

Walsh



SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2014 MAR 21 AM 10 47

CITY OF LAGUNA HILLS

City Manager

March 12, 2014

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

SUBJECT: REQUEST TO DESIGNATE THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD AS THE REGULATORY AUTHORITY FOR ALL STORMWATER DISCHARGES IN THE CITY OF LAGUNA HILLS

Dear Messrs. Berchtold and Gibson:

The City of Laguna Hills is located within south Orange County and covers an area of approximately 6.6 square miles. About 82% of the City's land area is located within the Aliso Creek and San Juan Creek Watersheds under the jurisdiction of the San Diego Regional Water Quality Control Board (SDRWQCB) with the remaining 18% (1.2 square miles) of the City in the Newport Bay/San Diego Creek Watershed under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB). Attached for your reference is a map of the City overlaid with the jurisdictional boundary between the two Regional Boards.

The City is a co-permittee in two Municipal Separate Storm Sewer System (MS4) Permits, Order R9-2009-0002 and Order R8-2009-0030 issued by the SDRWQCB and the SARWQCB, respectively. Both jurisdictions issue comprehensive Large MS4 Permits that require the City to implement extensive compliance programs. Differences in the requirements of both Regions' Large MS4 Permits have significant impacts on City operations. Major program level differences force the City to implement what

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amounts to two different compliance programs within City limits. This results in a significant resource and administrative burden which, in turn, reduces available resources for program implementation. Therefore, in accordance with California Water Code Section 13228, the City of Laguna Hills requests that the SARWQCB and the SDRWQCB both agree to designate SDRWQCB for regulation of all portions of the City, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The City is currently a named co-permittee on Order R8-2009-0030 issued by the SARWQCB (Santa Ana Permit), and Order R9-2009-0002 with the SDRWQCB (San Diego Permit). While having the same goal of reducing the discharge of pollutants from the MS4 system, these two Permits include different requirements. 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 Laguna Hills, having two different Permits and related implementation programs creates significant confusion among both City staff and the public, which can lead to inconsistent and inefficient 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 has to be trained on two sets of requirements with differing frequencies; business inspections must inspect for and track different information at differing frequencies; and two sets of annual reports have to be created with each report being required to include different information; among other differing requirements.

The City of Laguna Hills' request is not unique in that similar requests regulating MS4 discharges to a single Regional Board jurisdiction, despite being split across a watershed boundary, have been granted in 2010 in Riverside County to the cities of Murrieta, Wildomar, and Menefé; the SARWQCB is working with the Los Angeles Regional Water Quality Control Board to regulate discharges of bacteria from the cities of Claremont and Pomona across boundaries; and the City of Lake Forest has requested single jurisdictional coverage into the SARWQCB.

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

- For the purposes of MS4 permitting only, the SDRWQCB would regulate the entirety of the City of Laguna Hills. As a result, the City of Laguna Hills would be subject to a single MS4 permit, which would be issued by the SDRWQCB.
- Enforcement of any provisions of the MS4 permit issued to the City of Laguna Hills would be performed by the SDRWQCB.
- Any TMDLs and associated MS4 permit requirements issued by the SARWQCB, which include the City of Laguna Hills as a responsible party, will

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be incorporated into the MS4 permit issued by the SDRWQCB by reference, including any associated provisions, findings or elements of the fact sheet.

- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the SARWQCB would remain wholly under the jurisdiction of the SARWQCB.

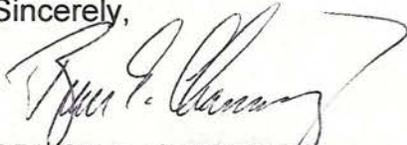
Some facts about the City of Laguna Hills and the portion within the jurisdiction of the SARWQCB are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the City = 6.6 square miles
- Area within the Santa Ana Region Watershed = 1.2 square miles
- Percent of City in the Santa Ana Region Watershed = 18%

The requested designation of regulatory authority to the SDRWQCB will not only reduce the complexity and administrative burden upon the City of Laguna Hills, but will allow the City to better focus and effectively utilize its available resources to the best benefit of stormwater quality in both Regions.

If you have any questions regarding this request, please contact Director of Public Services Kenneth Rosenfield at (949) 707-2655 or krosenfield@ci.laguna-hills.ca.us.

