

April 9, 2009

Gerard J. Thibeault, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

**BY U.S. POST AND ELECTRONIC MAIL TO
MBROWN@WATERBOARDS.CA.GOV**

Subject: Santa Ana Regional Water Quality Control Board Order No. R8-2008-0030, Waste Discharge Requirements for the County of Orange and The Incorporated Cities of Orange County Within the Santa Ana Region

Dear Mr. Thibeault:

The Orange County Business Council (OCBC), representing the largest, most innovative companies in America's fifth largest county, appreciates the opportunity to comment on the draft version of the above referenced MS4 Permit (Permit) for the County of Orange within the Santa Ana region.

As you know, this region and State are experiencing an unprecedented economic contraction affecting both the private and public sectors. Orange County, its cities, and this state are forced to make difficult cutbacks on public services. Men and women are losing their jobs. Unemployment is at record levels and hiring freezes are in place. While we believe the future of Orange County and California is bright, economic reality demands that we renew our long-term commitment to ensuring public resources are used as efficiently as possible. Protection of water quality is an important goal that we believe can be accomplished even in these challenging times as long as the required investments of the regulated community are warranted by the water quality progress to be achieved.

We believe the Permit, as written, is not acceptable as it mandates a low impact development strategy that is not based in sound public policy and imposes costly regulatory and administrative obstacles.

These obstacles, from our perspective, divert funds from other necessary objectives and do not substantially benefit water quality. With this in mind, we support the comments of Orange County Public Works which seek to:

1. Streamline streamlining reporting obligations;
2. Focus inspections on the most likely polluters based on a risk-based inspection regime; and
3. Clarify the intent of the Board in allowing for engineered flood control channels to serve their intended purpose.

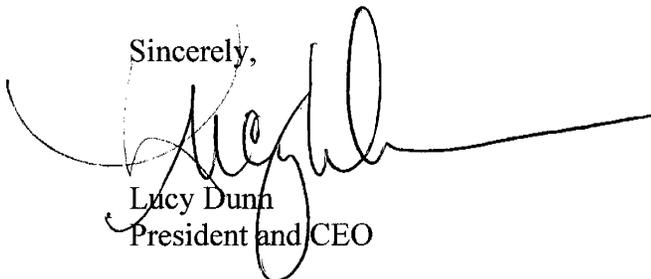
We are concerned that certain requirements within section *XII New Development (Including Significant Redevelopment)* prevent cities from building roads and municipal buildings, and work against needed efforts to meet the region's housing needs. This is particularly important given the mandates of State law to increase housing and cluster development around transit facilities. Specifically our concerns are:

- The Permit should make clear that stormwater capture and infiltration is not required where infeasible or impractical. We are informed that much of the County area is not suitable for infiltration and would suggest that the Board work with the permittees and Orange County Water District to ensure the County is mapped to identify areas suitable for infiltration.
- Most if not all infill projects in the urban landscape are incapable of creating an environment that mimics the "pre-development hydrologic regime" and this should be specifically recognized within the Permit.
- The mandatory creation of a water quality management plan and adherence to USEPA's "Green Infrastructure" for public street projects larger than 5,000 square feet substantially increases the cost for roadway construction and eliminates funding for other municipal projects. Moreover, engineering low impact designs for roadways is not possible in many built-out environments. We do not believe cities should be required seek a special waiver from the executive director to avoid this requirement.

To be clear, OCBC is a strong champion of responsible infrastructure development and recognizes the need to incorporate low impact development objectives. However, engineering principles tell us that these concepts may be better addressed on a regional level than on a piecemeal, site by site basis.

The Orange County Business Council remains committed to investing in water quality as a top priority in the County of Orange and thanks you for your time to consider our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucy Dunn', with a long horizontal flourish extending to the right.

Lucy Dunn
President and CEO

LD:KM:bm