



May 14, 2009

James Smith
Senior Environmental Scientist
Northern Watershed Protection Unit
San Diego Regional Water Quality Control Board
9174 Sky Park Ct., Suite 100
San Diego, CA 92123

Mr. Smith,

The City of Laguna Beach has reviewed the language pertaining to ASBS in the Tentative Order and suggests removing #5 from page 18 and #5 from page 20. The City is not opposed to using ASBS drainage as criteria for identifying LID retrofit opportunities as seen on page 66 of the Tentative Order. Possible alternative language in place of the deleted text may read: "Dry and wet weather discharges into ASBS or SWQPAs are separately regulated by the State Board."

The City feels that adding an ASBS discharge prohibition to the permit is not necessary because the ASBS discharge prohibition is covered in much more detail by the (draft) "Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance" issued by the State Board. Having two branches of the same agency regulating the ASBS is simply an extra burden on City and State personnel with no measurable water quality benefit.

Laguna Beach has focused water quality control and storm water BMP efforts in the Heisler Park ASBS over the past several years and has achieved measureable results. The ASBS language in the permit is not necessary to further these efforts. Since the City faces enforcement actions from the State Board for illegal discharges outside the NPDES permit, the City requests the deletions noted above.

Thank you for your consideration in this matter,

Respectfully,

A handwritten signature in black ink, appearing to read "Kenneth Frank".

Kenneth Frank, City Manager

Attached