



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

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Supporting Document No. 6
Item No. 6
November 10, 2010

September 28, 2010

Patrick A. Thomas
Director of Public Works
City of Murrieta
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

Frank Oviedo
City Manager
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Donald Allison, P.E.
City Engineer/Public Works Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

Dear Messrs. Thomas, Oviedo and Allison:

SUBJECT: DESIGNATIONS OF SAN DIEGO WATER BOARD AND SANTA ANA WATER BOARD FOR PURPOSES OF REGULATION OF MUNICIPAL SEPARATE STORM SEWER SYSTEMS - CITIES OF MENIFEE, MURRIETA AND WILDOMAR, RIVERSIDE COUNTY

This letter constitutes the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board, San Diego Regional Board, or Region 9) written agreement pursuant to Water Code section 13228, subdivision (a) to designate the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board or Region 8) as the regulator of the City of Menifee within Region 9's geographic jurisdiction for municipal separate storm sewer system (MS4) permit purposes¹, and further constitutes the San Diego Water Board's written agreement to accept designation from the Santa Ana Water Board to regulate the Cities of Murrieta and Wildomar, including those portions of each city that fall within Region 8's geographic jurisdiction, for MS4 permit purposes.² As discussed below, this agreement is subject to several important limitations recognized by the Cities.

¹ The San Diego Water Board intends to consider the adoption of a new MS4 permit (Tentative Order No. R9-2010-0016) that would regulate the relevant portions of Murrieta and Wildomar on October 13, 2010.

² Until the new San Diego Water Board MS4 permit is adopted, including regulation of the Cities of Murrieta and Wildomar for MS4 purposes regardless of geographic boundaries, portions of Murrieta and Wildomar remain regulated in part by Order No. R8-2010-0033. Murrieta and Wildomar would become regulated by the San Diego Water Board, with certain limitations described below, when the San Diego Water Board adopts tentative Order No. R9-2010-0016, scheduled for consideration on October 13, 2010.

Background

The Cities each lay partially within both the San Diego and Santa Ana Water Boards' geographic jurisdictional boundaries. Portions of the Cities are currently regulated by the Santa Ana Water Board under Order No. R8-2010-0033 for MS4 discharges. Because the Cities of Wildomar and Menifee were incorporated after 2004, the San Diego Water Board's existing MS4 permit, Order No. R9-2004-001, regulates portions of Murrieta, but does not regulate Wildomar or Menifee. On July 20, 21 and 22, 2010, Murrieta, Wildomar and Menifee, respectively, submitted letters addressed jointly to the Executive Officers of the San Diego Water Board and the Santa Ana Water Board requesting that they each be regulated by one MS4 permit, pursuant to Water Code section 13228. (The Cities' letters, which include maps provided by the Cities depicting their respective geographic locations, are attached to this letter as Exhibits 1-3.) Murrieta and Wildomar requested that the Santa Ana Water Board designate the San Diego Water Board as the regulator for all portions of their respective cities, including those portions within Region 8's geographic boundary, for their MS4-related discharges. Likewise, the City of Menifee requested that the San Diego Water Board designate the Santa Ana Water Board as the regulator for all portions of Menifee, including those portions of the city that fall within Region 9's jurisdictional boundary, for matters pertaining to MS4 discharges. As the basis for their requests, the Cities cite the desire to reduce the complexities associated with being regulated by two separate MS4 permits and a desire to increase effectiveness and efficiencies in using city resources to benefit water quality. As described below, each city recognizes appropriate and important limitations to this agreement.

Limitations on San Diego Water Board Designation Agreement

As explained in their respective letters, each city recognizes the following common limitations to this agreement: (1) the requested designation applies only to MS4 permitting so that each city is subject to a single MS4 permit; (2) the Cities of Murrieta and Wildomar recognize that other waste discharge requirements (WDRs) or orders issued and/or enforced by the San Diego Water Board remain wholly under the San Diego Water Board's jurisdiction; likewise, the City of Menifee recognizes that WDRs and/or other orders issued or enforced by the Santa Ana Water Board remain wholly under the Santa Ana Water Board's jurisdiction; and (3) each Water Board retains the authority to enforce provisions of the MS4 permit issued to each city³ but compliance

The Santa Ana Water Board may amend its order to remove Murrieta and Wildomar after the San Diego Water Board's adoption of Tentative Order No. R9-2010-0016, but this designation becomes effective upon the San Diego water Board's action.

