



San Diego Regional Water Quality Control Board

October 26, 2015

Via Email Only

In reply refer to / attn:

Place ID 786088:WChiu

Mr. Robert K. Moehling
City Engineer
City of Murrieta
1 Town Square
Murrieta, CA 92562

Mr. Jonathan G. Smith
Public Works Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

Mr. Daniel A. York
Public Works Director/City Engineer
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Subject: Regional Water Board Designation for Regulating Municipal Separate Storm Sewer System Discharges in the Cities of Murrieta, Wildomar, and Menifee in Riverside County

Messrs. Moehling, York, and Smith:

This is in response to your separately submitted requests seeking designation of a single Regional Water Board to regulate matters pertaining to Phase I municipal separate storm sewer system (MS4) discharges in the Cities of Murrieta, Wildomar, and Menifee (jointly referred to herein as Cities). The requests were consolidated for review and this letter is being issued in response to all three requests.

As provided in Water Code section 13228(a), this letter constitutes the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) agreement (Agreement) to the Regional Water Board designations specified below.

1. Except as otherwise provided in this Agreement, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) is designated to regulate the entire jurisdictional area of the City of Menifee under the Santa Ana Water Board's *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside within the Santa Ana Region* (Order No. R8-2010-0033, NPDES No. CAS618033, as it may be amended or reissued) (Santa Ana Phase I MS4 Permit), including those areas of the City located within the San Diego Water Board's geographic jurisdiction; *and*
2. Except as otherwise provided in this Agreement, the San Diego Water Board is designated to regulate the entire jurisdictional areas of the City of Murrieta and the City of Wildomar

HENRY ABARBANEL, PH.D., CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

under the San Diego Water Board's *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region* (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, as it may be further amended or reissued) (San Diego Phase I MS4 Permit), including those areas of each City located within the Santa Ana Water Board's geographic jurisdiction.

This Agreement is based upon the written request submitted by each City, factual considerations and other conditions as summarized below. To the extent of any inconsistencies between the terms of this Agreement and the permit provisions implementing the Agreement, the permit provisions shall prevail.

Regional Water Board Designation Request

Written requests for designation of a single Regional Water Board to regulate matters pertaining to permitting of Phase I MS4 discharges were submitted to the San Diego Water Board by the City of Murrieta by letter dated June 22, 2015 (attached hereto as Exhibit 1), the City of Wildomar by letter dated June 23, 2015 (attached hereto as Exhibit 2), and the City of Menifee by letter dated June 25, 2015 (attached hereto as Exhibit 3). The City of Murrieta and the City of Wildomar requested designation of the San Diego Water Board, and the City of Menifee requested designation of the Santa Ana Water Board. Water Code section 13228 specifies the circumstances that allow, and the process for, designation of a single Regional Water Board as the sole regulatory entity for any matter which may be submitted to more than one Regional Water Board.

Factual Considerations

The Cities each lay partially within the geographic jurisdictional boundaries of the San Diego Water Board and the Santa Ana Water Board. Phase I MS4 discharges in the Cities of Murrieta and Wildomar, including areas within the Santa Ana Region, are currently regulated by the San Diego Water Board under Order No. R9-2010-0016. Phase I MS4 discharges in the City of Menifee, including areas within the San Diego Region, are currently regulated by the Santa Ana Water Board under Order No. R8-2010-0033.

The Santa Ana Water Board and San Diego Water Board establish generally consistent requirements for MS4 dischargers. However due to the unique nature of watersheds and water quality issues in the San Diego Region and Santa Ana Region, MS4 permit requirements between the two Regional Water Boards may also vary to address region specific pollutant discharges and watershed conditions. The Cities report that requiring management and implementation of municipal programs to comply with two different MS4 permits would create a significant administrative and financial burden that would not contribute to greater overall water quality improvements with the respective City.

