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# County of San Diego

JNR 8/23-06  
Julie C null October 11 work?

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August 18, 2006

John H. Robertus, Executive Officer  
California Regional Water Quality Control Board  
San Diego Region 9  
9174 Sky Park Court, Ste. 100  
San Diego, CA 92123-4340

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WATER QUALITY CONTROL BOARD

**REQUEST FOR HEARING ON INVESTIGATION ORDER NO. R9-2006-076  
(W.C. 13267) - WQS:79-0058.02:CGT**

Dear Mr. Robertus:

The purpose of this letter is to request a public hearing on Investigation Order No. R9-2006-076 (W.C. 13267) entitled *Owners and Operators of Municipal Separate Storm Sewer Systems, California Department of Transportation, Hale Avenue Resource Recovery Facility, and North County Transit District Responsible for the Discharge of Bacteria, Nutrients, Sediment, and Total Dissolved Solids into Impaired Lagoons and Adjacent Beaches and Agua Hedionda Creek* ("Order").

While we appreciate the opportunities provided to participate in the Stakeholder Advisory Group that worked with staff and provided comments on each draft version of this Order, we believe that additional consideration of some aspects of the Order is needed.

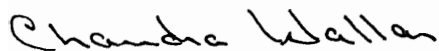
On August 17, 2006 County staff met with representatives of the U.S. Marine Corps Base Camp Pendleton, the California Department of Transportation, the Riverside County Flood Control and Water Conservation District, the City of Temecula, and the City of Murrieta to discuss approaches for complying with provisions of the Order applicable to the Santa Margarita Lagoon. Although diligent efforts are being made by all parties to meet these mandates, we remain concerned that specified timelines do not provide sufficient time to (1) negotiate and enter into formal agreements between multiple federal, state, and local agencies, (2) obtain funding, (3) competitively bid and award contract work, and (4) submit and obtain review and approval of a Work Plan and Quality Assurance Project Plan prior to initiating field work in October 2007. We are also concerned

that the required timelines may in some instances undermine the quality and effectiveness of the work to be conducted under the Order. These concerns have been previously expressed by the County and others, but in several instances remain unaddressed. Please see the County's July 25, 2005, September 26, 2005, June 23, 2006, and July 14, 2006 comments for additional detail on the specific concerns.

A public hearing will provide the opportunity for further discussion of relevant scheduling, financing, and technical concerns. While this request is being made specifically on behalf of the parties listed above, we believe that their concerns are shared by many, if not all, of the remaining responsible dischargers under the Order. Our desire is to continue building on the improvements that have been made on the Order through the review and modification of previous drafts. We believe this can be best accomplished through a public hearing.

Thank you for your consideration of this matter. We understand the need for completing this work, and will continue to coordinate our efforts with all parties subject to the Order. We look forward to hearing from you or your staff. Please contact Jon Van Rhyn of the County Department of Public Works at (858) 495-5133, if you have any questions regarding this request.

Sincerely,



CHANDRA L. WALLAR  
Deputy Chief Administrative Officer  
Land Use and Environment Group

CLW:ewm

## ITEM 9. Supporting Document 5.

**From:** "Weber, Jo Ann" <JoAnn.Weber@sdcounty.ca.gov>  
**To:** "Julie Chan" <JChan@waterboards.ca.gov>, "Cynthia Gorham-Test" <ctest@waterboards.ca.gov>, <wchiu@waterboards.ca.gov>  
**Date:** 9/7/2006 3:45:01 PM  
**Subject:** List of items for the Oct 11th Hearing on 13267 for Lagoons

Julie and all, Attached is the list of issues for the subject hearing in the format that you requested. Thank you for your consideration and thanks for giving us a bit more time to get this together. I look forward to fine-tuning it with you and Wayne on Friday at 9:00 am. Sincerely, Jo Ann

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## ITEM 9. Supporting Document 5.

List of Issues for October 11, 2006 Hearing on 13267 Letter for Investigations of the Lagoons:

Should the San Diego Water Board amend Order No. R9-2006-0076 to:

1. A1. Change the due date for the Monitoring Program Work Plan to September 1, 2007.
2. A2. iii and A3.iii, change the October 1, 2007 through April 30, 2008 schedule for wet season monitoring to October 1, 2008 through April 30, 2009. Change the May 1, 2008 through September 30, 2008 schedule for dry season monitoring to May 1, 2009 through September 30, 2009.
3. A1. Provide a process for further exploring the adequacy of specific technical requirements in addressing the overall goal of Order: "The Workplans must be adequate to guide the collection of monitoring data needed to characterize dry weather flow and storm flow influenced water quality in the segments listed in Table 1 in order to complete development of TMDLs, and load and wasteload allocations and reductions."
4. A6. iii. Change the requirement for operation of a rain gage from October 1, 2007 to October 1, 2008.
5. A.8. Remove or modify the timeline for conducting special studies (and associated study questions e,e1,e2 and e3 in Section A1).
6. Section A9. Change the due date for the QA/QC Plan from September 1, 2007 to March 1, 2008.