



September 14, 2012

Regional Water Quality Control Board
Attention: Ms. Laurie Walsh
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: City of Vista Comments regarding the Administrative Draft of the Tentative Order No. R9-2012-0011, the NPDES Permit for Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region

Dear Ms. Walsh:

The City of Vista appreciates the efforts that the Regional Water Board staff has undertaken to involve the stakeholders in the development of the new permit. The release of the administrative draft to the stakeholders is a positive step that fosters early and collaborative input and will provide for an improved Tentative Order when released. The focused meetings were successful in bringing together the various stakeholders and provided for fruitful discussions of the permit requirements that allowed for the expression of many points of view. Thank you for these efforts.

The City of Vista participated in the development of the comments submitted by the County of San Diego on behalf of the 21 Copermittees in San Diego County. We support the comments and look forward to their inclusion in the revised Tentative Order. Additionally, we respectfully submit the following comments for your consideration. Due to staffing limitations and time constraints, these comments were unable to be put forward for consideration in the Copermittee comments.

1. E.4.b.(2) - Construction Site Inventory and Tracking: This section addresses minimums in determining construction sites that are a high threat to water quality. The requirement to "identify all construction sites within its jurisdiction that represent a high threat to downstream surface water quality" is acceptable practice. However, the following requirements to include all sites within areas of the watershed that have water bodies that are impacted by sediment does not allow for prioritization of construction sites. **The statement "At a minimum, high threat to water quality sites must include:" should be changed to read "At a minimum, prioritization of construction sites must consider:"**

Through many discussions with Regional Board Staff, the City understands that the concept of prioritization and adaptation is supported and will be incorporated throughout the permit. The City would appreciate the latitude to prioritize construction sites appropriately. In the past, prioritization has been accomplished taking many factors into account including site size, erosion potential, location related to an Environmentally Sensitive Area, sediment impaired waterbodies, etc. When

determining the threat to water quality of a construction site, the overall potential for the discharge of sediment is the critical consideration with respect to determining priority. The watershed and receiving water problems should be a factor in this determination, but should not automatically deem construction sites a high priority, regardless of other factors.

As written, it is likely that small sites, with limited ground disturbance and a low threat to water quality, will be deemed high priority due to their location within the jurisdiction. This may result in a misdirection of resources to provide frequent inspections at these sites with relatively little benefit to water quality.

2. Attachment C: **The definition of Monitoring Year should be changed to October 1 through September 30** to align with hydrologic patterns. This modification will allow for reporting of a full wet season followed by the subsequent dry season. This definition is consistent with the proposed Provision D submitted by the San Diego County Copermittees. Defining the monitoring year as written (July 1 – June 30) breaks up the dry season which will present challenges and inconsistencies in data interpretation and reporting.

We understand the need to balance the collaborative process in the development of the permit with the regulatory oversight incumbent on the Regional Water Quality Control Board. Thank you for the opportunities provided thus far for the Copermittees to add their experience and insights to the process. We look forward to further discussions on the concepts put forward as we all work towards a permit that will efficiently and effectively lead to improvements in water quality in the San Diego Region.

Sincerely,



Paul Hartman
Water Quality Protection Program Manager