The San Diego Water Board is scheduled to hold a public hearing on November 18, 2015 to consider adoption of Tentative Order No. R9-2015-0100, *An Order Amending Order No. R9-2013-0001 as amended by Order No. R9-2015-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Tentative Order). The Tentative Order proposes to amend the San Diego Phase I MS4 Permit for a variety of reasons including incorporation of the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Cities of Murrieta, Temecula, and Wildomar as MS4 dischargers responsible for compliance

with the terms and the conditions of the San Diego Phase I MS4 Permit. The Tentative Order also proposes limited permit provisions addressing Regional Water Board designation to consolidate regulation of the Cities of Murrieta, Wildomar, and Menifee pursuant to Water Code section 13228, in accordance with the terms of this Agreement.

The Santa Ana Water Board is currently in the process of reissuing the Santa Ana Phase I MS4 Permit. The Santa Ana Water Board has not yet released a draft of the Santa Ana Phase I MS4 Permit for public comment, and expects to hold a hearing to consider adoption of the Santa Ana Phase I MS4 Permit in 2016.

San Diego Water Board Conditions for Regional Water Board Designation

This Agreement is conditional upon the following:

- 1. Effective Date.** The effective date of this agreement is the effective date of the amended San Diego Phase I MS4 Permit, currently scheduled for a public hearing on November 18, 2015. Phase I MS4 discharges in the Cities of Murrieta and Wildomar, including areas within the Santa Ana Region, will be regulated by the San Diego Water Board under Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 (as it may be amended or reissued) upon the effective date of the amended San Diego Phase I MS4 Permit, except for the regulation of provisions related to the implementation of any applicable Total Maximum Daily Load (TMDL) as provided below. Phase I MS4 discharges in the City of Menifee, including areas within the San Diego Region, are regulated by the Santa Ana Water Board under Order No. R8-2010-0033 (as it may be amended or reissued) and will continue to be regulated by the Santa Ana Water Board upon the effective date of the amended San Diego Phase I MS4 Permit, except for the regulation of provisions related to the implementation of any applicable Total Maximum Daily Load (TMDL) as provided below.
- 2. Applicability of Designation.** Except as otherwise provided herein, this Agreement enables each City to be regulated under a single Phase I MS4 Permit.
- 3. Conformance with Written Request.** Upon the effective date of this Agreement, each City shall implement the water quality protection measures described in its written request for designation and attached as Exhibits 1, 2 and 3 hereto and as reflected in the San Diego and Santa Ana Phase I MS4 Permits. These water quality protection measures are incorporated by reference into this Agreement as if fully stated herein. The conditions of this Agreement shall supersede any conflicting provisions in the Cities' written requests.
- 4. Enforcement Authority.** Each Regional Water Board reserves its right to take any enforcement action against a City, as authorized by law, for any violations of the terms and conditions of the applicable Phase I MS4 Permit which affects that Regional Water Board pursuant to Water Code section 13228(b). Responsibility for undertaking enforcement to compel compliance with permit conditions will generally be assumed by the Regional Water Board that issued the Phase I MS4 Permit.
- 5. Total Maximum Daily Load Requirements for the City of Murrieta or the City of Wildomar.** The Santa Ana Water Board shall continue to regulate the Cities of Wildomar and Murrieta under the Santa Ana Phase I MS4 Permit for the limited purpose of implementing any applicable TMDL. The Cities of Murrieta and Wildomar are expected to continue to participate in the Lake Elsinore and Canyon Lake TMDL Task Force and

continue to implement the approved Comprehensive Nutrient Reduction Plan (Resolution No. R8-2013-0044). The Cities of Murrieta and Wildomar shall also be required to comply with any provisions related to TMDL-implementation contained in the San Diego Phase I MS4 Permit.

