



VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

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December 8, 2009

Mr. John Robertus, Executive Officer
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. Robertus:

The Vallecitos Water District (VWD) is very concerned that the above referenced order has been placed as an action item on the December 16, 2009, Regional Water Quality Control Board Meeting agenda.

Since July 20, 2009, representatives of potable water purveyors in San Diego County (TAC), including our representative, and Regional Water Quality Control Board (Board) staff have been meeting on the tentative order cited above. The last meeting was held on September 24, 2009. Board staff Michelle Mata and Brian Kelley were provided with comments from the September draft review and both sides agreed to continue working to reach agreement on the remaining items. Brian and Michelle informed TAC members that progress would be slowed due to a shift in Board priorities and it was likely that nothing would occur until after the first of the year. At the end of the meeting, the following action items agreed upon were:

- Board staff to incorporate TAC comments into another draft
- TAC would supply Board staff with additional water quality data
- A future meeting would be set after Board staff had another draft ready

We appreciated the cooperative approach and felt that a mutually agreeable solution would be reached.

We were greatly surprised when the VWD TAC representative was notified on November 30th of the new draft Order and its placement on the December 16, 2009, agenda for adoption. On Thursday, December 3rd, the VWD's representative met with the TAC to review and comment on the draft order that was provided on November 25th and December 2nd. They found the recent draft contained changes other than minor typo corrections. Upon detailed review, there were significant differences between the document last discussed in September and the current document the Board is considering for adoption.

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Major items of concern include:

- Cooperative work between Board staff and the TAC that would have resulted in a high quality permit is now in jeopardy with the decision to add an action item to the Board on December 16, 2009.
- The Board has not given a 30-day public review and comment period for the latest draft tentative order.
- Changes continued to be made between the November 25th draft and the December 2nd draft further limiting the ability to review and provide comments in time for the December 8, 2009, formal comment deadline.
- The new drafts contain significant new monitoring requirements and the development of an Effluent Characterization Plan. The intent or purpose of this Plan is unknown.
- The Executive Officer has the authority to modify the Monitoring Program of the Order without stakeholders input. In earlier drafts the Board had this authority.
- The document still contains many references to sewer and sludge disposal which does not apply to our industry and complicates trying to interpret the intent of the permit.
- The tentative order now requires development of a conservation plan. Conservation of water is regulated by the State Water Resources Department and this new requirement by the Board will subject potable water purveyors to yet another layer of regulation.

In addition to the major items above, there are still many minor issues that must be addressed to clarify the tentative order.

On Monday December 7, 2009, your staff met with the TAC to discuss the latest draft of the tentative discharge permit that was issued on December 2, 2009. They reviewed the document in detail and both sides provided comments that would resolve several issues within the Order. At the end of this session, TAC members and your staff agreed that the best course of action was to recommend delaying the action to adopt the tentative order until the comments from this session could be added to the Order. Adoption of the Order, prior to resolution of these issues, will have severe impacts on the ability to operate and maintain potable water systems and upon our rate payers.

The Vallecitos Water District requests a delay in 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 Jerome Janus, Regulatory Affairs Specialist, at (760) 744-0460 ext. 304 or jjanus@vwd.org.

Sincerely,



Dennis O. Lamb
Deputy General Manager