



California Regional Water Quality Control Board, San Diego Region

July 24, 2012

Mr. Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, California 92501

Subject: Participation of Riverside County Copermittees in Focused Meetings for Administrative Draft Tentative Order No. R9-2012-0011, Regional Municipal Separate Storm Sewer System (MS4) Storm Water NPDES Permit

Mr. Williams:

This is in response to your letter dated July 9, 2012 to Grant Destache, Chair of the California Regional Water Quality Control Board ("San Diego Water Board"), asking why it was necessary to move forward with "Focused Meetings" on the administrative draft version of Tentative Order No. R9-2012-0011 ("Regional MS4 Permit") on a schedule that purportedly precluded the attendance and participation of the Riverside County Copermittees. Chair Destache requested that I respond to your letter on his behalf.

In your letter, you referenced prior communications to the San Diego Water Board from the Riverside County Flood Control and Water Conservation District ("District") and others requesting that the San Diego Water Board delay the start of the Focused Meetings until the week of July 23, 2012 and that no meetings be held between September and mid November 2012. These communications indicated that the requested delays were necessary to accommodate other regulatory obligations of the Riverside County Copermittees to develop and submit various storm water compliance documents to the San Diego and Santa Ana Water Boards. I appreciate the District's and the other Riverside County Copermittees desire to make complete and timely submittals of these compliance documents and to participate fully in the Focused Meetings. However, the requested changes to the San Diego Water Board's schedule for the Focused Meetings would have delayed the completion of the Focused Meeting process by over five months. The San Diego Water Board carefully considered the District's requests in finalizing the schedule for the Focused Meetings and determined that the meetings should proceed as described in the San Diego Water Board's June 20, 2012 notice in order to maintain momentum towards finalizing a Tentative Regional MS4 Permit for public review and comment later this year.

Chair Destache has directed me to move forward expeditiously on the development of a Regional MS4 Permit as one of the San Diego Water Board's top priorities for a variety of

Mr. Warren D. Williams
Riverside County Flood Control
and Water Conservation District

- 2 -

July 24, 2012

reasons. The continued regulation of San Diego, Riverside, and southern Orange Counties under three separate municipal storm water permits places a significant and unsustainable burden on the San Diego Water Board during a time of increasingly severe resource constraints. Staff resources are primarily focused on the periodic reissuance of the three permits, while the present need is to advance the storm water program through comprehensive, creative, and effective storm water regulation. Most importantly, the dimensions of the urban runoff problem clearly highlight the need for a shift at this time to innovative and more adaptive regulatory approaches.

With these challenges in mind the San Diego Water Board has put considerable effort into developing an administrative draft Regional MS4 permit that that will jointly cover municipal Copermittees in San Diego, Riverside and southern Orange Counties. The administrative draft Regional MS4 permit significantly modifies the prescriptive action-based regulatory approach of the current municipal storm water permits to an outcome-based approach, with a focus on measuring and achieving improvements in MS4 discharges and receiving water quality. A key feature of the administrative draft Regional MS4 permit is that it provides an adaptive management pathway for the Copermittees to select and address the highest priority water quality issues through a non-punitive iterative process. The San Diego Water Board believes the proposed adaptive management permit provisions have great promise and will allow the Copermittees to more flexibly deploy resources to achieve goals that will yield the greatest water quality improvements. The regional approach offers the opportunity to better achieve regulatory consistency as well as maximum efficiency and economy of resources for both the San Diego Water Board and the Copermittees.

It is unfortunate that the District and other Riverside County Copermittees did not attend the June 27 and July 11, 2012 Focused Meetings. These meetings were extremely productive and well attended by the various stakeholder groups including the San Diego and Orange County Copermittees representing 34 of the 39 municipal storm water entities in the San Diego Region. I understand that the District and other Riverside County Copermittees are being provided detailed meeting minutes for all of the Focused Meetings. I would like to reiterate my staff's previous offer to meet with the District and other Riverside County Copermittees to both fully brief them on the June 27 and July 11, 2012 meetings and to hear any comments on the topics discussed or any other aspects of the administrative draft Regional MS4 Permit. I understand that the District and other Riverside County Copermittees may be able to attend all of the remaining focused meetings scheduled for July 27, August 22 and September 5, 2012 and look forward to their participation in those meetings.

The San Diego Water Board released the administrative draft Regional MS4 permit on April 9, 2012 for an extended period of public review and comment. In addition to participating in the remaining Focused Meetings, I also encourage the District and other Riverside County Copermittees to take the opportunity provided in the public notice to submit written comments, suggestions, or recommendations on any aspect of the administrative draft Regional MS4 Permit by September 14, 2012.

Mr. Warren D. Williams
Riverside County Flood Control
and Water Conservation District

- 3 -

July 24, 2012

I strongly disagree with your inference that the decision to move forward with the Focused Meetings may be indicative of an indifference among San Diego Water Board staff towards public participation and collaboration in Water Board projects. The San Diego Water Board has a long history of effectively protecting water quality while balancing competing needs of dischargers and other stakeholders and providing an accessible and transparent regulatory process. I can assure you the San Diego Water Board staff are committed to incorporating meaningful public participation into their work and to keeping the public fully informed and involved in the San Diego Water Board's decision-making process. The San Diego Water Board is conducting its proceedings on the development of a Regional MS4 Permit in an open and transparent process that is fully consistent with these principles.

I hope this letter is responsive to your concerns and I would be pleased to discuss these matters with you further at any time. Please contact me at (858) 467- 4387 or via e-mail at DGibson@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer

DG:js:dtb:eb:wc

cc: Riverside County Copermittees