



November 19, 2014

San Diego Regional Water Quality Control Board
2375 Northside Drive, Ste. 100
San Diego, CA 92108-2700

SENT VIA EMAIL: Laurie.Walsh@waterboards.ca.gov

Attn: Ms. Laurie Walsh

Subject: Comment – Tentative Order No. R9-2015-0001, Place ID:658018LWalsh

Dear Ms. Walsh,

On behalf of the members of the Industrial Environmental Association, thank you for this opportunity to provide the following comment regarding Tentative Order No. R9-2015-001. We believe additional clarification is necessary to help avoid any confusion in the future regarding the Board's intentions for assigning waste load allocations.

Tentative Order No. R9-2015-0001 (An Order Amending the Regional Municipal Separate Storm Sewer (MS4) Permit for the San Diego Region (Order No. R9-2013-0001)) contains new requirements for implementation of the Total Maximum Daily Load (TMDL) for sediment in the Los Penasquitos Lagoon (Attachment E, Section 7). This TMDL was adopted by the San Diego Regional Water Quality Control Board (Resolution R9-2012-0033) on June 13, 2012 and has been approved by the State Water Resources Control Board, the California Office of Administrative Law and the US EPA-Region 9. Its effective date is 7/14/14.

The TMDL establishes a number of "Responsible Parties" including, but not limited to, the County of San Diego and the cities of San Diego, Poway and Del Mar, which are collectively assigned a single waste load allocation (WLA). The responsible parties are collectively responsible for meeting the WLA of 2,580 tons per year.

Table 7.1 in Section 7 (Attachment E) identifies the "Final Effluent Limitations as Expressed as Annual Loads MS4 Discharges to Los Penasquitos Lagoon". The identified limitation is "2,580 tons/yr." of "Sediment". Since this effluent limit is the same as the WLA for all of the TMDL's Responsible Parties, this could be misinterpreted to imply that the Responsible Copermittees have been allocated the entire WLA, leaving no (i.e., "0") WLA to the other Responsible Parties under the approved TMDL.

To clarify in the MS4 permit that the WLA is shared amongst all of the Responsible Parties, we request the following language changes in Attachment 7:

Section 7.b.2.b. - Revise to state:

“(b) Final Effluent Limitations

Discharges from the MS4s (together with the other Responsible Parties in Resolution R9-2012-0033) containing pollutant loads that do not exceed the following effluent limitations...”.

Section 7.b.2.b.(Table 7.1) - Revise to state:

“Table 7.1

Final Effluent Limitations as Expressed as Annual Loads in MS4 Discharges (together with the other Responsible Parties in Resolution R9-2012-0033) to Los Penasquitos Lagoon”

Should you have any questions regarding this recommendation, please feel free to contact me directly. In the meantime, thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Monger", with a stylized, cursive script.

Jack Monger
Executive Director