



Submission via Email to: andrew.choi@waterboards.ca.gov

September 24, 2025

Andrew Choi
Los Angeles Regional Water Quality Control Board
320 W. 4th Street. Suite 200
Los Angeles, CA 90013-2343

RE: CII Coalition Comments – Revised Tentative Draft CII Permit

Dear Mr. Choi:

On behalf of the undersigned coalition of commercial, industrial, and institutional (CII) permittees, we appreciate the opportunity to provide comments on the Los Angeles Regional Water Quality Control Board's (Regional Board) draft CII Permit. Collectively, our organizations represent a significant portion of the CII sector within the region, employing thousands of workers and contributing critical goods and services to the regional economy. We strongly support efforts to improve water quality and recognize the importance of a clear, workable regulatory framework that achieves environmental objectives while providing regulatory certainty. That said, the costs and regulatory burden associated with the draft CII Permit will have significant impacts on CII entities within the designated watersheds. In this regard, it is imperative that the draft CII Permitting requirements are clear, consistent, and achievable to ensure both environmental protection and continued economic vitality.

Our coalition has reviewed the draft Permit extensively and offers the following comments and recommendations.

Definitions: Need for Clarity and Consistency

CII Discharges

The current definition of "CII Discharges" emphasizes privately owned parcels or contiguous parcels but fails to account for multi-parcel campuses divided by easements or rights-of-way. Many industrial and institutional facilities operate across such configurations, where ownership and operational control may or may not differ. Without

clarification, it is unclear whether the parcel owner or the site operator bears compliance responsibility. This uncertainty will complicate enforcement and lead to conflicting interpretations. We strongly urge the Board to clarify responsibility in situations involving easements, leased properties, or third-party ownership of infrastructure.

Further, some entities operate multiple parcels as part of a “campus” with rights of way dividing them from one another. We urge the Regional Board to revise the draft CII Permit to allow for multiple parcels that are not considered contiguous but are part of a campus under the same entity to comply under one consolidated permit rather than a separate CII permit for each parcel within the non-contiguous campus.

Definition of “Discharge”

Similarly, the definition of “discharge” lacks clarity on whether the parcel owner or the operator (such as a lessee or tenant) is responsible for compliance. This is not a minor issue—unclear responsibility can expose both parties to overlapping liabilities, potentially resulting in costly legal disputes. The Permit must clearly assign responsibility based on operational control rather than ownership alone.

Impervious Surfaces and Gravel Roads

Although we appreciate revisions seeking to improve to the definitions of “Impervious Surface” and “Imperviousness,” we remain concerned with the inclusion of compacted gravel roads. These surfaces vary widely in permeability and infiltration timelines but ultimately promote infiltration and reduce erosion. We strongly recommend removing “gravel roads” and “compacted soil” from the definition of impervious surfaces, or at minimum, defining a clear percolation standard that better clarifies what “inhibit” means in this context.

Easements and Rights-of-Way

The draft CII Permit’s treatment of easements and rights-of-way is also unclear. Some facilities operate pipelines, utility corridors, and railways across land they do not own. In such cases, the landowner does not exercise operational control, and the operator may already be subject to municipal agreements or NPDES permits. We urge the Board to expressly exclude easements and rights-of-way from Permit coverage to avoid regulatory duplication and confusion.

No Exposure Certification

We are concerned the draft CII Permit does not acknowledge or provide differentiated consideration for facilities with a No Exposure Certification (NEC). These facilities pose significantly lower risk and should not be subject to the same requirements as dischargers with active industrial operations exposed to stormwater.

General Permit Coverage

We support the revision extending the timeline for submittal of compliance option documentation from two to three years, as this flexibility is crucial for designing effective

compliance strategies. We also support clarifications exempting facilities with individual NPDES permits that already meet or exceed CII requirements. However, the draft Permit leaves unanswered the critical question of who determines whether an NPDES permit is “as stringent as” the CII Permit. This determination must be transparent, consistent, and grounded in clear criteria to avoid uncertainty for permittees.

Mixed-Use Development

Although the revised language in the draft CII Permit clarifies that it does not apply to residential facilities of any type, significant concerns remain regarding its applicability to mixed-use developments. Specifically, parcels that combine commercial, institutional, or industrial uses with residential infrastructure appear to remain in scope for the non-residential portions of the property, despite the fact that these developments often include joint-use features such as shared parking facilities.

Further complicating matters, Section 3.5 of the Notice of Termination provisions addresses conversion to residential use but does not clearly state whether partial conversions—such as the addition of residential units above commercial or office space—would trigger an exemption or subject the property to a different compliance standard. This lack of clarity creates compliance uncertainty for mixed-use developments and warrants additional refinement to ensure consistent and equitable application of the Permit.

Trash Capture Systems

We recommend aligning trash capture provisions with the Statewide Trash Provisions. Compliance should be based on selecting a certified device from the State’s approved list and installing it per design specifications, without additional certification requirements or references to specific devices that may change over time.

Compliance Options

Option 1: Watershed Management Group (WMG) Projects

While many permittees may select Option 1, major uncertainties remain regarding funding formulas, cost-sharing mechanisms, and governance of watershed management groups (WMG). While some dischargers may prefer this option, significant concerns remain unresolved that may hinder this well-intended compliance option from being workable:

- The funding formula and pollutant-level factor are vague and undefined;
- Cost-sharing arrangements with municipalities lack transparency; and
- WMGs have not provided adequate information or template agreements to permittees for use in making compliance decisions/plans.

