



California Regional Water Quality Control Board, San Diego Region

TO: Ms. Jeanine Townsend
Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD

In reply refer to / attn:
Place ID:786088:wchiu

FROM: David W. Gibson 
Executive Officer
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: January 21, 2015

SUBJECT: Comments to A-2236(a)-(kk)
Draft Order in the Matter of Review of Order No. R4-2012-0175, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4

The San Diego Regional Water Quality Control Board (San Diego Water Board) appreciates the opportunity to provide comments on the *Draft Order in the Matter of Review of Order No. R4-2012-0175, NPDES No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4* (Draft Order) released by the State Water Resources Control Board (State Water Board) for public comment on November 21, 2014. The San Diego Water Board supports the clear principles and guidance that the Draft Order provides to the Regional Water Boards for incorporating a receiving water limitations (RWLs) compliance alternative pathway when issuing MS4 Permits going forward, and the flexibility provided for developing an approach that may vary in some respects from the approach taken by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board). The San Diego Water Board also supports the Draft Order's significant flexibility in not specifying that compliance alternative pathway provisions must be included in MS4 permits and understands that Regional Water Boards remain free under the Draft Order to not include such provisions based on region-specific or permittee-specific considerations.

As you may know, the San Diego Water Board considered a similar RWLs compliance alternative pathway at the May 8, 2013 hearing for *Order No. R9-2013-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds in the San Diego Region* (San Diego Regional MS4 Permit). At that time, the San Diego Water Board chose not to include the RWLs compliance alternative

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pathway as part of the San Diego Regional MS4 Permit and maintained the RWLs language consistent with the precedential language established in State Water Board Order WQ 99-05. The decision to not include the RWLs compliance alternative pathway was made, in part, based on the concern that the State Water Board was early in the process of examining the issue, and the position the State Water Board would take on this issue was not yet clear. The San Diego Water Board also wanted to adhere to the principle that RWLs compliance should begin and end with the ultimate outcome of achieving water quality standards in receiving waters. Maintaining the precedential RWLs language established in State Water Board Order 99-05 in the San Diego Regional MS4 Permit was the strongest approach that was most consistent with this position at the time.

With the release of the Draft Order, the State Water Board has indicated the direction it is inclined to take on the issue. The San Diego Water Board is pleased to see that the Board's compliance alternative pathway recommended in written comments submitted to the State Water Board, dated August 15, 2013, appears to satisfy in all respects the principles set out in the Draft Order as guidance for incorporating a RWLs compliance alternative pathway into MS4 Permits.

Understanding that the State Water Board process to consider the Draft Order will require more deliberation before a final decision can be made, the San Diego Water Board intends to move forward in FY 2015-2016 with incorporating a RWLs compliance alternative pathway into the San Diego Regional MS4 Permit during its proceedings to extend permit coverage to the Riverside County Copermittees under the Board's jurisdiction. Preliminary work on the proceedings is expected to begin in May 2015, and at that time San Diego Water Board staff plan to propose incorporating the RWLs compliance alternative pathway that was previously considered during the May 8, 2013 hearing for the San Diego Regional MS4 Permit. A series of meetings and workshops with stakeholders is planned to determine whether additional modifications to the proposed RWLs compliance alternative pathway may be necessary.

The San Diego Water Board's proposed RWLs compliance alternative pathway is a rigorous, watershed-based, adaptive, and transparent approach with clear and concrete milestones that will provide the Copermittees with ample time to plan for and implement water quality improvement strategies to ultimately achieve compliance with water quality standards in receiving waters. Also, and just as important, the proposed approach includes an informative monitoring and assessment program that will allow the San Diego Water Board and the public to hold the Copermittees accountable for demonstrating progress toward achieving the RWLs. All of these elements appear to be completely consistent with the principles and guidance provided in the Draft Order. The San Diego Water Board will be closely following the State Water Board's proceedings on the Draft Order, and will provide recommendations when needed, to ensure that the proposed compliance alternative pathway approach for the San Diego Regional MS4 Permit continues to be consistent with the Draft Order.

The San Diego Water Board appreciates this opportunity to provide perspective on the RWLs compliance alternative pathway issue. In the subject line of any response, please include the reference number Place ID 786088:wchiu. For questions or comments, please contact Wayne Chiu by phone at 619-521-3354, or by email at wchiu@waterboards.ca.gov.



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