



April 3, 2007

RE: Comments on Tentative Order No. 09-2007-0002

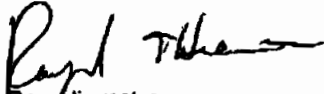
Dear Sirs,

Orange County Coastkeeper is a grass roots environmental organization with the mission to preserve, protect and restore the marine environment and watersheds of Orange County. We have reviewed Tentative Order No. 09-2007-0002 and respectfully submit the following comments for your consideration.

1. The tentative permit is a significant improvement over the previous version. We believe that the full implementation of the requirements outlined in the tentative permit will facilitate the improvement of water quality in Orange County. In section D.1.b the document states that the permittees have been "generally" implementing the required Urban Runoff Management plans. The new permit language should stress the need for full implementation of the permit requirements. Full implementation of the permit requirements is necessary to fulfill the goal of improving water quality in Orange County.
2. The inclusion of Low Impact Development (LID) site design BMP's for new developments is a good step forward. The permit should also encourage the inclusion of LID site design BMP's in the many retrofit activities that occur in Orange County such as individual commercial and residential roof and parking lot/driveway replacements.
3. Section D.4.e requires the development, updating and use of action criteria to determine when follow up investigations will be performed in response to water monitoring. We support this first step toward the establishment of numeric criteria for stormdrain discharges. We also would like to see a process to include the public in the process of developing and updating the action criteria. We think that the development and use of appropriate numeric criteria will be a useful tool to improve water quality.
4. *E. Coli* should be added to the list of bacteriological parameters to be monitored at mass loading stations detailed in Table 1 of the Receiving Waters and Urban Runoff Monitoring and Reporting Program.
5. Bioassessments should include the monitoring of periphyton within one year of approval of the permit. There is need to wait until 2010 to begin monitoring this sensitive indicator of stream health.
6. Section 2d of the Receiving Waters and Urban Runoff Monitoring and Reporting Program should be modified to allow universities, NGO's and other qualified organizations to collect samples for bioassessments. This will allow continued high quality sample collection along with the potential for substantial cost savings to the county.
7. The Inland Aquatic Habitat Monitoring Program should be implemented within one year of the approval of the permit rather than in summer 2009.
8. Section D.2.b discusses the importance of using on site source controls and site design BMP's for new developments to protect and improve water quality. While we agree with this idea in principle, for practicality we encourage the regional board to allow the permittees the use of discretion during the planning process to address water quality. By allowing the permittees flexibility choosing the methods to address water quality issues, problems can be addressed at the watershed level resulting in a greater overall benefit to water quality.

We thank you for this opportunity to comment on the Tentative Order No. 09-2007-0002. We look forward to working with the Regional Board, County and Cities in the future to continue to improve water quality in Orange County.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Hiemstra", with a stylized flourish at the end.

**Ray Hiemstra
Associate Director-Programs
Orange County Coastkeeper**