

# RANCHO MISSION VIEJO

September 14, 2012

## VIA EMAIL

Ms. Laurie Walsh, Senior Engineer  
Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4353

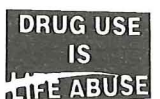
Reference: Tentative Order R9-2012-0011 Administrative Draft

Subject: Rancho Mission Viejo Comments

Dear Ms. Walsh:

Thank you for providing Rancho Mission Viejo (RMV) with the opportunity to review and comment on the referenced Administrative Draft Tentative Order ("Order"). We have participated in the meetings held to date on this Order. The discussions during the Sept 5th public meeting indicate that many provisions of the Order are still evolving, including the provisions specific to Development Planning. We are therefore focusing in this letter on the concept of watershed-scale planning.

In our opinion, the drafting of this Order represents an opportunity for the Regional Board to continue to recognize how the protection of water quality at the watershed scale can provide equal or greater benefits than the protection of water quality at a site-specific scale. The South Orange County municipal storm water permits have, since the first term permit, directed the co-permittees to implement methods of coordinating land use planning at the watershed scale and to address the impacts of development on water resources as early in the planning process as possible. As we have commented on prior orders and we discuss further below, RMV has been working diligently over many years in coordination with the County of Orange ("County") and the state and Federal resources agencies to implement these requirements. The County's approval of the Ranch Plan embodies the results of this process, and exemplifies what can be achieved when the co-permittees and the development community embrace the goals and intent of the water quality regulatory program. Our comments in this letter are intended to insure that the Order continues the Regional Board's recognition of this process as they have done in the current South Orange County MS4 permit.



## **Background**

Over the past several years, RMV in cooperation with the County, U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) has undertaken three coordinated watershed-level planning efforts to determine the future land uses for south Orange County. These planning processes have resulted in approval of the Ranch Plan by the County, the San Juan Watershed/Western San Mateo Watershed Special Area Management Plan (SAMP) by the USACE, the Southern Subregion Habitat Conservation Plan (SSHCP) by USFWS and a Master Streambed Alteration Agreement (MSAA) for the Ranch Plan by CDFG.

Within your jurisdiction and the SSHCP Study Area, 32,818 acres are planned for protection as Habitat Reserve lands and a further 45,524 acres are identified as Supplemental Open Space. 6,928 acres have been identified as Future Development most of which will occur on RMV and 2,545 acres have been identified as Potential Development. Thus, new development within the Regional Board's jurisdiction within south Orange County will be very limited in the future, and significant protection of receiving water bodies within this area has occurred. The extent of protected receiving water bodies is illustrated by the attached SAMP figure titled Aquatic Resource Conservation Areas (Exhibit A).

To support the water quality, geomorphic, and habitat goals of the Ranch Plan, SAMP and SSHCP planning processes, RMV developed a comprehensive Water Quality Management Plan (WQMP) that addresses:

- pollutants and conditions of concern through consideration of the existing hydrologic/geomorphic conditions of the RMV watersheds and sub-watersheds,
- pre- and post project flow duration modeling to address hydromodification, and pollutant loading modeling.

The Conceptual WQMP set the framework for the future levels of WQMP preparation and identified the site design, source control, treatment control, and hydromodification control WQMP elements that will be implemented for each sub-basin within the RMV Ranch Plan. We believe, as do the participating Federal, state and local agencies, that implementation of the Ranch Plan, SSHCP, SAMP and MSAA and the associated Conceptual WQMP is key to protection of water quality and water bodies in the San Juan Creek and San Mateo watersheds.

## **Comment**

RMV has previously submitted comments in support of watershed planning (see for example our letter of comment dated May 14, 2009 which we incorporate herein by reference) that the Regional Board recognized and acknowledged by including language in the current South Orange County Permit that provides for Alternative Compliance for Watershed-Based Planning (see Page 40-41 of Order R9-2009-0002). We respectfully request that the Regional Board continue to define Watershed Planning as an alternative and co-equal approach to the project-specific



requirements by inserting the following language into the Section E - Development Planning as follows:

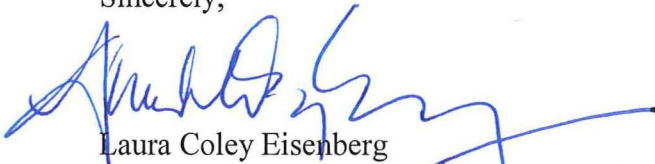
*(5) Alternative Compliance for Watershed-Based Planning*

*Where a development project, greater than 100 acres in total project size or smaller than 100 acres in size yet part of a larger common plan of development that is over 100 acres, has been prepared using watershed and/or sub-watershed based water quality, hydrologic, and fluvial geomorphologic planning principles that implement regional LID BMPs in accordance with the sizing and location criteria of this Order and acceptable to the Regional Board, such standards shall govern review of projects with respect to Provision E.3. of this Order and shall be deemed to satisfy this Order's requirements for LID site design, buffer zone, infiltration and groundwater protection standards, source control, treatment control, and hydromodification control standards. Regional BMPs must clearly exhibit that they will not result in a net impact from pollutant loadings over and above the impact caused by capture and retention of the design storm. Regional BMPs may be used provided that the BMPs capture and retain the volume of runoff produced from the 24-hour 85th percentile storm event as defined in Provision E.3.c. and that such controls are located upstream of receiving waters. Any volume that is not retained by the LID BMPs, up to the design capture volume, must be treated using LID biofiltration sized for the design capture volume that has not been retained. Where regional LID implementation has been shown to be technically infeasible (per Section E.3.c.(4)(b)) any volume up to and including the design capture volume, not retained by LID BMPs, nor treated by LID biofiltration, must be treated using conventional treatment control BMPs in accordance with Section E.3.c.(2)(d) and participation in the mitigation program in Section E.3.c.(4)(c).*

