

From: [Keith Linker](#)
To: [WB-RB8-SantaAna](#)
Cc: [Fischer, Adam@Waterboards](#); [Beckwith, Michelle@Waterboards](#)
Subject: Comments on Draft MS4 Permit (Credit System Restriction Concerns)
Date: Monday, December 07, 2015 4:01:39 PM

Dear Adam and Michelle,

We appreciate that the latest draft of the MS4 Permit has reintroduced the concept of credit systems consistent with the effort to move our water quality programs toward this model, statewide. However, we feel that there are some restrictions placed on these systems in the Permit that would severely limit (to the degree of virtually precluding entirely) the ability for Cities to plan for or create such a system. We think this can be addressed with some relatively minor edits.

The two concerns we have with credit systems as presented in the Permit are within Section XII.N.1.c.

This section of the Permit notes that structural LID BMPs generating credits must be *“located on property which is owned or controlled by the [same] proposed project proponent”* that would utilize credits to meet their Permit requirements. In short, it is highly unlikely that any credit system could be created if common ownership is a requirement. The entire concept of the credit system is to promote regional efficiency and benefits to the watershed through a coordinated funding and operation program by one entity, for the benefit of many. In truth, this “common ownership” provision puts the community which could avail itself of this provision at none--resulting in no advancement of this concept for the next 5 years.

The only “real world” scenario under which a regional LID credit program will happen is involves the municipality (or potentially, but unlikely, a private entity) funding and constructing a large-scale BMPs and trading treatment credits with the owners of various developments (private or public) within the City.

We recommend removing “common ownership” from the Permit and respectfully request that “all participating properties be a part of an regional credit system with management, operations and funding criteria which has been adopted and approved by the municipality in which it is deployed.”

We further believe that the restriction provided in Section XII.N.1.c of the Permit, noting that credits are not allowed to be used for projects “outside of the watershed of the nearest receiving water of the U.S. in which the structural treatment control LID BMP is located,” restricts the use of credits to too limited of an area. In order to justify the management and utility of a credit system they should be useable across an entire watershed, and not the more restricted “drainage area” as currently provided in the draft Permit.

Thank you for your consideration of these comments.

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