



December 18, 2023

**Construction
Industry Coalition
On Water Quality**

Andrew Choi
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Coalition Members:

Eugene Bromley
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Via Electronic Mail Only

BUILDING FORWARD



ADVOCATING FOR BUILDERS
SINCE 1923

Re: Comment Letter – DRAFT CII PERMIT - PROPOSED ISSUANCE OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL FACILITIES IN THE DOMINGUEZ CHANNEL/GREATER LOS ANGELES AND LONG BEACH HARBOR WATERSHED AND THE LOS CERRITOS CHANNEL/ALAMITOS BAY WATERSHED AND REVISIONS TO THE PRELIMINARY DESIGNATION OF CERTAIN COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL STORMWATER DISCHARGES IN THE ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED AND THE DOMIQUEZ CHANNEL AND LOS ANGELES/LONG BEACH INNER HARBOR WATERSHED IN LOS ANGELES COUNTY BY US EPA REGION IX



Dear Andrew Choi and Eugene Bromley:



The Construction Industry Coalition on Water Quality (CICWQ) and its Board of Directors are submitting this comment letter to provide specific concerns regarding the requirements of the proposed CII Permit, including measures that will have a negative effect on creating housing unless they are modified.

In addition to our concerns expressed here, we want to support and amplify comments submitted to you on behalf of i) The California Stormwater Quality Association (CASQA) and ii) the Industrial Environmental Association (IEA) and the Building Industry Association of San Diego County (BIASD).

We urge you to consider and use the recommendations they provide and address our major issues with the CII Permit which include:

- I. Concern for Housing Development and Affordability when Commercial Property in Code 1210 is transitioned to Multi-Family and Mixed-use Retail/Housing.** We are concerned that existing commercial properties in Parcel Code 1210 which are converted into multi-family housing or mixed use retail/multi-family housing will be subject to the CII Permit. Inclusion of these types of properties will lead to substantially greater housing costs by driving up home prices (because of expensive, on-site pollutant removal and treatment systems required), and is at least duplicative of already adopted and existing MS4 permit requirements for controlling stormwater runoff. Notably, we support the comments of IEA/BIASD on page 4 of 11 of their comment letter.

- II. Compliance Option 1 - Regional Approach Infeasibility.** As IEA/BIASD and CASQA point out, Option 1 is an unviable option for ANY project within the subject permit area, and needs significant program development and modification, and importantly time, to address the myriad of complexities in enacting a regional program, to ever be a realistic option. Because of this, and the huge costs which Options 2 and 3 will impose for compliance, we urge you to delay permit release, until the significant problems with Option 1 are addressed and a financial and administrative analysis performed which presents available and realistic options for compliance.

- III. CII Permit Conditions Setting State-wide Precedent.** Unless the Regional Board addresses the incompletely developed Option 1 for compliance, we are concerned CII Permit conditions could become state wide precedent for future statewide legislation concerning similarly situated properties in urban areas. This would be a major setback to property and land development, as well as to the use of Regional Programs for NPDES permit compliance. IEA and BIASD share this concern in their comment letter.

Thank you for your consideration.

Sincerely,



Michael W. Lewis
Executive Vice President
Construction Industry Coalition on Water Quality

CICWQ is an advocacy, education, and research 501(c)(6) non-profit group of trade associations representing builders and trade contractors, home builders, labor unions, landowners, and project developers.

CICWQ membership is comprised of members from four construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Southern California Contractors Association, and United Contractors.

Collectively, members of these associations build a significant portion of the transportation, public and private infrastructure, and commercial and residential land development projects in California.