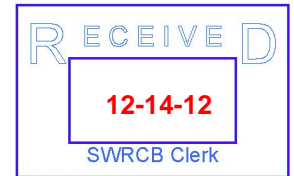




THE CITY OF SAN DIEGO



December 17, 2012

VIA EMAIL TO: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Revised Draft Phase II Small MS4 Permit

Dear Ms. Townsend:

Thank you for the opportunity to comment on the State Water Resources Control Board's (State Board) Revised Draft Phase II Small MS4 Permit (Phase II MS4 Permit). We appreciate the State Board's efforts to bring additional point sources into compliance with water quality regulations. Based on our review of the revised draft permit, we have provided comments for your consideration. Below are some of our primary concerns, while additional specific comments are included on the attached table.

- The City of San Diego has provided comments during two previous comment periods for these amendments:
 - Comments were submitted on August 22, 2011 and July 16, 2012.
 - The City maintains the same position with regard to submitted comments.
 - Not all City comments were addressed by the State Board in the formal response to comments. The attached table includes comments previously submitted that were not addressed.
- The City appreciates the inclusion of the Chollas Creek Dissolved Copper, Lead, and Zinc TMDL and the Bacteria Project I – 20 Beaches and Creeks (Including Tecolote Creek) in Attachment G. The City recommends that TMDL specific permit requirements be added to Attachment G for Region 9 TMDLs and a discussion of these requirements be provided by the San Diego Region Water Board in the Fact Sheet.
- Monitoring data collected by Phase II MS4s should be submitted to the same database used by the Phase I MS4 programs to facilitate data sharing for regional watershed-based activities.



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If you have additional questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,



Kris McFadden
Deputy Director

KM\rk

Attachment: City of San Diego Draft Phase II Small MS4 Permit Comment Table

cc: Garth K. Sturdevan, Director, Transportation & Storm Water Department
Ruth Kolb, Program Manager, Transportation & Storm Water Department

City of San Diego Draft Phase II Small MS4 Permit Comment Table

#	Page	Section	Topic	Comment
1	10 – 13 24 44 59 121	Findings, #30, 42, 43, 44 E.6.a.(f, g) E.10. E.12. F.5.g.	Findings Program Management Element Construction Site Storm Water Runoff Control Program Post Construction Storm Water Management Program Provisions	As previously submitted, we recommend that the Phase II Permittees also comply with all pre-construction requirements that are being implemented in a Phase I jurisdiction. These actions will allow for consistent implementation of activities across municipal boundaries, particularly when non-traditional Phase II permittees are within a Phase I jurisdiction.
2	12	Finding #41	TMDLs	According to this finding TMDL requirements should be included in this permit. We recommend that TMDL specific permit requirements be added to Attachment G for Region 9 TMDLs and a discussion of these requirements be provided by the San Diego Region Water Board in the Fact Sheet.
3	28	E.7.	Education and Outreach Program	As previously submitted, the public outreach and education component also mandates coordination with the Phase I permittees. This requirement is favorable; however, there may be instances where Phase II MS4 storm water outreach to their clients and/or employees may vary from the municipalities' program requirements.
4	41	E.9.c.(iii)	Illicit Discharge Detection and Elimination	There should be a requirement to submit the monitoring data, as opposed to the summary of activities that goes to SMART, to the same database used by the regional or countywide storm water program. For example, CEDEN is used in southern California as the data center to facilitate data sharing and ensure that monitoring data is submitted in a comparable format.
5	42	E.9.d.(ii).e.		This section assumes that the source of an illicit discharge will always

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6	43	E.9.d.(ii).e.	Illicit Discharge Detection and Elimination	<p>be identified, which may not always be possible, especially where discharges are sporadic. This section should include a stopping rule that will prevent ongoing source identification efforts with little or no chance of success.</p> <p>This section could be interpreted to mean that the illicit discharge has been eliminated within 72 hours of notification. This may not be feasible in all instances. Should be reworded to require that corrective actions begin within 72 hours of notification.</p>
7	49	E.11.a.(ii) E.11.c.(ii)	Pollution Prevention/Good House Keeping	<p>As previously submitted this draft permit includes marinas; however, the State Board Water Resources Control Board (State Board) sent out a public notice regarding a tentative marina permit on May 6, 2009. Research on the State Board's website documents the continuing activities of the Marina & Recreational Boating Interagency Coordination Committee. The committee's meeting notes and the tentative marina permit appears to address the marina landside and waterside activities; whereas, this draft permit only addresses the landside activities. Based on the review of both programs, the City of San Diego strongly recommends removing marinas from this draft permit in favor of the comprehensive marina permit.</p>
9	82	E.13	Water Quality Monitoring	<p>As previously submitted, we recommend collaborative efforts with the Phase I permittees regarding monitoring activities to minimize duplication and possible right of entry permitting issues.</p>
10	84	E.13.a.	Water Quality Monitoring	<p>As previously submitted, the draft permit requirements for a Phase II permittee to collect samples from the downstream receiving water that is outside of their boundaries will require them to obtain right of entry permits from the local municipality. For example, if a Phase II</p>

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				<p>permittee has to collect samples from the downstream river system within the City of San Diego, that institution will have to obtain a right of entry permit. We request that Phase II permittees be required to obtain authorization from the Phase I jurisdiction when monitoring beyond their boundaries or within other agencies' easements.</p>
12	41	Attachment G	<p><i>Chollas Creek Dissolved Copper, Lead, and Zinc TMDL</i></p>	<p>We request TMDL-specific permit requirements be added. This permit should require Phase II dischargers to monitor and demonstrate that their runoff discharges do not contribute to exceedances of water quality criteria for copper, lead, and zinc before discharged to Phase I MS4 or Chollas Creek and its tributaries.</p>
13	42	Attachment G	<p>Bacteria Project I-Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)</p>	<p>We request TMDL-specific permit requirements be added. This permit should require Phase II dischargers to monitor and demonstrate that their runoff discharges do not cause or contribute to exceedances of WLAs assigned to municipal dischargers.</p>
14	56	Fact Sheet XII - TMDLs	<p>TMDLs - (see the following discussions specific to each Regional Water Board).</p>	<p>The San Diego Regional Board does not have a detailed discussion of Region 9 TMDLs. We request that a Region 9 discussion be included. As the September 2011 Fact Sheet states, "Without progress by each responsible party, the Water Board will not be able to demonstrate progress towards correcting the impairment."</p>