



Walsh

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

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*Promoting Chula Vista's future by preserving its past.*

January 4, 2013

San Diego Water Board  
9174 Sky Park Circle  
Suite 100  
San Diego, CA 92123  
Attn: Mr. Tomas Morales

Subject: Tentative order No. R9-2013-0001  
Municipal Separated Storm Sewer Systems (MS4s)  
Draining the Watersheds within the San Diego Region

Dear Mr. Morales,

I would like to thank you for hosting the two recent public workshops on the Tentative Order No. R9-2013-0001 regarding MS4s Draining the Watersheds within the San Diego Region. They were very informative and I appreciated the opportunity to address the Board at both hearings.

Our company is close to completing our entitlements for a sustainable, walkable, "green" master planned community in Otay Ranch. Our property is adjacent to Otay River west of Otay Lakes. We have spent thousands of man hours and millions of dollars planning a community that takes the environment into consideration, including water quality.

As I mentioned when I addressed the Board, the Otay River Valley west of the dam is barren and full of invasive plant species that literally suck the water out of the ground. In following the hydromodification requirements that were implemented only about a year ago, we have devised a plan that will clean our storm water runoff prior to introducing it into the Otay River. Once the water is reintroduced into the river we will remove the invasive plants and establish wetland varieties which will flourish and bring the river valley back to what it once was many years ago. We are able to accomplish this because the Otay River west of the dam is currently exempt from hydromodification requirements.

This exemption was put into place based on scientific research and technical expertise of the Hydromodification Task Force. This committee, representing environmental and engineering experts determined that limiting runoff to certain bodies of water and rivers

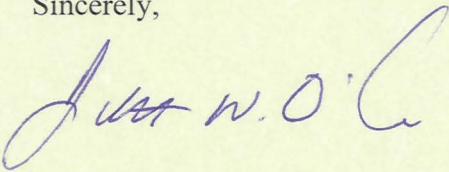
within your jurisdiction would not be beneficial to the health of those watersheds. Due to the influence of the Otay Lakes and Dam upstream of our project, the Otay River was determined to be one of the bodies of water that would benefit from the exemption.

If the exemption for the Otay River is deleted from the new Tentative Order, our land plan will be altered and our restoration efforts will not be put in place.

In addition, the proposed Tentative Order also calls for retention onsite of the 24 hour 85<sup>th</sup> percentile storm event. Similar to the issue of hydromodification, retention of flows from the majority of storm events will adversely impact this watershed that is described as being "starved" for runoff in the Otay River Watershed Management Plan. Since infiltration is infeasible on our site due to soil conditions, the permit proposes to arbitrarily increase our bioretention facilities by 25%, a number that does not appear to have any scientific basis.

We applaud the new permit for looking at regional solutions through the implementation of the Watershed Improvement Plans. However, we should be allowed to operate under the current permit until the Watershed Improvement Plans determine the best regional solutions for the health of each watershed. Specifically, we request that the hydromodification exemptions be left in place and the retention requirements not be added to the permit until the Watershed Improvement Plans determine whether retention is beneficial to the watersheds.

Sincerely,



Jeff O'Connor  
Director of Operations

Cc: Paul Borden  
Kent Aden