

PALA - PAUMA COMMUNITY SPONSOR GROUP
P.O. Box 1273
Pauma Valley, CA 92061
Phone: 760-742-0426

REGULAR MEETING, DECEMBER 4, 2012,
APPROVED MINUTES

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Date: December 4, 2012

Scheduled start time: 7:00 PM

Place: Pauma Valley Community Center
16650 Hwy. 76
Pauma Valley, Ca. 92061

- 1. CALL TO ORDER: 7:07 PM.** Roll Call and quorum established: All members were present: Andy Mathews, Chairman; Bill Winn, Vice Chairman; Fritz Stumpges, Secretary; Robert Smith; Jim Beezhold; John Ljubenkov and Ron Barbanell.
- 2. OPEN FORUM:** There were no comments from the community at the open forum.
- 3. ADMINISTRATIVE MATTERS:**
 - a.** The minutes of the November 6th meeting had been circulated to all members and corrections incorporated. The minutes were re-circulated prior to the meeting. Bill then made a motion to accept these minutes as amended, and Ron gave a 2nd. There was further discussion where Fritz needed clarification as to whether or not to keep the old NRDC memo from John's Gregory Canyon update as an official addendum. It was decided to keep in for information purposes only. The minutes were approved unanimously 7-0.
 - b.** We then considered the problem of our next meeting being scheduled on the holiday of New Year's Day January 1, 2013. Andy stated that there was no new official business requiring our immediate attention and offered a suggestion that we postpone our meeting until the next scheduled meeting of February 5th 2013. Fritz moved to cancel the Jan. 1 meeting for lack of new business, Bill gave a second and it was approved unanimously 7-0.
 - c.** There were no operating expenses. Fritz informed us that the county had paid the last quarter's hall rent and all were pleased to see the new system working well.
- 4. DISCUSSIONS:**
 - a.** Next we were presented information about the proposed NPDES Stormwater Permit Reissuance process by Stephanie Gains of the county Watershed Protection Program of the S.D. Co. Public Works. Scott Norris lead planner for the San Luis Rey Watershed joined her. Andy first asked how this new county code would integrate with San Diego and adjacent cities? Stephanie stated that all 21 co-permittees were working together with the regional board to update this single permit (every 5 years). Starting with the EPA and its Federal Clean Water Act, section 402 requires a NPDES or National Pollutant Discharge Elimination System (Storm Water Permit, MS4). The EPA relegates this task to each state. We are in region 9 which is primarily San Diego area but goes from Tecate area up into southern Riverside and Orange counties. This permit is for runoff, which is separate from septic/sewer concerns and regulations. This MS4 permit allows the permittees to discharge runoff into local water ways or waters of the US.

Requirements are tailored for the unique problems of different areas within, such as urban development or rural agricultural. The new regulations within this tentative order are greatly more far reaching than previous ones. They will also require new monitoring of federal, state,

and even tribal runoff rather than the EPA handling it. It will now even require residential inspections and retrofitting and restoration of existing local water bodies. These are heavy new mandated requirements for which there is still disagreement about their effectiveness and further, who should have responsibility for enforcing them.

The “Total Maximum Daily Load (TMDL) is used as the measurement tool to regulate the amount of pollution, both chemical and bacterial, and also to restore old waters. Fritz asked if these MS4 requirements applied to the proposed landfill or just to our washing down our driveways and Stephanie said that they were under the same region but had their own specific requirements and permits. She reiterated that the 3 big issues that they still have were the far reaching bacterial TMDLs, the development project permits, and performance standards. The bacteria TMDL required a load reduction plan to restore 20 beaches and creeks. The regional cost projected to implement this reduction was estimated to be 2 to 4 BILLION \$ over the next 20 years! She said that they had asked that this Bacterial control not be added to the laws until some special resource studies were completed. As for development permits, this relates to new low impact requirements. There is included a new, highly expanded umbrella that forces many new developments and re-developments into what is called a “High impact development”. She was concerned that they did not have the complete science down to back up the new requirements. Another big problem is with how the new expanded rules will be enforced. In the past if you were doing all that you can, you were in compliance; now you may be required to meet the full limits of the requirements. This will open the flood gates of law suits (environmental or other) and might bring new growth to a halt! She then summed up what they wanted and that was that this new required permit be based on sound science, and that it did not induce unnecessary costs that were not going to create increased water quality benefits. She said that this tentative order was issued on October 31, and that started the 60 day review period. They were given until January 11 to obtain comments to the regional board. We need to provide comments and Stephanie would help us with a summary of her presentation.

