



CITY OF LAGUNA HILLS

January 30, 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

CRWQCB - REGION 8	
DATE	
NAME	

FEB 02 2009

Subject: COMMENTS FOR TENTATIVE ORDER NO. R8-2008-0030; NPDES NO. CAS618030

Dear Mr. Thibeault:

The City of Laguna Hills has reviewed the subject order dated November 10, 2008, 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. R8-2008-0030) (NPDES No. CAS618030). The City of Laguna Hills as Co-Permittee, welcomes the opportunity to provide comments on the Tentative Order. The City supports the comment letter prepared by the County of Orange (Principal Permittee) and would also like to address specific technical comments that may affect the City locally.

Overall, the Tentative Order establishes general standards of care to be met for water quality as a result of urban runoff. Hence, the permit includes specific regulations affecting City operations including development planning, construction and municipal activities, watershed urban runoff management, etc. These regulations increase the City's responsibilities, extend the regulatory reach and incorporate additional TMDLs.

The City of Laguna Hills 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.

Throughout the Tentative Order, certain actions are strictly mandated to be taken by the Permittees. These directives limit the City's discretion and the flexibility in effectively

addressing water quality issues in our community. Some of the directives and provisions of concern 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. Furthermore, the permittees are directed to provide quarterly notifications to the Regional Board regarding violations and observations. The Cities do not administer or enforce these permits. The only reporting that can be provided to the Regional Board is with regards to conformance with local codes and ordinances on an as needed basis. This section should be modified.
- 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, and would be a waste of resources. The City currently updates its database annually for inspection and reporting purposes. This section should be modified to allow the permittees to update their commercial inventory annually and submit it with the annual NPDES report.
- Section X.2, page 41 allocates arbitrary percentages for high, medium, and low priority commercial sites. The permittees should be given the flexibility as to designating its facilities without being restricted by the Regional Board. This requirement should be deleted.
- Section X.8, page 42 requires the Principal Permittee to notify all mobile businesses operating within the County concerning pollution prevention measures they must implement. Subsequently within 3 months of being notified by the permittees, the mobile businesses shall be required to implement the appropriate control measures. This requirement cannot be enforced due to the nature of mobile businesses and the limited resources of the permittees. This section should be modified in order to allow permittees to develop a mobile business pilot program in which outreach and enforcement strategies are created to address mobile businesses.
- Section XI.2, page 43 requires the permittees to have residents implement pollution prevention measures. This requirement is vague as "Pollution Prevention Measures" are not specifically defined. Moreover, the City has an effective public education program in which residents are educated with mailers, encouraged to participate in cleanup programs, and implement BMP's as residential sites are remodeled. Residents are responsive and compliant towards NPDES issues. Requiring residents to implement pollution prevention measures is counter productive. Current strategies are yielding positive results and hence this section should be modified.
- Section XII.A.2., page 44 requires the Principal Permittee and the co-permittees to develop a guidance document for the preparation of WQMPs within 6 months of adoption of the Tentative Order. Subsequently the co-permittees will be required to update their LIP's within 6 months. This requirement needs to be developed through a stakeholder driven process and will require additional time to be implemented. The City recommends this requirement be changed to 24 months.

- Section XII.B.3.a, page 48 requires the effective impervious area (EIA) be limited to 5% or less of the total project site. This requirement for land development is inappropriately establishing a watershed assessment metric as a site specific performance standard and is a land-use control restriction. This requirement may not be suitable for many locations in Laguna Hills due to soil types, and there is no technical justification that can be made for this requirement. In order to establish an appropriate standard for land development in this region, a stakeholder driven process that incorporates input from those engaged in design and implementation of LID based practices needs to occur. The timeframe for such a task should be 24 months from the adoption of this Order to establish an appropriate effective impervious area standard for new development.
- 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 is unnecessarily placing a responsibility on the permittees. Legally 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. 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, which the City currently does per the permit requirements. These activities have yielded positive results. This requirement should be deleted.

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 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,



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