

Figure B-7: Middle San Antonio Creek Subwatershed Hydrologic Units.

**ATTACHMENT C – MS4 MAPS BY WATERSHED MANAGEMENT AREA**

SANTA CLARA RIVER

- 5. Between West Pier Highway 99 and Blue Cut gauging station
- 6. Between Bouquet Canyon Road Bridge and West Pier Highway 99
- 7. Between Lang gauging station and Bouquet Canyon Road Bridge
- 8. Above Lang gauging station
- 9. SANTA PAULA CREEK above Santa Paula Water Works Division Dam
- 10. SESPE CREEK above gauging station, 500' downstream from Little Sespe Creek
- 11. PIRU CREEK above gauging station below Santa Felicia Dam

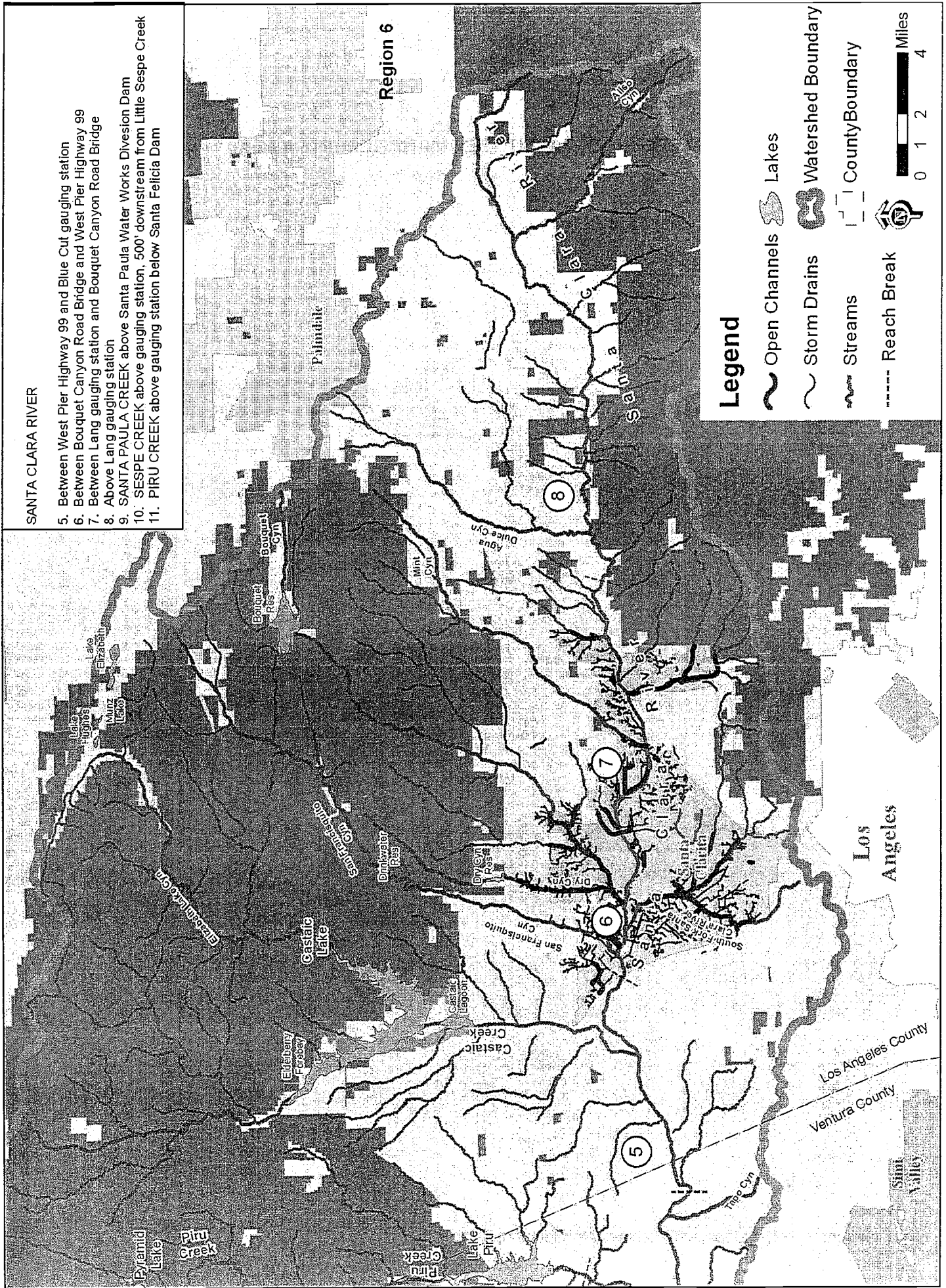


Figure C-1: Upper Santa Clara River Watershed Management Area Flow Schematic.

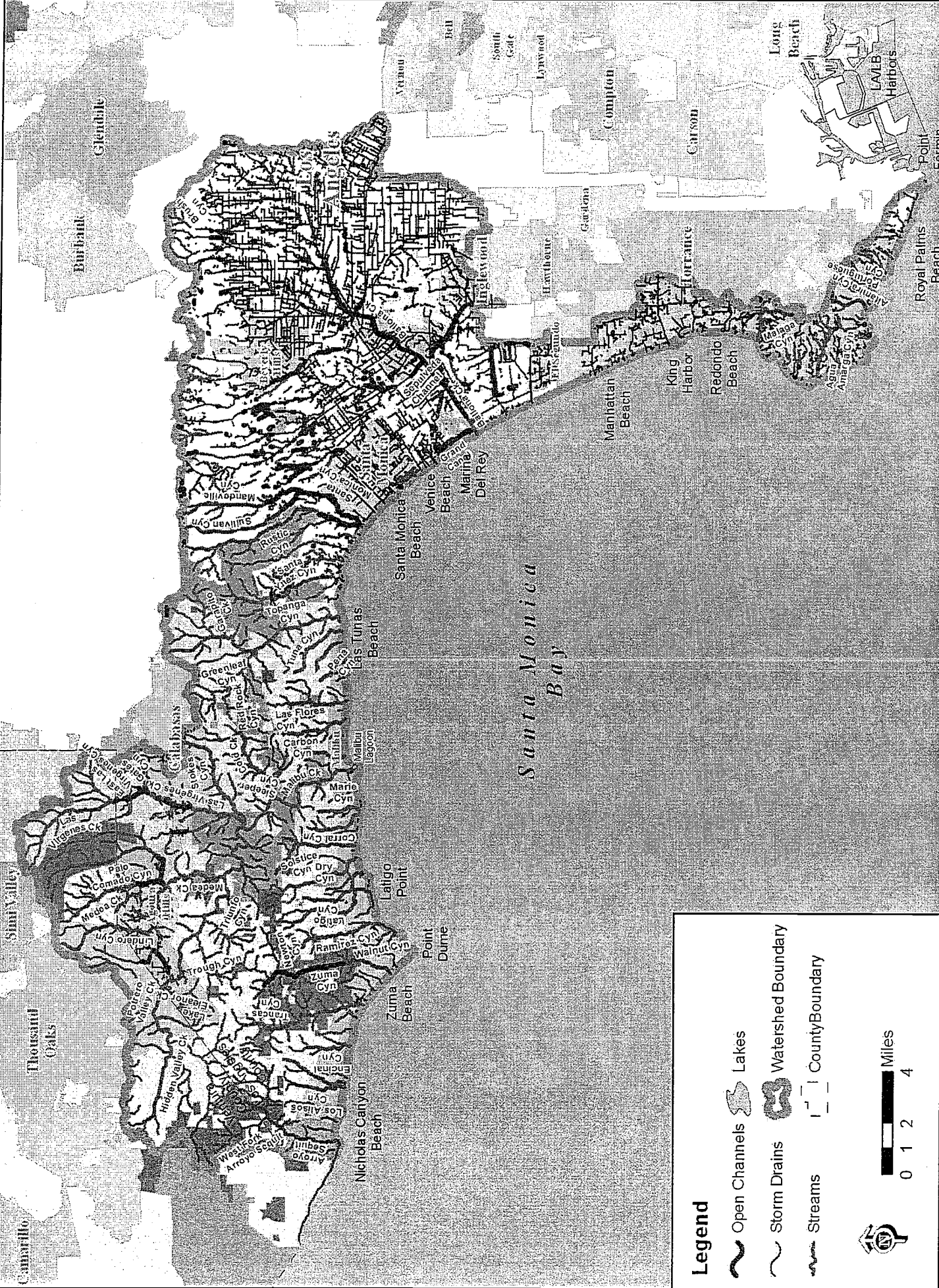


Figure C-2: Santa Monica Bay Watershed Management Area Flow Schematic.

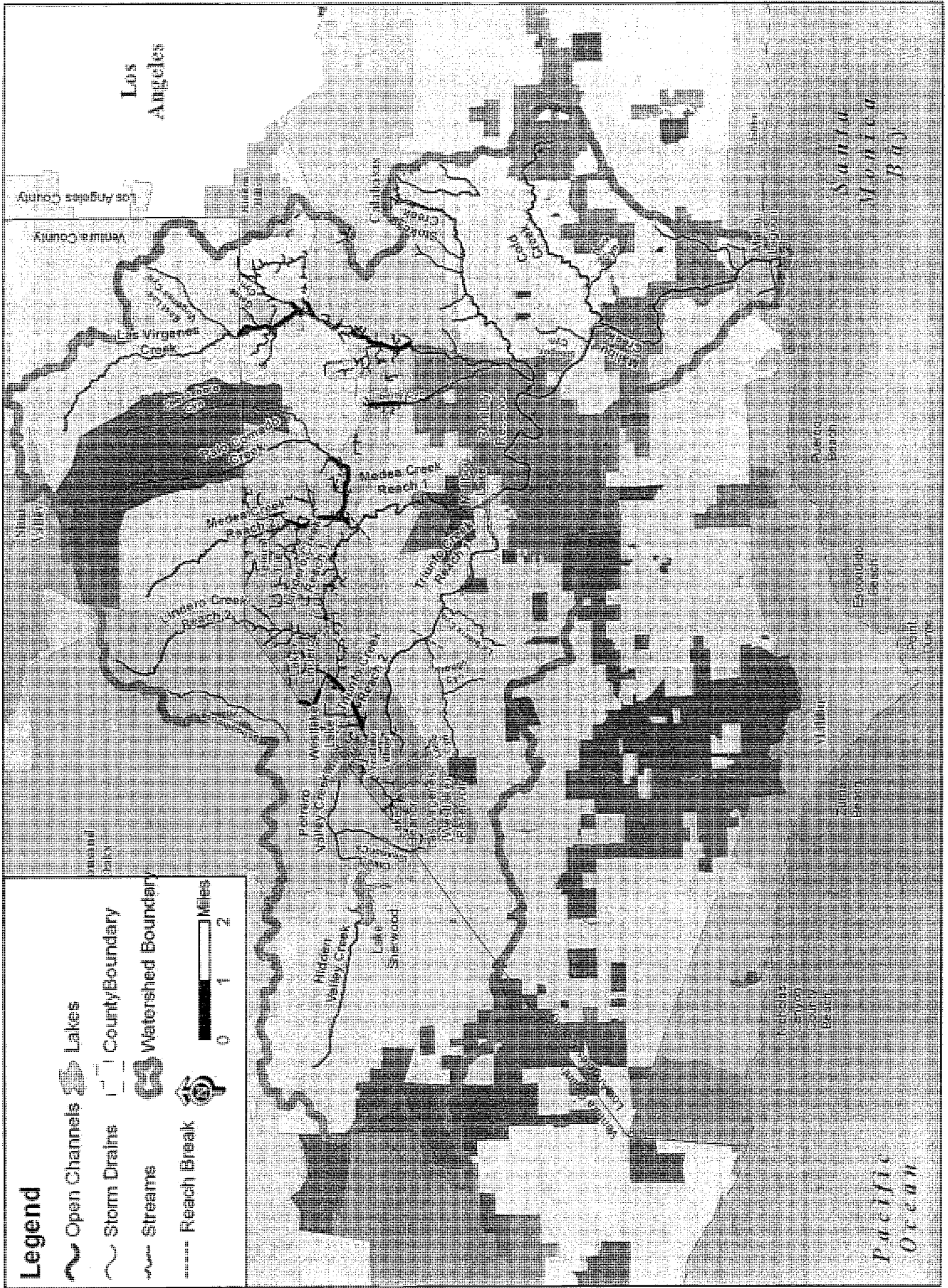


Figure C-2a: Malibu Creek Watershed Flow Schematic (Santa Monica Bay WMA).

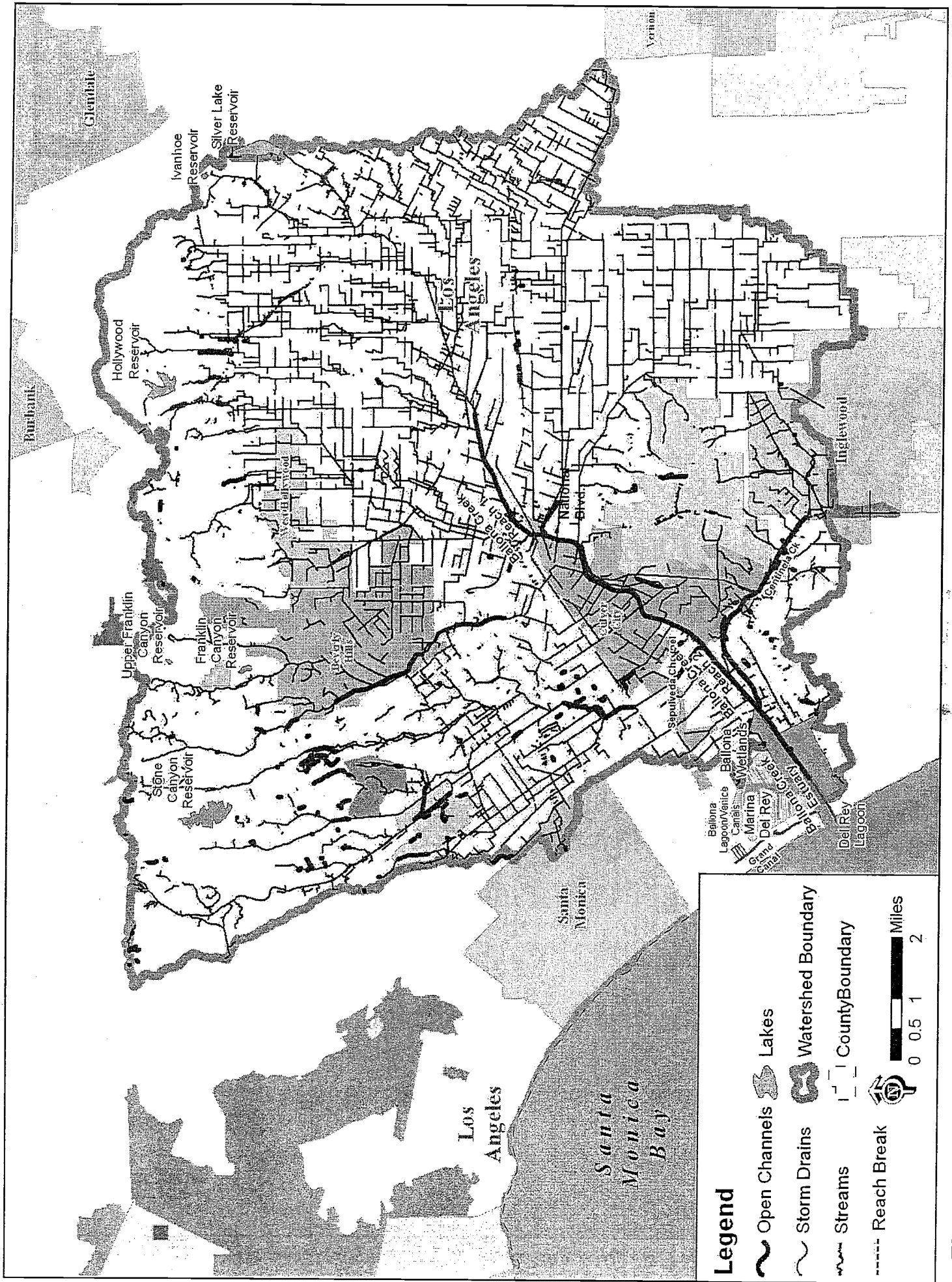


Figure C-2b: Ballona Creek Watershed Flow Schematic (Santa Monica Bay WMA).

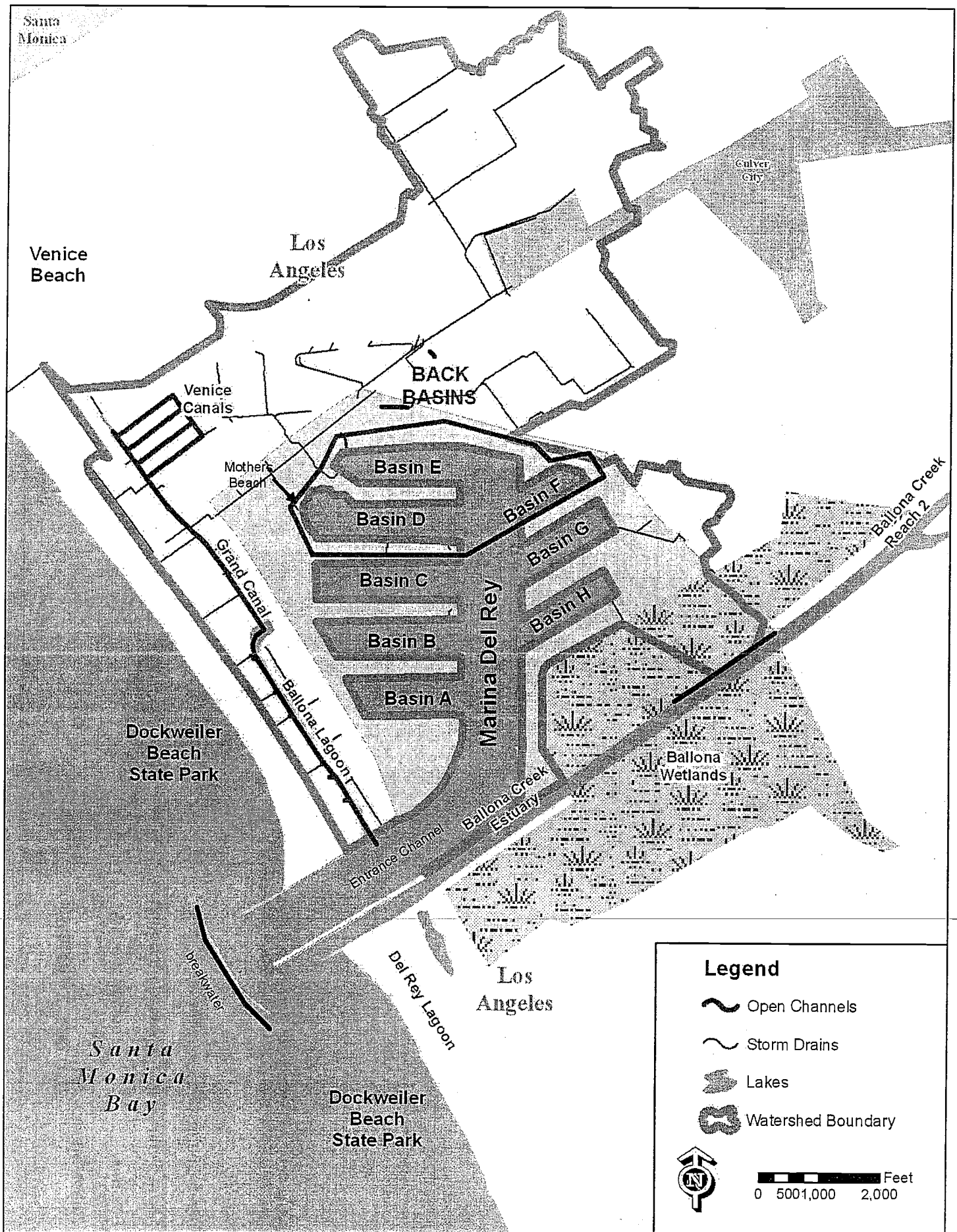
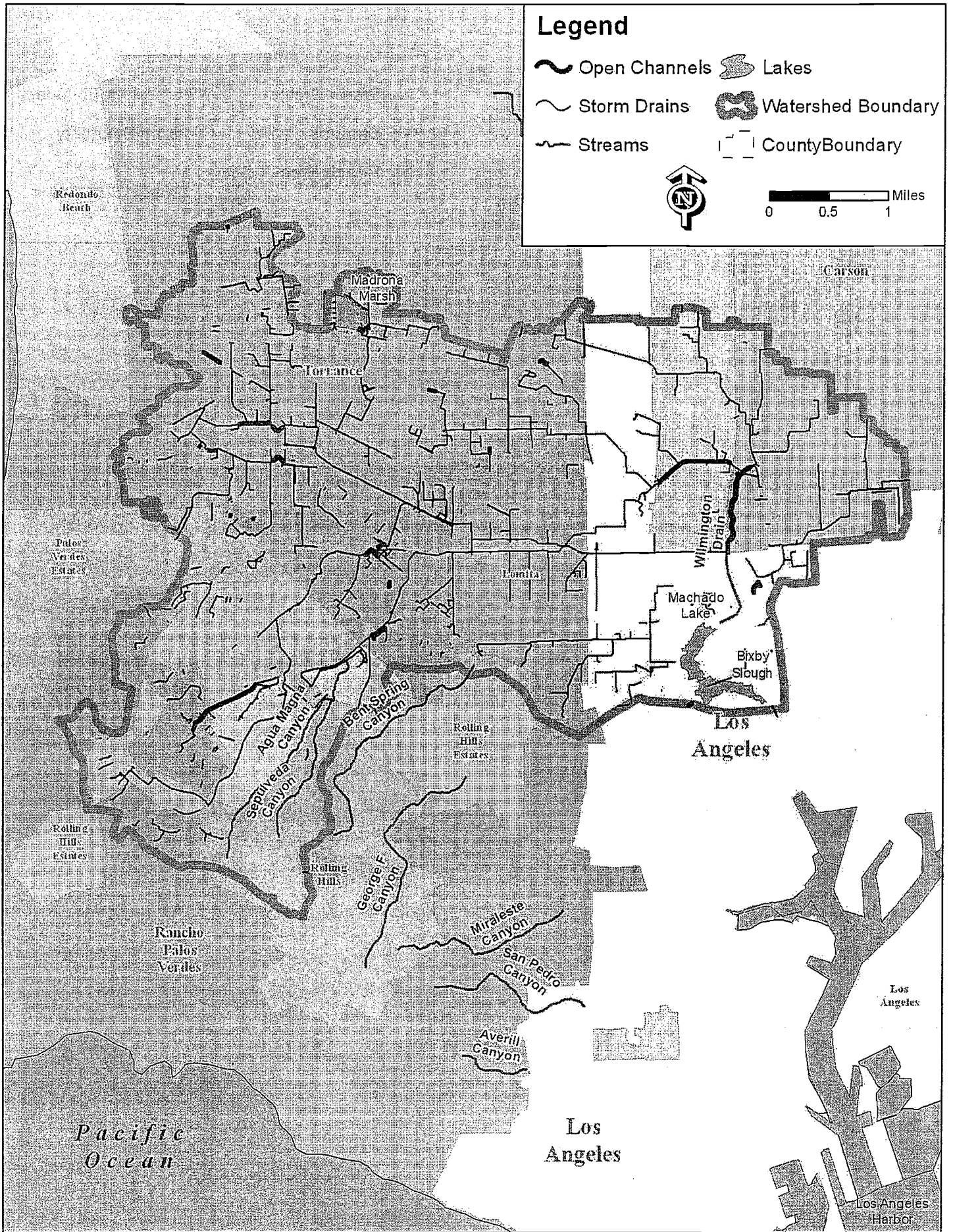


