



County of San Diego

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DIRECTOR

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November 19, 2014

Ms. Laurie Walsh
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

Tentative Order R9-2015-0001, Place ID: 658018LWalsh

Dear Ms. Walsh:

Please accept this correspondence as the County of San Diego's technical comments on the above Tentative Order. Legal comments will be submitted under separate cover from the Office of County Counsel.

Permit Provision II.E.3.c.(3) enables each Copermitee, at its own discretion, to allow Priority Development Projects (PDPs) to participate in an alternative compliance program in lieu of implementing the onsite structural BMP performance requirements of Provisions II.E.3.c.(1) and II.E.3.c.(2). Alternative compliance is only allowed if the Copermitee determines that implementation of an alternative compliance project will result in a greater overall water quality benefit for the Watershed Management Area than fully complying with the onsite performance requirements.

A regional technical advisory committee (TAC) and stakeholder group have been formed to develop "Water Quality Equivalency" calculations that can be used to establish an objective, science-based method for determining whether an alternative compliance project will result in "greater overall water quality benefit." For example, if a PDP proposes to fund a stream rehabilitation project in lieu of fully implementing the stormwater retention requirements onsite, Water Quality Equivalency calculations would be used to establish an "apples-to-apples" comparison of the relative water quality benefits of each project. TAC members include representatives from various Copermitees, Regional Board staff, industry groups, environmental groups, academia, and regional technical experts, including SCCWRP, SANDAG, and CASQA.

Ms. Laurie Walsh
November 19, 2014
Page 2

The County of San Diego requests that the Water Quality Equivalency calculations currently under development by the TAC be included as an optional Copermitee deliverable for review and acceptance by the Regional Board Executive Officer. Water Quality Equivalency calculations will provide the scientific basis for Copermitees to create offsite alternative compliance programs via Section II.E.3.c.(3)(b) 'Project Applicant Proposed Alternative Compliance Projects'; Section II.E.3.c.(3)(c) 'Alternative Compliance In-lieu Fee Structure'; and/or Section II.E.3.c.(3)(d) 'Alternative Compliance Water Quality Credit System Option'. Regional Board acceptance of the proposed Water Quality Equivalency calculations would add a much needed measure of validity to the Copermitees' approach. Submittal to the Regional Board would also allow for public comment and participation from those not directly participating through the TAC or stakeholder group. The County requests that the Water Quality Equivalency calculations be accepted by the Regional Board Executive Officer before significant time and resources are expended on developing further offsite alternative compliance implementation strategies within the region.

We request the following language for inclusion at Section II.E.3.c.(3)(b) as follows:

(b) Water Quality Equivalency

The Copermitees may develop and submit Water Quality Equivalency calculations to the San Diego Water Board Executive Officer for review and acceptance. The purpose of Water Quality Equivalency calculations is to establish a regional and technical basis for determining the water quality benefits associated with alternative compliance projects as required in Provisions E.3.c.(3)(a)(i). Accepted Water Quality Equivalency calculations must be incorporated as part of any jurisdictional Alternative Compliance Program necessary for processing project applicant proposed projects, in-lieu fee structure, or water quality credit system.

Thank you for your consideration. If you have any questions, please contact Christine Sloan at (858) 495-5257 or by email at Christine.Sloan@sdcounty.ca.gov.

Sincerely,



Todd Snyder, Watershed Protection Program Manager
Department of Public Works