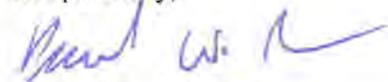
6. **Total Maximum Daily Load Requirements for the City of Menifee.** Any TMDL and associated Phase I MS4 permit requirements issued by the San Diego Water Board and applicable to the City of Menifee will be incorporated into the appropriate Phase I MS4 permit by reference and remain applicable. The San Diego Water Board shall continue to regulate the City of Menifee under the San Diego Phase I MS4 Permit for the limited purpose of implementing any applicable TMDL. The City of Menifee shall also be required to comply with any provisions related to TMDL-implementation contained in the Santa Ana Phase I MS4 Permit.
7. **Construction Site Storm Water Program.** Construction sites in the Cities regulated under the statewide *General Permit for Construction Discharges of Storm Water Associated with Construction Activities*, Order No. 2009-0009-DWQ and any subsequent reissuance (Construction General Storm Water Permit) will continue to be subject to regulation by the San Diego Water Board or the Santa Ana Water Board as determined by the geographical jurisdictional area of each Regional Water Board. The Santa Ana Water Board will notify the San Diego Water Board of any incidents of noncompliance discovered during inspections of construction sites within its geographic jurisdictional boundary that discharge into an MS4 owned or operated by the City of Murrieta or the City of Wildomar. The San Diego Water Board will notify the Santa Ana Water Board of any incidents of noncompliance discovered during inspections of construction sites within its geographic jurisdictional boundary that discharge into an MS4 owned or operated by the City of Menifee.
8. **Industrial Site Storm Water Program.** Industrial sites in the Cities subject to regulation under the statewide *General Permit for Storm Water Discharges Associated with Industrial Activities*, Order No. 2014-0057-DWQ and any subsequent reissuance (Industrial General Storm Water Permit) will continue to be subject to regulation by the San Diego Water Board or the Santa Ana Water Board as determined by the geographical jurisdictional area of each Regional Water Board. The Santa Ana Water Board will notify the San Diego Water Board of any incidents of noncompliance discovered during inspections of industrial sites within its geographic jurisdictional boundary that discharge into an MS4 owned or operated by the City of Murrieta or the City of Wildomar. The San Diego Water Board will notify the Santa Ana Water Board of any incidents of noncompliance discovered during inspections of industrial sites within its geographic jurisdictional boundary that discharge into an MS4 owned or operated by the City of Menifee.
9. **Municipal Construction Projects.** For all municipal construction projects, including those projects located within the jurisdictional area of the Santa Ana Water Board, the City of Murrieta and the City of Wildomar will submit Permit Registration Documents (PRDs) in the form of a Notice of Intent (NOI) with appropriate fees in accordance with the manner prescribed in the statewide Construction General Storm Water Permit. For all municipal construction projects, including those projects located within the jurisdictional area of the San Diego Water Board, the City of Menifee will use the process established by the Santa Ana Water Board for obtaining coverage under the Construction General Storm Water Permit.

10. **Water Quality Improvement Plan.** The San Diego Phase I MS4 Permit requires responsible agencies within designated Watershed Management Areas to develop and implement a Water Quality Improvement Plan. The Water Quality Improvement Plan is a comprehensive watershed plan that identifies priority water quality conditions, water quality improvement goals, pollutant control strategies, and implementation schedules to achieve the goals. The requirements of TMDLs adopted by the San Diego Water Board have been incorporated into the requirements of the Water Quality Improvement Plan allowing the City of Menifee and the other responsible agencies within the Santa Margarita River Watershed Management Area to develop a single plan to coordinate their non-storm water and storm water runoff management programs. The City of Menifee is required to participate in the development and implementation of the Water Quality Improvement Plan for the Santa Margarita River Watershed Management Area.
11. **Citizen Complaints.** Citizen complaints received regarding discharges from municipal, construction, industrial, and commercial sites to MS4s within the jurisdiction of the City of Murrieta or the City of Wildomar will be referred to the San Diego Water Board for review. Citizen complaints received regarding discharges from municipal, construction, industrial, and commercial sites to MS4s within the City of Menifee will be referred to the Santa Ana Water Board for review.
12. **Annual Reports.** Annual Reports prepared by each City pursuant to its Phase I MS4 Permit requirements shall be a single report encompassing the entire geographic jurisdictional area of the City, using the format prescribed in the applicable Phase I MS4 Permit. The Annual Reports shall be submitted to the Regional Water Board that issued the applicable Phase I MS4 NPDES Permit.
13. **Periodic Review of Agreement.** The basis supporting the Cities of Murrieta, Wildomar, and Menifee's requests to designate a single Regional Water Board for regulatory oversight may change under future conditions and circumstances. Therefore the San Diego Water Board will periodically review the effectiveness of this Agreement during each Phase I MS4 Permit reissuance. Based on this periodic review the San Diego Water Board may terminate the Agreement with the Santa Ana Water Board or otherwise modify the Agreement subject to the approval of the Santa Ana Water Board.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line **Place ID 786088:WChiu**.