Figure C-2c: Marina Del Rey Watershed Flow Schematic (Santa Monica Bay WMA).



**Figure C-3a: Machado Lake Watershed Flow Schematic (Dominguez Channel & LA/LB Harbors WMA).**



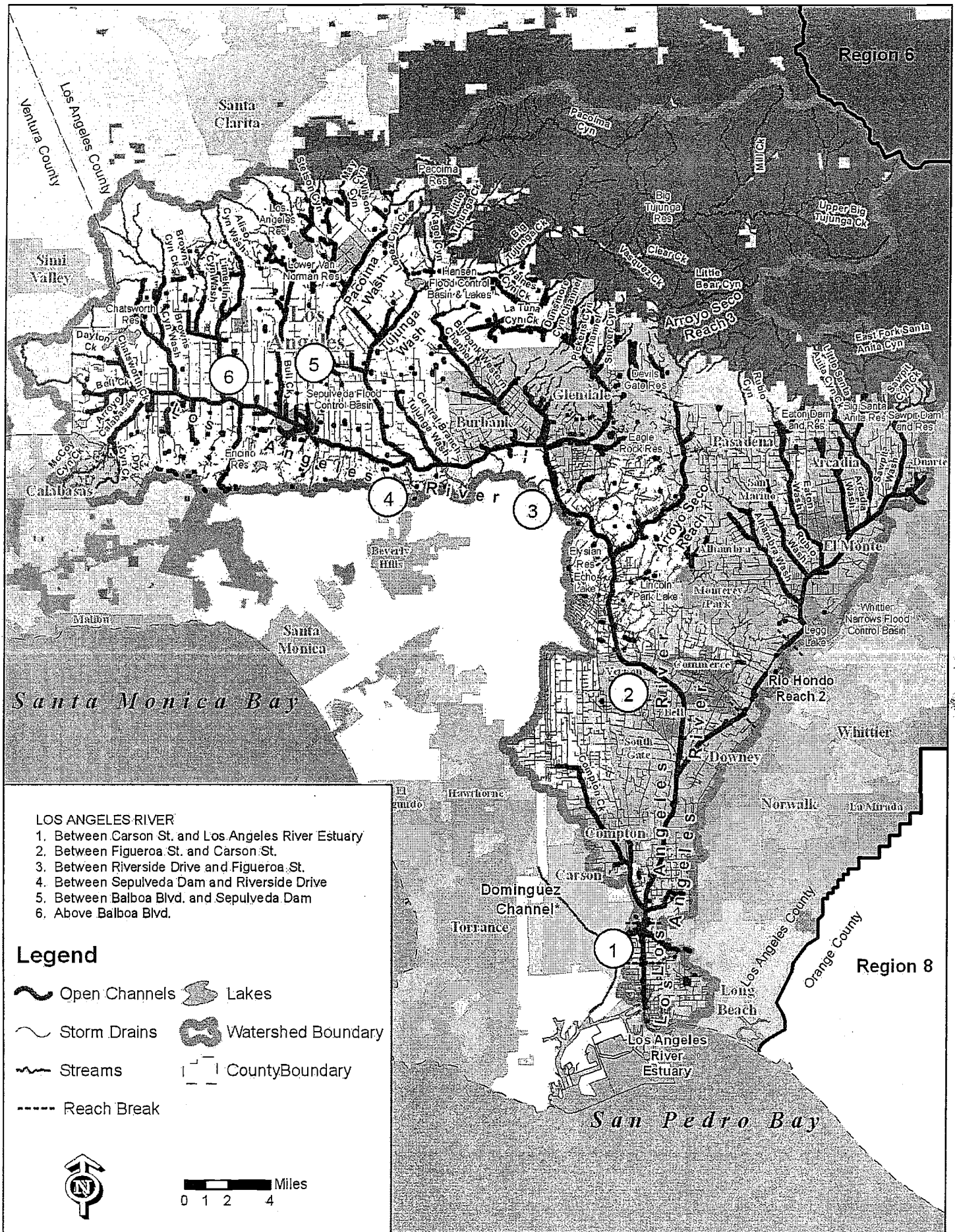


Figure C-4: Los Angeles River Watershed Management Area Flow Schematic.

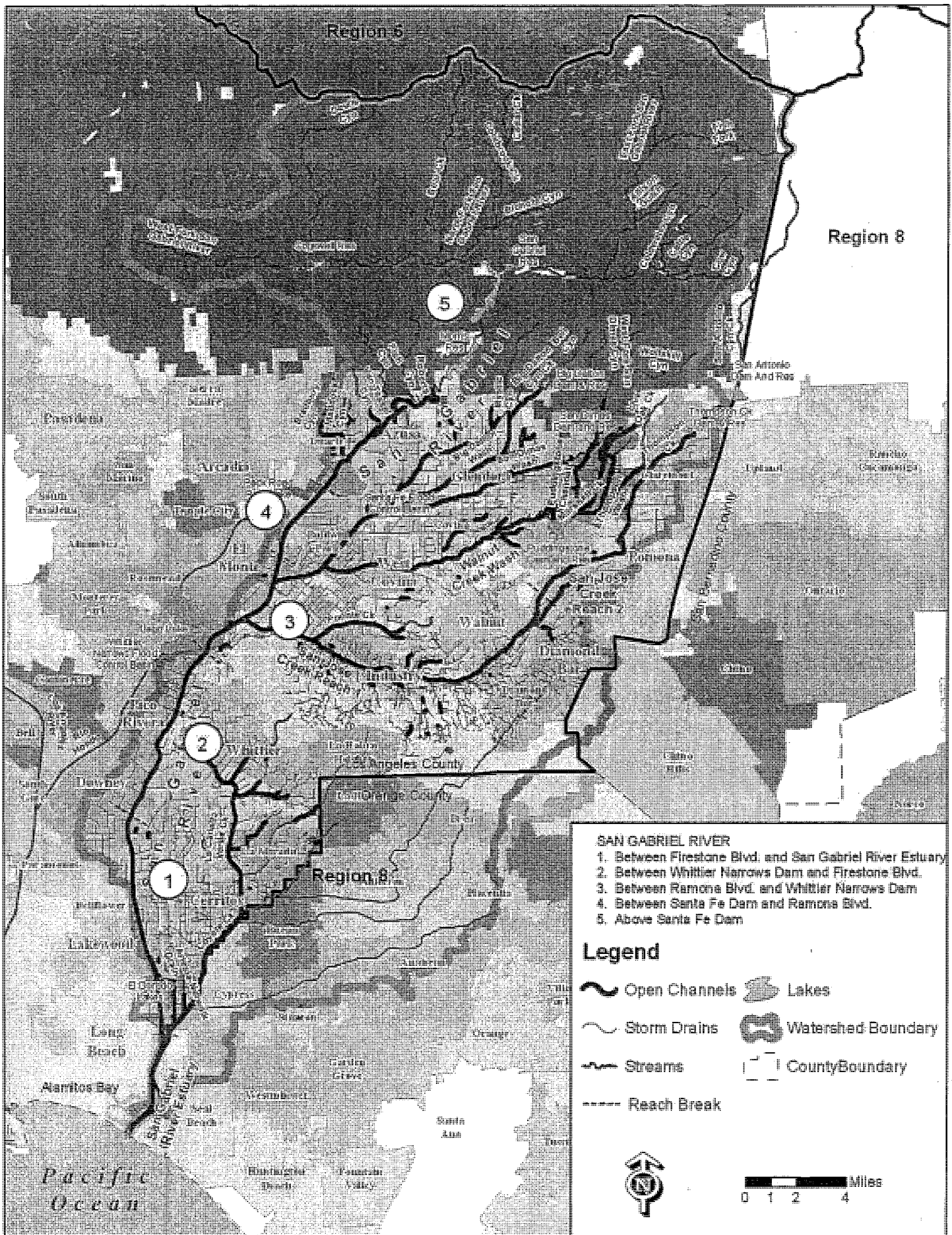
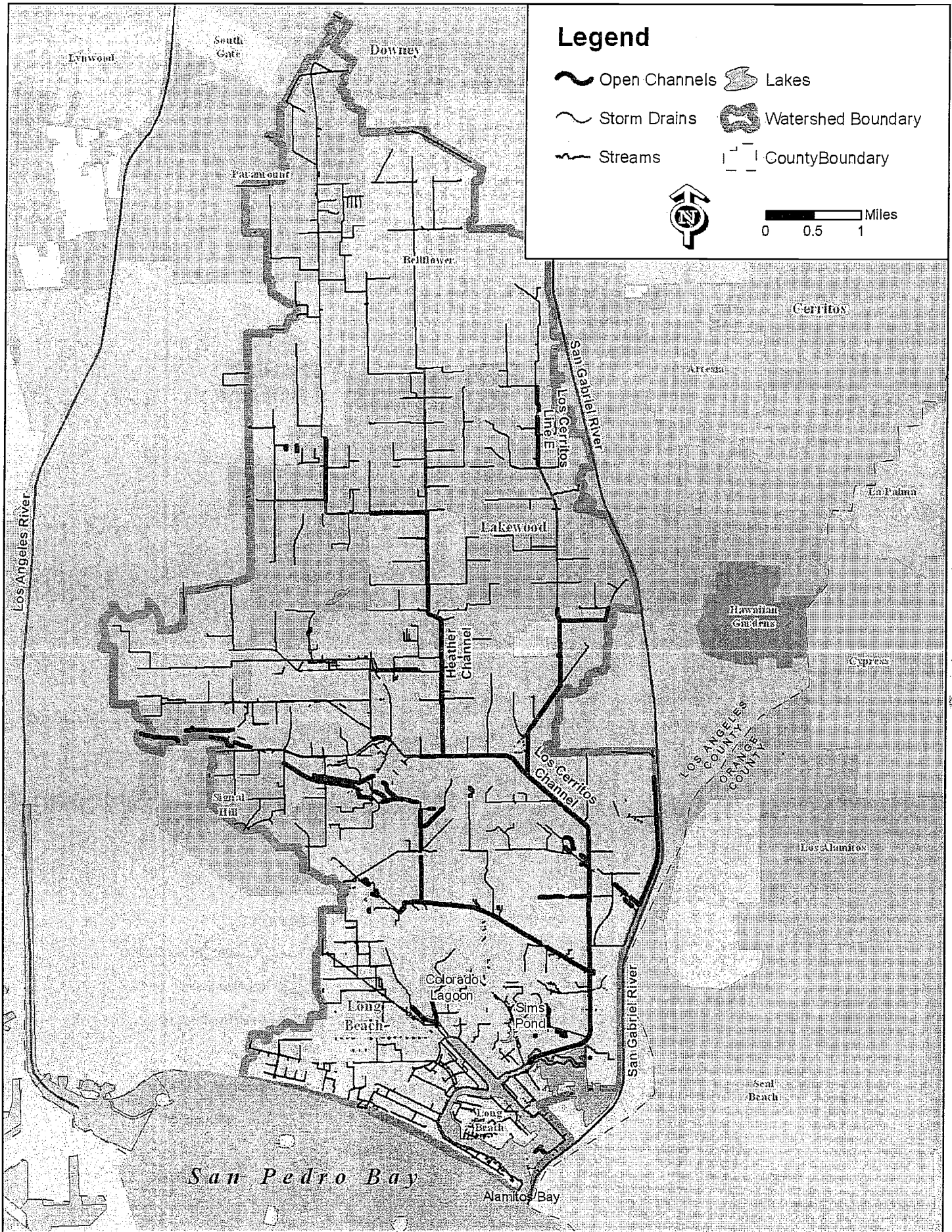


Figure C-5: San Gabriel River Watershed Management Area Flow Schematic.



**Figure C-6: Los Cerritos Channel and Alamitos Bay Watershed Management Area Flow Schematic.**

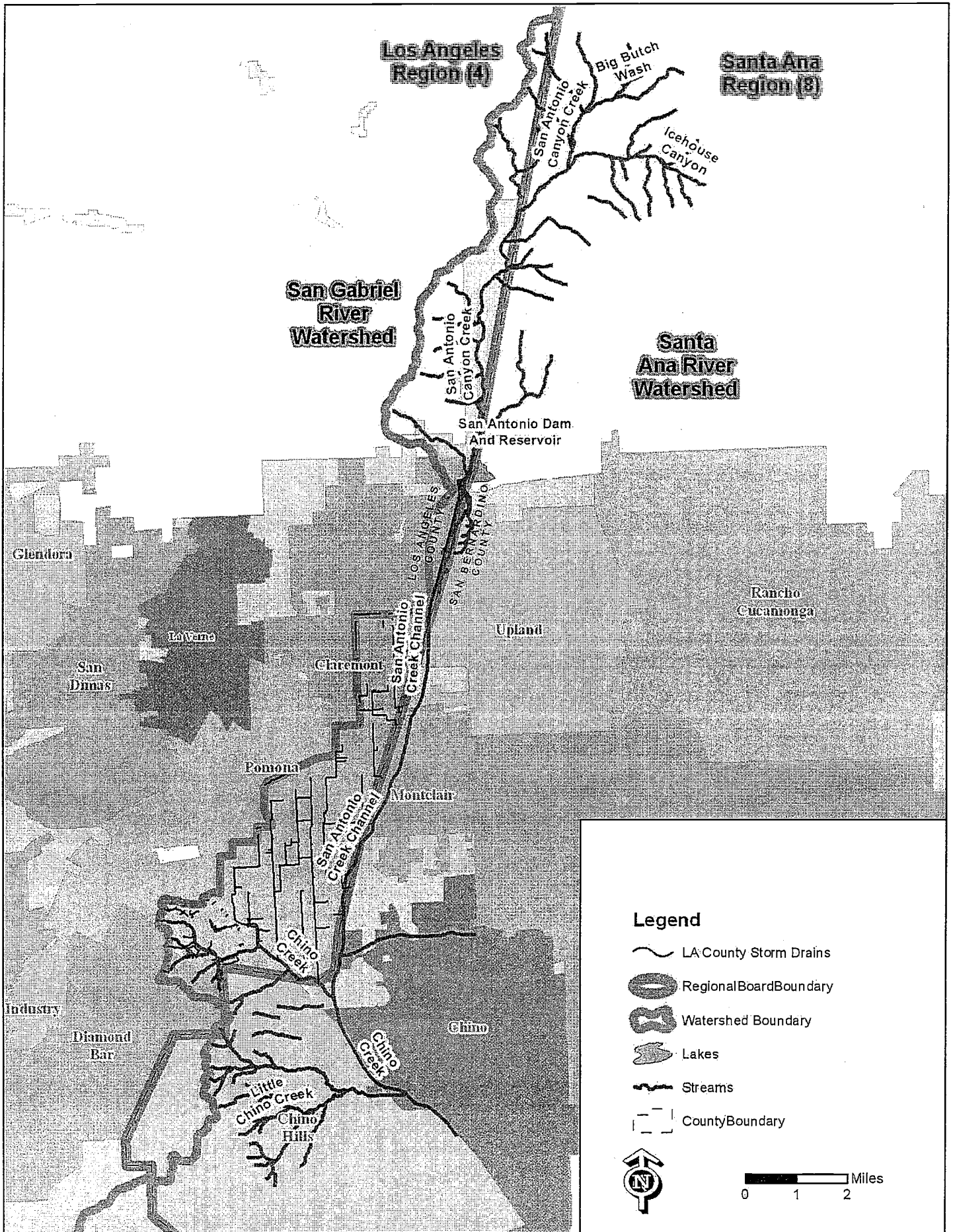


Figure C-7: Middle San Antonio Creek Subwatershed Flow Schematic.

## **ATTACHMENT D – STANDARD PROVISIONS**

### **I. STANDARD PROVISIONS – PERMIT COMPLIANCE**

#### **A. Duty to Comply**

1. Dischargers must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act, its regulations, and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof [40 CFR section 122.41(a); California Water Code sections 13261, 13263, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350, 13385].
2. Dischargers must comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement [40 CFR section 122.41(a)(1)].

#### **B. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [40 CFR section 122.41(c)].

#### **C. Duty to Mitigate**

Dischargers shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [40 CFR section 122.41(d)].

#### **D. Proper Operation and Maintenance**

Dischargers shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Order [40 CFR section 122.41(e)].

#### **E. Property Rights**

1. This Order does not convey any property rights of any sort, or any exclusive privileges [40 CFR section 122.41(g)].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations [40 CFR section 122.5(c)].

