



January 10, 2013

Wayne Chiu, P.E.
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

**Subject: City of Vista Comments – Tentative Order No. R9-2013-0001,
Regional MS4 Permit, Place ID: 786088Wchiu**

Dear Mr. Chiu:

The City of Vista appreciates the efforts that the Regional Water Board staff has undertaken to involve the stakeholders in the development of the new permit. The early release of the administrative draft, subsequent focused meetings, and revisions incorporated into the Tentative Order have resulted in a Tentative Order that is much improved and will allow stormwater programs in the region to make meaningful progress towards improving water quality.

The City of Vista participated in the development of the comments submitted by the County of San Diego on behalf of the 21 Copermittees in San Diego County. We support the comments and look forward to their inclusion in the Final Order. Additionally, a couple of comments are included in the attached table related to the Land Development Provisions for consideration.

We understand the need to balance the collaborative process in the development of the permit with the regulatory oversight incumbent on the Regional Water Quality Control Board. Thank you for the opportunities provided for the Copermittees to add their experience and insights to the process. Please contact Paul Hartman at (760) 726-1340 x1373 or at phartman@cityofvista.com with any questions related to our comments.

Sincerely,



Greg Mayer
City Engineer

Attachment 1 - City of Vista Comments on Tentative Order R9-2013-0001

Permit Section	Tentative Order Page	Section Title	Reason for Proposed Change/Comments	Proposed Changes
E.3.c.(1)(a)	78	Development Planning - Structural BMP Performance Requirements (Stormwater Pollutant Control BMP Requirements)	<p>LID is intended to retain the first flush up to the 85th percentile runoff difference. In San Diego County, the 24 hour - 85th percentile precipitation event (P₈₅) usually generates runoff in natural conditions, as impervious soils (Type D) and poor or fair natural vegetation are predominant in the County. Runoff as a percentage of precipitation is dependent on the conditions of the natural terrain and the size of P85. The removal of this naturally occurring runoff as required in Section E.3.c.(1)(a)(i) may create an environmental problem in downstream wetlands, where critical habitat depends on this runoff for survival.</p>	<p>Modify E.3.c.(1)(a)(i) to read "The volume of storm water produced from a 24-hour 85th percentile storm event in post-development conditions less the volume of storm water produced by the same storm under natural conditions²⁶" Modify footnote 26 to read "LID is intended to retain the first flush up to the 85th percentile runoff difference. The 85th percentile runoff in natural conditions will depend on the original natural vegetation and soil type."</p>
E.3.c.(3)(b)(i)[c]	82	Alternative Compliance to Onsite Structural BMP Performance Requirements	<p>The selection of 1.5 does not appear to be scientifically based. It is understood that a number greater than one is needed, but such a number could also be obtained from a concentration load – runoff analysis. The permit should have flexibility for projects where a more accurate scientific justification is provided.</p>	<p>Modify section E.3.c.(3)(b)(i)[c] to read "Biofilter at least 1.5 the design capture volume that is not reliably retained onsite, or biofilter a volume that demonstrates an equivalent load reduction that would occur if a retention LID volume is in place;"</p>