³ Primary enforcement responsibility lies with the permitting Water Board.

will be determined based upon the MS4 permit in which a particular city is regulated as a co-permittee (see Wat. Code § 13228, subd. (b)).

The Cities also expressly acknowledged the following reciprocal limitation concerning Total Maximum Daily Loads (TMDLs). Murrieta and Wildomar understand and agree that “[a]ny TMDLs and associated MS4 permit requirements issued by the Santa Ana Regional Board, which include [Murrieta and Wildomar] as responsible part[ies], will be incorporated into the MS4 permit issued by the San Diego Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.” (City of Murrieta, Letter to Kurt Berchtold and David Gibson, July 20, 2010, p. 2; City of Wildomar, Letter to Kurt Berchtold and David Gibson, July 21, 2010, p. 2.) Similarly, the City of Menifee understands that “[a]ny TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board, which include the City of Menifee as a responsible party, will be incorporated into the MS4 permit issued by the Santa Ana Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.” (City of Menifee, Letter to Kurt Berchtold and David Gibson, July 22, 2010, p. 2.)

The Cities further recognize they will be subject to different processes for submitting Permit Registration Documents (PRDs) for municipal construction projects subject to the State Water Resources Control Board’s (State Water Board’s) Construction General Storm Water Permit. Under the Santa Ana Water Board’s MS4 permit, Order No. R8-2010-0033, PRDs for municipal construction projects are submitted to the State Water Board through the Stormwater Multi-Application Reporting and Tracking System (SMARTS) without the filing fee. The City of Menifee will follow the process set forth by the Santa Ana Water Board under Order No. R8-2010-0033 for construction PRDs for all municipal construction projects within the City of Menifee. In contrast, the San Diego Water Board’s existing (R9-2004-0001) and proposed (R9-2010-0016) MS4 permits include no similar process. Therefore, the Cities of Murrieta and Wildomar will submit PRDs⁴ in accordance with the manner prescribed in State Water Board’s Construction General Storm Water Permit, including appropriate fees.

Similarly, Region 8 MS4 requirements do not require separate coverage under the General Industrial Storm Water Permit (97-03-DWQ) for municipal yards. As such, the City of Menifee need not get coverage under the State Water Board’s General Industrial Storm Water Permit for its corporate yards. Murrieta and Wildomar shall get coverage under the General Industrial Storm Water Permit for all their corporate yards.

Complaints received for discharges flowing from municipal, construction, industrial, and commercial sites to MS4s within the Cities of Murrieta and Wildomar will be forwarded to the San Diego Water Board for review. Complaints regarding discharges from

⁴ In the form of a Notice of Intent (NOI).

municipal, construction, industrial, and commercial sites to MS4s within the City of Menifee will be referred to the Santa Ana Water Board for review.

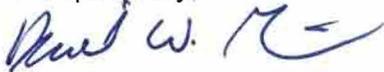
Each Water Board remains responsible for overseeing construction and industrial sites under the statewide General Permits for Construction and Industrial Activities (State Water Board Orders No. 2009-0009 DWQ and No. 97-03 DWQ, respectively) based on the Water Board's geographic jurisdictional boundary. The Santa Ana Water Board shall notify the San Diego Water Board of any non-compliance found during routine inspections of sites within the Santa Ana Water Board boundary that discharge into the MS4s for the Cities of Murrieta and Wildomar. The San Diego Water Board shall notify the Santa Ana Water Board of any non-compliance found during routine inspections of sites within the San Diego Water Board boundary that discharge into the City of Menifee's MS4.

For de minimus types of discharges listed in the Region 8 MS4 Permit, the City of Menifee does not have to get separate coverage under Region 8's General De Minimus Permit (R8-2009-0003). De minimus types of discharges to Region 8's jurisdiction from the Cities of Wildomar and Murrieta shall be regulated under Region 8's General De Minimus Permit, R8-2009-0003.