For questions or comments, please contact Wayne Chiu by phone at (619) 521-3354 or by email at Wayne.Chiu@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

DWG:dtb:cgh:law:wc

Messrs. Moehling, York, and Smith

- 6 -

October 26, 2015

Enclosures: Exhibit 1: City of Murrieta, June 22, 2015 Written Request
Exhibit 2: City of Wildomar, June 23, 2015 Written Request
Exhibit 3: City of Menifee, June 25, 2015 Written Request

cc: Kurt Berchtold, Executive Officer, Santa Ana Water Board

Tech Staff Info & Use	
Tentative Order No.	R9-2015-0100 (amending R9-2013-0001)
NPDES No.	CAS0109266
CIWQS PIN	CW-768088 (Regional MS4 Permit) CW-749045 (Riverside County Copermittees) CW-214653 (Murrieta) CW-762396 (Wildomar) CW-792120 (Menifee)

Exhibit 1
City of Murrieta
June 22, 2015 Written Request

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CITY OF MURRIETA

June 22, 2015

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108

Dear Messrs. Berchtold and Gibson:

Re: Request for Designating the San
Diego Regional Board as Regulating
Discharges from MS4 owned by the
City of Murrieta

The City of Murrieta is located within southwestern Riverside County, and covers an area of approximately 33.6 square miles. While the city is located primarily within the Santa Margarita Watershed and therefore is under the jurisdiction of the San Diego Regional Board, approximately 0.58 square miles (or 1.7%) of the city extends into the Santa Ana Watershed which is under the jurisdiction of the Santa Ana Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. Because of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

Pursuant to discussions with staff at both Regional Boards and consistent with California Water Code section 13228, the City of Murrieta hereby requests that the Santa Ana Regional Board designate the San Diego Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the San Diego Regional Board, and any other associated requests.

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Area Exchange

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and order R9-2010-0016 with the San Diego Regional Board (San Diego Permit) – both of which are currently up for renewal. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Murrieta, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Murrieta is made with the understanding that:

- For the purposes of MS4 permitting only, the San Diego Regional Board would regulate the entirety of the City of Murrieta. As a result, the City of Murrieta would be subject to a single MS4 permit, which would be issued by the San Diego Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Murrieta would be performed by the San Diego Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the Santa Ana Regional Board, which include the City of Murrieta as a responsible party, will be incorporated into the MS4 permit issued by the San Diego Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the San Diego Regional Board would remain wholly under the jurisdiction of the San Diego Regional Board.

June 22, 2015

Mr. Kurt Berchtold
Santa Ana Regional Water Quality Control Board
Mr. David W. Gibson
San Diego Regional Water Quality Control Board
Re: Request for Area Exchange

Description of the area of the City subject to the designation:

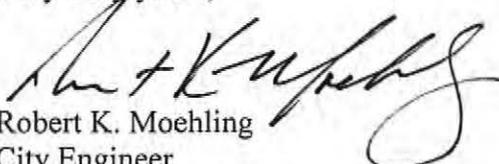
Some facts about the City of Murrieta and the portion within the jurisdiction of the Santa Ana Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the city = 33.6 square miles
- Area within the Santa Ana Region Watershed = 0.58 square miles (or 375 acres)
- Percent of City in the Santa Ana Region Watershed = 1.7%

In conclusion, the requested designation of regulatory authority to the San Diego Regional Board will not only reduce the complexity and administrative burden upon the City of Murrieta, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality in both regions.

If you have any questions regarding this request, please contact Robert K. Moehling at 951-304-2489.