#### **F. Inspection and Entry**

Dischargers shall allow the Regional Water Board, State Water Board, USEPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [33 U.S.C. section 1318(a)(4)(B); 40 CFR section 122.41(i); California Water Code sections 13267 and 13383]:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [33 U.S.C. section 1318(a)(4)(B)(i); 40 CFR section 122.41(i)(1); California Water Code sections 13267 and 13383];
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(2); California Water Code sections 13267 and 13383];
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(3); California Water Code sections 13267 and 13383]; and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the California Water Code, any substances or parameters at any location [33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(4); California Water Code sections 13267 and 13383].

#### **G. Bypass**

##### **1. Definitions**

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR section 122.41(m)(1)(i)].
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [40 CFR section 122.41(m)(1)(ii)].

2. *Bypass not exceeding limitations.* Dischargers may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the

provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below [40 CFR section 122.41(m)(2)].

3. *Prohibition of bypass.* Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee for bypass, unless [40 CFR section 122.41(m)(4)(i)]:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR section 122.41(m)(4)(i)(A)];
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [40 CFR section 122.41(m)(4)(i)(B)]; and
  - c. The Permittee submitted notices to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below [40 CFR section 122.41(m)(4)(i)(C)].
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR section 122.41(m)(4)(ii)].
5. Notice
  - a. *Anticipated bypass.* If a Permittee knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR section 122.41(m)(3)(i)].
  - b. *Unanticipated bypass.* Dischargers shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice) [40 CFR section 122.41(m)(3)(ii)].

## H. Upset

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR section 122.41(n)(1)].

1. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the

requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [40 CFR section 122.41(n)(2)].

2. *Conditions necessary for a demonstration of upset.* A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR section 122.41(n)(3)]:
  - a. An upset occurred and that the Permittee can identify the cause(s) of the upset [40 CFR section 122.41(n)(3)(i)];
  - b. The permitted facility was, at the time, being properly operated [40 CFR section 122.41(n)(3)(ii)];
  - c. The Permittee submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) [40 CFR section 122.41(n)(3)(iii)]; and
  - d. The Permittee complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR section 122.41(n)(3)(iv)].
3. *Burden of proof.* In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof [40 CFR section 122.41(n)(4)].

## II. STANDARD PROVISIONS – PERMIT ACTION

### A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by a Permittee for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [40 CFR section 122.41(f)].

### B. Duty to Reapply

If a Permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the Permittee must apply for and obtain a new permit [40 CFR section 122.41(b)].

### C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA and the California Water Code [40 CFR sections 122.41(l)(3) and 122.61].



### III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR section 122.41(j)(1)].
- B. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 for the analysis of pollutants unless another test procedure is required under 40 CFR subchapters N or O or is otherwise specified in this Order for such pollutants [40 CFR sections 122.41(j)(4) and 122.44(i)(1)(iv)].

### IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this Order related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [40 CFR section 122.41(j)(2)].
- B. Records of monitoring information shall include:
  - 1. The date, exact place, and time of sampling or measurements [40 CFR section 122.41(j)(3)(i)];
  - 2. The individual(s) who performed the sampling or measurements [40 CFR section 122.41(j)(3)(ii)];
  - 3. The date(s) analyses were performed [40 CFR section 122.41(j)(3)(iii)];
  - 4. The individual(s) who performed the analyses [40 CFR section 122.41(j)(3)(iv)];
  - 5. The analytical techniques or methods used [40 CFR section 122.41(j)(3)(v)]; and
  - 6. The results of such analyses [40 CFR section 122.41(j)(3)(vi)].
- C. Claims of confidentiality for the following information will be denied [40 CFR section 122.7(b)]:
  - 1. The name and address of any permit applicant or Permittee [40 CFR section 122.7(b)(1)]; and
  - 2. Permit applications and attachments, permits, and effluent data [40 CFR section 122.7(b)(2)].

## **V. STANDARD PROVISIONS – REPORTING**

### **A. Duty to Provide Information**

Dischargers shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, Dischargers shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order [40 CFR section 122.41(h); California Water Code section 13383].

### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below [40 CFR section 122.41(k)(1)].
2. All applications submitted to the Regional Water Board shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer includes: (i) the chief executive officer of the agency (e.g., Mayor), or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., City Manager, Director of Public Works, City Engineer, etc.).[40 CFR section 122.22(a)(3)].
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above [40 CFR section 122.22(b)(1)];
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) [40 CFR section 122.22(b)(2)]; and
  - c. The written authorization is submitted to the Regional Water Board [40 CFR section 122.22(b)(3)].
4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard

Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR section 122.22(c)].

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” [40 CFR section 122.22(d)].

### **C. Monitoring Reports**

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order [40 CFR section 122.41(l)(4)].
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices [40 CFR section 122.41(l)(4)(i)].
3. If a Permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [40 CFR section 122.41(l)(4)(ii)].
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified by the Regional Water Board in this Order [40 CFR section 122.41(l)(4)(iii)].

### **D. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [40 CFR section 122.41(l)(5)].

### **E. Twenty-Four Hour Reporting**

1. Dischargers shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR section 122.41(l)(6)(i)].
2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR section 122.41(l)(6)(ii)]:
  - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR sections 122.41(l)(6)(ii)(A) and 122.41(g)].
  - b. Any upset that exceeds any effluent limitation in this Order [40 CFR section 122.41(l)(6)(ii)(B)].
  - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Order to be reported within 24 hours [40 CFR section (l)(6)(ii)(C) and 122.44(g)].
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 CFR section 122.41(l)(6)(iii)].

### **F. Planned Changes**

Dischargers shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 CFR section 122.41(l)(1)]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR section 122.29(b) [40 CFR section 122.41(l)(1)(i)]; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order [40 CFR section 122.41(l)(1)(ii)].

The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application

process or not reported pursuant to an approved land application plan [40 CFR section 122.41(l)(1)(iii)].

#### **G. Anticipated Noncompliance**

Dischargers shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements [40 CFR section 122.41(l)(2)].

#### **H. Other Noncompliance**

Dischargers shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above [40 CFR section 122.41(l)(7)].

#### **I. Other Information**

When a Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Permittee shall promptly submit such facts or information [40 CFR section 122.41(l)(8)].

### **VI. STANDARD PROVISIONS – ENFORCEMENT**

- A.** The Regional Water Board and State Water Board is authorized to enforce the terms of this Order under several provisions of the California Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.
- B.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318

or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions [40 CFR section 122.41(a)(2)] [California Water Code sections 13385 and 13387].

- C. Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 [40 CFR section 122.41(a)(3)].
- D. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR section 122.41(j)(5)].
- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR section 122.41(k)(2)].

**VII. ADDITIONAL STANDARD CONDITIONS APPLICABLE TO SPECIFIC CATEGORIES OF NPDES PERMITS [40 CFR SECTION 122.42]**

- A. *Municipal separate storm sewer systems.* The operator of a large or medium MS4 or a municipal separate storm sewer that has been designated by the Regional Water Board or USEPA under 40 CFR section 122.26(a)(1)(v) must submit an annual report by the anniversary of the date of the issuance of the permit for such MS4. The report shall include [40 CFR section 122.42(c)]:
  1. The status of implementing the components of the storm water management program that are established as permit conditions [40 CFR section 122.42(c)(1)];

2. Proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with 40 CFR section 122.26(d)(2)(iii) [40 CFR section 122.42(c)(2)]; and
  3. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under 40 CFR section 122.26(d)(2)(iv) and (d)(2)(v) [40 CFR section 122.42(c)(3)];
  4. A summary of data, including monitoring data, that is accumulated throughout the reporting year [40 CFR section 122.42(c)(4)];
  5. Annual expenditures and budget for year following each annual report [40 CFR section 122.42(c)(5)];
  6. A summary describing the number and nature of enforcement actions, inspections, and public education programs [40 CFR section 122.42(c)(6)];
  7. Identification of water quality improvements or degradation [40 CFR section 122.42(c)(7)];
- B. Storm water discharges.** The initial permits for discharges composed entirely of storm water issued pursuant to 40 CFR section 122.26(e)(7) shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit. [40 CFR section 122.42(d)].

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**LOS ANGELES REGION**

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<http://www.waterboards.ca.gov/losangeles>

**MONITORING AND REPORTING PROGRAM - No. CI-6948**

**FOR**

**ORDER R4-2012-0175  
NPDES PERMIT NO. CAS004001**

**WASTE DISCHARGE REQUIREMENTS FOR  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES  
WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT  
THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4**

**November 8, 2012**



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## **I. MONITORING AND REPORTING PROGRAM (MRP)**

Section 308(a) of the federal Clean Water Act and sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of Title 40 of the Code of Federal Regulations require that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. Federal regulations applicable to large and medium MS4s also specify additional monitoring and reporting requirements. (40 C.F.R. §§ 122.26(d)(2)(i)(F) & (d)(2)(iii)(D), 122.42(c).) California Water Code section 13383 further authorizes the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations.

## **II. PURPOSE AND SCOPE**

### **A. Primary Objectives**

The primary objectives of the Monitoring Program are to:

1. Assess the chemical, physical, and biological impacts of discharges from the municipal storm water sewer system (MS4) on receiving waters.
2. Assess compliance with receiving water limitations and water quality-based effluent limitations (WQBELs) established to implement Total Maximum Daily Load (TMDL) wet weather and dry weather wasteload allocations (WLAs).
3. Characterize pollutant loads in MS4 discharges.
4. Identify sources of pollutants in MS4 discharges.
5. Measure and improve the effectiveness of pollutant controls implemented under this Order.

### **B. Purpose**

The results of the monitoring requirements outlined below shall be used to refine control measures for the reduction of pollutant loading and the protection and enhancement of the beneficial uses of the receiving waters in Los Angeles County.

### **C. Provision for Integrated Approach**

The Monitoring Program provides flexibility to allow Permittees to develop an integrated monitoring program to address all of the monitoring requirements of this Order and other monitoring obligations or requirements in a cost efficient and effective manner.

### **D. Provision for a Coordinated Integrated Approach**

The Monitoring Program provides flexibility to allow Permittees to coordinate monitoring efforts on a watershed or subwatershed basis to leverage monitoring resources in an effort to increase cost-efficiency and effectiveness and to closely

align monitoring with TMDL monitoring requirements and Watershed Management Programs.

#### **E. Monitoring Program Elements**

The Monitoring Program shall include the following elements:

- 1. Receiving water monitoring** shall be performed at previously designated mass emission stations, TMDL receiving water compliance points, as designated in Regional Water Board Executive Officer approved TMDL Monitoring Plans (see Table E-1 for a list of approved TMDL Monitoring Plans), and additional receiving water locations representative of the impacts from MS4 discharges. The objectives of the receiving water monitoring include the following:
  - a. Determine whether the receiving water limitations are being achieved,
  - b. Assess trends in pollutant concentrations over time, or during specified conditions,
  - c. Determine whether the designated beneficial uses are fully supported as determined by water chemistry, as well as aquatic toxicity and bioassessment monitoring.
- 2. Storm water outfall based monitoring;** including TMDL monitoring requirements specified in approved TMDL Monitoring Plans (see Table E-1). Outfall monitoring locations shall be representative of the land uses within the Permittee's jurisdiction. The objectives of the storm water outfall based monitoring program include the following:
  - a. Determine the quality of a Permittee's discharge relative to municipal action levels, as described in Attachment G of this Order,
  - b. Determine whether a Permittee's discharge is in compliance with applicable storm water WQBELs derived from TMDL WLAs,
  - c. Determine whether a Permittee's discharge causes or contributes to an exceedance of receiving water limitations.
- 3. Non-storm water outfall based monitoring;** including TMDL monitoring requirements specified in approved TMDL Monitoring Plans (see Table E-1). Outfalls with significant non-storm water discharges that remain unaddressed after source identification shall be monitored. The objectives of the non-storm water outfall based monitoring program include the following:
  - a. Determine whether a Permittee's discharge is in compliance with applicable non-storm water WQBELs derived from TMDL WLAs,
  - b. Determine whether a Permittee's discharge exceeds non-storm water action levels, as described in Attachment G of this Order,
  - c. Determine whether a Permittee's discharge contributes to or causes an exceedance of receiving water limitations,

- d. Assist a Permittee in identifying illicit discharges as described in Part VI.D.10 of this Order.
4. **New Development/Re-development effectiveness tracking.** The objectives of best management practices (BMP) effectiveness tracking is to track whether the conditions in the building permit issued by the Permittee are implemented to ensure the volume of storm water associated with the design storm is retained on-site as required by Part VI.D.7.c.i. of this Order.
5. **Regional studies** are required to further characterize the impact of the MS4 discharges on the beneficial uses of the receiving waters. Regional studies shall include the Southern California Stormwater Monitoring Coalition (SMC) Regional Watershed Monitoring Program (bioassessment) and special studies as specified in approved TMDLs (see Section XIX TMDL Reporting, below).

### III. GENERAL MONITORING AND REPORTING REQUIREMENTS

- A. Monitoring shall be conducted in accordance with the requirements specified in Attachment D to this Order (Part III, Standard Provisions - Monitoring).
- B. Records of monitoring information shall include information required under Attachment D to this Order (Part IV, Standard Provisions - Records).
- C. All applications, reports, plans, or other information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Attachment D to this Order (Part V.B, Standard Provisions - Reporting, Signatory and Certification Requirements).
- D. Monitoring results shall be reported in accordance with the requirements specified in Attachment D to this Order (Part V.C, Standard Provisions - Reporting, Monitoring Reports).
- E. All monitoring and reporting shall be conducted in accordance with the Standard Monitoring Provisions specified in Part XIV of this MRP.
- F. **Sampling Methods**
  1. Sampling methods shall be fully described in each Permittee's Integrated Monitoring Program (IMP) or Coordinated Integrated Monitoring Program (CIMP) and according to the provisions of the Standard Provisions for Monitoring described in Attachment D to this Order and Part XIV of this MRP.
  2. Grab samples shall be taken for constituents that are required to be collected as such (e.g., pathogen indicator bacteria, oil and grease, cyanides, and volatile organics); in instances where grab samples are generally expected to be sufficient to characterize water quality conditions (primarily dry weather); and where the sample location limits Permittees' ability to install an automated sampler, as provided for in an approved IMP or CIMP.

3. At a minimum, a sufficient volume of sample must be collected to perform all of the required biological and chemical tests, including TIEs where aquatic toxicity is observed during the sample event.
4. Sampling and monitoring methods for trash shall be conducted in accordance with the applicable requirements specified in Part VI.E.5 of this Order.
5. Flow may be estimated using USEPA methods at receiving water monitoring stations where flow measuring equipment is not in place.
6. Flow may be estimated for storm water outfall monitoring based on drainage area, impervious cover, and precipitation data as approved in an IMP or CIMP.

#### **G. Analytical Procedures**

1. Suspended-Sediment Concentration (SSC) shall be analyzed per American Society for Testing and Materials (ASTM) Standard Test Method D-3977-97.
2. Monitoring methods for trash shall be conducted in accordance with the applicable requirements specified in Part VI.E.5 of this Order.
3. Aquatic toxicity shall be monitored in accordance with Part XI of this MRP.
4. All other parameters shall be analyzed according to the provisions of the Standard Provisions for Monitoring described in Attachment D to this Order and Part XIV of this MRP.

#### **H. Reporting**

1. Reporting requirements related to the monitoring of trash shall be conducted in accordance with Part VI.E.5.c of this Order.
2. Monitoring results submitted to the Regional Water Board shall be consistent with the requirements identified in Part XVIII.A.5 and Part XVIII.A.7 of this MRP.

### **IV. INTEGRATED MONITORING PROGRAMS**

#### **A. Integrated Monitoring Program (IMP)**

1. Each Permittee may develop an Integrated Monitoring Program designed to satisfy the monitoring requirements of this Order.
2. The monitoring requirements contained in TMDL Monitoring Plans approved by the Executive Officer of the Regional Water Board are incorporated by reference into this MRP (See Table E-1 for a list of approved TMDL Monitoring Plans).

3. The Integrated Monitoring Program may leverage monitoring resources by selecting monitoring locations, parameters, or monitoring techniques that will satisfy multiple monitoring requirements.
4. Where appropriate, the Integrated Monitoring Program may develop and utilize alternative approaches to meet the Primary Objectives (Part II.A). Sufficient justification shall be provided in the IMP for the alternative approach(es). Such alternative approaches shall be subject to public review and final approval by the Regional Water Board Executive Officer.
5. The requirements of an approved TMDL Monitoring Plan may be modified by an IMP that is subsequently approved by the Executive Officer of the Regional Water Board.
6. At a minimum, the IMP must address all TMDL and Non-TMDL monitoring requirements of this Order, including receiving water monitoring, storm water outfall based monitoring, non-storm water outfall based monitoring, and regional water monitoring studies, except as provided in Parts IV.B.2 and 3 of this MRP.

## **B. Coordinated Integrated Monitoring Program (CIMP)**

### **1. Benefits of the CIMP Approach**

- a. The CIMP provides Permittees opportunities to increase the cost efficiency and effectiveness of the monitoring program. The greatest efficiency may be achieved when a CIMP is designed and implemented on a watershed basis.
  - b. A CIMP may be employed to implement regional studies, where a single Permittee takes the lead in directing the study, and the other Permittees provide funding or in lieu services.
2. Permittees are encouraged to coordinate their monitoring programs with other Permittees to develop and implement a CIMP. A CIMP may be developed to address one or more of the required monitoring elements (i.e., receiving water monitoring, outfall based monitoring, regional monitoring or special studies) and may be county-wide or limited to a single watershed, sub-watershed or defined jurisdictional boundary.
  3. The requirements of an approved TMDL Monitoring Plan may be modified by an IMP or CIMP that is subsequently approved by the Executive Officer of the Regional Water Board.
  4. A Permittee shall not be required to submit an IMP if all of the applicable monitoring requirements in this Order are addressed in a CIMP, to which the Permittee is a participant.
  5. If the CIMP addresses some but not all of the applicable monitoring requirements required under this Order, then each Permittee shall submit an IMP that references the CIMP. The Permittees must describe how together, the IMP and CIMP, fulfill all of the applicable monitoring requirements contained in this Order.

6. Where appropriate, the CIMP may develop and utilize alternative approaches to meet the Primary Objectives (Part II.A). Sufficient justification shall be provided in the CIMP for the alternative approach(es). Such alternative approaches shall be subject to public review and final approval by the Regional Water Board Executive Officer.

**C. Schedule for Submitting the Monitoring Plan to the Regional Water Board and Conducting Outfall Screening**

1. Within six (6) months after the effective date of this Order, each Permittee shall submit a letter of intent to the Executive Officer of the Regional Water Board describing whether it intends to follow an IMP or CIMP approach for each of the required monitoring plan elements.
2. Each Permittee not electing to develop a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) shall submit an IMP plan addressing monitoring requirements that the Permittee intends to implement individually to the Executive Officer of the Regional Water Board within twelve (12) months after the effective date of this Order.
3. Permittees electing to develop a WMP or EWMP shall submit an IMP or CIMP plan, to the Executive Officer of the Regional Water Board concurrently with their draft WMP.
4. Permittees electing to develop an enhanced WMP shall submit an IMP or CIMP plan to the Executive Officer of the Regional Water Board within 18 months after the effective date of this Order.
5. If upon finalization of the CIMP plan, a Permittee that has developed an IMP determines that its IMP plan must be revised to include monitoring requirements not covered under the final CIMP, the revised IMP plan shall be submitted to the Executive Officer of the Regional Water Board within 60 days after approval of the CIMP plan by the Executive Officer of the Regional Water Board.
6. Monitoring shall commence within 30 days after approval of the IMP, or within 90 days after approval of the CIMP, by the Executive Officer of the Regional Water Board.
7. If a Permittee elects not to develop or participate in an IMP or CIMP, monitoring shall be conducted on a jurisdictional basis per the requirements of this MRP, beginning six (6) months after the effective date of this Order.
8. Monitoring requirements pursuant to Order No. 01-182 and Monitoring and Reporting Program CI 6948, and pursuant to approval TMDL monitoring plans identified in Table E-1, shall remain in effect until the Executive Officer of the Regional Water Board approves a Permittee(s) IMP and/or CIMP plan(s).

