



Disneyland
RESORT

***CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
VIA EMAIL adam.fischer@waterboards.ca.gov***

June 19, 2014

Mr. Adam Fischer
California Regional Water Quality Control Board
Santa Ana Region
3737 Main St., Suite 500
Riverside, CA 92501-3339

Subject: Comments on Draft Orange County Municipal Separate Storm Sewer System (“MS4”) Permit, Draft Order No. R8-2014-0002, NPDES Permit No. CAS618030.

Dear Mr. Fischer:

The Disneyland Resort greatly appreciates the opportunity to comment on the Draft Orange County Municipal Separate Storm Sewer System (“MS4”) Permit, NPDES Permit No. CAS618030 prepared by the California Regional Water Quality Control Board Santa Ana Region (“RWQCB”) for implementation by the Orange County Flood Control District, the County of Orange and the Incorporated Cities therein within the Santa Ana Region for Urban Runoff.

The current draft of the MS4 permit does not provide the option for a project applicant to participate in an alternative compliance and in lieu program in the event that structural treatment control BMPs are not feasible. This option is currently provided in existing NPDES Permit, Order No. R8-2009-0030 and the County’s Model Water Quality Management Plan, and similar provisions should be restored. The alternative compliance and in lieu program supports current efforts to develop on-site treatment control BMPs as part of sub-watershed retrofit strategies. The omission of the alternative compliance and in lieu program option may limit the Resort’s proactive compliance efforts and may hinder redevelopment.

The alternative compliance option would provide mechanisms for improvement of water quality in cases where on-site treatment control BMPs are not feasible and opportunities for off-site treatment control BMPs are available. Since the use of BMP credits is implemented prior to final occupancy of the project and often years before the credits are needed, there are greater and earlier water quality benefits. This proactive implementation addresses larger areas than initially needed and ultimately, more water is infiltrated improving overall storm water quality and recharge of the groundwater. Inclusion of a simple, flexible, and protective pathway to allow for the creation and use of BMP credits (i.e., a water quality bank) would address this concern.



To accomplish this goal, modifications to existing draft permit language would be needed for XII.L as noted below.

The following revisions to Section XII.L are requested:

L. BMP Credits and Waiver of Structural Treatment Control BMPs

1. Co-permittees are authorized to accept BMP credits generated through the implementation of structure treatment BMP retrofits to treat stormwater runoff from non-project areas as alternatives to on-site structural treatment control BMPs and to approve a Project WQMP relying on these BMP credits if all of the following conditions are met:

a. The Project WQMP demonstrates that it is technically or economically infeasible to implement treatment control BMPs on-site,

b. Source and site design BMPs have been incorporated to maximize the infiltration of urban runoff,

c. The project WQMP demonstrates that the use of the water quality credit would result in equivalent or better water quality performance in comparison to on-site treatment of the DCV,

d. The BMP(s) used to generate the BMP credits meet all of the following criteria:

i. The BMP(s) generating the BMP credits is/are part of an approved project WQMP¹, including assignment of operations and maintenance responsibilities for the life of all projects relying on the credits generated.

ii. The BMP(s) generating the BMP credits is/are constructed, serviceable, and satisfactory to the Co-permittee prior to final occupancy of the project relying on these credits.

ii. The project and the BMP(s) generating the water quality credit are both located within the same watershed.

e. The project applicant or Co-permittee maintains a tracking system for BMP credits and substantiation of this tracking system is recorded with each Project WQMP that relies on the BMP credits. The tracking system must include:

i. Inventory of BMPs providing BMP credits and their respective Project WQMPs, including the quantity of credits that are generated.

¹ The BMP generating the BMP credit could be part of the same Project WQMP as the project using the credit, or could have been approved as part of a prior Project WQMP.



ii. Inventory of the Project WQMPs that rely on BMP credits, and the respective BMPs that supplied these credits, including a running total of the remaining credits for each BMP.

2. Co-permittees are authorized to waive their requirement to ~~provide~~ require structural treatment control BMPs (see Provision XII.C.1 above) to remove pollutants and subsequently approve a WQMP if all of the following conditions are met:

- a. The cost of employing structural treatment control BMPs has been demonstrated in the project WQMP to disproportionately outweigh the pollution control benefits.
- b. Source and site design BMPs have been incorporated to maximize the infiltration of urban runoff.
- c. The Executive Officer has been provided written notice of the Co-Permittee's intent to issue the waiver, along with adequate supporting documentation, at least 30-days prior to issuance by the Co-permittee.
- d. The Executive Officer approves the proposed waiver, or takes no action on the waiver within 30 days.

If you have any questions or require additional information, please do not hesitate to contact me at 714-781-3563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janina Jarvis".

Janina Jarvis
Manager, Environmental Compliance
Disneyland Resort