



Julian Community Planning Group

P.O. Box 249, Julian, CA 92036

January 4, 2013

Ms. Stephanie Gaines, Land Use/Environmental Planner
DPW/Watershed Protection Program (M.S. 0326)
5510 Overland Avenue, Suite 410
San Diego CA 921123

Dear Stephanie;

First I want to thank you for meeting with our Planning Group to discuss the reissuance process regarding the region NPDES Permit (MS4 Storm Water) with particular focus on the Total Maximum Daily Load plan (TMDL) and the effects that may have on our community.

After reviewing the documents provided to us, discussing the issue with you, and considerable discussion by our Group, the following statement has been prepared to express the position of the Julian Community Planning Group:

1) As written, the tentative order MS4 will result in a significant, unprecedented and likely unattainable level of regulation and unsustainable cost. The tentative order includes:

- A. Far reaching water quality improvements.
- B. Performance standards that cannot conceivably be attained.
- C. Transferring the state's responsibility of cost to the local agencies, including testing, liability, and enforcement.
- D. Ignoring of existing plans developed by other agencies.
- E. Requiring the co-permittee to comply with unknown conditions.

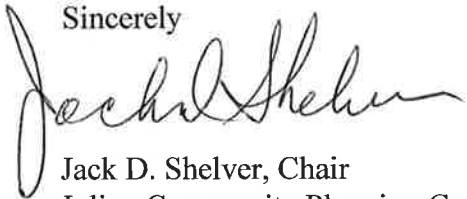
The far reaching water quality improvements likely never can be attained, especially in urban developed areas. Will the Regional Water Quality Control Board remove legal conforming residences to obtain pre-development conditions; or require all existing developments to retrofit in order to attain the requested standards?

There are also jurisdictions over which the co-permittee has no authority and therefore can not require compliance. Those include Caltrans, State lands and parks, Federal lands and parks, and Indian Reservations.

- 2) The San Diego Regional Water Quality Control Board is attempting to pass all cost and responsibility to the co-permittee. Why would any agency accept these liabilities and costs? The County of San Diego has estimated the cost to comply with the Bacteria TMDL alone to be between 2.6 and 4.9 million dollars.
- 3) The County of San Diego, Cities and SanDag have worked extensively to develop Transportation plans, regional comprehensive plans and general plans that address the concerns shown in the tentative order MS4. The San Diego Regional Water Quality Control Board has ignored this effort in the new proposed regulation.
- 4) The proposed MS4 permit requires the co-permittees to accept new regulation without knowledge of what they are or their impacts.
- 5) The requirement of returning all watersheds back to pristine reference level is just not practical nor feasible.
- 6) The County of San Diego should not require the portion of the County in the Colorado River Basin to comply with San Diego County Water Quality Control Board requirements. The issues and conditions in the Colorado River Basin are not similar to those in the western coastal portion of the County.

Thank you for including our comments in your presentation to the San Diego Region Water Quality Control Board.

Sincerely

A handwritten signature in black ink, appearing to read "Jack D. Shelver". The signature is fluid and cursive, with a large initial "J" and "S".

Jack D. Shelver, Chair
Julian Community Planning Group