We look forward to working with the Regional Board to further our collective desires to protect water quality through watershed planning. We also wish to indicate our support for the comments submitted by the Building Industry Association of Southern California, Inc. (BIA/SC) and the Construction Industry Coalition on Water Quality (CICWQ).

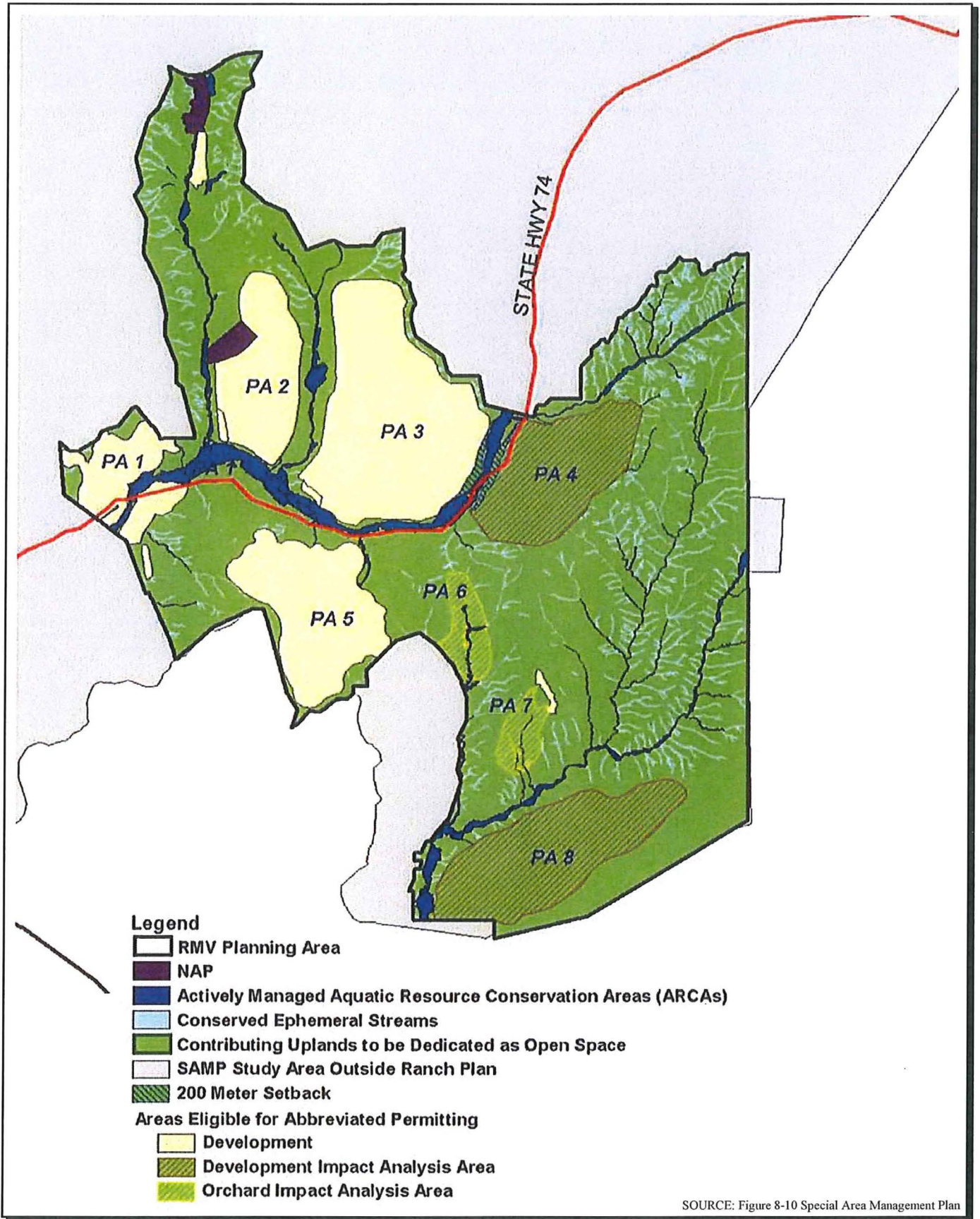
Should you have questions regarding our comments, please feel free to contact me at (949) 240-3363 or [lcoleyeisenberg@ranchomv.com](mailto:lcoleyeisenberg@ranchomv.com).

Sincerely,



Laura Coley Eisenberg  
Vice President, Open Space & Resource Management

Attachment: Exhibit A



# Aquatic Resources Conservation Areas