



CITY OF OCEANSIDE

WATER UTILITIES DEPARTMENT

September 14, 2012

Ms. Laurie Walsh
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Ms. Walsh,

CITY OF OCEANSIDE COPERMITTEE COMMENT SUBMITTAL ON THE ADMINISTRATIVE DRAFT MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT (TENTATIVE ORDER NO. R9-2012-0011)

Dear Ms. Walsh,

Thank you for the opportunity to comment on the Administrative Draft Municipal Separate Storm Sewer (MS4) Permit. As participants in the Project Planning Subcommittee, Monitoring and Land Development Workgroups, and focused meetings, the City of Oceanside – Clean Water Program staff have been able to work closely with the San Diego Copermittees, the Regional Water Quality Control Board (Regional Board) staff, and other stakeholders to create a revised Administrative Draft MS4 permit which is sustainable in terms of meeting the “triple bottom line” of integrating the economic, environmental, and social needs in our communities. As a Copermittee the City of Oceanside submits the attached comments for your consideration.

We appreciate the opportunity to participate in the focused meetings and acknowledge the verbal consensus that has been reached on many permit concepts between the San Diego Copermittees and the Regional Board. The County of San Diego, as the lead Copermittee, has submitted Copermittee comments and the City of Oceanside supports these comments, except as follows:

1. Inclusion of Single-Family Development (SFD) in the Priority Development Project (PDP) with Commercial and Industrial uses with a 10,000 square foot impervious area threshold (Section E.3.b.(2)(a)).

The inclusion of SFD in the same PDP category with Commercial and Industrial development, and the application of a 10,000 square foot impervious area threshold, is not consistent with the separate Residential category and incremental reduction in impervious area cited in preceding the San Diego County MS4 Permits (Orders No. 2001-01 and R9-2007-0001). The two preceding San Diego County MS4 Permits cite SFD PDP as a subdivision of 10 or more units.

To be consistent with the “watershed approach” to regulation, the City of Oceanside submits that the San Diego County watersheds continue the separate categorization of SFD and the PDP be defined as residential development of five (5) or more parcels or condominiums, consistent with a final map. This approach represents a compromise that reflects the incremental reduction in SFD PDP contained in previous San Diego County MS4 Permits.

Implementation of a lower impervious area threshold may reduce land development and redevelopment activities, and negatively affect funding sources that subsidize storm water programs.

2. Onsite retention of the 85th percentile volume (Section E.3.c.(2)(b)).

Retention of 85th percentile volume has the potential to negatively affect habitat located in and adjacent to receiving waters by creating reduced runoff conditions that mimic a drought state. A review of historic rainfall data indicates that more than two-thirds of annual rainfall events do not meet the 85th percentile volume. The requirement to capture low-flow runoff has the potential to negatively affect habitat quality and may reduce the size of sensitive habitats.

3. Application of the “Naturally occurring pre-development condition” to Hydromodification Management Plan (HMP) calculations (Section E.3.c.(3)(a)).

The proposed naturally occurring condition requirement will remove the incentive to redevelop existing sites by significantly increasing development costs. The application of the “naturally occurring pre-development condition” to HMP calculations is not consistent with the goals of the HMP, does not foster improvements in water quality, and conflicts with the recently implemented five (5) year HMP monitoring plan. Whereas, redevelopment of existing sites promotes improved water quality by decreasing pre-project impervious area, requires the implementation of Low Impact Development (LID) practices, and necessitates the installation of HMP facilities. Without redevelopment of existing projects, receiving waters will remain subject to unmitigated discharges.

The adoption of a naturally occurring pre-development condition may cause a reduction in the redevelopment of existing sites and negatively affect funding sources that subsidize storm water programs.

The Administrative Draft MS4 Permit indicates the “San Diego Water Board recognizes that the degradation of water quality and impacts to beneficial uses of the waters in the San Diego Region [have] occurred over several decades” and “further recognizes that a decade or more may be necessary to realize demonstrable improvement to the quality

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of waters in the Region.” The Permit “includes a long term planning and implementation approach that will require more than a single permit term to complete.”

The City of Oceanside supports the long term planning and implementation approach to improving water quality. Support of this approach is reflected in the proposed changes to the Administrative Draft MS4 Permit. The proposed changes discussed in this correspondence continue to represent a reduction in possible impacts due to development, as compared to previous Permits, and provides incentive to foster improvement in water quality through the redevelopment of existing unmitigated sites.

The City of Oceanside – Clean Water Program extends its gratitude to the Regional Board for providing a forum for open discussion as part of the permit reissuance process. We respectfully submit these comments for your consideration. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "M. A. Lahsaie". The signature is written in a cursive, flowing style.

Mo Lahsaie, Ph.D., REHS, Environmental Officer
Water Utilities Department

cc: Scott O. Smith, PE, PLS, City Engineer, Development Services Department
Billy Walker CPSWQ, QSD, Env. Asst, Development Services Department