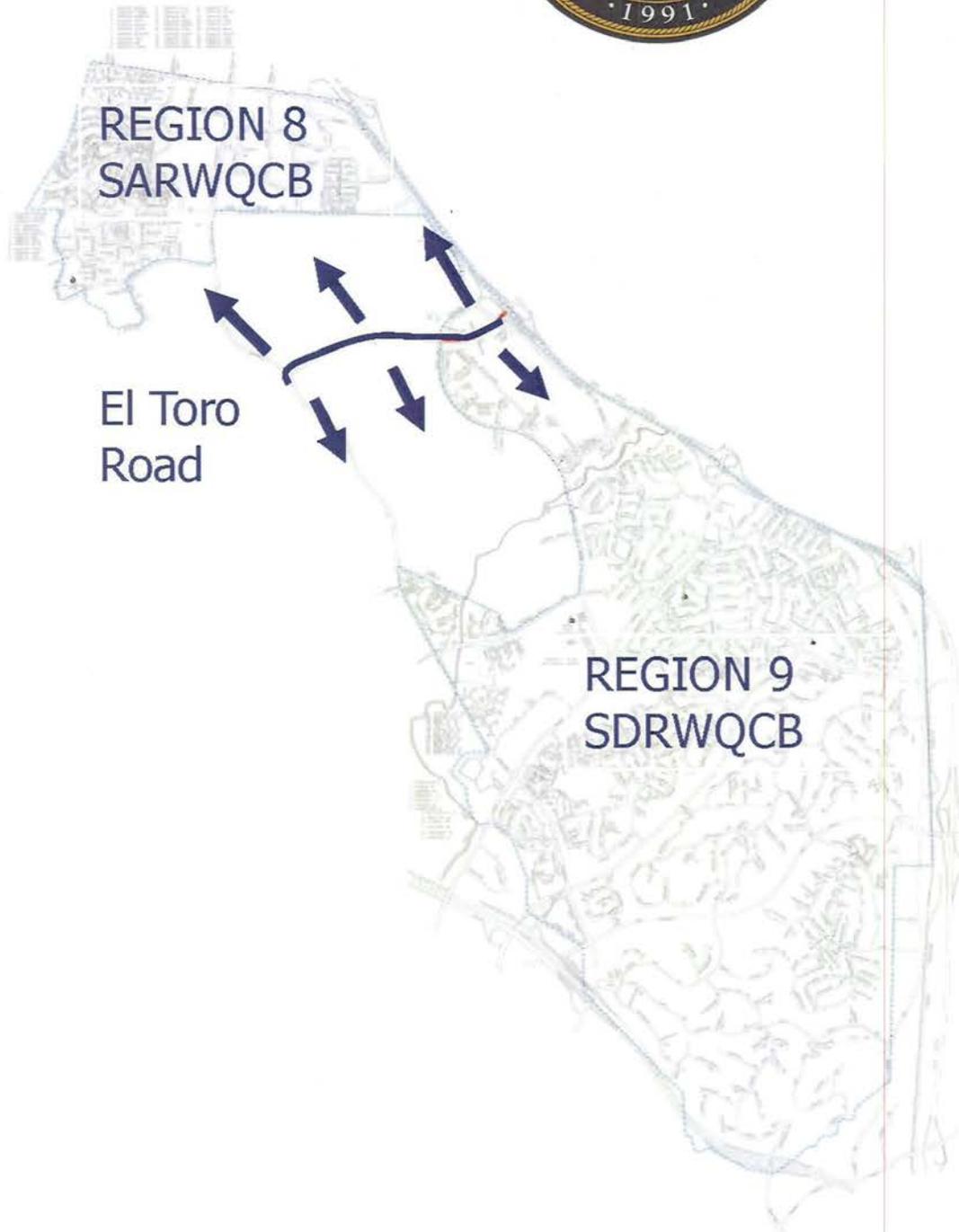
Sincerely,



BRUCE E. CHANNING
City Manager

Attachment: Map of the City of Laguna Hills

c: Kenneth Rosenfield, Director of Public Services
Humza Javed, Associate Civil Engineer
Greg Simonian, City Attorney
Chris Crompton, OC Public Works



CITY OF LAGUNA HILLS
CITY MAP