

# NAIOP

COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION  
SoCAL CHAPTER

December 7, 2015

**Sent electronically to [santaana@waterboards.ca.gov](mailto:santaana@waterboards.ca.gov)**

Santa Ana Regional Water Quality Control Board  
ATTN: Adam Fischer  
3737 Main Street, Suite 500  
Riverside, California 92501

Re: North Orange County 3<sup>rd</sup> Draft MS4 Permit Comments

Dear Mr. Fischer:

NAIOP, the Commercial Real Estate Development Association, is the leading trade association for developers, owner, investors and other professionals in office, industrial, retail and mixed-use real estate. NAIOP comprises 17,000+ members and provides strong advocacy, education and business opportunities through a powerful North American network. NAIOP SoCal is the second largest Chapter in the nation serving over 1,000 members, and is the leading commercial real estate trade organization in Southern California.

We appreciate the opportunity to provide comments on the 3<sup>rd</sup> Draft, MS4 Permit ("Permit") for the Santa Ana region of Orange County. We do have concerns regarding the non-priority project issue as drafted in the Permit.

Section XII.B.2 of the Permit essentially categorizes any project that is not a "Priority Project" as a "Non-Priority Project." Section XII.O of the Permit further requires Non-Priority Projects "that include modifications or improvements that are, or affect areas that are, exposed to storm water and which may be sources of pollution in urban runoff" to create a Non-Priority Project Plan ("NPPP") documenting source control and site design BMPs implemented for the Non-Priority Project.

While some further clarity has been provided as to which non-priority projects require the creation of a NPPP in the latest Permit draft, we feel that the projects that will require a NPPP under the current Permit language is still too broad. Many projects exposed to storm water could be considered a "source of pollution in urban runoff;" this could capture many projects such as air conditioners, patio covers, roof replacements, or even electric vehicle chargers. We believe the NPPP requirement as it is currently written will place an undue strain on City staff, and increase the cost, complication, and processing time for residents and developers performing smaller projects that would not materially affect storm water quality.

We would recommend that further clarity be provided to reduce the number of Non-Priority Projects that would require implementation of source control and site design BMPs and the creation of a NPPP. Possible solutions

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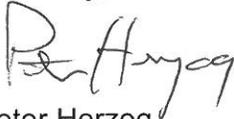
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Cynthia G. Fusco, Executive Director  
Vickie Talley, Director of Legislative Affairs

could include the inclusion of a minimum square footage requirement for impervious area exposed to storm water, and the exclusion of common projects that are not increasing impervious area such as reroofing projects.

NAIOP SoCal is committed to treating water quality as a high priority for the County of Orange, but we have concerns regarding the Non-Priority Project Plan requirements of the Permit not efficiently utilizing public resources and causing unnecessary expense to project applicants. The key is to have a definition of NPPP that focuses solely on projects that truly would impact water quality. We value your attention to our comments and look forward to further dialogue regarding the Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Herzog". The signature is written in a cursive style with a large initial "P".

Peter Herzog  
Assistant Director of Legislative Affairs