Finally, the City of Murrieta notes that its annual report under the San Diego MS4 permit will include the 375 acres currently within the Santa Ana watershed. While not noted by the Cities of Wildomar and Menifee, the San Diego Water Board expects that the annual report filed by each city would be a single report covering the entire geographic area of the city, regardless of geographic jurisdiction, using the format prescribed in its respective permit and submitted to the appropriate regulating board.

For the reasons outlined above, the San Diego Water Board agrees to the Cities' regulatory designation requests and notes that tentative Order No. R9-2010-0016 will be revised to reflect this agreement. This agreement shall become effective with the adoption of tentative Order No. R9-2010-0016. The San Diego Water Board does not anticipate the need, but reserves the right, to modify or terminate this agreement in the future, upon sufficient notice, and for good cause.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure

cc: Kurt Berchtold, Executive Officer, Santa Ana Water Board



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
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September 28, 2010

Patrick A. Thomas
Director of Public Works
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1 Town Square
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29714 Haun Road
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Dear Messrs. Thomas, Oviedo and Allison:

DESIGNATIONS OF SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD AND SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD FOR PURPOSES OF REGULATION OF MUNICIPAL SEPARATE STORM SEWER SYSTEMS - CITIES OF MENIFEE, MURRIETA AND WILDOMAR, RIVERSIDE COUNTY

This letter constitutes the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board's or Region 8's) written agreement pursuant to Water Code section 13228, subdivision (a), to designate the San Diego Regional Water Quality Control Board (San Diego Water Board or Region 9) as the regulator of the Cities of Murrieta and Wildomar, including those portions of each city that fall within Region 8's geographic jurisdiction, for municipal separate storm sewer system (MS4) permit purposes¹, and further constitutes the Santa Ana Water Board's written agreement to accept designation from the San Diego Water Board to regulate the City of Menifee within Region 9's geographic jurisdiction for MS4 permit purposes under Order No. R8-2010-0033.²

¹ At the time this letter was signed, the San Diego Water Board intended to consider the adoption of a new MS4 permit (Tentative Order No. R9-2010-0016) that would regulate the relevant portions of Murrieta and Wildomar.

² Until the new San Diego Water Board MS4 permit is adopted, including regulation of the Cities of Murrieta and Wildomar for MS4 purposes regardless of geographic boundaries, portions of Murrieta and Wildomar remain regulated in part by Order No. R8-2010-0033. Murrieta and Wildomar would become regulated by the San Diego Water Board, with certain limitations described below, when the San Diego Water Board adopts tentative Order No. R9-2010-0016, scheduled for consideration on October 13, 2010.

California Environmental Protection Agency



As discussed below, this agreement is subject to several important limitations recognized by the Cities of Menifee, Wildomar, and Murrieta (collectively, the Cities).

Background

The Cities each lay partially within both the San Diego and Santa Ana Water Boards' geographic jurisdictional boundaries. Portions of the Cities are currently regulated by the Santa Ana Water Board under Order No. R8-2010-0033 for MS4 discharges. Because the Cities of Wildomar and Menifee were incorporated after 2004, the San Diego Water Board's existing MS4 permit, Order No. R9-2004-0001, only regulates portions of Murrieta. On July 20, 21 and 22, 2010, Murrieta, Wildomar and Menifee, respectively, submitted letters addressed jointly to the Executive Officers of the San Diego Water Board and the Santa Ana Water Board requesting that they each be regulated by one MS4 permit, pursuant to Water Code section 13228. (The Cities' letters, which include maps provided by the Cities depicting their respective geographic locations, are attached to this letter as Exhibits 1-3.) Murrieta and Wildomar requested that the Santa Ana Water Board designate the San Diego Water Board as the regulator for all portions of their respective cities, including those portions within Region 8's geographic boundary, for their MS4-related discharges. Likewise, the City of Menifee requested that the San Diego Water Board designate the Santa Ana Water Board as the regulator for all portions of Menifee, including those portions of the city that fall within Region 9's jurisdictional boundary, for matters pertaining to MS4 discharges. As the basis for their requests, the Cities cite the desire to reduce the complexities associated with being regulated by two separate MS4 permits and a desire to increase effectiveness and efficiencies in using city resources to benefit water quality. As described below, each city recognizes appropriate and important limitations to this agreement.

