



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](mailto:kberchtold@waterboards.ca.gov)**

Re: North Orange County MS4 Permit Workshop

Dear Mr. Berchtold:

The Association of California Cities – Orange County (ACC-OC) is our region’s leading advocate for local control and municipal governments. We represent the interests of all 34 Orange County Cities are a governed by a 23-member Board of Directors, composed of elected officials, industry leaders and city staff.

We are in receipt of your Notice of the upcoming workshop to discuss the draft MS4 Permit (“Permit”) for North Orange County on May 19. As the capacity of the venue, as well as time available for comments and questions, is unknown, I would ask that you or your staff provide justification for the following provisions in the Permit to better help us understand their aim.

**(Section III.B.3)** This appears to add a requirement for Permittees to submit Report of Waste Discharge for de minimus discharges. What is the Regional Board’s intent to add this new requirement?

**(Section XII.A)** This section appears to require cities add specific water quality regulations and mitigation measures as part of updates to General or Specific plans. Please explain this new requirement and its intended outcome.

**(Section XII.C)** Requires WQMPs to be “recorded in public records with County and/or the relevant City.” As these documents are often hundreds – if not thousands – of pages long and are updated frequently, does the Regional Board expect that each city record

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the WQMPs with the County Clerk-Recorder as well as onsite at city halls? If so, what would the Regional Board believe to be a reasonable time frame for updating the records (e.g. every year, six months, etc.)?

**(Section XII.D.10)** This section of the Permit requires the cities to “security the authority” to enter into private property to inspect and maintain the property. We are interested to know what limitations the Regional Board intends on placing on this requirement as it seems there are property and privacy rights implicated by this element of the Permit, especially as it relates to individuals’ homes and businesses. Is the Regional Board requiring individuals to waive these rights if they have a water quality management plan associated with their property?

**(Section XII.C.12)** Provides new requirement for electronic database of WQMP data, requiring that all WQMP’s back to 2009 be included. What is the Regional Board’s rationale for requiring five years of WQMPs, approved under a previous Permit, as part of this electronic database?

**(Section XIII.B)** Specifies that “Co-permittees must” endeavor on an extensive public education efforts that, among other requirements, must achieve “a minimum of 10 million impressions” using a number of measures. Does the Regional Board expect each co-permittee to meet such requirements or is the intent to ensure the Principal Permittee achieves these measurable objectives?

Thank you for your kind attention to this matter and we will look forward to discussion of these items. Please contact me at (714) 953-1300 or [lkelly@accoc.org](mailto:lkelly@accoc.org) with any questions.

Sincerely,



Lacy Kelly  
Chief Executive Officer  
Association of California Cities – Orange County