Ron then asked how specific was their current quantification of pollutants? For example, if you are concerned about even meeting current levels, why are developments like Warner Ranch not part of a moratorium? Scott responded by saying that they were required to formulate a plan. So, based on 400 small areas in the San Luis Rey watershed, they assigned approximate levels for each and prioritized them to allow focus on the worst. The worst were residential, commercial, sub-industrial and some agricultural. The worst also came when these were packed tightly as in a dense city. New Hydro Modification Plans (HMPs) are designed to control pollutants to an acceptable level and would be used at Warner Ranch to control its impacts.

Bill then moved that we authorize Andy to formalize our comments using this testimony and the summary of highlights, and submit them to us and the county by the January 11th deadline. Ron gave a second. It was passed unanimously 7-0.

- b.** Caltrans did not show for their presentation on projected growth on Highway 76.
- c.** Next we were to consider all five applicants for the 4 available seats on this PPCSG. We will each vote for our 4 top choices and send the top vote getters as our recommendations to Bill Horn, our Supervisor, for his evaluation and final consideration. Of the 4 members whose terms expired, one, John Ljubenkov, his 3 terms expired and one Robert Smith has chosen not to run again. Fritz Stumpges and Jim Beezhold have chosen to run again for a seat along with any new applicants as now required by county rules. We then heard brief statements from each as to their suitability for office. Fritz started with his statement which was brief because all knew him already. Next we heard from Stephanie Spencer, whom we knew from her helpful presentations previously before us. She was born here and would enjoy sharing her perspectives from the native lands. Jim asked her about how she felt about having to recuse herself from Rincon considerations and she responded that she would like to be able to share information that is

helpful to the discussion but knew there might come votes in which she would have to recuse herself. Next we heard from Brad Smith who admitted that he was a recent émigré from Los Angeles. He retired from the Department of Public Works there as a civil engineer and assistant general manager, after 40 years. He worked with streets, sewers, storm drains, bridges, and new development requirements and more. Fritz then asked how he would deal with a large proposed development here. He responded by saying that he would first have to know the applicable rules; then evaluate the compliance and finally the correctness of the rules. He stated that as a Public Works official it was his responsibility to see that the infrastructure existed to allow development to continue. Ron then asked if in his experience it were not the politics of a problem rather than the science of the problem that solved it? And, can you with your science background modify our ability to politicize it? Brad said that the most influential was the political sway of proponents but that just as influential could be one loud disgruntle constituent. He said that he did not yet know the politics of this region. Next we heard from Ben Brooks who said that he too was new here a year ago. He is retired and loves the valley and is looking forward to giving back to the community now. He has a degree in business administration, with emphasis on finance, marketing and economics. He spent 34 years at Dow Chemical in many positions such as the Business Director of Dow's Thermoplastics Division, a several hundred million dollar a year business, and also in management of their retirement and investment groups. He has also served on several boards which he described. Lastly we heard from Jim. Jim said that he felt that he had served willingly while needed and had wanted to be here again tonight just in case we still needed him. But, with the talented and qualified new blood applying, he wished to remove his application for his old position. He then made a motion to accept his withdrawal and to accept the four applicants. Robert gave a second. Andy commented that he appreciated Jim's service and request to simplify the nominating process but that he wanted the board to still be able to express their agreement with the nominees or to express any displeasure with a vote. We need to tell the county how we feel so we all voted. With unanimous agreement on the four nominees we voted 7-0 to approve the results and send their names to the board of supervisors. Andy and the rest of the board thanked Jim and John for all of their many years service and also for Chairman Smith's excellent service to test the waters of direct tribal representation in our group. He has shown that there is a real benefit to having direct access to their knowledge, ideas and help; and that there need not be any legal or other conflicts in this process.

5. ADJOURNMENT:

Jim moved to adjourn, Robert gave a second, all were in favor and the meeting was adjourned at 8:30 PM.

