

## Item No. 7

Tentative Order No. R8-2010-0062  
Amendment to OC MS4 Permit (Order No. R8-2009-0030)  
(October 29, 2010 Board Meeting)

### Response to Comments Received by October 14, 2010

1. **Comment:** The County of Orange chronically misses deadlines and produces documents insufficient to meet regulatory requirements as seen in the Nitrogen/Selenium Management Plan (NSMP) process [Orange County CoastKeeper/NRDC].

**Response:** Regional Board staff believes that the permittees have diligently proceeded to comply with the requirements specified in their municipal separate storm sewer system (MS4) Permit. As specified in the Permit, an updated Water Quality Management Plan and a Technical Guidance document were submitted on May 24, 2010. These documents were developed with input from a large number of stakeholders. After review of these documents, staff recognized the complex nature of these documents and the need to further refine it to make it user friendly. At the same time, the Regional Board was apprised of similar documents being developed by permittees in the upper Santa Ana River watershed and the benefits of coordinating these efforts with the Orange County MS4 permittees. The proposed extension would provide an opportunity for a collaborative approach between the lower and upper Santa Ana watershed permittees to address these complicated issues. With respect to comments regarding delays in the NSMP process, please note that the specific deadlines in the Time Schedule Orders (TSOs), where schedules are specified for various implementation tasks, have been met by the NSMP stakeholders.

2. **Comment:** The Clean Water Act contemplates that different MS4 permits will have different requirements and different timelines. There is no regulatory need to allow coordination if it will result in substantial delays [Orange County CoastKeeper/NRDC].

**Response:** The basic requirements for the MS4 permits specified in the Clean Water Act are the same. As such, there are a lot of similarities between the various MS4 permits within the region. However, these MS4 permits also recognize the unique characteristics of the different watersheds and the MS4 systems. While the Clean Water Act does not mandate coordination of programs of neighboring communities under different MS4 permits, neither does it preclude such coordination. Through the Southern California Monitoring Coalition (SMC) and other avenues, the three counties under Santa Ana Regional Board (and other MS4 permittees in the Southern California area) have shared knowledge and experience and have worked with the Southern California Coastal Water Research Project (SCCWRP) developing many key storm water programs over the past 12 years. Such coordination and collaboration have benefitted the regulators and the regulated community. Regional Board staff supports this coordination where it will result in a consistent and better/uniform program across our region.

3. **Comment:** While the commenter does not support any extension, if the Regional Board determines that an extension is warranted, it should be no more than 90 days [Orange County CoastKeeper/NRDC].

**Response:** In reviewing Orange County's request for extension of the schedules specified in the MS4 Permit, Regional Board staff carefully evaluated the time needed for the various tasks such as: time needed for the permittees to incorporate the comments made by Regional Board staff; time for any needed consultation with Regional Board staff; the need for a 30-day public comment period; time to make any further changes based on public comments; and scheduling the item for a public hearing. After consideration of these factors, Regional Board staff felt that a six months extension is appropriate.

4. **Comment:** Commenter supports the extension as it will allow more precise guidance documents, allow for better regional consistency, and provide additional time to insure that the proposed program is consistent with State law [Orange County Business Council].

**Response:** Comment noted.