Limitations on the Santa Ana Water Board Designation Agreement

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The Santa Ana Water Board intends to amend Order No. R8-2010-033 to remove Murrieta and Wildomar after the San Diego Water Board's adoption of Tentative Order No. R9-2010-0016. This designation becomes effective upon the San Diego Water Board's action.

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³ The PRDs include a Notice of Intent (NOI).

Menifee will be referred to the Santa Ana Water Board for review. Each Water Board remains responsible for overseeing construction and industrial sites under the statewide General Permits for Construction and Industrial Activities (State Water Board Orders No. 2009-0009 DWQ and No. 97-03 DWQ, respectively) based on the Water Board's geographic jurisdictional boundary. The Santa Ana Water Board shall notify the San Diego Water Board of any non-compliance found during routine inspections of sites within the Santa Ana Water Board boundary that discharge into the MS4s for the Cities of Murrieta and Wildomar. The San Diego Water Board shall notify the Santa Ana Water Board of any non-compliance found during routine inspections of sites within the San Diego Water Board boundary that discharge into the City of Menifee's MS4.

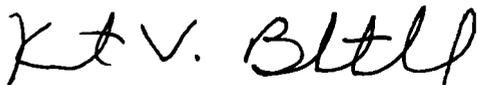
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Finally, the City of Murrieta notes that its annual report under the San Diego MS4 permit will include the 375 acres currently within the Santa Ana watershed. While not noted by the Cities of Wildomar and Menifee, the Santa Ana Water Board expects that the annual report filed by each city would be a single report covering the entire geographic area of the city, regardless of geographic jurisdiction, using the format prescribed in its respective permit and submitted to the appropriate regulating board.

For the reasons outlined above, the Santa Ana Water Board agrees to the Cities' regulatory designation requests and notes that Order No. R8-2010-0033 will be revised to reflect this agreement. This agreement shall become effective with the adoption of tentative Order No. R9-2010-0016.

The Santa Ana Water Board does not anticipate the need, but reserves the right, to modify or terminate this agreement in the future, upon sufficient notice, and for good cause.

Respectfully,



Kurt V. Berchtold
Executive Officer

Enclosure

cc: David Gibson, Executive Officer, San Diego Regional Water Quality Control Board
Jason Uhley, Riverside County Flood Control and Water Conservation District

California Environmental Protection Agency

July 22, 2010

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD



2010 JUL 23 A 9:4

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Request for Designating the Santa Ana Regional Board as Regulating Discharges from MS4 within the City of Menifee

Dear Messrs. Berchtold and Gibson:

The City of Menifee is located within southwestern Riverside County, and covers an area of approximately 60 square miles. While the city is located primarily within the Santa Ana Watershed and therefore is under the jurisdiction of the Santa Ana Regional Board, approximately 800 acres (or 3%) of the city extends into the Santa Margarita Watershed which is under the jurisdiction of the San Diego Regional Board. The land use in this area is rural residential and residential. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. As a result of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

Pursuant to discussions with staff at both Regional Boards, and consistent with California Water Code section 13228, the City of Menifee hereby requests that the San Diego Regional Board designate the Santa Ana Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; and any other associated requests.

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and submitted a Notice of Intent as part of the Report of Waste Discharge to participate in the upcoming permit issued by the San Diego Regional Board. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed

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July 22, 2010

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Designating Santa Ana Board as Regulator of MS4 Permits within the City of Meniffee

for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Meniffee, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Meniffee is made with the understanding that:

- For the purposes of MS4 permitting only, the Santa Ana Regional Board would regulate the entirety of the City of Meniffee. As a result, the City of Meniffee would be subject to a single MS4 permit, which would be issued by the Santa Ana Regional Board.
- Construction NOIs for all municipal construction projects within the City of Meniffee will be submitted in accordance with the process identified by the Santa Ana Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Meniffee can be performed by either the San Diego Regional Board or the Santa Ana Regional Board however compliance will be based on the permit issued by the Santa Ana Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board, which include the City of Meniffee as a responsible party, will be incorporated into the MS4 permit issued by the Santa Ana Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the San Diego Regional Board would remain wholly under the jurisdiction of the San Diego Regional Board.

