



RAMONA COMMUNITY PLANNING GROUP

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December 14, 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,

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

As the Ramona Community Planning Group, a land use advisory group to the County of San Diego for land use issues in Ramona, we feel compelled to provide written comments on the draft San Diego Regional MS4 Permit to ensure that water quality regulations are practical, cost-effective, and scientifically based. While we are not directly regulated by the Regional MS4 Permit, we are concerned that public funds may have to be spent to comply with requirements that are not proven or effective, and that this will ultimately reduce the funding available for community projects and essential public services.

It is vital that the resources required to implement regulations are balanced with other public and environmental programs. For this reason we have joined the County's call to action to protect water quality while controlling the mounting and unsubstantiated costs of increased regulation on local governments, business and industry. 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: 1) a far-reaching Bacteria Total Maximum Daily Load (TMDL), 2) additional requirements for development projects, and 3) performance standards that unnecessarily expose municipalities to third-party lawsuits. These requirements needlessly increase costs for regulated parties and may further constrain development in the region.

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Tentative Order No.R9-2013-0001

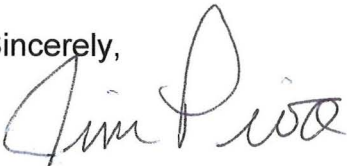
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Finally, the draft permit includes performance standards that should be amended so that regulated municipalities are not unnecessarily exposed to third-party litigation. This Permit's receiving water limitations language is contrary to the intent of the federal Clean Water Act, which is to assure municipal agencies will be regulated to a reasonable standard. The State and Regional Water Boards have the discretion and a responsibility to ensure that water quality regulations are applied in a context that results in economic and environmental sustainability. It is imperative to reduce the threat of litigation when a municipality is engaged in a good faith effort to comply. The current receiving water provisions do not serve the environment, the public or the permittees. Public funds should be used to implement comprehensive programs that are proactive and adaptive to promote clean water goals.

Local government must have the flexibility to make policy decisions for the good of our residents. The 21 Copermittees in our region (the County, 18 cities, Port District, and Airport Authority) already spend close to \$120 million a year to comply with current permit requirements. Heal the Bay's own report cards show that water quality at local beaches is improving. We would like to see the Regional Board adopt a permit that will be cost neutral and that local municipalities will have the flexibility to apply funding to priority areas.

We are hopeful that the final permit language will result in programs that make sense from both an environmental and economic standpoint. Please contact Jim Piva if you have questions or would like to discuss our concerns.

Sincerely,



JIM PIVA, Chair
Ramona Community Planning Group

CC:

Vice Chairman Gary Strawn, San Diego Regional Water Quality Control Board (SD RWQCB)
Board Member Eric Anderson, SD RWQCB
Board Member Henry Abarbanel, SD RWQCB
Board Member Tomas Morales, SD RWQCB
Executive Officer David Gibson, SD RWQCB
Mr. Wayne Chiu, SD RWQCB