



December 7, 2015

Mr. Adam Fischer
Santa Ana Regional Water Quality Control Board
3737 Main St., Ste. 500
Riverside, California 92501

BY EMAIL TO SANTAANA@WATERBOARDS.CA.GOV

Subject: Orange County Draft MS4 Permit

Dear Mr. Fischer,

Orange County Business Council (OCBC) represents nearly 300 of Southern California's largest businesses that employ over 250,000 men and women in our region and more than two million employees globally.

OCBC has reviewed the latest draft of the 5th term MS4 Permit for the Santa Ana Region of Orange County (Permit), and have the following comments on the section of the Permit related to regional systems and credits.

Section XII.E.2 and XII.E.4 of the 2009 MS4 Permit (Order R8-2009-0030) provides allowances for Permittees to create urban runoff funds and water quality credit systems to increase the feasibility of regional treatment programs without detracting from the region's overall runoff water quality. **We contend that the future of water quality control throughout southern California is focused on regional treatment. Unfortunately, there appear to be Permit restrictions that would inhibit the planning, funding and use of such systems.**

Section XII.N.1.c of the Permit notes that structural LID BMPs generating credits must be "located on property which is owned or controlled by the proposed project proponent [that would utilize credits to meet their Permit requirements]." We assert this requirement mitigates against the likelihood that the public or private sector could avail itself of this section. By requiring that the same entity owns or controls both the project requiring credits and the LID BMP generating credits the Permit effectively removes the ability of municipalities to create their own credit trading systems and manage the systems for the use of multiple property developers. **This ownership requirement should be struck from the Permit in order to allow utilization of credit systems in any but the most limited circumstances.**

Additionally, Section XII.N.1.c of the Permit notes that credits are not allowed to be used for projects "outside of the watershed of the nearest receiving water of the U.S. in which the structural treatment control LID BMP is located." **This further restricts credit systems to a very limited drainage area. Credit systems would be most beneficial if they can be utilized across an entire watershed, and not restricted to smaller drainages as is currently provided in the Permit.**

Mr. Adam Fischer
December 7, 2015
Page 2 of 2

In 2011 the OCBC wrote to the Board supporting the creation a comprehensive Model Water Quality Management Plan and Technical Guidance Document. This program, now in effect, came at a considerable cost to the taxpayers. **We are concerned that proposing large changes to the Permit at this time, such as the change to credit system allowances noted above, impede the progress the cities and County are achieving under the existing program.**

Orange County Business Council remains committed to investing in water quality as a top priority in the County of Orange and **we urge you and the Board to concur with our comments on credit trading systems and staying focused on ensuring the effective use of public resources in order to achieve our shared goal of improving water quality.** Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Starr". The signature is stylized with a large initial "B" and "S".

Bryan Starr, Senior Vice President of Government Affairs
Orange County Business Council