Other Requests:

Understanding that the requested designation applies to the MS4 permit requirements, the Santa Ana Permit incorporates a simplified process in section XIV.G.1. for applying for coverage under the General Construction Permit (Order 2009-0009-DWQ) for municipal projects. This process includes submission of the NOI or Permit Registration Documents (PRDs) directly to the Executive Officer, and waived application fees. To avoid unnecessary confusion among staff, and potential for

July 22, 2010

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Designating Santa Ana Board as Regulator of MS4 Permits within the City of Meniffee

inadvertent non-compliance, the City of Meniffee specifically requests that this portion of the MS4 permit would be applicable within the entire City, including those portions of the city within the jurisdiction of the San Diego Regional Board.

In conclusion, the requested designation of regulatory authority to the Santa Ana Regional Board will not only reduce the complexity and administrative burden upon the City of Meniffee, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality. The City of Meniffee is focused on protecting the receiving waters (Canyon Lake) immediately adjacent to the City. The City is taking specific actions and pursuing funding requests to insure future compliance. The City has accepted responsibility for a 105 acre preserve immediately upstream of Canyon Lake under permits by ACOE and CAF&G. We appreciate the San Diego Regional Board's flexibility in allowing the City of Meniffee to remain focused on these important responsibilities in District 8 and not having to address separate permit issues.

If you have any questions regarding this request, please contact Don Allison at 951-672-6777.

Very truly yours,



Mr. Donald Allison, P.E.
City Engineer/Public Works Director
City of Meniffee

Attachment:

Map of the City of Meniffee with Redesignation Area

cc: Steve Harding, City Manager, City of Meniffee
Karen Feld, City Attorney, City of Meniffee
Jason Uhley, Riverside County Flood Control

