



22 March 2013

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: Public Hearing to Consider Tentative Order R9-2013-0001, NPDES No. CAS0109266

Dear Mr. Gibson:

I write to you in my capacity as City Attorney of the City of San Marcos ("City"). The purpose of this letter is to respond to the Notice of Public Hearing and subsequent Hearing Procedures and Order of Proceedings (collectively, the "Public Hearing Documents") issued by the California Regional Water Quality Control Board, San Diego Region ("Board"). The Public Hearing Documents relate to the Board's intent to conduct an informal public hearing ("Public Hearing") scheduled for April 10-11, 2013 to receive testimony and consider adoption of Tentative Order No. R9-2013-001, NPDES No. CAS0109266, *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region*.

The City believes that the dates for the Public Hearing should be postponed, and hereby submits its request for such a postponement, as the currently-scheduled dates do not provide sufficient time to evaluate the revisions to the draft Regional Municipal Separate Storm Sewer System Storm Water NPDES Permit ("Permit"). The revised Permit has not yet been released, and it is our understanding that it is not expected to be available until March 27, 2013 at the earliest. Twelve days is not enough time to review and prepare a response to the Permit for the Public Hearing.

Additionally, the Public Hearing Documents state that the Public Hearing will be conducted in a "generally informal manner". However, because the revised Permit has not been issued, the City does not know at this time whether formal adjudicatory proceedings as set forth in the California Administrative Procedure Act, rather than an informal hearing process, would be necessary and/or appropriate. This letter serves as notice that the City reserves its right to object to the informal hearing process for the Public Hearing following its receipt and review of the revised Permit.



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Lastly, the Public Hearing Documents state that municipal Co-permittees from San Diego, Orange and Riverside Counties are limited to three (3) hours total to address the Board during the Public Hearing. The Public Hearing Documents also provide that those participants requesting additional time to speak may submit their written requests to the Board. This letter also serves as a request by the City to seek additional time for City comments given the truncated time period specified for consolidated presentations by Co-permittees. If that time is not extended significantly, the City presently anticipates that it will need approximately forty-five (45) minutes to address the Board during the Public Hearing. If the Co-permittees' comment period is extended, we anticipate we will be able to coordinate our comments in a consolidated fashion with Co-permittees.

Thank you for your consideration of the foregoing issues raised by the City relating to the Public Hearing. Please do not hesitate to contact me if you have any questions.

Sincerely,

Wendy Z. House

FOR: HELEN HOLMES PEAK
City Attorney

cc: Wayne Chiu, P.E., WRC Engineer, Regional Water Quality Control Board
Jack Griffin, City Manager
Michael D. Edwards, Public Works Director/City Engineer
Maryam Babaki, Deputy City Engineer
Erica Ryan, Storm Water Program Manager