



Mr. Gary Strawn
Vice Chairman
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

January 11, 2013

Re: Comment—Tentative Order No. R9-2013-001, Regional MS4 Permit,
Place ID: 786088Wchiu

Dear Vice Chair Strawn:

BIOCOM is responding the San Diego Regional Water Quality Control Board's Tentative Order R9-2012-0011 ("Permit") dated October 31, 2012. After reviewing the proposed Permit, BIOCOM is concerned it will impose expensive, onerous, and untested regulations on local governments, businesses, and residents.

BIOCOM is the largest regional life science advocacy organization representing more than 550 companies; including biotech, medical device, basic research institutions; universities; biofuels and service providers. We understand the importance of clean, safe water to the region and are interested in improving San Diego's water. It is important, however, that we use our limited resources wisely, and ensure that our efforts produce the desired outcome of improving water quality.

We commend the Board's inclusion of Water Quality Improvement Plans (WQIP) as a first step in developing a cost-effective approach to improving our water. Analysis remains a critical component of a successful strategy, and we are glad to see that the Board is committed to finding the best possible solution to water quality improvement.

However, we are concerned that the costs associated with enforcing and implementing the permit will have a negative impact on the local life science industry and San Diego's economy. The three primary areas of concern include: 1) the strict liability for exceeding water quality objectives; 2) the preemption of WQIPs by new and changing regulatory requirements prior to allowing the WQIPs to be developed and implemented; and 3) the lack of reliable funding sources to implement these regulatory changes.

It is necessary to hold individuals, businesses and governments accountable, but it is critical that accountability measures are practical with demonstrable, positive effects on water quality. Due to our concerns, we respectfully request that the Permit focus on the timely development of effective and enforceable WQIPs, and that each of the WQIPs be developed through a process that ensures public participation. We ask also that the designation of appropriate Best

Management Practices in each watershed be determined through the WQIP process rather than the one size fits all strategy currently being proposed in the Permit. We ask further that until the Board adopts a WQIP for a watershed that the provisions of the existing Permit remain in place for that watershed. Finally, in order to avoid unnecessary litigation we request that the Board adopt the WQIPs as Orders implementing the proposed Permit.

We strongly urge you to adopt final permit language that is evidence-based and both environmentally and economically sustainable. Thank you for your consideration. If you have any questions please me at fpicking@biocom.org or (858) 455-0300 x113.

Sincerely,

Faith Picking
Associate Director of Local Government Affairs
BIOCOM