Very truly yours,


Robert K. Moehling
City Engineer
CITY OF MURRIETA

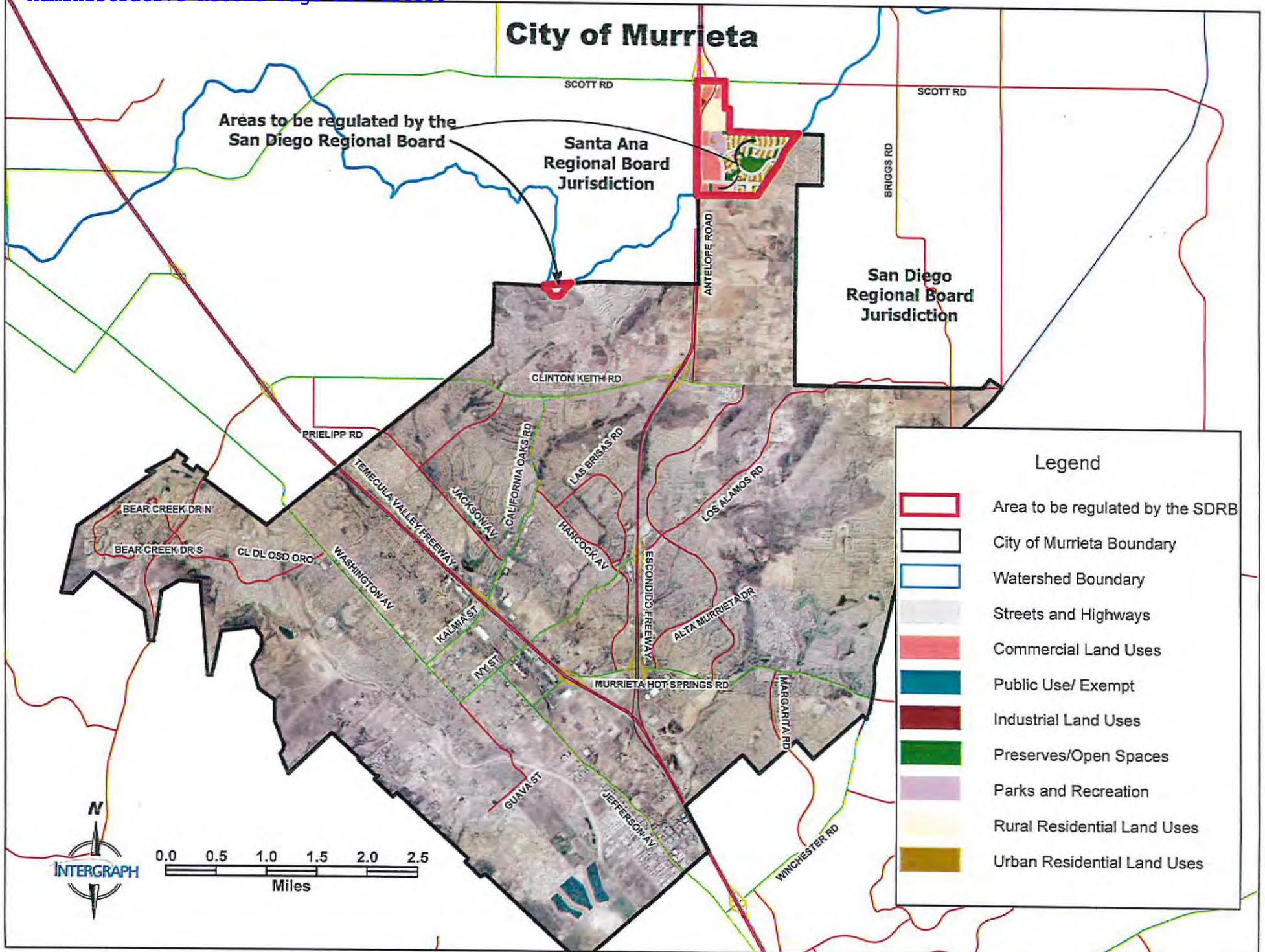
Attachments:

Map of the City of Murrieta

cc:

Bill Woolsey, City of Murrieta
James Ozouf, City of Murrieta
Stuart McKibbin, Riverside County Flood Control
Scott Bruckner, Riverside County Flood Control

City of Murrieta



Legend

- Area to be regulated by the SDRB
- City of Murrieta Boundary
- Watershed Boundary
- Streets and Highways
- Commercial Land Uses
- Public Use/ Exempt
- Industrial Land Uses
- Preserves/Open Spaces
- Parks and Recreation
- Rural Residential Land Uses
- Urban Residential Land Uses