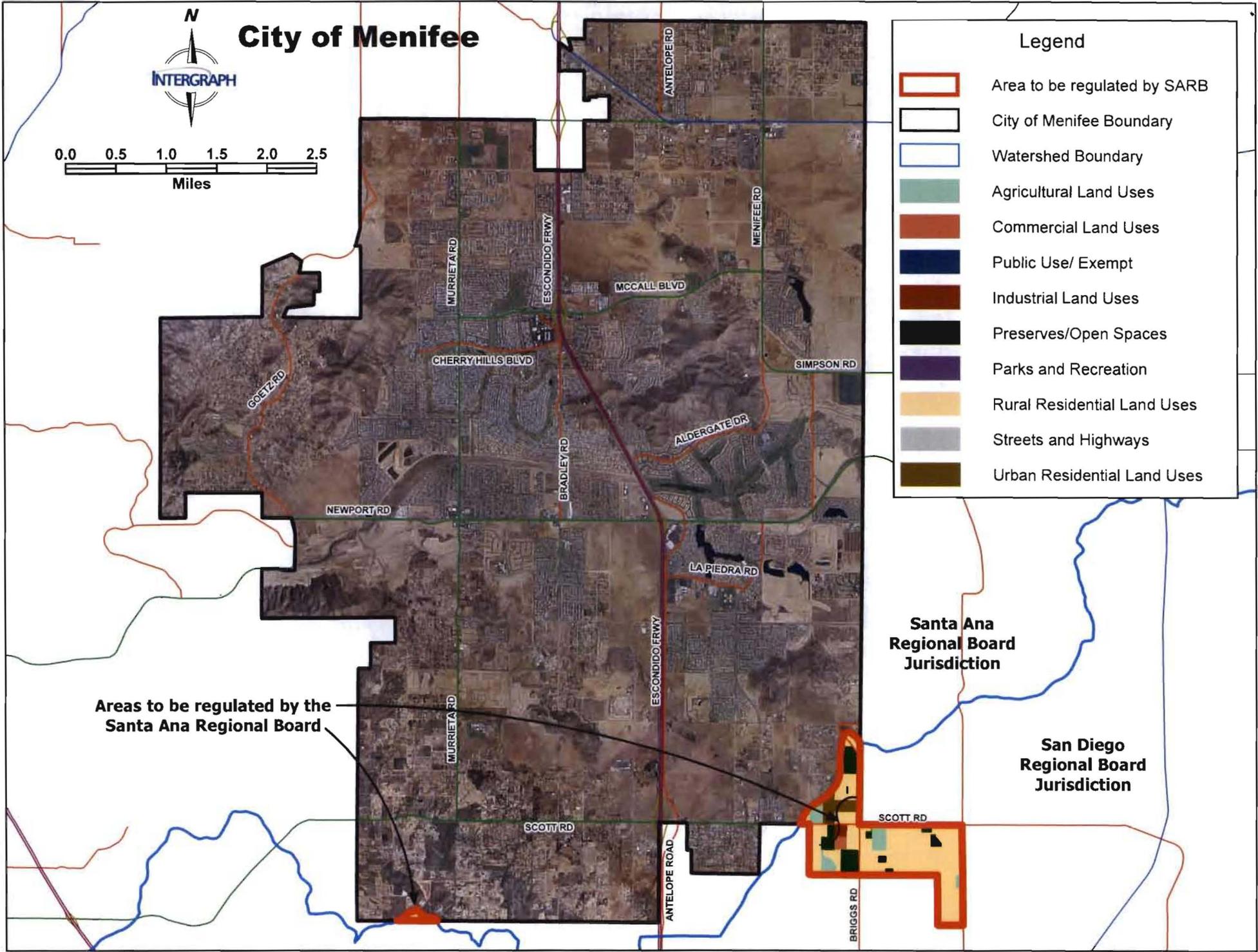


City of Menifee



Legend

- Area to be regulated by SARB
- City of Menifee Boundary
- Watershed Boundary
- Agricultural Land Uses
- Commercial Land Uses
- Public Use/ Exempt
- Industrial Land Uses
- Preserves/Open Spaces
- Parks and Recreation
- Rural Residential Land Uses
- Streets and Highways
- Urban Residential Land Uses



Areas to be regulated by the Santa Ana Regional Board

Santa Ana Regional Board Jurisdiction

San Diego Regional Board Jurisdiction

Bridgette Moore, Mayor
Marsha Swanson, Mayor Pro Tem
Sheryl Ade, Council Member
Bob Cashman, Council Member
Scott Farnam, Council Member



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July 21, 2010

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Messrs Berchtold and Gibson:

Re: Request for Designating the San Diego Regional Board as Regulating Discharges from MS4 owned by the City of Wildomar

The City of Wildomar is located within southwestern Riverside County, and covers an area of approximately 23.7 square miles. While the city is located primarily within the Santa Margarita Watershed and therefore is under the jurisdiction of the San Diego Regional Board, approximately 4,768 acres (or 31.4 %) of the city extends into the Santa Ana Watershed which is under the jurisdiction of the Santa Ana Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. As a result of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

Pursuant to discussions with staff at both Regional Boards, and consistent with California Water Code section 13228, the City of Wildomar hereby requests that the Santa Ana Regional Board designate the San Diego Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the San Diego Regional Board, and any other associated requests.

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and submitted a Notice of Intent as part of the Report of Waste Discharge to participate in the upcoming permit issued by the San Diego Regional Board. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Wildomar, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Wildomar is made with the understanding that:

- For the purposes of MS4 permitting only, the San Diego Regional Board would regulate the entirety of the City of Wildomar. As a result, the City of Wildomar would be subject to a single MS4 permit, which would be issued by the San Diego Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Wildomar can be performed by either San Diego Regional Board or Santa Ana Regional Board however compliance will be based on the permit issued by the San Diego Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the Santa Ana Regional Board, which include the City of Wildomar as a responsible party, will be incorporated into the MS4 permit issued by the San Diego Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the Santa Ana Regional Board would remain wholly under the jurisdiction of the Santa Ana Regional Board.

Description of the area of the City subject to the designation:

Some facts about the City of Wildomar and the portion within the jurisdiction of the Santa Ana Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the City of Wildomar is 23.7 square miles.
- Area within the Santa Ana Watershed is 4,768 acres or 7.45 square miles.
- Percent of the City of Wildomar in the Santa Ana Watershed is 31.4%.
- Top three land uses within the portion of the City of Wildomar in the Santa Ana Watershed are residential (58.5%), Preserve/Open Space (25.6%) and Agriculture (6.7 %) (as % of area within Santa Ana Watershed)

In conclusion, the requested designation of regulatory authority to the San Diego Regional Board will not only reduce the complexity and administrative burden upon the City of Wildomar, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality.