**V. TMDL MONITORING PLANS**

**Table E-1. Approved TMDL Monitoring Plans by Watershed Management Area**

TMDL	Comment	Date of Final Plan	Regional Water Board Approval Date
<b>Santa Clara River Watershed Management Area</b>			
Santa Clara River Nitrogen Compounds TMDL	Monitoring Plan was due March 23, 2005.	March 2006	Has not been approved.
Upper Santa Clara River Chloride TMDL	Monitoring Plan was not required.	N/A	N/A
Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL (Lake Elizabeth only)	The County of Los Angeles Trash TMDL Monitoring and Reporting Plan for Lake Elizabeth, Munz Lake, and Lake Hughes	June 25, 2009	March 25, 2009
Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL	Monitoring Plan is due on March 21, 2013.	---	---
<b>Santa Monica Bay Watershed Management Area</b>			
Santa Monica Bay Beaches Bacteria TMDL (Wet and Dry)	Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan	April 7, 2004	January 8, 2004
Santa Monica Bay Nearshore and Offshore Debris TMDL	Monitoring Plan is due on September 20, 2012.	---	---
Santa Monica Bay TMDL for DDTs and PCBs	USEPA Established TMDL	N/A	N/A
<b>Malibu Creek Subwatershed</b>			
Malibu Creek and Lagoon Bacteria TMDL	Malibu Creek and Lagoon Bacteria TMDL Compliance Monitoring Plan	February 25, 2008	April 8, 2008
Malibu Creek Watershed Trash TMDL	Malibu Creek Watershed Trash Monitoring and Reporting Plan (TMRP)	April 28, 2010	Has not been approved.



<b>TMDL</b>	<b>Comment</b>	<b>Date of Final Plan</b>	<b>Regional Water Board Approval Date</b>
Malibu Creek Watershed Nutrients TMDL	USEPA Established TMDL	N/A	N/A
<b>Ballona Creek Subwatershed</b>			
Ballona Creek Trash TMDL	Monitoring Plan was not required.	N/A	N/A
Ballona Creek Estuary Toxic Pollutants TMDL	Ballona Creek Metals TMDL and Ballona Creek Estuary Toxic Pollutants TMDL Coordinated Monitoring Plan	May 4, 2009	June 25, 2009
Ballona Creek, Ballona Estuary and Sepulveda Channel Bacteria TMDL	Ballona Creek, Ballona Estuary, & Sepulveda Channel Bacteria TMDL Coordinated Monitoring Plan	January 29, 2009	December 16, 2008
Ballona Creek Metals TMDL	Ballona Creek Metals TMDL and Ballona Creek Estuary Toxic Pollutants TMDL Coordinated Monitoring Plan	May 4, 2009	June 25, 2009
Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation	USEPA Established TMDL	N/A	N/A
<b>Marina del Rey Subwatershed</b>			
Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL	Marina Del Rey Harbor Mothers' Beach and Back Basins Bacterial TMDL Coordinated Monitoring Plan	June 25, 2007	February 1, 2007
Marina del Rey Harbor Toxic Pollutants TMDL	Marina Del Rey Harbor Toxic Pollutants Total Maximum Daily Load Coordinated Monitoring Plan	March 31, 2008	March 3, 2009
<b>Dominguez Channel and Greater Harbors Waters Watershed Management Area</b>			

TMDL	Comment	Date of Final Plan	Regional Water Board Approval Date
Los Angeles Harbor Bacteria TMDL (Inner Cabrillo Beach and Main Ship Channel)	Monitoring Plan was not required.	N/A	N/A
Machado Lake Trash TMDL	Trash Monitoring & Reporting Plan: Machado Lake Trash TMDL	September 5, 2008	December 9, 2008
	City of Rolling Hills Trash Monitoring and Reporting Plan Machado Lake Trash TMDL	September 5, 2008	December 9, 2008
Machado Lake Nutrient TMDL	Palos Verdes Peninsula Coordinated Monitoring Plan In Compliance with the Machado Lake Nutrient Total Maximum Daily Load	February 1, 2011	December 14, 2010
	Machado Lake Nutrients TMDL Lake Water Quality Management Plan for City of Los Angeles	August 18, 2010	February 14, 2011
	Machado Lake Nutrient TMDL Monitoring and Reporting Program Plan for the City of Carson	March 27, 2012	March 7, 2012
	Machado Lake Multipollutant TMDL Monitoring and Reporting Program for the Unincorporated Areas of Los Angeles County within the Machado Lake Watershed	September 12, 2011	April 25, 2012

TMDL	Comment	Date of Final Plan	Regional Water Board Approval Date
	Monitoring Plans were due from the City of Lomita on April 25, 2011, City of Redondo Beach on March 11, 2010, and City of Torrance on May 16, 2012.	---	---
Machado Lake Pesticides and PCBs TMDL	Monitoring Plan is due on September 20, 2012 <sup>1</sup> .	---	---
Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	Monitoring Plan is due on November 23, 2013.	---	---
<b>Los Angeles River Watershed Management Area</b>			
Los Angeles River Watershed Trash TMDL	Monitoring Plan was not required.	N/A	N/A
Los Angeles River Nitrogen Compounds and Related Effects TMDL	Monitoring Plan was due on March 23, 2005.	March 23, 2005	Has not been approved.
Los Angeles River and Tributaries Metals TMDL	Los Angeles River Metals TMDL Coordinated Monitoring Plan	March 25, 2008	April 11, 2008
Los Angeles River Watershed Bacteria TMDL	Monitoring Plan is due on March 23, 2013.	---	---
Legg Lake Trash TMDL	Legg Lake Trash Monitoring & Reporting Plan: Legg Lake Trash TMDL	September 5, 2008	March 25, 2009
Long Beach City Beaches and Los Angeles River Estuary Bacteria TMDL	USEPA Established TMDL	N/A	N/A

<sup>1</sup> The deadline for Permittees assigned both WLAs and LAs to submit one document to address both WLA and LA monitoring requirements and implementation activities shall be September 20, 2013.

TMDL	Comment	Date of Final Plan	Regional Water Board Approval Date
Los Angeles Area Lakes TMDLs (Lake Calabazas, Echo Park Lake, Legg Lake and Peck Road Park Lake)	USEPA Established TMDL	N/A	N/A
<b>San Gabriel River Watershed Management Area</b>			
San Gabriel River and Impaired Tributaries Metals and Selenium TMDL	USEPA Established TMDL	N/A	N/A
Los Angeles Area Lakes TMDLs (Puddingstone Reservoir)	USEPA Established TMDL	N/A	N/A
<b>Los Cerritos Channel and Alamitos Bay Watershed Management Area</b>			
Los Cerritos Channel Metals TMDL	USEPA Established TMDL	N/A	N/A
Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL	Colorado Lagoon TMDL Monitoring Plan (CLTMP)	June 15, 2012	August 23, 2012
<b>Middle Santa Ana River Watershed Management Area</b>			
Middle Santa Ana River Watershed Bacteria Indicator TMDL	Monitoring Plan was due on November 16, 2007.	---	---

## VI. RECEIVING WATER MONITORING

### A. IMP Receiving Water Monitoring Requirements

1. All IMP plans must contain the following information for receiving water monitoring:
  - a. Declaration of whether receiving water monitoring is conducted under an IMP, CIMP or both.
  - b. If receiving water monitoring is performed under the IMP, the plan must contain the following information:

- i. A map (preferably GIS) identifying the proposed receiving water monitoring stations for both dry weather and wet weather monitoring.
- ii. An explanation of how and why monitoring at the proposed locations will provide representative measurement of the effects of the Permittee's MS4 discharges on the receiving water.
- iii. Identification of applicable TMDLs and TMDL compliance points, based on approved TMDL Monitoring Plans and/or as identified in the Basin Plan for the applicable TMDLs.
- iv. A description of how the Permittee is fulfilling its obligations for TMDL receiving water monitoring under this IMP, CIMP or other monitoring plans.
- v. A description of how the Permittee is contributing to the monitoring of mass emission stations or a discussion of why monitoring at mass emission stations is not being supported.

#### **B. CIMP Receiving Water Monitoring Requirements**

1. The CIMP plan must contain the following information for receiving water monitoring:
  - a. A list of the participating Permittees.
  - b. A map (preferably GIS) delineating the geographic boundaries of the monitoring plan including the receiving waters, the MS4 catchment drainages and outfalls, subwatershed boundaries (i.e., HUC 12), political boundaries, land use, and the proposed receiving water monitoring stations for both dry weather and wet weather receiving water monitoring.
  - c. An explanation of how and why monitoring at the proposed locations will provide representative measurement of the effects of the MS4 discharges on the receiving water.
2. TMDLs
  - a. A list of applicable TMDLs and TMDL compliance points, based on approved TMDL Monitoring Plans and/or as identified in the Basin Plan for the applicable TMDLs.
  - b. Identification of the proposed receiving water monitoring stations that fulfill the TMDL Monitoring Plan(s) requirements.
  - c. Shoreline Monitoring Stations monitored pursuant to a bacteria TMDL. Sampling for bacterial indicators (total coliform, fecal coliform (or E. coli), and enterococcus) at shoreline monitoring locations addressed by a TMDL shall be conducted 5 times per week at sites subject to the reference system criterion for allowable exceedance days, and weekly at sites subject to the antidegradation criterion for allowable exceedance days.
3. Mass Emission Stations
  - a. Location of mass emission stations,

- b. Description of monitoring at mass emission stations or justification of why monitoring at the mass emission stations will be discontinued.

### **C. Minimum Wet Weather Receiving Water Monitoring Requirements**

1. The IMP or CIMP shall incorporate the following minimum requirements for monitoring the receiving water during wet weather conditions:
  - a. The receiving water shall be monitored a minimum of three times per year for all parameters except aquatic toxicity, which must be monitored at least twice per year, or more frequently if required by applicable TMDL Monitoring Plans.
  - b. Monitoring shall be performed in the receiving water during wet weather conditions, defined for the purposes of this monitoring program as follows:
    - i. When the receiving water is the Santa Monica Bay or other ocean or estuarine water body, wet weather occurs during a storm event of greater than or equal to 0.1 inch of precipitation, as measured from at least 50 percent of the Los Angeles County controlled rain gauges within the watershed, or based on an alternative precipitation threshold as provided for in an approved IMP or CIMP.
    - ii. When the receiving water body is a river, stream or creek, wet weather shall be defined as when the flow within the receiving water is at least 20 percent greater than the base flow or an alternative threshold as provided for in an approved IMP or CIMP, or as defined by effective TMDLs within the watershed.
    - iii. Monitoring shall occur during wet weather conditions, including targeting the first significant rain event of the storm year following the criteria below, and at least two additional wet weather events within the same wet weather season. Permittees shall target the first storm event of the storm year with a predicted rainfall of at least 0.25 inch at a seventy percent probability of rainfall at least 24 hours prior to the event start time. Permittees shall target subsequent storm events that forecast sufficient rainfall and runoff to meet program objectives and site specific study needs. Sampling events shall be separated by a minimum of three days of dry conditions (less than 0.1 inch of rain each day).
  - c. Receiving water monitoring shall begin as soon as possible after storm water outfall-based monitoring, in order to be reflective of potential impacts from MS4 discharges.
  - d. At a minimum, the following parameters shall be monitored unless a surrogate pollutant has been approved by the Executive Officer of the Regional Water Board.
    - i. Flow

- ii. Pollutants assigned a receiving water limitation derived from TMDL WLAs (See Attachments L-R of this Order),
  - iii. Other pollutants identified on the CWA section 303(d) List for the receiving water or downstream receiving waters,
  - iv. Total Suspended Solids (TSS) and Suspended-Sediment Concentration (SSC) if the receiving water is listed on the CWA section 303(d) list for sedimentation, siltation or turbidity,<sup>2</sup>
  - v. Field measurements applicable to inland freshwater bodies only: hardness, pH, dissolved oxygen, temperature, and specific conductivity,
  - vi. Aquatic Toxicity (twice per year, once during first storm event of the storm year as specified above).
- e. Additionally, the screening parameters in Table E-2 shall be monitored in the first year of monitoring during the first significant rain event of the storm year. If a parameter is not detected at the Method Detection Limit (MDL) for its respective test method or the result is below the lowest applicable water quality objective, and is not otherwise identified in subparts d.i.-d.vi. above, it need not be further analyzed. If a parameter is detected exceeding the lowest applicable water quality objective then the parameter shall be analyzed for the remainder of the Order during wet weather at the receiving water monitoring station where it was detected.

#### **D. Minimum Dry Weather Receiving Water Monitoring**

1. The IMP and/or CIMP plan shall incorporate the following minimum requirements for monitoring the receiving water during dry weather conditions:
  - a. The receiving water shall be monitored a minimum of two times per year for all parameters, or more frequently if required by applicable TMDL Monitoring Plans. One of the monitoring events shall be during the month with the historically lowest instream flows, or where instream flow data are not available, during the historically driest month.
  - b. Monitoring shall be performed in the receiving water during dry weather conditions, defined as follows:
    - i. When the receiving water is the Santa Monica Bay or other ocean or estuary water body, dry weather occurs on days with less than 0.1 inch of rain and those days not less than three days after a rain event of 0.1 inch or greater within the watershed, as measured from at least 50 percent of Los Angeles County controlled rain gauges within the watershed, or an alternative criterion as provided for in an approved IMP or CIMP.

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<sup>2</sup> Gray, John, R., G. Douglas Glysson, Lisa M. Turcios, and Gregory E. Schwarz. 2000. *Comparability of Suspended-Sediment Concentration and Total Suspended Solids Data*. United States Geological Survey. Water Resources Investigations Report 00-4191. August 2000.

- ii. When the receiving water body is a river, stream or creek, dry weather shall be defined as when the flow is less than 20 percent greater than the base flow or as defined by effective TMDLs within the watershed, or an alternative criterion as provided for in an approved IMP or CIMP.
- c. At a minimum the following parameters shall be monitored during dry weather conditions, unless a surrogate pollutant has been approved by the Executive Officer of the Regional Water Board:
  - i. Flow
  - ii. Pollutants assigned receiving water limitations derived from TMDL dry weather WLAs,
  - iii. Other pollutants identified on the CWA section 303(d) List for the receiving water or downstream receiving waters,
  - iv. TSS and hardness, when metals are monitored,
  - v. Field measurements for monitoring of inland freshwater bodies: dissolved oxygen, pH, temperature, and specific conductivity,
  - vi. Aquatic Toxicity (once per year, during the month with the historically lowest flows).
- d. Additionally, the parameters in Table E-2 shall be monitored in the first year of monitoring during the critical dry weather event. If a parameter is not detected at the Method Detection Limit (MDL) for its respective test method or the result is below the lowest applicable water quality objective, and is not otherwise identified in subparts c.i.-c.iii. or c.v.-c.vii. above, it need not be further analyzed. If a parameter is detected exceeding the lowest applicable water quality objective then the parameter shall be analyzed for the remainder of the Order during dry weather at the receiving water monitoring station where it was detected.

**Table E-2. Storm Water Monitoring Program's Constituents with Associated Minimum Levels (MLs)<sup>3</sup>**

CONSTITUENTS	MLs
<b>CONVENTIONAL POLLUTANTS</b>	<b>mg/L</b>
Oil and Grease	5
Total Phenols	0.1
Cyanide	0.005
pH	0 - 14
Temperature	N/A
Dissolved Oxygen	Sensitivity to 5 mg/L
<b>BACTERIA (single sample limits)</b>	<b>MPN/100ml</b>
Total coliform (marine waters)	10,000

<sup>3</sup> For priority pollutants, MLs published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (SIP) shall be used for all analyses, unless otherwise specified. Method Detection Levels (MDLs) must be lower than or equal to the ML value, unless otherwise approved by the Regional Board.



<b>CONSTITUENTS</b>	<b>MLs</b>
Enterococcus (marine waters)	104
Fecal coliform (marine & fresh waters)	400
E. coli (fresh waters)	235
<b>GENERAL</b>	<b>mg/L</b>
Dissolved Phosphorus	0.05
Total Phosphorus	0.05
Turbidity	0.1 NTU
Total Suspended Solids	2
Total Dissolved Solids	2
Volatile Suspended Solids	2
Total Organic Carbon	1
Total Petroleum Hydrocarbon	5
Biochemical Oxygen Demand	2
Chemical Oxygen Demand	20-900
Total Ammonia-Nitrogen	0.1
Total Kjeldahl Nitrogen	0.1
Nitrate-Nitrite	0.1
Alkalinity	2
Specific Conductance	1 umho/cm
Total Hardness	2
MBAS	0.5
Chloride	2
Fluoride	0.1
Methyl tertiary butyl ether (MTBE)	1
Perchlorate	4 µg/L
<b>METALS (Dissolved &amp; Total)</b>	<b>µg/L</b>
Aluminum	100
Antimony	0.5
Arsenic	1
Beryllium	0.5
Cadmium	0.25
Chromium (total)	0.5
Chromium (Hexavalent)	5
Copper	0.5
Iron	100
Lead	0.5
Mercury	0.5
Nickel	1
Selenium	1
Silver	0.25
Thallium	1
Zinc	1
<b>SEMIVOLATILE ORGANIC COMPOUNDS</b>	
<b>ACIDS</b>	<b>µg/L</b>
2-Chlorophenol	2
4-Chloro-3-methylphenol	1
2,4-Dichlorophenol	1
2,4-Dimethylphenol	2
2,4-Dinitrophenol	5
2-Nitrophenol	10
<b>ACIDS</b>	<b>µg/L</b>
4-Nitrophenol	5

CONSTITUENTS	MLs
Pentachlorophenol	2
Phenol	1
2,4,6-Trichlorophenol	10
BASE/NEUTRAL	µg/L
Acenaphthene	1
Acenaphthylene	2
Anthracene	2
Benzidine	5
1,2 Benzanthracene	5
Benzo(a)pyrene	2
Benzo(g,h,i)perylene	5
3,4 Benzoflouranthene	10
Benzo(k)flouranthene	2
Bis(2-Chloroethoxy) methane	5
Bis(2-Chloroisopropyl) ether	2
Bis(2-Chloroethyl) ether	1
Bis(2-Ethylhexl) phthalate	5
4-Bromophenyl phenyl ether	5
Butyl benzyl phthalate	10
2-Chloroethyl vinyl ether	1
2-Chloronaphthalene	10
4-Chlorophenyl phenyl ether	5
Chrysene	5
Dibenzo(a,h)anthracene	0.1
1,3-Dichlorobenzene	1
1,4-Dichlorobenzene	1
1,2-Dichlorobenzene	1
3,3-Dichlorobenzidine	5
Diethyl phthalate	2
Dimethyl phthalate	2
di-n-Butyl phthalate	10
2,4-Dinitrotoluene	5
2,6-Dinitrotoluene	5
4,6 Dinitro-2-methylphenol	5
1,2-Diphenylhydrazine	1
di-n-Octyl phthalate	10
Fluoranthene	0.05
Fluorene	0.1
Hexachlorobenzene	1
Hexachlorobutadiene	1
Hexachloro-cyclopentadiene	5
Hexachloroethane	1
Indeno(1,2,3-cd)pyrene	0.05
Isophorone	1
Naphthalene	0.2
Nitrobenzene	1
N-Nitroso-dimethyl amine	5
N-Nitroso-diphenyl amine	1
N-Nitroso-di-n-propyl amine	5
Phenanthrene	0.05
BASE/NEUTRAL	µg/L
Pyrene	0.05

CONSTITUENTS	MLs
1,2,4-Trichlorobenzene	1
<b>CHLORINATED PESTICIDES</b>	<b>µg/L</b>
Aldrin	0.005
alpha-BHC	0.01
beta-BHC	0.005
delta-BHC	0.005
gamma-BHC (lindane)	0.02
alpha-chlordane	0.1
gamma-chlordane	0.1
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
Dieldrin	0.01
alpha-Endosulfan	0.02
beta-Endosulfan	0.01
Endosulfan sulfate	0.05
Endrin	0.01
Endrin aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Toxaphene	0.5
<b>POLYCHLORINATED BIPHENYLS</b>	<b>µg/L</b>
Aroclor-1016	0.5
Aroclor-1221	0.5
Aroclor-1232	0.5
Aroclor-1242	0.5
Aroclor-1248	0.5
Aroclor-1254	0.5
Aroclor-1260	0.5
<b>ORGANOPHOSPHATE PESTICIDES</b>	<b>µg/L</b>
Atrazine	2
Chlorpyrifos	0.05
Cyanazine	2
Diazinon	0.01
Malathion	1
Prometryn	2
Simazine	2
<b>HERBICIDES</b>	<b>µg/L</b>
2,4-D	10
Glyphosate	5
2,4,5-TP-SILVEX	0.5

## VII. OUTFALL BASED MONITORING

**A. Storm Drains, Channels and Outfalls Map(s) and/or Database.** The IMP and/or CIMP plan(s) shall include a map(s) and/or database of the MS4 to include the following information:

1. Surface water bodies within the Permittee(s) jurisdiction
2. Sub-watershed (HUC 12) boundaries

3. Land use overlay
4. Effective Impervious Area (EIA) overlay (if available)
5. Jurisdictional boundaries
6. The location and length of all open channel and underground pipes 18 inches in diameter or greater (with the exception of catch basin connector pipes)
7. The location of all dry weather diversions
8. The location of all major MS4 outfalls within the Permittee's jurisdictional boundary. Each major outfall shall be assigned an alphanumeric identifier, which must be noted on the map
9. Notation of outfalls with significant non-storm water discharges (to be updated annually)
10. Storm drain outfall catchment areas for each major outfall within the Permittee(s) jurisdiction
11. Each mapped MS4 outfall shall be linked to a database containing descriptive and monitoring data associated with the outfall. The data shall include:
  - a. Ownership
  - b. Coordinates
  - c. Physical description
  - d. Photographs of the outfall, where possible, to provide baseline information to track operation and maintenance needs over time
  - e. Determination of whether the outfall conveys significant non-storm water discharges
  - f. Storm water and non-storm water monitoring data

## **VIII. STORM WATER OUTFALL BASED MONITORING**

### **A. Storm Water Outfall Based Monitoring**

1. Storm water discharges from the MS4 shall be monitored at outfalls and/or alternative access points such as manholes or in channels at the Permittee's jurisdictional boundary.
2. The Permittee shall consider the following criteria when selecting outfalls for storm water discharge monitoring:
  - a. The storm water outfall based monitoring program should ensure representative data by monitoring at least one major outfall per subwatershed (HUC 12) drainage area, within the Permittee's jurisdiction, or alternate approaches as approved in an IMP or CIMP.
  - b. The drainage(s) to the selected outfall(s) shall be representative of the land uses within the Permittee's jurisdiction.