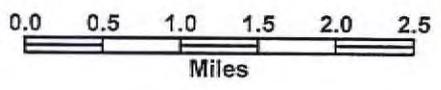


Exhibit 2
City of Wildomar
June 23, 2015 Written Request

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Ben Benoit, Mayor
Bridgette Moore, Mayor Pro Tem
Timothy Walker, Council Member
Bob Cashman, Council Member
Marsha Swanson, Council Member



23873 Clinton Keith Rd, Suite 201
Wildomar, CA 92595
951/677-7751 Phone
951/698-1463 Fax
www.CityofWildomar.org

June 23, 2015

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board - San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108

Re: Request for Designating the San Diego Regional Board as Regulating Discharges from MS4 owned by the City of Wildomar

Dear Messrs. Berchtold and Gibson:

The City of Wildomar is located within southwestern Riverside County, and covers an area of approximately 24 square miles. While the city is located primarily within the Santa Margarita Watershed and therefore is under the jurisdiction of the San Diego Regional Board, approximately 5,000 acres (or 33%) of the city extends into the Santa Ana Watershed which is under the jurisdiction of the Santa Ana Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. Because of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

Pursuant to discussions with staff at both Regional Boards and consistent with California Water Code section 13228, the City of Wildomar hereby requests that the Santa Ana Regional Board designate the San Diego Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the San Diego Regional Board, and any other associated requests.

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit) and order R9-2010-0016 with the San Diego Regional Board (San Diego Permit) – both of which are currently up for renewal. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Wildomar, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Wildomar is made with the understanding that:

- For the purposes of MS4 permitting only, the San Diego Regional Board would regulate the entirety of the City of Wildomar. As a result, the City of Wildomar would be subject to a single MS4 permit, which would be issued by the San Diego Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Wildomar would be performed by the San Diego Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the Santa Ana Regional Board, which include the City of Wildomar as a responsible party, will be incorporated into the MS4 permit issued by the San Diego Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the Santa Ana Regional Board would remain wholly under the jurisdiction of the Santa Ana Regional Board.

Description of the area of the City subject to the designation:

Some facts about the City of Wildomar and the portion within the jurisdiction of the Santa Ana Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the city = 24 square miles
- Area within the Santa Ana Region Watershed = 7.8 square miles
- Percent of City in the Santa Ana Region Watershed = 33%

In conclusion, the requested designation of regulatory authority to the San Diego Regional Board will not only reduce the complexity and administrative burden upon the City of Wildomar, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality in both regions.

If you have any questions regarding this request, please contact Matt Bennett at 951.677.7751 x208.

Very truly yours,



Daniel A. York
Assistant City Manager
Public Works Director/City Engineer
City of Wildomar

Attachments:

Map of the City of Wildomar

cc: Matt Bennett, City of Wildomar
Scott Bruckner, Riverside County Flood Control
Stuart McKibbin, Riverside County Flood Control
Wayne Chiu, California Regional Water Quality Control Board San Diego Region

