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Cc: [Fischer, Adam@Waterboards](mailto:Fischer.Adam@Waterboards)
Subject: Letter for consideration at 5/19 Workshop
Date: Sunday, May 18, 2014 9:20:42 PM
Attachments: [Letter to RWQCB on North OC MS4 Permit Workshop 5 18 14 Signed.pdf](#)

Please see the attached letter for consideration at the workshop on the North OC MS4 Permit tomorrow, May 19th, 2014.

Regards,

Shanda Beltran

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May 18, 2014

Mr. Kurt Berchtold, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

By Electronic Mail Only To: kberchtold@waterboards.ca.gov

Re: North Orange County MS4 Permit Workshop

Dear Mr. Berchtold:

On behalf of the Building Industry Association of Southern California, Inc. (“BIASC”) we write to you today regarding the workshop to discuss the draft municipal separate storm sewer system (“MS4 Permit” or “Permit”) for North Orange County (Order No. R8-2014-0002) on May 19, 2014. BIASC is a nonprofit trade association representing over 1,000 member companies involved in planning and building Southern California's communities. Our members are involved in all aspects of construction and green building—from architecture to roofing to landscape design.

We recognize that the workshop on May 19th only allows for 90 people to attend, and it is not clear whether we will be allowed to speak. Accordingly, please have your staff describe, at the time of workshop, the rationale for the following requirements in the Permit, so that we may understand the intent:

1. We thank the Santa Ana Regional Water Quality Control Board (“Board”) staff for including provisions in the Receiving Waters Limitation section (§ IV.D) and the Total Maximum Daily Load (“TMDL”) Implementation (§XVIII.B.1) section of the Permit that provide an iterative process as the method of compliance for permittees that may need to avail themselves of such processes in order to meet TMDL requirements or receiving water limitations. We are interested if the intent of the Board is to ensure that permittees will not be subject to third-party enforcement if they are diligently implementing an iterative process?”
2. With regard to the Biotreatment BMP requirements discussed in Section XII.G.1 of the Permit, would the Board cite or provide additional evidence, in addition to the report cited in the draft Technical Report (Appendix D, BMP Performance Guidance, to the Ventura County Technical Guidance Manual for Storm Water Quality Control Measures-Manual Update 2011) that the application of the 1.5 times sizing factor for biotreatment low impact design (“LID”) Best Management Practices (“BMPs”) is appropriate for Orange County?
3. Regarding the requirements for LID retention BMPs, the Permit appears to allow on-site LID BMP retention or certain types off-site LID BMP retention options, which is a welcome development. However, Finding No. 10 and No. 16 of the Permit appear to contradict that intent. We request that the Board staff explain this anomaly.
4. We have been informed by the lead permittee, the County of Orange, that more than 10,000 acres of projects have been conditioned with LID BMPs since the 2010 permit was adopted—a program we feel satisfies the Maximum Extent Practicable (“MEP”) standard by any objective measure. Section XII of the Permit appears to change what has been shown to be an effective program for the application of LID



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BMP principles at all priority development projects in Orange County through the Water Quality Management Plan preparation process. Namely, the Permit appears to create a new structure and selection hierarchy. We would request that Board staff explain the technical underpinning of these changes and why they are necessary given the current successes of the permittee's programs for new development and redevelopment.

5. We noticed that watershed planning requirements have been essentially removed from the Permit. We would request the Board staff explain why this removal taken place and what purpose the removal might serve.
6. Section XII.N—Hydrologic Conditions of Concern—of the Permit has been changed significantly from the 2009 Permit. We are curious as to the scientific and engineering rationale for these changes. We would like the Board staff to provide insight into these changes. Also, we note that an important compliance metric, peak flow matching, has been eliminated, and again, we would ask why such a metric was removed from the current draft Permit.

While we reserve our right to make additional comments on the Permit in the future, we thank you for your kind attention to this matter, and we will look forward to discussion of these items.

Sincerely,



Shanda M. Beltran, Esq.
Executive VP & General Counsel



Mark Grey, PhD
Director of Environmental Affairs

cc: adam.fischer@waterboards.ca.gov