- c. If a Permittee is implementing an IMP, to the extent possible, the selected outfalls shall not receive drainage from another jurisdiction. If this is not possible, and a Permittee is pursuing an individual outfall based IMP program, the Permittee shall conduct "upstream" and "downstream" monitoring as the system enters and exits the Permittee's jurisdiction.
- d. The Permittee shall select outfalls with configurations that facilitate accurate flow measurement and in consideration of safety of monitoring personnel.
- e. The specific location of sample collection may be within the MS4 upstream of the actual outfall to the receiving water if field safety or accurate flow measurement require it.

#### **B. Minimum Storm Water Outfall Based Monitoring Requirements**

- 1. The IMP and/or CIMP shall incorporate the following minimum requirements for monitoring storm water:
  - a. Storm water discharges shall be monitored a minimum of three times per year for all parameters except aquatic toxicity.
  - b. Monitoring shall be performed at the selected outfalls during wet weather conditions, defined for the purposes of this monitoring program as follows:
    - i. When the receiving water is the Santa Monica Bay or other ocean or estuary water body, wet weather occurs during a storm event equal to or greater than 0.1 inch of precipitation, as determined by the closest Los Angeles County rain gauge to the catchment area draining to the outfall, or based on an alternative precipitation threshold as provided for in an approved IMP or CIMP.
    - ii. When the receiving water body is a river, stream or creek, wet weather shall be defined as when the flow within the receiving water is at least 20 percent greater than the base flow or an alternative threshold as provided for in an approved IMP or CIMP, or as defined by effective TMDLs within the watershed.
    - iii. Monitoring of storm water discharges shall occur during wet weather conditions resulting from the first rain event of the year, and at least two additional wet weather events within the same wet weather season. Permittees shall target the first storm event of the storm year with a predicted rainfall of at least 0.25 inch at a seventy percent probability of rainfall at least 24 hours prior to the event start time. Permittees shall target subsequent storm events that forecast sufficient rainfall and runoff to meet program objectives and site specific study needs. Sampling events shall be separated by a minimum of three days of dry conditions (less than 0.1 inch of rain each day).
  - c. At a minimum, the following parameters shall be monitored unless a surrogate pollutant has been approved by the Executive Officer of the Regional Water Board:

- i. Flow
  - ii. Pollutants assigned a WQBEL derived from TMDL WLAs (See Attachments L-R of this Order),
  - iii. Other pollutants identified on the CWA section 303(d) List for the receiving water or downstream receiving waters,
  - iv. Total Suspended Solids (TSS) and Suspended-Sediment Concentration (SSC) if the receiving water is listed on the CWA Section 303(d) list for sedimentation, siltation or turbidity,
  - v. Field measurements applicable to inland freshwater bodies only: hardness, pH, dissolved oxygen, temperature, and specific conductivity,
  - vi. Pollutants identified in a TIE conducted at the downstream receiving water monitoring station during the most recent sample event, or where the TIE conducted on the receiving water sample was inconclusive, aquatic toxicity. If the discharge exhibits aquatic toxicity, then a TIE shall be conducted.
- d. Other parameters in Table E-2 identified as exceeding the lowest applicable water quality objective in the nearest downstream receiving water monitoring station per Part VI.C.1.e.

### **C. Sampling Methods**

1. Samples shall be collected during the first 24 hours of the storm water discharge or for the entire storm water discharge if it is less than 24 hours.
2. If a Permittee is not participating in a IMP or CIMP, the flow-weighted composite sample for a storm water discharge shall be taken with a continuous sampler, or it shall be taken as a combination of a minimum of 3 sample aliquots, taken in each hour of discharge for the first 24 hours of the discharge or for the entire discharge if the storm event is less than 24 hours, with each aliquot being separated by a minimum of 15 minutes within each hour of discharge, unless the Regional Water Board Executive Officer approves an alternate protocol.

## **IX. NON-STORM WATER OUTFALL BASED SCREENING AND MONITORING**

### **A. Objectives of the Non-Storm Water Outfall Screening and Monitoring Program**

The outfall screening and monitoring process is intended to meet the following objectives.

1. Develop criteria or other means to ensure that all outfalls with significant non-storm water discharges are identified and assessed during the term of this Order.
2. For outfalls determined to have significant non-storm water flow, determine whether flows are the result of illicit connections/illicit discharges (IC/IDs),

authorized or conditionally exempt non-storm water flows, natural flows, or from unknown sources.

3. Refer information related to identified IC/IDs to the IC/ID Elimination Program (Part VI.D.10 of this Order) for appropriate action.
4. Based on existing screening or monitoring data or other institutional knowledge, assess the impact of non-storm water discharges (other than identified IC/IDs) on the receiving water.
5. Prioritize monitoring of outfalls considering the potential threat to the receiving water and applicable TMDL compliance schedules.
6. Conduct monitoring or assess existing monitoring data to determine the impact of non-storm water discharges on the receiving water.
7. Conduct monitoring or other investigations to identify the source of pollutants in non-storm water discharges.
8. Use results of the screening process to evaluate the conditionally exempt non-storm water discharges identified in Parts III.A.2 and III.A.3 of this Order and take appropriate actions pursuant to Part III.A.4.d of this Order for those discharges that have been found to be a source of pollutants. Any future reclassification shall occur per the conditions in Parts III.A.2 or III.A.6 of this Order.
9. Maximize the use of Permittee resources by integrating the screening and monitoring process into existing or planned IMP and/or CIMP efforts.

#### **B. Outfall Screening and Monitoring Plan**

1. Concurrent with the development of an IMP or CIMP, or within one (1) year of the effective date of this Order, each Permittee shall submit a non-storm water outfall-based screening and monitoring program plan that documents with written procedures an explanation of how the program is to be implemented. The procedures must be updated as needed to reflect the Permittee's program. The plan may be a separate stand-alone document or may be part of an IMP or CIMP.
2. Each Permittee shall conduct at least one re-assessment of its non-storm water outfall-based screening and monitoring program during the term of this Order to determine whether changes or updates are needed. Where changes are needed, the Permittee shall make the changes in its written program documents, implement these changes in practice, and describe the changes within the next annual report.

#### **C. Identification of Outfalls with Significant with Non-Storm Water Discharge**

1. Based on the inventory of MS4 outfalls required under Part VII of this MRP, each Permittee shall identify MS4 outfalls with significant non-storm water discharges. Significant non-storm water discharges may be determined by one or more of the following characteristics:

- a. Discharges from major outfalls subject to dry weather TMDLs.
- b. Discharges for which existing monitoring data exceeds non-storm water Action Levels identified in Attachment G of this Order.
- c. Non-storm water discharges that have caused or have the potential to cause overtopping of downstream diversions.
- d. Discharges exceeding a proposed threshold discharge rate as determined by the Permittee.
- e. Other characteristics as determined by the Permittee and incorporated within their screening program plan.

#### **D. Inventory of MS4 Outfalls with Non-Storm Water Discharges**

1. Each Permittee shall develop and maintain an inventory of MS4 outfalls and identify those with known significant non-storm water discharges and those requiring no further assessment. If the MS4 outfall requires no further assessment, the inventory must include the rationale for the determination of no further action required. This inventory shall be recorded in a database with outfall locations linked to the Storm Drains, Channels and Outfalls map required in Part VII.A of this MRP. GIS is preferred.
2. As a component of the inventory, each Permittee shall record existing data from past outfall screening and monitoring and initiate data collection efforts as warranted. The data shall include the physical attributes of those MS4 outfalls or alternative monitoring locations determined to have significant non-storm water discharges. Attributes to be obtained shall, at a minimum, include:
  - a. Date and time of last visual observation or inspection
  - b. Outfall alpha-numeric identifier
  - c. Description of outfall structure including size (e.g., diameter and shape)
  - d. Description of receiving water at the point of discharge (e.g., natural, soft-bottom with armored sides, trapezoidal, concrete channel)
  - e. Latitude/longitude coordinates
  - f. Nearest street address
  - g. Parking, access, and safety considerations
  - h. Photographs of outfall condition
  - i. Photographs of significant non-storm water discharge (or indicators of discharge) unless safety considerations preclude obtaining photographs
  - j. Estimation of discharge rate
  - k. All diversions either upstream or downstream of the outfall



- I. Observations regarding discharge characteristics such as turbidity, odor, color, presence of debris, floatables, or characteristics that could aid in pollutant source identification.
4. Each year, the Storm Drains, Channels and Outfalls map and associated outfall database required in Part VII.A of the MRP shall be updated to incorporate the most recent characterization data for outfalls with significant non-storm water discharge.

#### **E. Prioritized Source Identification**

1. Outfalls within the inventory shall be prioritized in the following order (a= highest priority, etc.) for source identification activities:
  - a. Outfalls discharging directly to receiving waters with WQBELs or receiving water limitations in the TMDL provisions for which final compliance deadlines have passed.
  - b. All major outfalls and other outfalls that discharge to a receiving water subject to a TMDL shall be prioritized according to TMDL compliance schedules.
  - c. Outfalls for which monitoring data exist and indicate recurring exceedances of one or more of the Action Levels identified in Attachment G of this Order.
  - d. All other major outfalls identified to have significant non-storm water discharges.
2. Each Permittee shall develop a source identification schedule based on the prioritized list of outfalls exhibiting significant non-storm water discharges. The schedule shall ensure that source investigations are conducted for no less than 25% of the outfalls in the inventory within three years of the effective date of this Order and 100% of the outfalls in the inventory within 5 years of the effective date of this Order.
3. Alternatively, a Permittee may request an alternative prioritization and schedule from the Regional Water Board if it can demonstrate an equivalent level of source investigation and abatement through an approved IMP or CIMP.

#### **F. Identify Source(s) of Significant Non-Storm Water Discharge**

1. If the source is determined to be an illicit discharge, each Permittee shall implement procedures to eliminate the discharge consistent with IC/ID requirements and document the actions in the next annual report.
2. If the source is determined to be an NPDES permitted discharge, a discharge subject to a Record of Decision approved by USEPA pursuant to section 121 of CERCLA, a conditionally exempt essential non-storm water discharge, or entirely comprised of natural flows as defined at Part III.A.d of this Order, document the source and report to the Regional Water Board in the next annual report.

3. If the source is either unknown or a conditionally exempt, but non-essential, non-storm water discharge, each Permittee shall conduct monitoring required in Part IX.G of this MRP.
4. If the discharge is comprised of more than one source, the Permittee shall attempt to quantify the relative contribution from the individual or group of similar sources (e.g., irrigation overspray) and classify the contributions as authorized, conditionally exempt essential, natural, illicit discharge, conditionally exempt non-essential, or unknown.
5. If the source of non-storm water discharge is unknown, the Permittee shall describe the efforts undertaken to identify the source. Methods for identifying the source of non-storm water discharge may include inspection and/or surveillance, discharge monitoring and data loggers, video or physical inspection, monitoring for indicator parameters (e.g., surfactants, chlorine, Pyrethroids), or other means.
6. If a source originates within an upstream jurisdiction, the Permittee shall inform in writing both the upstream jurisdiction and the Regional Water Board within 30 days of determination of the presence of the discharge, all available characterization data, contribution determination efforts, and efforts taken to identify its source.
7. MS4 outfalls requiring no further action shall be maintained in the Storm Drains, Channels and Outfalls map and associated database (see Part VII.A. of this MRP).

#### **G. Monitor Non-Storm Water Discharges Exceeding Criteria**

1. Within 90 days after completing the source identification or after the Executive Officer of the Regional Water Board approves the IMP or CIMP, whichever is later, each Permittee shall monitor outfalls that have been determined to convey significant discharges comprised of either unknown or conditionally exempt non-storm water discharges, or continuing discharges attributed to illicit discharges. The following parameters shall be monitored:
  - a. Flow,
  - b. Pollutants assigned a WQBEL or receiving water limitation to implement TMDL Provisions for the respective receiving water, as identified in Attachments L - R of this Order,
  - c. Other pollutants identified on the CWA section 303(d) List for the receiving water or downstream receiving waters,
  - d. Pollutants identified in a TIE conducted in response to observed aquatic toxicity during dry weather at the nearest downstream receiving water monitoring station during the last sample event or, where the TIE conducted on the receiving water sample was inconclusive, aquatic toxicity. If the discharge exhibits aquatic toxicity, then a TIE shall be conducted.

- e. Other parameters in Table E-2 identified as exceeding the lowest applicable water quality objective in the nearest downstream receiving water monitoring station per Part VI.D.1.d.
2. For outfalls subject to a dry weather TMDL, monitoring frequency shall be per the approved TMDL Monitoring Plan or as otherwise specified in the TMDL, or as specified in an IMP or CIMP approved by the Executive Officer of the Regional Water Board.
3. For outfalls not subject to dry weather TMDLs, monitoring frequency shall be four times during the first year following source identification, distributed approximately quarterly, during dry weather conditions or as specified in an IMP or CIMP approved by the Executive Officer of the Regional Water Board.
4. Except as required by an applicable TMDL Monitoring Plan, IMP, or CIMP approved by the Executive Officer of the Regional Water Board, monitoring frequency may be reduced to twice per year, beginning in the second year of monitoring, if pollutant concentrations measured during the first year do not exceed WQBELs, non-storm water Action Levels or water quality standards for other pollutants identified on the CWA section 303(d) List for the receiving water or downstream receiving waters.
5. Following one year of monitoring, the Permittee may submit a written request to the Executive Officer of the Regional Water Board to reduce or eliminate monitoring of specified pollutants, based on an evaluation of the monitoring data.

#### **H. Sampling Methods**

1. For the purposes of this monitoring program, non-storm water discharges shall be monitored during days when precipitation is  $< 0.1$  inch and those days not less than 3 days after a rain day unless an alternative criterion is provided for in an approved IMP or CIMP. A rain day is defined as those with  $\geq 0.1$  inch of rain.
2. Flow-weighted composite samples shall be taken for a non-storm water discharge using a continuous sampler, or it shall be taken as a combination of a minimum of 3 sample aliquots, taken in each hour during a 24-hour period, unless the Regional Water Board Executive Officer approves an alternate protocol.

#### **X. NEW DEVELOPMENT/RE-DEVELOPMENT EFFECTIVENESS TRACKING**

- A. Each Permittee shall maintain a database providing the following information for each new development/re-development subject to the requirements of Part VI.D.6 of this Order that is approved by the Permittee on or after the effective date of this Order:
  1. Name of the Project and Developer,
  2. Project location and map (preferably linked to the GIS storm drain map),
  3. Date of Certificate of Occupancy,

4. 85<sup>th</sup> percentile storm event for the project design (inches per 24 hours),
5. 95<sup>th</sup> percentile storm event for projects draining to natural water bodies (inches per 24 hours),
6. Other design criteria required to meet hydromodification requirements for drainages to natural water bodies,
7. Project design storm (inches per 24-hours),
8. Project design storm volume (gallons or MGD),
9. Percent of design storm volume to be retained on site,
10. Design volume for water quality mitigation treatment BMPs, if any.
11. If flow through, water quality treatment BMPs are approved, provide the one-year, one-hour storm intensity as depicted on the most recently issued isohyetal map published by the Los Angeles County Hydrologist,
12. Percent of design storm volume to be infiltrated at an off-site mitigation or groundwater replenishment project site,
13. Percent of design storm volume to be retained or treated with biofiltration at an off-site retrofit project,
14. Location and maps (preferably linked to the GIS storm drain map required in Part VII.A of this MRP) of off-site mitigation, groundwater replenishment, or retrofit sites,
15. Documentation of issuance of requirements to the developer.

## **XI. REGIONAL STUDIES**

### **A. Southern California Stormwater Monitoring Coalition Watershed Monitoring Program**

1. The Southern California Stormwater Monitoring Coalition (SMC) Regional Watershed Monitoring Program was initiated in 2008. This program is conducted in collaboration with the Southern California Coastal Water Research Project (SCCWRP), State Water Board's Surface Water Ambient Monitoring Program, three Southern California Regional Water Quality Control Boards (Los Angeles, Santa Ana, and San Diego) and several county storm water agencies (Los Angeles, Ventura, Orange, Riverside, San Bernardino and San Diego). SCCWRP acts as the facilitator to organize the program and completes data analysis and report preparation.
2. The SMC monitoring program seeks to coordinate and leverage existing monitoring efforts to produce regional estimates of condition, improve data comparability and quality assurance, and maximize data availability, while conserving monitoring expenditures. The primary goal of this program is to implement an ongoing, large-scale regional monitoring program for southern California's coastal streams and rivers. The monitoring program addresses three main questions:

- a. What is the condition of streams in southern California?
  - b. What are the stressors that affect stream condition?; and
  - c. Are conditions getting better or worse?
3. A comprehensive program was designed by the SMC, in which each participating group assesses its local watersheds and then contributes their portion to the overall regional assessment. The program utilizes the following indicators: benthic macroinvertebrate community bioassessment, benthic algal community bioassessment (soft algae and diatoms), riparian wetland evaluation (using California Rapid Assessment Methodology), water chemistry (nutrients and certain pesticides), water toxicity (using *Ceriodaphnia*), and physical habitat. Sampling occurs in 15 coastal southern California watersheds from Ventura to the US-Mexico border, and sites are sampled randomly across three land use types (open space, urban and agriculture). Six sites are sampled per year per watershed, resulting in monitoring of 90 sites per year and 450 sites overall over a five-year period (reaching the statistically desirable target of 30 data points per watershed).
4. To continue to implement the SMC design, each Permittee shall be responsible for supporting the monitoring described at the sites within the watershed management area(s) that overlap with the Permittee's jurisdictional area. These include six random sites annually in the Santa Monica Bay Watershed Management area and at three random sites annually in the Santa Clara River Watershed (the other three sites are funded by the Ventura County MS4 Permittees). Permittees shall continue to contribute monitoring resources to the San Gabriel River and Los Angeles River Regional Watershed Monitoring Programs (overall, both of these programs fund six sites per year to contribute to the SMC Program).