If you have any questions regarding this request, please contact Tim D'Zmura at 951-677-7751.

Very truly yours,



Frank Oviedo, City Manager
City of Wildomar

Attachments:

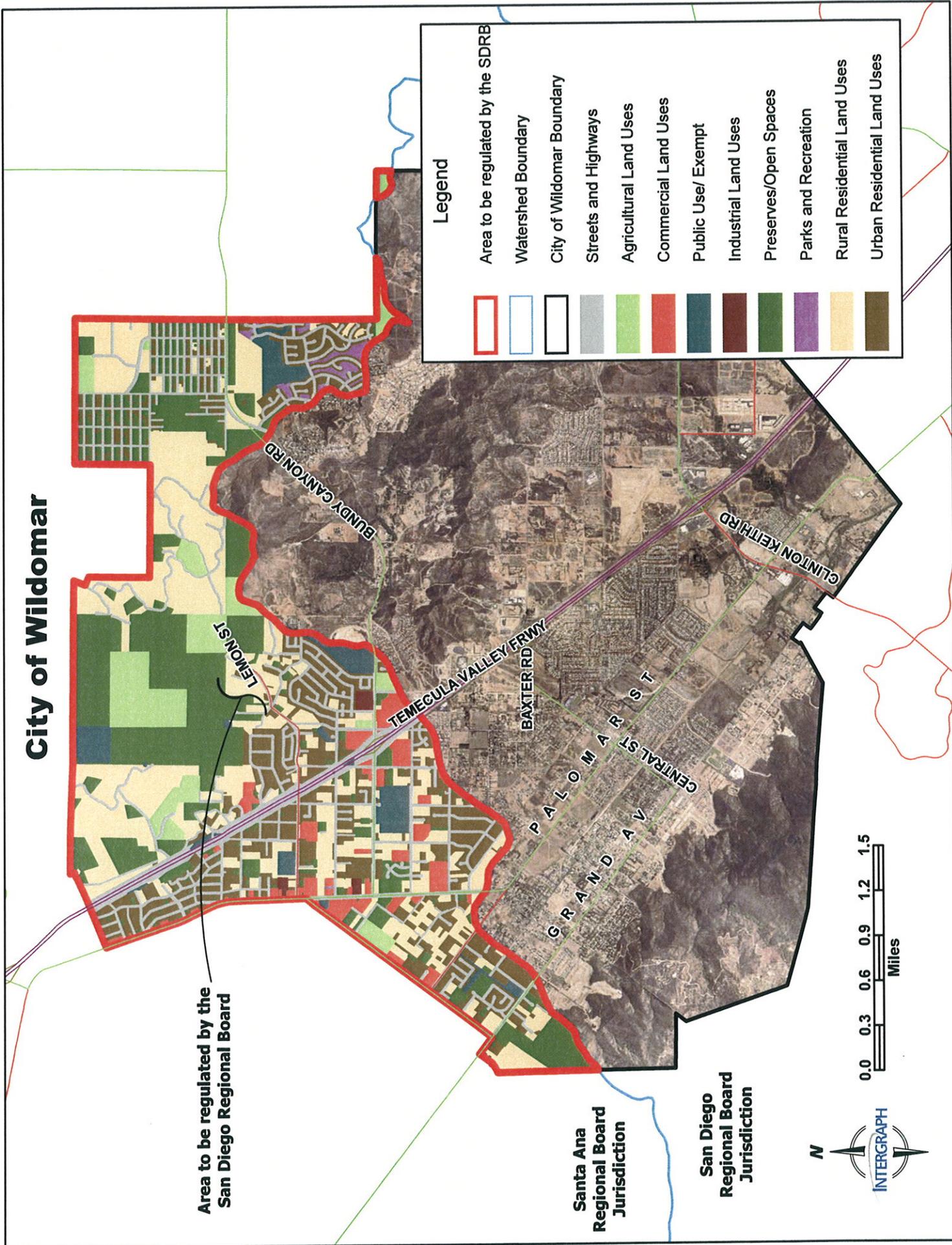
Map of the City of Wildomar

ec:

