



**Public Works Department**

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January 11, 2013  
File # 0780-85-KY181

***Via: Email and Hand Delivery***

**Mr. Wayne Chiu, P.E.**

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

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

The City of Chula Vista appreciates the opportunity to provide comments on the Tentative Order No. R9-2013-0001 (NPDES General Permit No. CAS0109266). City staff has carefully reviewed the Tentative Order, and has specific comments that are presented in Attachment A to this letter. Additionally, the City of Chula Vista supports the comments and proposed revisions to the Tentative Order submitted by the County of San Diego on behalf of the San Diego Copermittees.

We trust that the San Diego Regional Board will give full consideration to our comments and recommendations in order to facilitate continued compliance, and to increase effectiveness of the MS4 Permit for the San Diego Region.

Should you have any questions or if you need further information, please call me at (619) 397-6111. Thank you.

KHOSRO AMINPOUR  
SENIOR CIVIL ENGINEER

Attachment

C: Richard A. Hopkins, Director of Public Works  
William S. Valle, Assistant Director of Public Works Engineering  
Silvester Evetovich, Principal Civil Engineer

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## ATTACHMENT A – City of Chula Vista Comments on Tentative Order No. R9-2013-0001

| Comment No. | Page No. | Comment                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1           | 73       | II.E.3.a – Change “all development projects” to “all non-exempt development projects.” An exempt-projects category should be created to include projects such as tenant improvements, traffic signals, utility work, road resurfacing, and projects similar to those exempted under the definition of Redevelopment (Attachment “C”).                                                               |
| 2           | 74       | II.E.3.a.(1)(b) – By definition, all water in the state is considered to be a Waters of the State. Permanent BMPs require to be connected to drainage systems by conveyance systems that are also considered Waters of the State. Therefore, permanent BMPs inevitably are located within waters of the state. Please consider deleting “or waters of the state” similar to Order No. R9-2007-0001. |
| 3           | 77       | II.E.3.b.(3) – Add maintenance access roads to the list of potentially exempt categories, since this type of project results in insignificant pollutant discharge.                                                                                                                                                                                                                                  |
| 4           | 77       | II.E.3.b.(3)(a) – Directing runoff from sidewalks to vegetated areas may result in localized flooding, standing water, degradation/damage to sidewalks, and excessive infiltration into electrical and other utility trenches. It is recommended to provide categorical exemption for sidewalks from SUSMP requirements, similar to Order No. R9-2007-0001.                                         |
| 5           | 78       | II.E.3.c.(1)(a) – Examples of LID BMPs that retain runoff should be provided. Retention facilities typically include retention basins, rain barrels, or underground vaults. Can these facilities be considered LID BMPs? What should be done with the retained water in situations where soils are impermeable and there is a lack of demand for irrigation water during the rainy season?          |
| 6           | 78       | II.E.3.c.(1)(a)(i) and (ii) – Please add “runoff” to read “The volume of storm water runoff...”                                                                                                                                                                                                                                                                                                     |
| 7           | 79       | II.E.3.c.(1)(c) and throughout the Permit – Please provide a definition for “conventional treatment control BMPs”.                                                                                                                                                                                                                                                                                  |
| 8           | 79       | II.E.3.c.(2) – Compliance with hydromodification control requirements on small projects is often infeasible and inefficient. It is recommended to adopt a lower threshold of one acre of impervious area (addition or replacement) for hydromodification control compliance, in line with the San Francisco Bay Area NPDES Municipal Permit.                                                        |
| 9           | 80       | II.E.3.c.(2)(a)(iii) – Monitoring data from Provision II.D.1.a.(2) will not provide necessary information to re-define the range of flows causing erosion.                                                                                                                                                                                                                                          |
| 10          | 80       | II.E.3.c.(2)(b) – The Permit should provide guidelines to calculate sediment loss and the methods by which sediment loss can be compensated.                                                                                                                                                                                                                                                        |

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|-------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11          | 80       | II.E.3.c.(2)(d) - The Copermittees spent about four years to develop the Final HMP, which includes exemptions based on sound technical justifications. The exemptions mainly deal with projects that discharge directly to depositional reaches of major rivers or large water bodies; small infill projects located within highly developed impervious drainage basins; or discharge to stabilized or hardened channels. Implementation of the Final HMP started in January of 2011 and many issues still remain to be resolved. Eliminating those exemptions at this time would create one size fits all regulations for all projects without regard to technical considerations. It is requested that the exemptions in the Final HMP remain in the Tentative Order until such time that further technical studies prove that they are no longer justified. |
| 12          | 81       | II.E.3.c.(3)(b) – Sizing criteria have not been provided for some alternative compliance options such as offsite retrofitting projects; offsite channel, stream, or habitat restoration; or offsite regional water supply augmentation. Sizing criteria is required to determine the size of alternative options that would provide the same level of water quality protection as would have been achieved by implementing provisions II.E.3.c.(1) and II.E.3.c.(2).                                                                                                                                                                                                                                                                                                                                                                                           |
| 13          | 88       | II.E.3.e.(2)(a) – Implementation of local SUSMPs in San Diego County started on 12/12/2002. Inventories of Priority Development Projects prior to that date are not available. Please revise the date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 14          | 91       | II.E.4.a.(4) – This requirement is already included in other environmental regulations and its inclusion in this Permit is redundant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 15          | 95       | II.E.5.a. – The permit should allow the Copermittees to use more than one data management system (inventory) to track the required information. For example, a GIS system can be used to identify and track the names and locations of existing facilities, while another system such as a business license database or a custom made industrial/commercial database can provide the SIC codes, WDID Nos., etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 16          | 96       | II.E.5.a.(2)(g) – Pollutants generated and potentially generated by existing facilities or areas can only be identified for typical land uses and not individual facilities or areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 17          | 98       | II.E.5.b.(1)(c)(iii) – Freeways are under the jurisdiction of Caltrans and that agency is responsible for their operation and maintenance. Please remove freeways from the list.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |