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2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004  
TELEPHONE: 670-2222, AREA CODE 619 [www.otaywater.gov](http://www.otaywater.gov)

Item No. 13  
Supporting Document No. 22

December 8, 2009

Mr. David Gibson  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4353

RE: Draft Tentative Order No. R9-2009-0094 NPDES Permit No. CAG679001

Dear Mr. Gibson:

On July 20, 2009 representatives of potable water purveyors in San Diego County (TAC), and Regional Water Quality Control Board (Board) staff began meeting to resolve misunderstandings and differences associated with the draft tentative order. There have been numerous meetings between the TAC and Board staff over the past six months in which Otay Water District has been an active participant. The meetings have been fruitful and resulted in an improved permit.

The last meeting was held on September 24, 2009. Board staff were provided with comments from the September draft review and both sides agreed to continue working to reach an agreement on the remaining items. Board staff informed TAC members that progress would be slowed due to a shift in Board priorities and it was likely that no additional work would occur until after the first of the year.

On Friday, November 20, 2009, the San Diego County Water Authority was alerted that an action item, to adopt the tentative order, had been placed on the December 16, 2009 Regional Water Quality Control Board Meeting agenda. The TAC received the latest draft of the tentative order on December 2, 2009 and met the following day to review and develop comments to provide to the Board. Upon detailed review, there were significant differences between the document discussed in September and the December draft.

California Regional Water Quality Control Board  
Draft Tentative Order R9-2009-0094  
December 8, 2009  
Page 2

Major items of concern include:

- Requirement of an Effluent Characterization Plan, with potentially significant new monitoring requirements.
- Requirement for the development of a Conservation Management Plan.
- The document contains many references to sewer and sludge disposal which does not apply to our industry and is confusing to the permittees.
- Changes to the monitoring plan can be made at anytime with no stakeholder involvement.

TAC Members are concerned that the above requirements are vague and will subject potable water purveyors to yet another layer of regulation and costs with no measurable benefit to local surface waters. Further, the cooperative work between Board staff and the TAC, which would have resulted in a high quality permit, is now in jeopardy.

Members of the TAC feel it is not possible to resolve the remaining issues prior to the action to adopt at the December 16, 2009 Regional Water Quality Control Board meeting. The Board has failed to provide the full 30-day public review and comment period required for the latest draft tentative order. TAC members have asked Board staff to recommend delaying the action to adopt the tentative order until all issues can be clarified and resolved. The TAC members believe that adoption of the Order, prior to resolution of these matters, will have severe financial and operational impacts.

The Otay Water District requests delaying adoption of the Draft Tentative Order so Board staff and the TAC can continue working toward acceptable solutions. If you have any questions, please contact Gary Stalker at (619) 670-2228 or Pedro Porras at (619) 670-2224.

Sincerely,



Manny J. Magaña  
Assistant General Manager  
Engineering and Water operations  
Otay Water District

MM:tjc

cc: Mark Watton, General Manager, Otay Water District  
Pedro Porras, Chief of Operations, Otay Water District  
Gary Stalker, Manager of System Operations, Otay Water District