Tim D'Zmura, City of Wildomar

Jason Uhley, Riverside County Flood Control

City of Wildomar



Area to be regulated by the San Diego Regional Board

Santa Ana Regional Board Jurisdiction

San Diego Regional Board Jurisdiction

Legend

- Area to be regulated by the SDRB
- Watershed Boundary
- City of Wildomar Boundary
- Streets and Highways
- Agricultural Land Uses
- Commercial Land Uses
- Public Use/ Exempt
- Industrial Land Uses
- Preserves/Open Spaces
- Parks and Recreation
- Rural Residential Land Uses
- Urban Residential Land Uses





CITY OF MURRIETA

July 20, 2010

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Messrs. Berchtold and Gibson:

Re: Request for Designating the San Diego Regional Board as Regulating Discharges from MS4 owned by the City of Murrieta

The City of Murrieta is located within southwestern Riverside County, and covers an area of approximately 21,503 square miles. While the city is located primarily within the Santa Margarita Watershed and therefore is under the jurisdiction of the San Diego Regional Board, approximately 375 acres (or 1.7%) of the city extends into the Santa Ana Watershed which is under the jurisdiction of the Santa Ana Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. As a result of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

Pursuant to discussions with staff at both Regional Boards, and consistent with California Water Code section 13228, the City of Murrieta hereby requests that the Santa Ana Regional Board designate the San Diego Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the San Diego Regional Board, and any other associated requests.

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Area Exchange

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and order R9-2004-001 with the San Diego Regional Board (San Diego Permit) - which is currently up for renewal. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Murrieta, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Murrieta is made with the understanding that:

- For the purposes of MS4 permitting only, the San Diego Regional Board would regulate the entirety of the City of Murrieta. As a result, the City of Murrieta would be subject to a single MS4 permit, which would be issued by the San Diego Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Murrieta can be performed by either San Diego Regional Board or Santa Ana Regional Board however compliance will be based on the permit issued by the San Diego Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the Santa Ana Regional Board, which include the City of Murrieta as a responsible party, will be incorporated into the MS4 permit issued by the San Diego Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the Santa Ana Regional Board would remain wholly under the jurisdiction of the Santa Ana Regional Board.
- One Annual Report will be prepared in accordance to the San Diego MS4 permit that includes the 375 acres that is currently in the Santa Ana watershed.

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Area Exchange

Description of the area of the City subject to the designation:

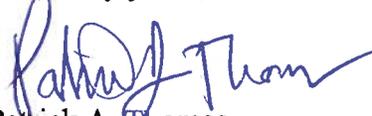
Some facts about the City of Murrieta and the portion within the jurisdiction of the Santa Ana Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the City of Murrieta is 21,503 square miles.
- Area within the Santa Ana Watershed is 375 acres or 0.6 square miles.
- Percent of City of Murrieta in the Santa Ana Watershed is 1.7%.
- Top three land uses within the portion of the City of Murrieta in the Santa Ana Watershed are residential (65%), business park office (23%), and commercial (6%) (as % of area within Santa Ana Watershed)

In conclusion, the requested designation of regulatory authority to the San Diego Regional Board will not only reduce the complexity and administrative burden upon the City of Murrieta, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality.

If you have any questions regarding this request, please contact me at 951.461.6078.

Very truly yours,



Patrick A. Thomas
Director of Public Works
City of Murrieta

Attachments: Map of the City of Murrieta

CC:

Bill Woolsey, City of Murrieta
Jason Uhley, Riverside County Flood Control

City of Murrieta

Areas to be regulated by the San Diego Regional Board

Santa Ana Regional Board Jurisdiction

San Diego Regional Board Jurisdiction

Legend

-  Area to be regulated by the SDRB
-  City of Murrieta Boundary
-  Watershed Boundary
-  Streets and Highways
-  Commercial Land Uses
-  Public Use/ Exempt
-  Industrial Land Uses
-  Preserves/Open Spaces
-  Parks and Recreation
-  Rural Residential Land Uses
-  Urban Residential Land Uses