## **XII. AQUATIC TOXICITY MONITORING METHODS**

- A. Aquatic Toxicity Monitoring as required in Parts VI (Receiving Water Monitoring), VIII (Storm Water Outfall Based Monitoring), and IX (Non-storm Water Outfall Based Monitoring) of this MRP, shall be conducted according to the procedures described in this Part. When the State Water Board's *Policy for Toxicity Assessment and Control* is fully approved and in effect, the Regional Water Board Executive Officer may direct the Permittee(s) to replace current toxicity program elements with standardized procedures in the policy.
- B. The Permittee(s) shall collect and analyze samples taken from receiving water monitoring locations to evaluate the extent and causes of toxicity in receiving waters.
- C. Toxicity samples may be flow-weighted composite samples, or grab samples, for wet and dry event sampling.

- D. The total sample volume shall be determined both by the specific toxicity test method used and the additional volume necessary for TIE studies. Sufficient sample volume shall be collected to perform both the required toxicity tests and TIE studies.
- E. Holding Times. All toxicity tests shall be conducted as soon as possible following sample collection. The 36-hour sample holding time for test initiation shall be targeted. However, no more than 72 hours shall elapse before the conclusion of sample collection and test initiation.
- F. Definition of Chronic Toxicity. Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or receiving waters compared to that of the control organisms.

**G. Chronic Toxicity Monitoring Programs.**

**1. Freshwater Test Species and Methods.**

If samples are collected in receiving waters with salinity <1 ppt, or from outfalls discharging to receiving waters with salinity <1 ppt, then the Permittee(s) shall conduct the following critical life stage chronic toxicity tests on undiluted samples in accordance with species and short-term test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR Part 136). In no case shall the following test species be substituted with another organism unless written authorization from the Regional Water Board Executive Officer is received.

- i. A static renewal toxicity test with the fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0<sup>4</sup>).
- ii. A static renewal toxicity test with the daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0<sup>5</sup>).
- iii. A static renewal toxicity test with the green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0).

**2. Marine and Estuarine Test Species and Methods.**

If samples are collected in receiving waters with salinity  $\geq 1$  ppt, or from outfalls discharging to receiving waters with salinity  $\geq 1$  ppt, then the Permittee(s) shall conduct the following critical life stage chronic toxicity tests on undiluted samples in accordance with species and short-term test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995). Artificial sea salts shall be used to increase sample salinity. In no case shall the following test species be substituted with

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<sup>4</sup> Daily observations for mortality make it possible to calculate acute toxicity for desired exposure periods (e.g., a 7-day acute endpoint).

another organism unless written authorization from the Regional Water Board Executive Officer is received.

- a. A static renewal toxicity test with the topsmelt, *Atherinops affinis* (Larval Survival and Growth Test Method 1006.01<sup>5</sup>);
- b. A static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus* (Fertilization Test Method 1008.0); and
- c. A static non-renewal toxicity test with the giant kelp, *Macrocystis pyrifera* (Germination and Growth Test Method 1009.0).

**3. Test Species Sensitivity Screening.**

To determine the most sensitive test species, the Permittee(s) shall conduct two wet weather and two dry weather toxicity tests with a vertebrate, an invertebrate, and a plant. After this screening period, subsequent monitoring shall be conducted using the most sensitive test species. Alternatively, if a sensitive test species has already been determined, or if there is prior knowledge of potential toxicant(s) and a test species is sensitive to such toxicant(s), then monitoring shall be conducted using only that test species. Sensitive test species determinations shall also consider the most sensitive test species used for proximal receiving water monitoring. After the screening period, subsequent monitoring shall be conducted using the most sensitive test species. Rescreening shall occur in the fourth year of the permit term.

4. Chronic toxicity test biological endpoint data shall be analyzed using the Test of Significant Toxicity t-test approach specified in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (U.S. Environmental Protection Agency, Office of Wastewater Management, Washington, D.C. EPA 833-R-10-003, 2010). For this monitoring program, the critical chronic instream waste concentration (IWC) is set at 100% receiving water for receiving water samples and 100% effluent for wet- and dry-weather outfall samples. A 100% receiving water/outfall effluent sample and a control shall be tested.

**H. Quality Assurance.**

1. If the receiving water or outfall effluent test does not meet all test acceptability criteria (TAC) specified in the test methods manuals (*Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002) and *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995)), then the Permittee(s) must re-sample and re-test at the earliest time possible.
2. Control water, including brine controls, shall be laboratory water prepared and used as specified in the test methods manuals.
3. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests

and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).

**I. Toxicity Identification Evaluation (TIE).**

1. A toxicity test sample is immediately subject to TIE procedures to identify the toxic chemical(s), if either the survival or sublethal endpoint demonstrates a Percent Effect value equal to or greater than 50% at the IWC. Percent Effect is defined as the effect value—denoted as the difference between the mean control response and the mean IWC response, divided by the mean control response—multiplied by 100.
2. A TIE shall be performed to identify the causes of toxicity using the same species and test method and, as guidance, U.S. EPA manuals: *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).
3. The TIE should be conducted on the test species demonstrating the most sensitive toxicity response at a sampling station. A TIE may be conducted on a different test species demonstrating a toxicity response with the caveat that once the toxicant(s) are identified, the most sensitive test species triggering the TIE shall be further tested to verify that the toxicant has been identified and addressed.
4. A TIE Prioritization Metric (see Appendix 5 in SMC Model Monitoring Program) may be utilized to rank sites for TIEs.

**J. Toxicity Reduction Evaluation (TRE).**

1. When a toxicant or class of toxicants is identified through a TIE conducted at a receiving water monitoring station, Permittees shall analyze for the toxicant(s) during the next scheduled sampling event in the discharge from the outfall(s) upstream of the receiving water location.
2. If the toxicant is present in the discharge from the outfall at levels above the applicable receiving water limitation, a TRE shall be performed for that toxicant.
3. The TRE shall include all reasonable steps to identify the source(s) of toxicity and discuss appropriate BMPs to eliminate the causes of toxicity. No later than 30 days after the source of toxicity and appropriate BMPs are identified, the Permittee(s) shall submit a TRE Corrective Action Plan to the Regional Water Board Executive Officer for approval. At minimum, the plan shall include a discussion of the following:
  - a. The potential sources of pollutant(s) causing toxicity.



- b. A list of municipalities and agencies that may have jurisdiction over sources of pollutant(s) causing toxicity.
        - c. Recommended BMPs to reduce the pollutant(s) causing toxicity.
        - d. Proposed post-construction control measures to reduce the pollutant(s) causing toxicity.
        - e. Follow-up monitoring to demonstrate that the toxicants have been reduced or eliminated.
4. The TRE process shall be coordinated with TMDL development and implementation (i.e., if a TMDL for 4,4'-DDD is being implemented when a TRE for 4,4'-DDD is required, then efforts shall be coordinated to avoid overlap).

#### **K. Chronic Toxicity Reporting**

1. Aquatic toxicity monitoring results submitted to the Regional Water Board shall be consistent with the requirements identified in Part XIV.L and M and Part XVIII.A.5 and A.7 of the MRP.
2. The Annual Report in Part XVIII of the MRP shall include:
  - a. A full laboratory report for each chronic toxicity test prepared according to the appropriate test methods manual chapter on Report Preparation, including:
    - i. The chronic toxicity test results for the t-test, reported as "Pass" or "Fail", and the "Percent Effect".
    - ii. The dates of sample collection and initiation of each toxicity test.
    - iii. Test species with biological endpoint values for each concentration tested.
    - iv. Reference toxicant test results.
    - v. Water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).
    - vi. TRE/TIE testing results.
    - vii. A printout of CETIS (Comprehensive Environmental Toxicity Information System) program results.
  - b. All results for receiving water or outfall effluent parameters monitored concurrently with the toxicity test.
  - c. TIEs (Phases I, II, and III) that have been completed or are being conducted, by monitoring station.
  - d. The development, implementation, and results for each TRE Corrective Action Plan, beginning the year following the identification of each pollutant or pollutant class causing chronic toxicity.

### **XIII. SPECIAL STUDIES**

- A.** Each Permittee shall be responsible for conducting special studies required in an effective TMDL or an approved TMDL Monitoring Plan applicable to a watershed that transects its political boundary.

### **XIV. STANDARD MONITORING AND REPORTING PROVISIONS**

- A.** All monitoring and reporting activities shall meet the following requirements.
- 1.** Monitoring and Records [40 CFR section 122.41(j)(1)]
    - a.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
    - b.** Monitoring and Records [40 CFR section 122.41(j)(2)] [California Water Code § 13383(a)]
      - i.** Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge (ROWD) and application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board Executive Officer or USEPA at any time.
  - c.** Monitoring and Records [40 CFR section 122.41(j)(3)]
    - i.** Records of monitoring information shall include:
      - 1.** The date, time of sampling or measurements, exact place, weather conditions, and rain fall amount.
      - 2.** The individual(s) who performed the sampling or measurements.
      - 3.** The date(s) analyses were performed.
      - 4.** The individual(s) who performed the analyses.
      - 5.** The analytical techniques or methods used.
      - 6.** The results of such analyses.
      - 7.** The data sheets showing toxicity test results.
  - d.** Monitoring and Records [40 CFR section 122.41(j)(4)]. All monitoring, sampling, sample preservation, and analyses must be conducted according to test procedures approved under 40 CFR Part 136 for the analysis of pollutants, unless another test procedure is required under 40 CFR subchapter N or O or is otherwise specified in this Order for such pollutants. If a particular Minimum Level (ML) is not attainable in accordance with procedures set forth in 40 CFR Part 136, the lowest

quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure may be used instead.

- e. Monitoring and Records [40 CFR section 122.41(j)(5)]. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.
- B. All chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory:
    1. Certified for such analyses by an appropriate governmental regulatory agency.
    2. Participated in "Intercalibration Studies" for storm water pollutant analysis conducted by the SMC.<sup>5</sup>
    3. Which performs laboratory analyses consistent with the storm water monitoring guidelines as specified in, the *Stormwater Monitoring Coalition Laboratory Guidance Document*, 2nd Edition R. Gossett and K. Schiff (2007), and its revisions.
  - C. For priority toxic pollutants that are identified in the CTR (40 CFR §131.38), the MLs published in Appendix 4 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California* (SIP) shall be used for all analyses, unless otherwise specified.
  - D. The Monitoring Report shall specify the analytical method used, the Method Detection Level (MDL) and the ML for each pollutant. For the purpose of reporting compliance with numerical limitations, performance goals, and receiving water limitations, analytical data shall be reported with one of the following methods, as appropriate:
    1. An actual numerical value for sample results greater than or equal to the ML.
    2. "Not-detected (ND)" for sample results less than the laboratory's MDL with the MDL indicated for the analytical method used.
    3. "Detected, but Not Quantified (DNQ)" if results are greater than or equal to the laboratory's MDL but less than the ML. The estimated chemical concentration of the sample shall also be reported. This is the concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

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<sup>5</sup> The 'Intercalibration Studies' are conducted periodically by the SMC to establish a consensus based approach for achieving minimal levels of comparability among different testing laboratories for storm water samples to minimize analytical procedure bias. Stormwater Monitoring Coalition Laboratory Document, Technical Report 420 (2004) and subsequent revisions and augmentations.

E. For priority toxic pollutants, if the Permittee can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR Part 136, the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure (assuming that all the method specified sample weights, volumes, and processing steps have been followed) may be used instead of the ML listed in Appendix 4 of the SIP. The Permittee must submit documentation from the laboratory to the Regional Water Board Executive Officer for approval prior to raising the ML for any constituent.

**F. Monitoring Reports [40 CFR § 122.41(I)(4)(ii)].**

1. If a Permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136, or another method specified in this Order, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Annual Monitoring Reports.

**G. Monitoring Reports [40 CFR § 122.41(I)(4)(iii)]**

1. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order.

H. If no flow occurred during the reporting period, then the Monitoring Report shall so state.

I. The Regional Water Board or its Executive Officer, consistent with 40 CFR section 122.41, may approve changes to the Monitoring and Reporting Program, after providing the opportunity for public comment, either:

1. By request of a Permittee or by an interested person after submittal of the Monitoring Report. Such request shall be in writing and filed not later than 60 days after the Monitoring Report submittal date, or

2. As deemed necessary by the Regional Water Board Executive Officer, following notice to the Permittees.

J. Permittees must provide a copy of the Standard Operation Procedures (SOPs) for the Monitoring and Reporting Program No. CI 6948 to the Regional Water Board upon request. The SOP will consist of five elements: Title page, Table of Contents, Procedures, Quality Assurance/ Quality Control (QA/ QC), and References. Briefly describe the purpose of the work or process, including any regulatory information or standards that are appropriate to the SOP process, and the scope to indicate what is covered. Denote what sequential procedures should be followed, divided into significant sections; e.g., possible interferences, equipment needed, equipment/instrument maintenance and calibration, personnel qualifications, and safety considerations. Describe QA/ QC activities, and list any cited or significant references.

K. When monitoring cannot be performed to comply with the requirements of this Order due to circumstances beyond a Permittee's control, then within two working days, the following shall be submitted to the Regional Water Board Executive Officer:

1. Statement of situation.
  2. Explanation of circumstance(s) with documentation.
  3. Statement of corrective action for the future.
- L. Results of monitoring from each receiving water or outfall based monitoring station conducted in accordance with the Standard Operating Procedure submitted under Standard Provision 14 of this MRP shall be sent electronically to the Regional Water Board's Storm Water site at MS4stormwaterRB4@waterboards.ca.gov, semi-annually, highlighting exceedances of applicable WQBELs, receiving water limitations, action levels, or aquatic toxicity thresholds for all test results, with corresponding sampling dates per receiving water monitoring station. The sample data transmitted shall be in the most recent update of the Southern California Municipal Storm Water Monitoring Coalition's (SMC) Standardized Data Transfer Formats (SDTFs).

#### **XV. ANNUAL REPORT SUBMITTAL TIMELINES**

- A. Each Permittee or group of Permittees shall submit by December 15<sup>th</sup> of each year beginning in 2013, an Annual Report to the Regional Water Board Executive Officer in the form of three compact disks (CD) (or equivalent electronic format).

#### **XVI. ANNUAL REPORTING REQUIREMENT OBJECTIVES**

- A. The annual reporting process is intended to meet the following objectives.
1. Present summary information that allows the Regional Water Board to assess:
    - a. Each Permittee's participation in one or more Watershed Management Programs.
    - b. The impact of each Permittee(s) storm water and non-storm water discharges on the receiving water.
    - c. Each Permittee's compliance with receiving water limitations, numeric water quality-based effluent limitations, and non-storm water action levels.
    - d. The effectiveness of each Permittee(s) control measures in reducing discharges of pollutants from the MS4 to receiving waters.
    - e. Whether the quality of MS4 discharges and the health of receiving waters is improving, staying the same, or declining as a result watershed management program efforts, and/or TMDL implementation measures, or other Minimum Control Measures.
    - f. Whether changes in water quality can be attributed to pollutant controls imposed on new development, re-development, or retrofit projects.
  2. Present detailed data and information in an accessible format to allow the Regional Water Board to verify conclusions presented in a Permittee's summary information.

3. Provide the Permittee(s) a forum to discuss the effectiveness of its past and ongoing control measure efforts and to convey its plans for future control measures.
4. Present data and conclusions in a transparent manner so as to allow review and understanding by the general public.
5. Focus each Permittee's reporting efforts on watershed condition, water quality assessment, and an evaluation of the effectiveness of control measures.

## **XVII. WATERSHED SUMMARY INFORMATION, ORGANIZATION AND CONTENT**

**B.** Each Permittee shall include the information requested in A.1 through A.3 below in its odd year Annual Report (e.g., Year 1, 3, 5). The requested information shall be provided for each watershed within the Permittee's jurisdiction. Alternatively, Permittees participating in a Watershed Management Program may provide the requested information through the development and submission of a Watershed Management Program plan and any updates thereto.

**1. Watershed Management Area.** Where a Permittee has individually or collaboratively developed a Watershed Management Program Plan (WMPP) as described in Part VI.C of this Order, reference to the Watershed Management Program plan and any revisions thereto may suffice for baseline information regarding the Watershed Management Area.

**a.** The following information shall be included for each Watershed Management Area within the Permittee(s) jurisdiction, where not included in a WMPP:

- i.** A description of effective TMDLs, applicable WQBELs and receiving water limitations, and implementation and reporting requirements, and compliance dates
- ii.** CWA section 303(d) listings of impaired waters not addressed by TMDLs
- iii.** Results of regional bioassessment monitoring
- iv.** A description of known hydromodifications to receiving waters and a description, including locations, of natural drainage systems
- v.** Description of groundwater recharge areas including number and acres
- vi.** Maps and/or aerial photographs identifying the location of ESAs, ASBS, natural drainage systems, and groundwater recharge areas

**2. Subwatershed (HUC-12) Description.** The following information shall be included for each Subwatershed (HUC-12) within the Permittee(s) jurisdiction. Where a Permittee has individually or collaboratively developed a WMPP as described in Part VI.C of this Order, reference to the WMPP and any revisions thereto may suffice for baseline information regarding the subwatershed (HUC-12) descriptions, where the required information is

already included in the WMPP. The summary information describing the subwatershed shall include the following information:

- a. Description including HUC-12 number, name and a list of all tributaries named in the Basin Plan
- b. Land Use map of the HUC-12 subwatershed
- c. 85<sup>th</sup> percentile, 24-hour rainfall isohyetal map for the subwatershed
- d. One-year, one-hour storm intensity isohyetal map for the subwatershed
- e. MS4 map for the subwatershed, including major MS4 outfalls and all low-flow diversions

**3. Description of the Permittee(s) Drainage Area within the Subwatershed.**

Where a Permittee has individually or collaboratively developed a WMPP as described in Part VI.C of this Order, reference to the WMPP and any revisions thereto may suffice for baseline information regarding the Permittee's Drainage Area within the subwatershed (HUC-12), where the required information is already included in the Watershed Management Program. The following information shall be included for each jurisdiction within the Subwatershed (HUC-12):

- a. A subwatershed map depicting the Permittee(s) jurisdictional area and the MS4, including major outfalls (with identification numbers), and low flow diversions (with identifying names or numbers) located, within the Permittee's jurisdiction.
- b. Provide the estimated baseline percent of effective impervious area (EIA) within the Permittee(s) jurisdictional area as existed at the time that this Order became effective.

**XVIII. ANNUAL ASSESSMENT AND REPORTING**

- A. Each Permittee or group of Watershed Permittees shall include the information requested in A.1 through A.7 below in its Annual Report. The requested information shall be provided for each watershed within the Permittee's jurisdiction. Each Permittee shall format its Annual Report to align with the reporting requirements identified in Parts A.1 through A.7 below.

Annual Reports submitted on behalf of a group of Watershed Permittees shall clearly identify all data collected and strategies, control measures, and assessments implemented by each Permittee within its jurisdiction as well as those implemented by multiple Permittees on a watershed scale.

1. **Storm Water Control Measures.** Each Permittee shall make all reasonable efforts to determine, compile, analyze, and summarize the following information.
  - a. Estimated cumulative change in percent EIA since the effective date of this Order and, if possible, the estimated change in the storm water runoff volume during the 85<sup>th</sup> percentile storm event.

- b. Summary of New Development/Re-development Projects constructed within the Permittee(s) jurisdictional area during the reporting year.
- c. Summary of Retrofit Projects that reduced or disconnected impervious area from the MS4 during the reporting year.
- d. Summary of other projects designed to intercept storm water runoff prior to discharge to the MS4 during the reporting year.
- e. For the projects summarized above in 1.b through 1.d, estimate the total runoff volume retained on site by the implemented projects.
- f. Summary of actions taken in compliance with TMDL implementation plans or approved Watershed Management Programs to implement TMDL provisions in Part VI.E and Attachments L-R of this Order.
- g. Summary of riparian buffer/wetland restoration projects completed during the reporting year. For riparian buffers include width, length and vegetation type; for wetland include acres restored, enhanced or created.
- h. Summary of other Minimum Control Measures implemented during the reporting year, as the Permittee deems relevant.
- i. Status of all multi-year efforts that were not completed in the current year and will therefore continue into the subsequent year(s). Additionally, if any of the requested information cannot be obtained, the Permittee shall provide a discussion of the factor(s) limiting its acquisition and steps that will be taken to improve future data collection efforts.