Fritz Stumpges, Secretary, PPCSG

These minutes contain a two page addendum of Andy's comments on the MS4 Tentative Order No. R9-2013-0001 to the county.

These minutes were approved at the February 5, 2013 meeting by unanimous vote.

Pala Pauma Valley Community Sponsor Group
P O Box 1273, Pauma Valley, CA 92061
760.481.4201

By: USPS

Monday, December 10, 2012

Mr. Rich Crompton, Director
County of San Diego Department of Public Works
5510 Overland Ave, Ste 410
San Diego, CA 92123

Dear Mr. Crompton,

*Re: Comment – Tentative Order No.R9-2013-0001, Regional MS4 Permit,
Place ID: 786088Wchiu*

At its December 4, 2012 meeting the Pala Pauma Community Sponsor Group (“PPCSG”) voted unanimously to support the action of San Diego County to protect water quality while controlling the mounting and unsubstantiated costs of increased regulation on local governments, business and industry. In particular, PPCSG supports the view that regulation based upon unproven science used in pursuit of parametric objectives that are apparently unattainable is poor governance and detrimental to the interests of our community.

PPCSG believes that it is incumbent upon regulatory agencies to ensure that their enacted regulations are practical, cost-effective, and scientifically based. We are concerned that, otherwise, public funds may have to be spent to comply with requirements that are not proven nor effective, and that this will ultimately reduce the funding available for community projects and essential public services and increase the costs absorbed by trade and industry thereby inhibiting badly needed economic growth.

It appears that, as written, the Tentative Order will result in a significant and unprecedented level of regulation and cost without clear scientific basis or environmental benefit. The three main areas of concern in the draft permit are: i.) a far-reaching Bacteria Total Maximum Daily Load (“BTMDL”), ii.) additional requirements for development projects, and iii.) performance standards that unnecessarily expose municipalities to third-party lawsuits

PPCSG understands that the cost to comply with the Bacteria TMDL is estimated to be between \$2.6 billion and \$4.9 billion for the named watersheds in the region over the 20 year TMDL compliance timeline, of which only 18 years remain. The numeric targets in this TMDL may never be attainable even if government agencies were to spend billions in public resources, thereby increasing the costs of business and trade. PPCSG understand that available technology does not exist to return urbanized watersheds back to pristine, “reference” conditions.

Additionally, the Tentative Order requires that new and re-development projects return site hydrology to pre-development conditions as opposed to pre-project conditions. Returning urban infill projects to conditions that existed under "natural", pre-urban conditions would be a substantial constraint to re-development to the disadvantage of general Plans that seek to use infill development as a way of reducing urban sprawl. Further, the Tentative Order ignores all of the good work invested in the Hydromodification Management Plan developed at a significant cost to the public over the past years between the County and Regional Board staff and apparently seeks to impose a new, one-size-fits-all requirements standard that is unrealistic and without scientific justification. The result of all these changes is that the structures built to mitigate development impacts will need to be bigger and will cost significantly more than under the currently approved program.

PPCSG understands that receiving water limitations language is contrary to the intent of the Federal Clean Water Act, which is to assure municipal agencies will be regulated to a reasonable standard resulting in State and Regional Water Boards having the responsibility to ensure that water quality regulations are applied in a context that results in economic and environmental sustainability. PPCSG further understands that the 21 Co-permittees in our region (the County, 18 cities, Port District, and Airport Authority) already spend close to \$120 million a year to comply with current regulations. PPCSG would like to see the Regional Board adopt Permit standards that will be cost neutral in a way that local municipalities will have the flexibility to apply funding to priority areas.

PPCSG is hopeful that the final permit language will result in programs that are rational from both environmental and economic standpoints -regulation within reason- and not impose upon our community the crippling disadvantages of regulation without reason.

Yours sincerely,



Charles Mathews, Chair,
Pala Pauma Valley Community Sponsor Group.

Copy: PPCSG members

Gary Strawn, Vice Chairman

Eric Anderson, SD RWQCB

Henry Abarbanel, SD RWQCB

Tomas Morales, SD RWQCB

David Gibson, SD RWQCB

Wayne Chiu, SD RWQCB

California Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100

San Diego California 92123-4340

Stephanie Gaines, DPW Watershed Protection Program (by email)