



## CITY OF LAGUNA HILLS

*Public Services*

April 9, 2009

By Email and U.S. Mail

Gerard Thibeault  
Executive Officer  
California Regional Water Quality Control Board, Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

**Subject: COMMENTS FOR TENTATIVE ORDER NO. R8-2009-0030; NPDES NO. CAS618030.**

Dear Mr. Thibeault:

The City of Laguna Hills has reviewed the subject order dated March 25, 2009, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region (Tentative Order No. R8-2009-0030) (NPDES No. CAS618030). The City of Laguna Hills as Co-Permittee, welcomes the opportunity to provide comments on the second draft of this Tentative Order.

The City of Laguna Hills submitted written comments on the first draft of the Tentative Order on January 30, 2009. Although some comments were addressed in some form or another, others were not responded to at all. City Staff believes that some of the specific regulations in the Tentative Order may adversely affect our ability to effectively deliver the water quality improvements that the Board and the City are seeking to obtain. Consequently, the City of Laguna Hills, working through the Principal Permittee, would like to work closely with the Regional Water Board staff to revise the Tentative Order to ensure that the most effective strategies are implemented to ensure improved water quality. The directives and provisions of concern to the City are as follows:

- Section VI.6, page 34 requires the permittees to provide notification to the Regional Board regarding storm water related information gathered during site inspections of industrial and construction sites regulated by the Statewide General Storm Water Permits on a quarterly basis. The Cities do not administer or enforce these permits and should not be forced to perform the work of others. Trying to add this responsibility will create a burden that is not warranted. Cities inspect industrial and construction sites according to their local codes and ordinances. Reporting to the Regional Board is currently done on an annual basis through the

Program Effectiveness Assessment (PEA). The City requests that this new reporting requirement be removed from the draft Tentative Order.

- Section X.1, page 40 requires the permittees to maintain and quarterly update an inventory of commercial facilities within its jurisdiction. This requirement does not seem necessary, as the permittees are regularly tracking their facilities through certificates of use and occupancy. As it is already being updated, the requirement to quarterly update does not seem necessary. The City currently submits its database annually to the Regional Board through the Program Effectiveness Assessment (PEA). This section should be modified to allow the permittees to constantly track their facilities and submit an annual inventory.
- Section X.2, page 41 allocates arbitrary percentages for high, medium, and low priority commercial sites. The draft Tentative Order proposes a minimum of 10% shall be high priority and 40% shall be medium priority sites. The permittees should be given the flexibility as to designating its facilities without being restricted by the Regional Board. It should be noted that this requirement can also be counter productive in the case of an Agency with 100% high priority sites. Per this new requirement, the Agency will need to reduce its inspections because they will be required to have at least 40% medium priority sites. This is why this requirement should be deleted and the permittees should be given the flexibility to rank their own sites.
- Section XII.H.1, page 57 requires the permittees to ensure that all public records including treatment control information is conveyed to the appropriate parties when there is a change in site ownership. This condition should be removed as it unnecessarily places a responsibility on the permittees. Recorded information is automatically transferred to the new owners in the case of an owner change and the City should not be responsible in keeping track of this. Furthermore, state law governs access to Public Records requests and this requirement should be deleted.
- Section XIII.4, page 59 requires the permittees to conduct individual or regional workshops for various commercial businesses on an annual basis. The City believes it is very difficult to have the business community attend these sorts of workshops during their business hours. The City suggests that it is more beneficial to educate while inspecting and with mailers per current requirements which the City is fulfilling. Educational material and other notices have a direct impact on the businesses, and these activities have yielded positive results. This requirement should be deleted.

The City believes the foregoing issues in the Tentative Order will place undue financial burden and prescriptive technical requirements on the City's Stormwater Program without necessarily achieving the desired water quality improvements. The City's limited resources will be diverted

by these regulations. The City believes that a revised Order addressing the City and County comments would assist the City in carrying out a more effective and successful Stormwater Program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth H. Rosenfield".

Kenneth H. Rosenfield, P.E.  
Director of Public Services