

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

Response to Comments V

Section X.5 of the Fact Sheet / Technical Report for

Tentative Order No. R9-2009-0002

November 18, 2009

A. Background

This document provides responses to the written comments received on the draft permit for reissuance of NPDES Waste Discharge Requirements for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds of the County of Orange, the Orange County Flood Control District, and the incorporated Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano within the San Diego Region (Tentative Order No. R9-2009-0002, formerly Tentative Order Nos. R9-2008-0001 & R9-2007-0002, NPDES Permit No. CAS0108740).

The fifth version of revised the Tentative Order was distributed on August 12, 2009. The original Tentative Order was distributed on February 9, 2007. Four previous responses to comments documents (RTC I, II, III, and IV) have addressed written comments on the four previous versions of the Tentative Order. One additional round of written comments occurred following close of the deadline for written comments to receive a written response on the December 2007 version. These comments were received prior to the close of the public comment period at the February 13, 2008 adoption hearing and were responded to verbally by Regional Board staff at the February 13, 2008 Board Meeting. This document summarizes and responds to written comments received between May 15, 2009 and September 28, 2009 on the fourth and fifth versions of the revised Tentative Order. A public hearing on the fourth version of the Tentative Order was held on July 01, 2009 at the Ocean Institute in Dana Point. At the July 01, 2009 public hearing on the Tentative Order, the Regional Board members directed staff to incorporate draft proposed changes to the March 12, 2009 version and to release the Tentative Order again for further public comment. Interested parties had a full 45-days to review the fifth version prior to the deadline for submission of written comments that would be responded to in writing prior to the November Hearing on the Tentative Order.

B. Contents of This Document

Twenty-two interested parties submitted comments on the March 13, 2009 version of the Tentative Order and thirty submitted comments on the August 12, 2009 version. This resulted in the submission of over 400 comments. Comments came from the public, MS4 Copermittees, governmental and non-governmental organizations, and businesses. Fifteen commenters from homeowner associations submitted identical comment letters. Their comments have been collected, considered, and responded together. The Regional Board reviewed and considered every written comment received. Responses to specific comments

are provided within this document. Each specific comment has been assigned a comment number, and comments are generally grouped by commenter. A legend for commenters can be found on the Page 2 of the coversheet and in Table 1 (below).

Comments received were concerned with a variety of topics in the Tentative Order. Most comments reiterated concerns that were previously addressed in RTC I, II, III and IV. Some comments requested changes that had already been made in RTC I, II, III and IV. New responses have not been drafted for repeat comments that lacked sufficient new information. Consideration of written and verbal comments has resulted in proposed revisions to the requirements in the Tentative Order and can be found in the Tentative Errata and Updates Sheet. In this document, the comments have not been summarized or paraphrased. When comments received from one commenter were similar to other comments received, the Regional Board response usually references back to a previous comment number in order to minimize redundancy. Please note that due to limitations of the comment database system employed to handle these numerous comments, some formatting from the original comment has been lost. Readers are recommended to review the comments as submitted in their original format to fully appreciate the commenter's sentiments. The original comments can be found as Supporting Document 7.

C. Order Adoption

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is scheduled to consider adoption of the Tentative Order on November 18, 2009.

Table 1. Commenter Legend.

Commenter	Commenter Number
Development Resource Corporation	19
Penny Elia	20
Village Laguna	21
Jinger Wallace, Citizen of Laguna Beach	22
Sierra Club	23
Friends of Harbors Beaches and Parks	24
Clean Water Now! Coalition	25
City of Laguna Beach	26
City of Santee	27
Verna Rollinger, City of Laguna Beach	28
United States Environmental Protection Agency	29
NAIOP	30
Rancho Mission Viejo	31
Natural Resources Defense Council	32
United States Marine Corps, Marine Corps Base Camp Pendleton	33
Riverside County Flood Control and Water Conservation District	34
Construction Industry Coalition on Water Quality	35
City of Laguna Niguel	36
Orange County Public Works	37
San Diego County Water Authority	38
Clean Water Now! Coalition	39
Fire Prevention Services	40
Michael Bailey, Citizen of Mission Viejo	41
Jim Fitzpatrick, Pronto Car Wash	42
United States Environmental Protection Agency	43

Table 1 continued. Commenter Legend.

Commenter	Commenter Number
Contech Stormwater Solutions	44
City of San Diego	45
Rancho Mission Viejo	46
City of Laguna Niguel	47
Natural Resource Defense Council	48
County of Orange	49
Construction Industry Coalition on Water Quality	50
Orange County Coastkeeper	51
San Diego Coastkeeper	52
City of Mission Viejo	53
City of Lake Forest	54
City of Dana Point	55
David M. Sinthr*	56
Douglas E Savard*	56
Lynn Holmes*	56
Barbara Barry*	56
Walter Storch*	56
Rancho Santa Margarita Landscape and Recreation Corporation*	56
Dennis Pearson*	56
Rancho Cielo Homeowners Association*	56
Community Association of Rancho*	56
David Pearson*	56
Robert Rebholz*	56
Lee Anne Woods*	56
Trabuco Highlands Community Association*	56
Laura Quebbemann*	56
Ira Fleischer*	56

* These persons and groups submitted identical comments that received a group response.