



CITY OF SANTEE

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September 11, 2015

Via E-Mail [sandiego@waterboards.ca.gov]

David Gibson, Executive Officer
c/o Wayne Chiu
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

Re: Comment - Tentative Order No. R9-2015-0100, Place ID:786088WChiu

Dear Mr. Gibson and Mr. Chiu:

The City of Santee ("City") appreciates the opportunity to provide comments on San Diego Regional Water Quality Control Board ("Regional Board") Tentative Order No. R9-2015-0100 ("Tentative Order") amending Order No. R9-2013-0001, NPDES No. CAS010266, as amended by Order No. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region ("MS4 Permit"). The City is committed to improving and sustaining water quality in the San Diego region and has undertaken extensive efforts to further these goals. The City is aware that the County of San Diego has prepared and submitted comments on the Tentative Order on behalf of Co-Permittees. The City would like to express its support for the County's comment letter and join with the County in the submission of those comments. The comments in this letter supplement the County's letter and are intended to allow the City and other Co-Permittees to continue working toward the common goal of improving water quality in the region.

1. THE CITY SUPPORTS INCORPORATION OF THE ALTERNATIVE COMPLIANCE PATHWAY FOR PROHIBITIONS AND LIMITATIONS

The City recognizes and appreciates the efforts of Regional Board staff to develop an alternative compliance pathway for incorporation into the MS4 Permit. Attaining water quality objectives is a long term commitment that poses special challenges for MS4s. Incorporation of an alternative compliance pathway recognizes the special challenges and long-term commitments necessary to make measurable steps in reaching water quality objectives. Use of the Water Quality Improvement Plan process establishes a rigorous and transparent pathway for compliance with Provisions A.1.a, A.1.c, A.1.d, A.2.a, and A.3.b. The City joins with other Co-Permittees in expressing its support for the alternative compliance pathway.

2. CLARIFY PROVISION A TO STATE THAT COMPLIANCE WITH PROVISION B.3 CONSTITUTES COMPLIANCE WITH PROVISIONS A.1.a, A.1.c, A.1.d, A.2, AND A.3.b OF THE MS4 PERMIT

The City is concerned that the prohibitions and limitations in Provisions A.1.a, A.1.c, A.1.d, A.2, and A.3.b, as currently written, may be interpreted independent of the alternative compliance pathway in Provision B.3. A stand-alone reading of the prohibitions and limitations, without any reference to the compliance pathway provision, may expose the Co-Permittees to unintended liability, despite our rigorous efforts to successfully implement the alternative compliance pathway. The City joins with Co-Permittees in requesting that language be added to Provision A to clarify that the intent of the alternative compliance pathway is to create an alternative means of complying with Provisions A.1.a, A.1.c, A.1.d, A.2, and A.3.b.

3. REVISE ANNUAL MILESTONE REQUIREMENT TO INCLUDE MEANINGFUL MILESTONES (PROVISION B.3.c.(1)(a)(vii), B.3.c.(1)(d), B.3.c.(2)(c), B.3.c.(2)(d) and footnote 9)

The Tentative Order's alternative compliance pathway requires Water Quality Improvement Plans to set annual milestones for each numeric goal. These milestones must build on previous milestones and lead to the achievement of a final numeric goal. While improvements to water quality may be more difficult to attain in the absence of clear goals and milestones, an artificial annual milestone for each goal does not account for the complicated and long-term nature of the strategies designed to attain water quality objectives. To establish meaningful milestones over time, the milestones should be developed as part of the adaptive management process. The City therefore joins with the Co-Permittees in requesting a revision to the annual milestone requirement in Provisions B.3.c.(1)(a)(vii), B.3.c.(1)(d), B.3.c.(2)(c), B.3.c.(2)(d) and footnote 9.

The City is grateful for Regional Board staff's extensive efforts in drafting a fair and workable alternative compliance pathway. We believe that with the minor modifications requested in this comment letter and those of the County on behalf of the City and other Co-Permittees, the City will be in a position to move forward with confidence in attaining water quality improvements in the region.

Sincerely,



Melanie Kush, AICP
Acting Director of Development Services

C: Paul Malone, Interim City Manager
Scott Johnson, Principal Civil Engineer
Cecilia Tipton, Storm Water Program Manager
City Attorney