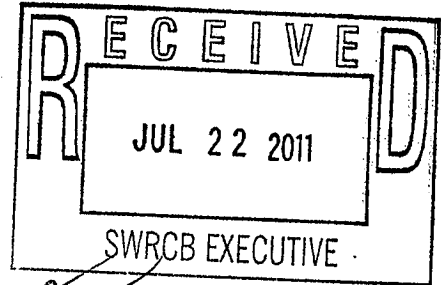




① BF  
~~② WS~~  
③ files  
Jaime



DW/Q/KW  
cy: Jeanine Townsend

- AFFILIATED AGENCIES
- Orange County Transit District
- Local Transportation Authority
- Service Authority for Freeway Emergencies
- Consolidated Transportation Service Agency
- Congestion Management Agency
- Service Authority for Abandoned Vehicles

July 19, 2011

Mr. Thomas Howard  
Executive Director  
State Water Resources Control Board  
1001 I Street  
P.O. Box 100  
Sacramento, CA 95812

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DIVISION OF WATER QUALITY

Dear Mr. Howard:

Thank you for the opportunity to provide written comments on the proposed California Department of Transportation's (Caltrans) Municipal Separate Storm Sewer System (MS4) permit public hearing scheduled for July 19, 2011. The Orange County Transportation Authority (OCTA) appreciates the State Water Resources Control Board's (Board) efforts to manage water resources throughout the state, and the Board's mission to preserve, enhance, and restore the quality of California's water resources.

As background to our comments on the proposed MS4 permit, Orange County voters approved a \$4 billion local investment for 13 state highway projects in 2006. OCTA is working to implement these highway construction projects as part of this effort in partnership with Caltrans. We believe the proposed MS4 permit will limit our ability to implement these projects in a timely manner, resulting in increased costs and project delays.

As crafted, the proposed MS4 permit risks putting Caltrans in a permanent state of non-compliance by setting unrealistic standards and control measures that are impossible for Caltrans to successfully meet. As written, the permit could be used as the basis for lawsuits to halt state transportation construction projects as a result of non-compliance, rather than the intended purpose of improving water quality. The draft proposal will have the effect of shifting Caltrans' priorities from improving mobility for all Californians in an environmentally respectful manner to almost exclusively monitoring water quality and retrofitting stormwater infrastructure.

OCTA is also concerned with other more costly regulations included in the draft permit. For example, the draft permit gives the regional water boards greater authority and empowers those boards to impose additional permitting requirements that could raise compliance costs even higher. The cost of annual compliance could be as high as \$2.2 billion, a significant cost increase that would devastate

Mr. Thomas Howard  
July 19, 2011  
Page 2

the State Highway Account in a time of when resources are already strained and essentially stop state investment in transportation infrastructure.

Finally, OCTA is concerned that the stringent requirements would result in fewer projects being built, harming job creation and the already fragile California economy. The current regulation will undoubtedly result in less funding for capital and maintenance transportation projects throughout California, further depressing the construction industry - an economic sector already suffering with very high unemployment. The resulting decrease in economic activity would further delay California's fragile economic recovery.

We urge the Board to reconsider provisions in the draft permit that would result in a significant increase in state liabilities, job losses, and greater regional regulation by water boards.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Kempton", with a long horizontal flourish extending to the right.

Will Kempton  
Chief Executive Officer

WK:kb

c: OCTA Board of Directors

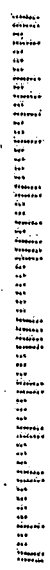


Orange County Transportation Authority  
550 South Main Street / P.O. Box 14184 / Orange / CA 92863-1584

ADDRESS SERVICE REQUESTED

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Executive Director  
State Water Resources Control Board  
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P.O. Box 100  
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