## **2. Effectiveness Assessment of Storm Water Control Measures**

- a. Rainfall summary for the reporting year. Summarize the number of storm events, highest volume event (inches/24 hours), highest number of consecutive days with measureable rainfall, total rainfall during the reporting year compared to average annual rainfall for the subwatershed. Precipitation data may be obtained from Los Angeles County Department of Public Works rain gauge stations available at <http://www.ladpw.org/wrd/precip/>.
- b. Provide a summary table describing rainfall during storm water outfall and wet-weather receiving water monitoring events. The summary description shall include the date, time that the storm commenced and the storm duration in hours, the highest 15-minute recorded storm intensity (converted to inches/hour), the total storm volume (inches), and the time between the storm event sampled and the end of the previous storm event.
- c. Where control measures were designed to reduce impervious cover or storm water peak flow and flow duration, provide hydrographs or flow data of pre- and post-control activity for the 85<sup>th</sup> percentile, 24-hour rain event, if available.



- d. For natural drainage systems, develop a reference watershed flow duration curve and compare it to a flow duration curve for the subwatershed under current conditions.
- e. Provide an assessment as to whether the quality of storm water discharges as measured at designed outfalls is improving, staying the same or declining. The Permittee may compare water quality data from the reporting year to previous years with similar rainfall patterns, conduct trends analysis, or use other means to develop and support its conclusions (e.g., use of non-storm water action levels or municipal action levels as provided in Attachment G of this Order).
- f. Provide an assessment as to whether wet-weather receiving water quality within the jurisdiction of the Permittee is improving, staying the same or declining, when normalized for variations in rainfall patterns. The Permittee may compare water quality data from the reporting year to previous years with similar rainfall patterns, conduct trends analysis, draw from regional bioassessment studies, or use other means to develop and support its conclusions.
- g. Status of all multi-year efforts, including TMDL implementation, that were not completed in the current year and will continue into the subsequent year(s). Additionally, if any of the requested information cannot be obtained, the Permittee shall provide a discussion of the factor(s) limiting its acquisition and steps that will be taken to improve future data collection efforts.

### **3. Non-Storm Water Control Measures**

- a. Estimate the number of major outfalls within the Permittee's jurisdiction in the subwatershed.
- b. Provide the number of outfalls that were screened for significant non-storm water discharges during the reporting year.
- c. Provide the cumulative number of outfalls that have been screened for significant non-storm water discharges since the date this Order was adopted through the reporting year.
- d. Provide the number of outfalls with confirmed significant non-storm water discharge.
- e. Provide the number of outfalls where significant non-storm water discharge was attributed to other NPDES permitted discharges; other authorized non-storm water discharges; or conditionally exempt discharges pursuant to Part III.A of this Order.
- f. Provide the number of outfalls where significant non-storm water discharges were abated as a result of the Permittee's actions.
- g. Provide the number of outfalls where non-storm water discharges was monitored.

- h.** Provide the status of all multi-year efforts, including TMDL implementation, that were not completed in the current year and will continue into the subsequent year(s). Additionally, if any of the requested information cannot be obtained, the Permittee shall provide a discussion of the factor(s) limiting its acquisition and steps that will be taken to improve future data collection efforts.

**4. Effectiveness Assessment of Non-Storm Water Control Measures**

- a.** Provide an assessment as to whether receiving water quality within the jurisdiction of the Permittee is impaired, improving, staying the same or declining during dry-weather conditions. Each Permittee may compare water quality data from the reporting year to previous years with similar dry-weather flows, conduct trends analysis, draw from regional bioassessment studies, or use other means to develop and support its conclusions.
- b.** Provide an assessment of the effectiveness of the Permittee(s) control measures in effectively prohibiting non-storm water discharges through the MS4 to the receiving water.
- c.** Provide the status of all multi-year efforts that were not completed in the current year and will continue into the subsequent year(s).

**5. Integrated Monitoring Compliance Report**

- a.** Provide an Integrated Monitoring Report that summarizes all identified exceedances of (1) outfall-based storm water monitoring data, (2) wet weather receiving water monitoring data, (3) dry weather receiving water data, and (4) non-storm water outfall monitoring data against all applicable receiving water limitations, water quality-based effluent limitations, non-storm water action levels, and aquatic toxicity thresholds as defined in Sections XII.F and G of this MRP. All sample results that exceeded one or more applicable thresholds shall be readily identified.
- b.** If aquatic toxicity was confirmed and a TIE was conducted, identify the toxic chemicals as determined by the TIE. Include all relevant data to allow the Regional Water Board to review the adequacy and findings of the TIE. This shall include, but not be limited to, the sample(s) date, sample(s) start and end time, sample type(s) (flow-weighted composite, grab, or field measurement), sample location(s) as depicted on the map, the parameters, the analytical results, and the applicable limitation.
- c.** Provide a description of efforts that were taken to mitigate and/or eliminate all non-storm water discharges that exceeded one or more applicable water quality based effluent limitations, non-storm water action levels, or caused or contributed to Aquatic Toxicity.
- d.** Provide a description of efforts that were taken to address storm water discharges that exceeded one or more applicable water quality based effluent limitations, or caused or contributed to Aquatic Toxicity.

- e. Where Receiving Water Limitations were exceeded, provide a description of efforts that were taken to determine whether discharges from the MS4 caused or contributed to the exceedances and all efforts that were taken to control the discharge of pollutants from the MS4 to those receiving waters in response to the exceedances.

#### **6. Adaptive Management Strategies**

- a. Identify the most effective control measures and describe why the measures were effective and how other control measures will be optimized based on past experiences.
- b. Identify the least effective control measures and describe why the measures were deemed ineffective and how the control measures will be modified or terminated.
- c. Identify significant changes to control measures during the prior year and the rationale for the changes.
- d. Describe all significant changes to control measures anticipated to be made in the next year and the rationale for the changes. Those changes requiring approval of the Regional Water Board or its Executive Officer shall be clearly identified at the beginning of the Annual Report.
- e. Include a detailed description of control measures to be applied to New Development or Re-development projects disturbing more than 50 acres.
- f. Provide the status of all multi-year efforts that were not completed in the current year and will continue into the subsequent year(s).

#### **7. Supporting Data and Information**

- a. All monitoring data and associated meta data used to prepare the Annual Report shall be summarized in an Excel spreadsheet and sorted by watershed, subwatershed and monitoring station/outfall identifier linked to the subwatershed map. The data summary must include the date, sample type (flow-weighted composite, grab, field measurement), sample start and stop times, parameter, analytical method, value, and units. The date field must be linked to a database summarizing the weather data for the sampling date including 24-hour rainfall, rainfall intensity, and days since the previous rain event.
- b. Optional. The Permittee may at its option, provide an additional detailed summary table describing control measures that are not otherwise described in the reporting requirements.

**XIX. TMDL REPORTING**

Permittees shall report on the progress of TMDL implementation per the schedules identified below in Sections A – G.

**A. Reporting Requirements for Santa Clara River WMA TMDLs**

Deliverable	Description	Due Date(s)
Progress Reports	<b>Santa Clara River Nitrogen Compounds TMDL</b> Annual progress reports on the Implementation Plan must be submitted to the Regional Water Board.	December 15, 2013, and annually thereafter
Monitoring Results	<b>Upper Santa Clara River Chloride TMDL</b> Permittees shall conduct chloride, TDS, and sulfate monitoring to ensure that water quality objectives are being met. <b>Lake Elizabeth, Minz Lake, and Lake Hughes Trash</b>	December 15, 2013, and annually thereafter
Progress Reports	Report compliance with the installation of full capture systems. <b>Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL</b>	December 15, 2013, and annually thereafter
Receiving Water Monitoring Plan and Outfall Monitoring Plan	Permittees must submit a comprehensive in-stream bacteria water quality monitoring plan for the Santa Clara River Watershed. The monitoring plan should include all applicable bacteria water quality objectives and the sampling frequency must be adequate to assess compliance with the geometric mean objectives. At a minimum, at least one sampling station shall be located in each impaired reach. The outfall monitoring plan shall propose an adequate number of representative outfalls to be sampled, a sampling frequency, and protocol for enhanced outfall monitoring as a result of an in-stream exceedance. The Monitoring Plans must be approved by the Regional Water Board Executive Officer before the monitoring data can be considered during the implementation of the TMDL. Once the monitoring plan is approved by the Executive Officer, monitoring shall commence within 30 days.	March 21, 2013, or Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP.
Draft Implementation Plan	Permittees must submit a draft Implementation Plan outlining how each intends to cooperatively or individually achieve compliance with the water quality-based effluent limitations and the receiving water limitations. The Implementation Plan shall include implementation methods, an implementation schedule and proposed milestones.	March 21, 2015
Final Implementation Plan	Permittees must submit a final Implementation Plan.	Six months after receipt of Regional Water Board comments on the draft Implementation Plan.
Board Briefing	Permittees shall provide a verbal update to the Regional Water Board on the progress of TMDL implementation.	March 21, 2017

**B. Reporting Requirements for Santa Monica Bay WMA TMDLs**

Deliverable	Description	Due Date(s)
Monitoring Results	<p><del>Santa Monica Bay Beaches Bacteria TMDL</del></p> <p>Monthly data summary reports shall be submitted to the Regional Water Board by the last day of each month for data collected during the previous month. Two agencies will submit the monthly reports on behalf of all Permittees: City of Los Angeles, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division (on behalf of Jurisdictional Groups 1 through 6, 8, and 9); and Los Angeles County Sanitation Districts (on behalf of Jurisdictional Group 7).</p>	<p>Monthly on the last day of the month.</p>
Trash Monitoring and Reporting Plan (TMRP)	<p><del>Santa Monica Bay Nearshore and Offshore Debris TMDL</del></p> <p>Permittees shall develop a Trash Monitoring and Reporting Plan (TMRP) for Regional Water Board Executive Officer approval that describes the methodologies that will be used to assess and monitor trash in their responsible areas within the Santa Monica Bay WMA or along Santa Monica Bay. The TMRP shall include a plan to establish a site specific trash baseline water quality-based effluent limitation if Permittees elect to not use the default baseline effluent limitation. Requirements for the TMRP shall include, but are not limited to, assessment and quantification of trash collected from source areas in the Santa Monica Bay WMA, and shoreline of the Santa Monica Bay. The monitoring plan shall provide details on the frequency, location, and reporting format. Permittees shall propose a metric (e.g., weight, volume, pieces of trash) to measure the amount of trash discharged from their jurisdictional areas.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the TMRP 12 months after the effective date of this Order.</p>
Implement TMRP	<p>Implement TMRP</p>	<p>If TMRP is submitted by September 20, 2012, then implement the TMRP 6 months from receipt of letter of approval from Regional Water Board Executive Officer, or the date a plan is established by the Executive Officer; or</p> <p>If an IMP or CIMP is submitted, then monitoring shall commence within 30 days after approval of the IMP or CIMP plan by the Executive Officer.</p>
Plastic Pellets Monitoring and Reporting Plan	<p>Permittees identified as responsible jurisdictions and agencies for point sources of trash in the Santa Monica Bay Debris TMDL and in the existing Malibu Creek and Ballona Creek Trash TMDLs, including the Los Angeles County Flood Control District, shall either prepare a Plastic</p>	<p>September 20, 2013, or</p> <p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP.</p>

	<p>Pellet Monitoring and Reporting Plan (PMRP) or demonstrate that a PMRP is not required.</p> <p>The PMRP shall include protocols for a timely and appropriate response to possible plastic pellets spills within a Permittees' jurisdictional area, and a comprehensive plan to ensure that plastic pellets are contained.</p> <p>Implement PMRP</p>	<p>March 20, 2016</p>
<p>Submit results of implementing TMRP and PMRP</p>	<p>Submit results of implementing TMRP and PMRP, recommend trash baseline water quality-based effluent limitations, and propose prioritization of Full Capture System installation or implementation of other measures to attain the required trash and plastic pellet reduction.</p>	<p>December 15, 2013, and annually thereafter</p>
<p><b>Santa Monica Bay TMDL for DDTs and PCBs (USEPA established)</b></p>		
<p>Monitoring and Reporting Plan</p>	<p>Permittees shall develop a Monitoring and Reporting Plan for Regional Water Board Executive Officer approval that describes the methodologies that will be used to monitor and assess sediment for DDT and PCBs. The monitoring design and assessment framework should be designed to provide credible estimates of the total mass loadings to the Santa Monica Bay. Monitoring should be conducted on a coordinated watershed-wide basis using sufficiently sensitive analytical methods for DDT and PCBs. Monitoring sediments in catch basins designed for pollutant prevention may be a way for Permittees to quantify load reductions to the Santa Monica Bay.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Monitoring and Reporting Plan 12 months after the effective date of this Order.</p>
<p><b>Malibu Creek and Lagoon Bacteria TMDL</b></p>		
<p>Monitoring Results</p>	<p>Monthly data summary reports shall be submitted to the Regional Water Board by the last day of each month for data collected during the previous month.</p>	<p>Monthly on the last day of the month.</p>
<p><b>Malibu Creek Watershed Trash TMDL</b></p>		
<p>Submit results of TMRP</p>	<p>Submit results of Trash Monitoring and Reporting Plan (TMRP), recommend trash baseline water quality-based effluent limitations, and propose prioritization of Full Capture System installation or implementation of other measures to attain the required trash.</p>	<p>December 15, 2013, and annually thereafter</p>
<p><b>Malibu Creek Watershed Nutrients TMDL (USEPA established)</b></p>		
<p>Monitoring and Reporting Plan</p>	<p>Permittees shall develop a Monitoring and Reporting Plan for Regional Water Board Executive Officer approval that demonstrates compliance with the water quality-based effluent limitations for total nitrogen and total phosphorus.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Monitoring and Reporting Plan 12 months after the effective date of this Order.</p>

<b>Ballona Creek Trash TMDL</b>	
Annual Progress Reports	Report compliance with the required percent reduction of trash discharged to Ballona Creek. December 15, 2013, and annually thereafter.
<b>Ballona Creek Estuary Toxic Pollutants TMDL</b>	
Annual Monitoring Report	Permittees shall submit annual monitoring reports, which include compliance summary tables, to the Regional Water Board. December 15, 2013, and annually thereafter.
<b>Ballona Creek, Ballona Estuary and Sepulveda Channel Bacteria TMDL</b>	
Monitoring Results	Monthly data summary reports shall be submitted to the Regional Water Board by the last day of each month for data collected during the previous month. Monthly on the last day of the month.
<b>Ballona Creek Metals TMDL</b>	
Annual Monitoring Report	Permittees shall submit annual monitoring reports, which include compliance summary tables, to the Regional Water Board. December 15, 2013, and annually thereafter.
<b>Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation (USEPA established)</b>	
Monitoring and Reporting Plan	Permittees shall develop a Sediment Monitoring and Reporting Plan for Regional Water Board Executive Officer approval to quantify the annual loading of sediment from the Ballona Creek Watershed and the impact of the sediment loading into the Ballona Creek Wetlands. Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or If a WMP or IMP or CIMP will not be developed then submitted the Monitoring and Reporting Plan 12 months after the effective date of this Order.
<b>Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL</b>	
Monitoring Results	Monthly data summary reports shall be submitted to the Regional Water Board by the last day of each month for data collected during the previous month. Monthly on the last day of the month.
<b>Marina del Rey Harbor Toxic Pollutants TMDL</b>	
Annual Monitoring Report	Permittees shall submit annual monitoring reports, which include compliance summary tables, to the Regional Water Board. December 15, 2013, and annually thereafter.

**C. Reporting Requirements for Dominguez Channel and Greater Harbors Waters WMA TMDLs**

Deliverable	Description	Due Date(s)
<b>Los Angeles Harbor Bacteria TMDL</b>		
Monitoring Results	Monthly data summary reports shall be submitted to the Regional Water Board by the last day of each month for data collected during the previous month.	Monthly on the last day of the month.
<b>Machado Lake Trash TMDL</b>		
Progress Reports	Report compliance with the required percent reduction of trash discharged to Machado Lake.	December 15, 2013, and annually thereafter.
<b>Machado Lake Nutrient TMDL</b>		
Annual Monitoring Report	The Cities of Palos Verdes Estates, Ranch Palos Verdes, Rolling Hills and Rolling Hills Estates shall submit annual monitoring reports that demonstrate compliance with the concentration-based water quality-based effluent limitations.	December 15, 2013, and annually thereafter.
Annual Monitoring Report	The City of Los Angeles shall submit annual monitoring reports that demonstrate compliance with the Lake Water Quality Management Plan and reduces the external nutrient loading to attain the receiving water limitations for Machado Lake.	December 15, 2013, and annually thereafter.
Annual Monitoring Report	The City of Carson shall submit annual monitoring reports that demonstrate compliance with the concentration-based water quality-based effluent limitations.	December 15, 2013, and annually thereafter.
Annual Monitoring Report	The County of Los Angeles shall submit annual monitoring reports that demonstrate compliance with the mass-based water quality-based effluent limitations.	December 15, 2013, and annually thereafter.
Annual Monitoring Report	The City of Torrance shall submit annual monitoring reports that demonstrate compliance with the mass-based water quality-based effluent limitations.	December 15, 2013, and annually thereafter.
Annual Monitoring Report	The Cities of Lomita and Redondo Beach shall submit annual monitoring reports that demonstrate compliance with the concentration-based water quality-based effluent limitations.	December 15, 2013, and annually thereafter.
<b>Machado Lake Pesticides and PCBs TMDL</b>		
Monitoring and Reporting Plan and Quality Assurance Project Plan	Permittees shall develop a Monitoring and Reporting Plan (MRP) and Quality Assurance Project Plan (QAPP) for Regional Water Board Executive Officer approval. The MRP shall demonstrate compliance and non-compliance with the water quality-based effluent limitations as part of reports submitted to the Regional Water Board. The QAPP shall include protocols for sample collection, standard analytical procedures, and	The deadline for Permittees assigned both WLAs and LAs to submit one document to address both the WLA and LA monitoring requirements and implementation activities shall be September 20, 2013.



	laboratory certification. All samples shall be collected in accordance with applicable SWAMP protocols.	Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or  If a WMP or IMP or CIMP will not be developed then submitted the work plan 12 months after the effective date of this Order.
Begin Phase 1 Monitoring	Begin Phase 1 Monitoring as outlined in the approved MRP and QAPP.	30 days from date of Executive Officer approval of MRP and QAPP
Phase 1 Monitoring	Conduct Phase 1 Monitoring for 2 years.	2 year monitoring period
Draft Implementation Plan	Based on the results of Phase 1 Monitoring, Permittees shall submit an Implementation Plan to attain water quality-based effluent limitations or document that water quality-based effluent limitations are attained.	6 months from completion of Phase 1 Monitoring
Final Implementation Plan	Permittees shall submit Final Implementation Plan.	1 year from completion of Phase 1 Monitoring
Implementation	Permittees shall begin implementation actions to attain water quality-based effluent limitation, as necessary.	30 days from date of Implementation Plan approval
<b>Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL</b>		
Monitoring and Reporting Plan and Quality Assurance Project Plan	Permittees shall develop Monitoring and Reporting Plans (MRPs) and Quality Assurance Project Plans (QAPPs) for Regional Water Board Executive Officer approval in accordance with the TMDL. The MRPs shall include a requirement that the responsible parties report compliance and non-compliance with water quality-based effluent limitations as part of annual reports submitted to the Regional Water Board. The QAPPs shall include protocols for sample collection, standard analytical procedures, and laboratory certification. All samples shall be collected in accordance with applicable SWAMP protocols.	November 23, 2013, or  Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP.
Monitoring Plan	Permittees shall implement monitoring as outlined in the approved MRP and QAPP.	30 days after MRP and QAPP is approved by Regional Water Board Executive Officer.
Annual Monitoring Reports	Permittees shall submit annual monitoring reports to the Regional Water Board.	December 15, 2013, and annually thereafter.
Implementation Plan and Contaminated Sediment Management Plan (CSMP)	Permittees in the Dominguez Channel and Greater Harbors Waters Watershed Management Area shall develop and submit an Implementation Plan and Contaminated Sediment Management Plan (CSMP). The CSMP shall include concrete milestones with numeric estimates of load reductions or removal, including milestones for remediating hot spots, including but not limited to Dominguez Channel Estuary, Consolidated Slip and Fish Harbor, for Regional Water Board Executive Officer approval.	Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or  If a WMP or IMP or CIMP will not be developed then submitted the Implementation Plan and CSMP 12 months after the effective date of this Order.
Report of Implementation	Permittees in the Los Angeles River and San Gabriel River Watersheds shall submit a Report of Implementation to the Regional Water Board.	December 15, 2013, and annually thereafter
Implementation Reports	Permittees shall submit annual implementation reports to the Regional	December 15, 2014, and annually thereafter