Further, it remains unclear if WMGs are to be considered legally constituted entities with clear accountability standards? While we appreciate the Regional Board may see benefit in providing maximum flexibility, such unanswered questions and authorities are critical to permittees’ willingness to engage with them for this compliance pathway without certainty they will be deemed in compliance at the outset and through the life of the relevant

agreement, regardless of whether the WMG makes progress to address the water quality impacts that led to the draft CII Permit in the first place. Further, how will cost accountability be enforced? How will dischargers know that resources are being used effectively to improve water quality? Until these issues are addressed, Option 1 is not workable.

Further, permittees electing Option 1 should not be subject to the extensive initial sampling and monitoring requirements currently proposed before a compliance option can be chosen, as these costs would be duplicative of WMG responsibilities.

Option 2: Infiltration

Requiring dischargers to demonstrate that infiltration will never cause exceedances of water quality standards sets an impracticable standard. This may discourage use of infiltration, despite its environmental benefits. Ultimately, we believe this standard discourages infiltration and may instead push dischargers toward reliance on sanitary sewer system discharges, which may not be feasible for all facilities.

Option 3: Onsite Treatment

This option presents prohibitive costs in terms of capital, land, and long-term operations and maintenance (O&M). For many facilities, Option 3 is not viable and could lead to facility relocations or closures, with direct consequences for jobs and local tax revenues.

Monitoring and Reporting Requirements

We oppose the inclusion of pretreatment monitoring for reasonable potential analysis (RPA). No accepted methodology exists for applying RPA to stormwater, and laboratory capacity is already constrained. This requirement adds cost without environmental benefit. Similarly, photographic documentation of visual inspections imposes unnecessary burdens with unclear regulatory value.

We recommend aligning monitoring and reporting deadlines with the three-year compliance timeline and removing requirements that are duplicative or irrelevant for permittees selecting Option 1.

City & County of San Francisco v. U.S. EPA

We are concerned that incorporating numeric effluent limits and RPAs into this Permit is premature given that the State Water Board has not finalized guidance on this issue. Given the State Board has not yet developed statewide guidance on how this case should influence general permits, the Regional Board should not adopt provisions that could later conflict with statewide policy. In this regard, we urge the Regional Board to delay implementation until statewide policy and stakeholder engagement are complete to resolve this critical issue.

Precedent Setting Permit

While the draft Permit currently applies to only two designated watersheds, its impact extends far beyond these boundaries. The document is widely regarded as a precursor to a potential statewide CII Permit or regionally tailored iterations. For this reason, inconsistencies between the Regional Board and the State Board would create significant challenges if a statewide permit is developed. Such misalignment could lead to inconsistent compliance obligations across different regions of California. In particular, CII facilities operating under Compliance Option 1 may find themselves investing heavily in best management practices (BMP) and long-term agreements that may not align with future statewide requirements, forcing costly renegotiations and stranded investments.

Our coalition appreciates the Regional Board's efforts to address stormwater quality but respectfully requests revisions to provide greater clarity, consistency, and feasibility. To avoid the consequences anticipated from the lack of clarity, consistency and feasibility, we urge the Regional Board to proactively coordinate with the State Board to ensure that technical and policy provisions are aligned prior to adoption. Consistency with the Industrial General Permit (IGP), individual NPDES permits, and any future statewide CII permit is critical to maintaining regulatory coherence.

We look forward to continued collaboration with the Regional Board to achieve shared water quality objectives in a practical and cost-effective manner.

Sincerely,



Elizabeth Esquivel
California Manufacturers & Technology Association (CMTA)



Kris Anderson
CalChamber



Ramine Ross
Western States Petroleum Association (WSPA)



Skyler Wonnacott
California Business Properties Association (CBPA)
NAIOP
BOMA California



Sarah Pollo Moo
The California Retailers Association

A handwritten signature in black ink that reads "Lisa Johnson". The signature is fluid and cursive, with the first name "Lisa" and last name "Johnson" clearly distinguishable.

Lisa Johnson
Chemical Industry Council of California (CICC)

A handwritten signature in black ink that reads "Greg Pirnik". The signature is cursive, with "Greg" and "Pirnik" written in a connected style.

Greg Pirnik
State of California Auto Dismantlers Association (SCADA)

A handwritten signature in black ink that reads "James Gaye". The signature is cursive, with "James" and "Gaye" written in a connected style.

James Gaye
California Auto Dismantlers Recyclers Alliance (CADRA)

A handwritten signature in blue ink that reads "Bryan Leiker". The signature is cursive, with "Bryan" and "Leiker" written in a connected style.

Bryan Leiker
Metal Finishing Association of California

A handwritten signature in black ink that reads "Jordan Blair". The signature is cursive, with "Jordan" and "Blair" written in a connected style.

Jordan Blair
SoCal Builders Exchange

A handwritten signature in blue ink that reads "Adam Harper". The signature is cursive, with "Adam" and "Harper" written in a connected style.

Adam Harper
California Construction & Industrial Materials Association (CalCIMA)