City of Wildomar

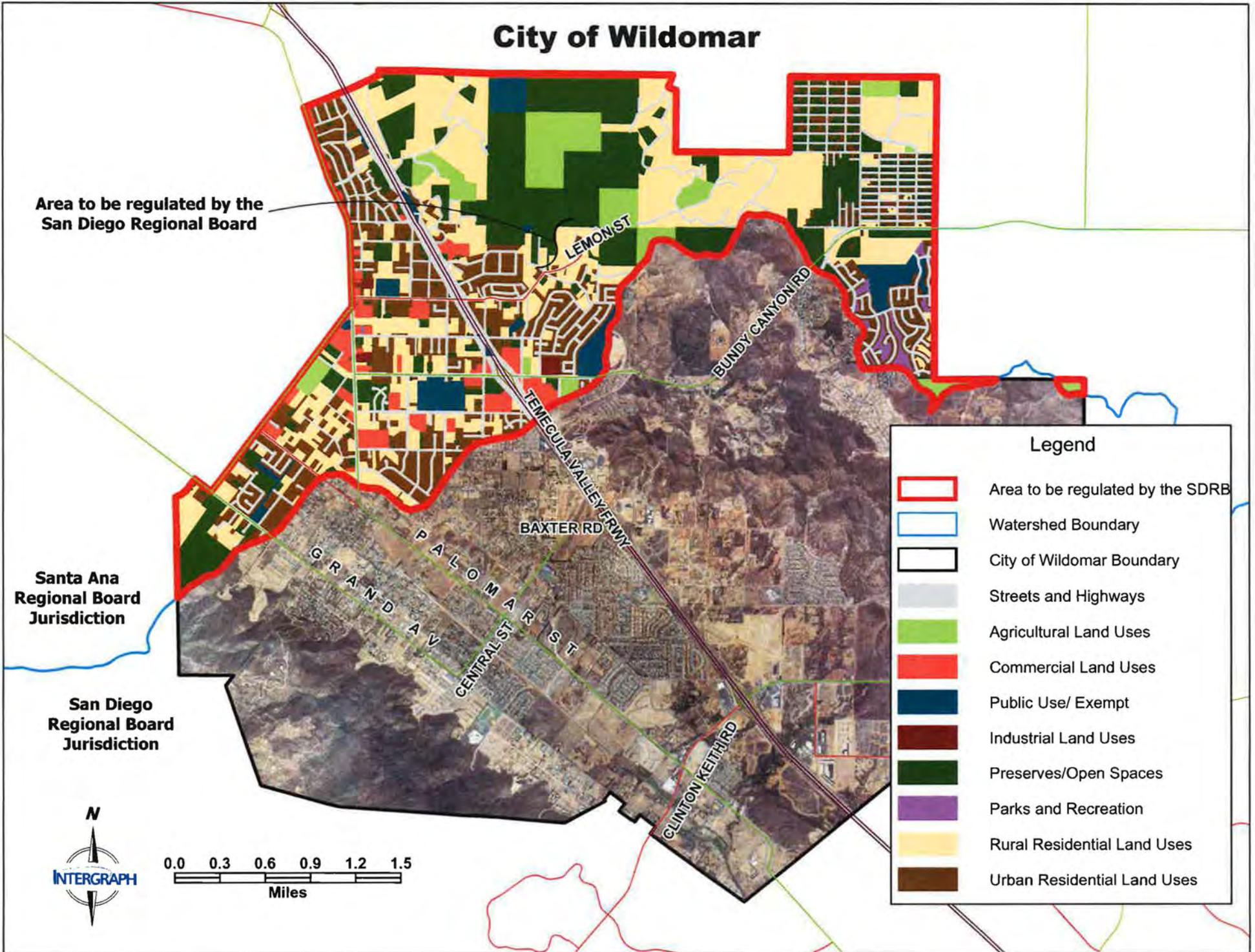


Exhibit 3
City of Menifee
June 25, 2015 Written Request

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Scott A. Mann
Mayor

John V. Denver
Mayor Pro Tem

Wallace W. Edgerton
Councilmember

Greg August
Councilmember

Matthew Liesemeyer
Councilmember

June 25, 2015

Mr. Kurt Berchtold
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. David W. Gibson
Executive Officer
California Regional Water Quality
Control Board – San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108

RECEIVED
WATER QUALITY CONTROL BOARD
JUN 29 2015

Dear Messrs. Berchtold and Gibson:

Re: Request for Designating the Santa Ana Regional Board as Regulating Discharges from MS4 owned by the City of Menifee

The City of Menifee is located within southwestern Riverside County, and covers an area of approximately 47 square miles. While the city is located primarily within the Santa Ana Watershed and therefore is under the jurisdiction of the Santa Ana Regional Board, approximately 737 acres (or 2.5%) of the city extends into the Santa Margarita Watershed which is under the jurisdiction of the San Diego Regional Board. Attached for your reference is a map of the city, overlaid with the jurisdictional boundary between the two Regional Boards. Because of this situation, the city is subject to two Municipal Separate Storm Sewer System (MS4) Permits issued by the respective Regional Boards.

