



City of Encinitas

January 11, 2013

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

**SUBJECT: Comment – Tentative Order No. R9-2013-0001, Regional MS4
Permit, Place ID: 786088Wchiu**

Dear Mr. Chiu,

Thank you for the opportunity to comment on *Tentative Order No. R9-2013-0001 Regional NPDES Permit and Waste Discharge Requirements for Discharges of Urban Runoff from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Tentative Order).

The intent of this comment letter is to first offer that the City of Encinitas has participated in and is in support of the comprehensive comments and suggested permit language edits (e.g., red-line/strikeout) as submitted under separate cover by the San Diego County Copermittees on January 11, 2013.

In addition, consistent with the City's ongoing appeal to both Board Members and Staff related to *Attachment E – Specific Provisions for Total Maximum Daily Loads Applicable to Order No. R9-2013-0001, Section 6*, it is prudent and logical to distinguish the San Marcos HA as a 303(d) de-listed Pacific Ocean shoreline segment. This request has been captured in suggested language included in the San Diego County Copermittees submittal, premised upon the principles of the Tentative Order to focus resources on the highest water quality problems within a watershed, and supported by comprehensive technical analysis provided to RWQCB staff. As currently drafted without the necessary regulatory distinction, San Marcos HA Copermittees will be unreasonably constrained through an assessment of receiving water conditions (as prescribed in Provision B.2.a) to prioritize a water quality condition (indicator Bacteria) in a receiving water (Pacific Ocean) with unsupported beneficial use (REC-1) impairments.

Reasoned as such, the City of Encinitas requests the following update to *Attachment E, Section 6.a(5)*:

- (5) Water Bodies: See Table 6.0; Consistent with Basin Plan Amendment (Resolution No. R9-2010-0001, p. A-2); specific beach segments from some of the Pacific Ocean shorelines listed in Table 6.0 have been delisted from the 2008 (sic 2010) 303(d) list that was approved by the San Diego Board on December 16, 2009, and therefore are not subject to the requirements of Attachment E as long as monitoring data continues to support compliance with water quality standards.

Thank you for your consideration of these comments and your evaluation of the significant matters presented above.

Sincerely,



Erik Steenblock,
Stormwater Program Manager, City of Encinitas