.

PPCSG is hopeful that the final permit language will result in programs that are rational from both environmental and economic standpoints -regulation within reason- and not impose upon our community the crippling disadvantages of regulation without reason.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Charles Mathews".

Charles Mathews, Chair,
Pala Pauma Valley Community Sponsor Group.

Copy: PPCSG members

Gary Strawn, Vice Chairman
Eric Anderson, SD RWQCB
Henry Abarbanel, SD RWQCB
Tomas Morales, SD RWQCB
David Gibson, SD RWQCB
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Stephanie Gaines, DPW Watershed Protection Program (by email)