29714 Haun Road
Menifee, CA 92586
Phone 951.672.6777
Fax 951.676.3843
www.cityofmenifee.us

DH# 1981457
Doc Scanned On: 6/29/15
B. Davila Time: 4:19

Pursuant to discussions with staff at both Regional Boards and consistent with California Water Code section 13228, the City of Menifee hereby requests that the San Diego Regional Board designate the Santa Ana Regional Board for regulation of all portions of the city, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The remainder of this letter contains a discussion of the basis for this request; a description of the understood limitations of this designation; a description of the additional portion of the city that, pursuant to this designation, would be regulated by the Santa Ana Regional Board, and any other associated requests.

Basis for the request

The City is currently a named permittee on order R8-2010-0033 issued by the Santa Ana Regional Board (Santa Ana Permit), and order R9-2010-0016 with the San Diego Regional Board (San Diego Permit) - which is currently up for renewal. While having the same goal of reducing the discharge of pollutants from the MS4 system, these two orders include requirements that accomplish that goal in different ways. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single city, such as the City of Menifee, having two differing programs creates significant confusion among both city staff and the public, which can lead to inefficient and inconsistent implementation of the programs and less effective protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 permits: two sets of programs have to be developed; staff have to be trained to two sets of requirements, and at differing frequencies; business inspections must inspect for and track different information, at differing frequencies; two sets of annual reports have to be created, with each report being required to include different information; etc.

The purpose of the City's request is to reduce the aforementioned complexity to allow for the more effective and focused utilization of the City's resources to the benefit of water quality.

Understood Limitations

This request by the City of Menifee is made with the understanding that:

- For the purposes of MS4 permitting only, the Santa Ana Regional Board would regulate the entirety of the City of Menifee. As a result, the City of Menifee would be subject to a single MS4 permit, which would be issued by the Santa Ana Regional Board.
- Enforcement of any provisions of the MS4 permit issued to the City of Menifee would be performed by the Santa Ana Regional Board.
- Any TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board, which include the City of Menifee as a responsible party, will be incorporated into the MS4 permit issued by the Santa Ana Regional Board by reference, including reference to any associated provisions, findings or elements of the fact sheet.
- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the San Diego Regional Board would remain wholly under the jurisdiction of the San Diego Regional Board.

Description of the area of the City subject to the designation:

Some facts about the City of Menifee and the portion within the jurisdiction of the San Diego Regional Board are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the city = 47 square miles
- Area within the Santa Margarita Region Watershed = 1.15 square miles
- Percent of City in the Santa Margarita Region Watershed = 2.5%

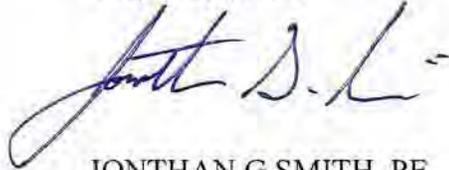
Other Requests:

Understanding that the requested designation applies to the MS4 permit requirements, the Santa Ana Permit incorporates a simplified process in section XIV.G.1. for applying for coverage under the General Construction Permit (Order 2009-0009-DWQ) for municipal projects. This process includes submission of the NOI or Permit Registration Documents (PRDs) directly to the Executive Officer, and waived application fees. To avoid unnecessary confusion among staff, and potential for inadvertent non-compliance, the City of Menifee specifically requests that this portion of the MS4 permit would be applicable within the entire City, including those portions of the city within the jurisdiction of the San Diego Regional Board.

In conclusion, the requested designation of regulatory authority to the Santa Ana Regional Board will not only reduce the complexity and administrative burden upon the City of Menifee, but will allow the City to better focus and effectively utilize their available resources to the best benefit to water quality in both regions.

If you have any questions regarding this request, please contact Nino Abad at 951.672.6777.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jonathan G. Smith". The signature is fluid and cursive, with a large initial "J" and "S".

JONTHAN G SMITH, PE
PUBLIC WORKS DIRECTOR
CITY OF MENIFEE

Attachments:

Map of the City of Menifee

ec:

Nino Abad, City of Menifee

Stuart McKibbin, Riverside County Flood Control

Julianna Gonzalez, Riverside County Flood Control