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Updated Implementation Plan and CSMP	Water Board. Report on implementation progress and demonstrate progress toward meeting the water quality-based effluent limitations. Permittees in the Dominguez Channel and Greater Harbors Waters Watershed Management Area shall submit an updated Implementation Plan and Contaminated Sediment Management Plan (CSMP).	March 23, 2017
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**D. Reporting Requirements for the Los Angeles River WMA TMDLs**

Deliverable	Description	Due Date(s)
Reporting	<p><b>Los Angeles River Watershed Trash TMDL</b> Report compliance with the installation of full capture systems.</p>	December 15, 2013, and annually thereafter.
Reporting	<p><b>Los Angeles River Nitrogen Compounds and Related Effects TMDL</b> Annual reporting of monitoring results to the Regional Water Board.</p>	December 15, 2013, and annually thereafter.
Annual Monitoring Report	<p><b>Los Angeles River and Tributaries Metals TMDL</b> Permittees shall submit annual monitoring reports as detailed in the approved coordinated monitoring plan to the Regional Water Board.</p>	December 15, 2013, and annually thereafter.
Bacteria Coordinated Monitoring Plan	<p><b>Los Angeles River Watershed Bacteria TMDL</b> Permittees shall submit a Bacteria Coordinated Monitoring Plan (CMP), which shall be submitted for Regional Water Board Executive Officer approval. The CMP shall detail: the number and location of sites, including at least one monitoring station per each river segment, reach and tributary addressed under this TMDL; measurements and sample collection methods; and monitoring frequencies. Permittees may also include in the CMP, for Executive Officer consideration, other meteorological stations which may be more representative of the existing hydrology and climate.</p> <p>Each segment, reach, and tributary addressed under this TMDL shall be monitored at least monthly until the subject segment, reach or tributary is at the end of the execution part of its first implementation phase (i.e. 7 years after beginning the segment or tributary-specific phase), to determine compliance with the interim water quality based effluent limitations. Each segment, reach and tributary addressed under this TMDL shall be monitored at least weekly to determine compliance with the instream targets after the first implementation phase.</p> <p>For parties pursuing a Load Reduction Strategy (LRS), intensive outfall monitoring will be conducted before and after implementation of the LRS. Pre-LRS monitoring will be used to estimate the <i>E. coli</i> loading from MS4 outfalls to the segment or tributary, and identify the outfalls and types of implementation actions that are expected to be necessary to attain the water quality based limits. Post-LRS monitoring will be used to evaluate compliance with the interim water quality based limits and to plan for additional implementation actions to meet the final water quality based limits, in a second implementation phase, if necessary.</p>	<p>March 23, 2013, or</p> <p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP.</p>

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	<p>When applicable, outfall monitoring shall include <i>E. coli</i> by USEPA- approved methods and flow rate at all MS4 outfalls (“snapshots”) that are discharging to a segment or tributary or across jurisdictional boundaries during a given monitoring event. For each LRS, at least six (6) snapshots shall be conducted for pre-LRS monitoring, and at least three (3) snapshots shall be conducted for post-LRS monitoring. For MS4s that choose to follow a non-LRS implementation approach, but choose to demonstrate compliance with Equivalent Conditions, at least six (6) snapshots shall be conducted.</p>	
Implement CMP	Permittees shall begin implementation actions to attain water quality-based effluent limitation, as necessary.	30 days after approval of the CMP
Annual Monitoring Report	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
Implementation Plan	Permittees shall submit an Implementation Plan for wet weather with interim milestones for approval of the Regional Water Board Executive Officer.	March 23, 2022
TMRP Reports MFAC	<p>Report compliance with the approved MFAC program.</p> <p><b>Long Beach City Beaches and Los Angeles River Estuary Bacteria TMDL</b></p> <p><b>Legg Lake Trash TMDL</b></p>	December 15, 2013, and annually thereafter
Compliance Monitoring	<p>To evaluate compliance with numeric targets, monitoring shall take place at existing monitoring sites as well as any new monitoring locations in the ambient water.</p> <p>For beach monitoring locations, daily or systematic weekly sampling in the wave wash at all major drains and creeks, existing monitoring stations at beaches without storm drains, and freshwater outlets is recommended to evaluate compliance. At all beach locations, samples should be taken at ankle depth and on an incoming wave, consistent with section 7961(b) of title 17 of the California Code of Regulations. At locations where there is a freshwater outlet, during wet weather, samples should be taken as close as possible to the wave wash, and no further away than 10 meters down current of the storm drain or outlet.</p> <p>A robust monitoring program shall be developed for the LAR Estuary. Available data includes bi-weekly monitoring from May through September of 2009, and 2010. Monitoring shall be expanded to include year round monitoring requirements, and at least three monitoring locations within the Estuary. We understand that adequate data to establish a reference estuary approach is currently not available. If in the future, adequate data from reference estuary studies become available, it may be appropriate to consider a reference estuary approach to evaluate compliance with these TMDLs.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee’s draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Monitoring Plan 12 months after the effective date of this Order.</p>

Annual Monitoring Report	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Los Angeles Area Lakes TMDLs</b> <b>Lake Calabasas Nutrient TMDL</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids, total dissolved solids and chlorophyll a. Measurements of the temperature, DO, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. All parameters must meet target levels at half the Secchi depth. DO and pH must meet target levels from the surface of the water to 0.3 meters above the lake bottom. Additionally, in order to accurately calculate compliance with water quality based limits to the lake expressed in yearly loads, monitoring should include flow estimation or monitoring as well as the water quality concentration measurements.	At a minimum twice during summer months and once during winter.
Supplemental Water Monitoring	At Lake Calabasas, water quality based limits are assigned to supplemental water additions. This source should be monitoring for at minimum; ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Once a year during the summer months (critical conditions).
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Echo Park Lake Nutrient TMDL</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids, total dissolved solids and chlorophyll a. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. All parameters must meet target levels at half the Secchi depth. DO and pH must meet target levels from the surface of the water to 0.3 meters above the lake bottom. Additionally, in order to accurately calculate compliance with water quality based limits to the lake expressed in yearly loads, monitoring should include flow estimation or monitoring as well as the water quality concentration measurements.	At a minimum twice during summer months and once during winter.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.

		thereafter.
<b>Echo Park Lake PCBs and Organochlorine Pesticide TMDLs</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: total suspended sediments, total PCBs, total chlordane, and dieldrin; as well as the following in-lake sediment parameters: total organic carbon, total PCBs, total chlordane, and dieldrin. Environmentally relevant detection limits should be used (i.e., detection limits lower than applicable target), if available at a commercial laboratory. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement.	December 15, 2013, and annually thereafter.
Fish Tissue Monitoring	Monitoring of fish tissue. For the OC pesticides and PCBs TMDLs, a demonstration that fish tissue targets have been met in any given year must at minimum include a composite sample of skin off filets from at least five largemouth bass each measuring at least 350mm in length.	At least every three years.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes. Sampling should be designed to collect sufficient volumes of suspended solids to allow for the analysis of at minimum: total organic carbon, total suspended solids, total PCBs, total chlordane, and dieldrin. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken.	Once a year during a wet weather event.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Echo Park Lake Trash TMDL</b>		
Compliance Monitoring	Responsible jurisdictions should monitor the trash quantity deposited in the vicinity of Echo Park Lake as well as on the waterbody to comply with the TMDL target and to understand the effectiveness of various implementation efforts. The Rapid Trash Assessment Method is recommended.	Quarterly.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Legg Lake System Nutrient TMDL</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids, total dissolved solids and chlorophyll <i>a</i> . Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. All parameters must meet target levels at half the Secchi depth. DO and pH must meet target levels from the surface of the water to 0.3 meters above the lake bottom. Additionally, in order to accurately calculate compliance with water quality based limits to the lake expressed in yearly loads, monitoring should include flow estimation or monitoring as well as the water quality concentration measurements.	At a minimum twice during summer months and once during winter.

Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Peck Road Park Lake Nutrient TMDL</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids, total dissolved solids and chlorophyll a. Measurements of the temperature, DO, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. All parameters must meet target levels at half the Secchi depth. Deep lakes, such as Peck Road Park Lake, must meet the DO and pH targets in the water column from the surface to 0.3 meters above the bottom of the lake when the lake is not stratified. However, when stratification occurs (i.e., a thermocline is present) then the DO and pH targets must be met in the epilimnion, the portion of the water column above the thermocline. Additionally, in order to accurately calculate compliance with water quality based limits to the lake expressed in yearly loads, monitoring should include flow estimation or monitoring as well as the water quality concentration measurements.	At a minimum twice during summer months and once during winter.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Peck Road Park Lake PCBs and Organochlorine Pesticide TMDLs</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: total suspended sediments, total PCBs, total chlordanes, total DDTs, and dieldrin; as well as the following in-lake sediment parameters: total organic carbon, total PCBs, total chlordanes, total DDTs, and dieldrin. Environmentally relevant detection limits should be used (i.e., detection limits lower than applicable target), if available at a commercial laboratory. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement.	December 15, 2013, and annually thereafter.
Fish Tissue Monitoring	Monitoring of fish tissue. For the OC pesticides and PCBs TMDLs, a demonstration that fish tissue targets have been met in any given year must at minimum include a composite sample of skin off filets from at least five common carp each measuring at least 350mm in length.	At least every three years.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes. Sampling should be designed to collect sufficient volumes of suspended solids to	Once a year during a wet weather event.

Reporting	<p>allow for the analysis of at minimum: total organic carbon, total suspended solids, total PCBs, total chlordane, total DDTs, and dieldrin. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken. Annual reporting of monitoring results to the Regional Water Board.</p>	December 15, 2013, and annually thereafter.
<b>Peck Road Park Lake Trash TMDL</b>		
Compliance Monitoring	<p>Responsible jurisdictions should monitor the trash quantity deposited in the vicinity of Peck Road Park Lake as well as in the waterbody to comply with the TMDL target and to understand the effectiveness of various implementation efforts. The Rapid Trash Assessment Method is recommended.</p>	Quarterly.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.



**E. Reporting Requirements for San Gabriel River WMA TMDLs**

Deliverable	Description	Due Date(s)
Coordinated Monitoring Plan	<p><b>San Gabriel River and Impaired Tributaries Metals and Selenium TMDL</b></p> <p>Permittees shall develop a Coordinated Monitoring Plan, to be approved by the Regional Water Board Executive Officer, which includes both TMDL effectiveness monitoring and ambient monitoring. The ambient monitoring program shall contain monitoring in all reaches and major tributaries of the San Gabriel River, including but not limited to additional dry- and wet-weather monitoring in the San Gabriel River Reaches 4 and 5 and Walnut Creek, additional dry-weather monitoring in San Gabriel River Reach 2, and additional wet-weather monitoring in San Jose Creek, San Gabriel River Reaches 1 and 3, and the Estuary. Sediment samples shall be collected semi-annually in the Estuary and analyzed for sediment toxicity resulting from copper, lead, selenium, and zinc.</p> <p>The TMDL effectiveness monitoring shall demonstrate the effectiveness of the phased implementation schedule for reducing pollutant loads to achieve the dry- and wet-weather water quality based effluent limitations. Monitoring stations specified for the ambient monitoring program may be used for the TMDL effectiveness monitoring. The final dry-weather monitoring stations shall be located in San Jose Creek Reach 1 and the Estuary. The final wet-weather TMDL effectiveness monitoring stations may be located at the existing Los Angeles County Department of Public Works mass emission sites in San Gabriel River Reach 2 and Coyote Creek.</p> <p>Permittees shall sample once per month, during dry-weather conditions, at each proposed TMDL effectiveness monitoring location. Permittees shall sample at least 4 wet-weather events where flow meets wet-weather conditions (260 cfs in San Gabriel River Reach 2 and 156 cfs in Coyote Creek) in a given storm season (November to March), unless there are fewer than 4 wet-weather events, at each proposed TMDL effectiveness monitoring location. Permittees are encouraged to coordinate with the San Gabriel watershed-wide monitoring program to avoid duplication and leverage resources.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Coordinated Monitoring Plan 12 months after the effective date of this Order.</p>
Annual Monitoring Report	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
Implementation Plan	Permittees shall submit an Implementation Plan outlining how to achieve compliance with the water quality based effluent limitations, for approval of the Regional Water Board Executive Officer. The Plan shall include implementation methods, an implementation schedule, and proposed milestones.	1 year after the effective date of this Order
<p><b>Los Angeles Area Lakes TMDLs</b> <b>Puddingstone Reservoir Nutrient TMDL</b></p>		

Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids, total dissolved solids and chlorophyll a. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. All parameters must meet target levels at half the Secchi depth. DO and pH must meet target levels from the surface of the water to 0.3 meters above the lake bottom when the lake is not stratified. However, when stratification occurs (i.e., a thermocline is present) then the DO and pH targets must be met in the epilimnion, the portion of the water column above the thermocline. Additionally, in order to accurately calculate compliance with water quality based limits to the lake expressed in yearly loads, monitoring should include flow estimation or monitoring as well as the water quality concentration measurements.	At a minimum twice during summer months and once during winter.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: ammonia, TKN or organic nitrogen, nitrate plus nitrite, orthophosphate, total phosphorus, total suspended solids and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Puddingstone Reservoir Mercury TMDL</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: total mercury, methylmercury, chloride, sulfate, total organic carbon, alkalinity, total suspended solids, and total dissolved solids; as well as the following in-lake sediment parameters: total mercury, dissolved methylmercury, total organic carbon, total solids and sulfate. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement. Additionally, in order to accurately calculate compliance with allocations expressed in yearly loads, monitoring should include flow estimation or monitoring as well as water quality concentration measurements.	Twice a year.
Fish Tissue Monitoring	Monitoring should include monitoring of largemouth bass (325-375mm in length) fish tissue (skin-off fillets) for mercury concentration.	At least every three years.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes for at minimum: total mercury, methyl mercury, chloride, sulfate, total organic carbon, alkalinity, total suspended solids, and total dissolved solids.	Twice a year.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.
<b>Puddingstone Reservoir PCBs and Organochlorine Pesticide TMDLs</b>		
Compliance Monitoring	At a minimum, compliance monitoring should measure the following in-lake water quality parameters: total suspended sediments, total PCBs, total chlordane, dieldrin, and total DDTs; as well as the following in-lake sediment parameters: total organic carbon, total PCBs, total chlordane, dieldrin, and total DDTs. Environmentally relevant detection limits should be used (i.e., detection limits lower than applicable target), if available at a commercial laboratory.	Annually.

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	Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken throughout the water column with a water quality probe along with Secchi depth measurement.	
Fish Tissue Monitoring	Monitoring of fish tissue. For the OC pesticides and PCBs TMDLs a demonstration that fish tissue targets have been met in any given year must at minimum include a composite sample of skin off fillets from at least five common carp each measuring at least 350mm in length.	At least every three years.
Stormwater Monitoring	Stormwater sources should be measured near the point where they enter the lakes. Sampling should be designed to collect sufficient volumes of suspended solids to allow for the analysis of at minimum: total organic carbon, total suspended solids, total PCBs, total chlordane, dieldrin, and total DDTs. Measurements of the temperature, dissolved oxygen, pH and electrical conductivity should also be taken.	Once a year during a wet weather event.
Reporting	Annual reporting of monitoring results to the Regional Water Board.	December 15, 2013, and annually thereafter.


**F. Reporting Requirements for Los Cerritos Channel WMA TMDLs**

Deliverable	Description	Due Date(s)
Coordinated Monitoring Plan	<p><b>Los Cerritos Channel Metals TMDL</b></p> <p>Permittees shall develop a Coordinated Monitoring Plan, to be approved by the Regional Water Board Executive Officer, which includes both TMDL effectiveness monitoring and ambient monitoring. The ambient monitoring program shall be developed to track trends in water quality improvements in Los Cerritos Channel; to provide background information on hardness values; and the partitioning of metals between the total recoverable and dissolved fraction.</p> <p>TMDL effectiveness monitoring shall demonstrate the effectiveness of the phased implementation schedule for reducing pollutant loads to achieve the water quality based effluent limitations. Monitoring stations specified for the ambient monitoring program may be used for the TMDL effectiveness monitoring. Permittees shall sample at least 4 wet-weather events where flow meets wet-weather conditions (&gt;23 cfs in Los Cerritos Channel above the tidal prism) in a given storm season.</p> <p>Annual reporting of monitoring results to the Regional Water Board.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Coordinated Monitoring Plan 12 months after the effective date of this Order.</p>
Annual Monitoring Report	<p>Annual reporting of monitoring results to the Regional Water Board.</p>	<p>December 15, 2013, and annually thereafter.</p>
Implementation Plan	<p>Permittees shall submit an Implementation Plan outlining how to achieve compliance with the water quality based effluent limitations, for approval of the Regional Water Board Executive Officer. The Plan shall include implementation methods, an implementation schedule, and proposed milestones.</p>	<p>1 year after the effective date of this Order</p>
<p><b>Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL</b></p>		
Monitoring	<p>Water column and sediment samples will be collected at the outlet of the storm drains discharging to the lagoon, while water column, sediment, and fish tissue samples will be collected in the West Arm, Central Arm, North Arm, at the outlet of the lagoon to Marine Stadium during an incoming tide, and at the outfall of Termino Avenue Drain to Marine Stadium as specified in the Colorado Lagoon TMDL Monitoring Plan (CLTMP).</p>	<p>February 1, 2013</p>
Annual Monitoring Reports	<p>Permittees shall submit annual monitoring reports to the Regional Water Board. All compliance monitoring must be conducted in conjunction with a Regional Water Board approved Quality Assurance Project Plan.</p>	<p>December 15, 2013, and annually thereafter.</p>
Implementation Progress	<p>Permittees shall submit annual progress reports on the status of implementation actions performed under the TMDL. The plan shall contain mechanisms for demonstration progress toward meeting the water quality based effluent limitations.</p>	<p>December 15, 2013, and annually thereafter.</p>

**G. Reporting Requirements for Middle Santa Ana River WMA TMDL**

Deliverable	Description	Due Date(s)
Bacterial Indicator Water Quality Monitoring Plan	<p><b>Middle Santa Ana River Watershed Bacteria Indicator TMDL</b></p> <p>Permittees shall develop and submit for approval by the Executive Officer of the Regional Water Board a Bacterial Indicator Water Quality Monitoring Plan in accordance with the TMDL.</p>	<p>Submit an IMP or CIMP plan concurrently with the Permittee's draft WMP, or</p> <p>If a WMP or IMP or CIMP will not be developed then submitted the Monitoring Plan 12 months after the effective date of this Order.</p>
Bacterial Indicator Urban Source Evaluation Plan	<p>Permittees shall develop and submit for approval by the Regional Water Board a Bacterial Indicator Urban Source Evaluation Plan. This plan shall include steps needed to identify specific activities, operations, and processes in urban areas that contribute bacterial indicators to San Antonio Channel. The plan shall also include a proposed schedule for completion of each of the steps identified.</p>	<p>1 year after the effective date of this Order</p>
Progress Reports	<p>Annual progress reports on implementation shall be submitted to the Regional Water Board.</p>	<p>December 15, 2013, and annually thereafter.</p>

I, Samuel Unger, Executive Officer, do hereby certify that this Monitoring and Reporting Program is a full, true, and correct copy of the MRP adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 8, 2012.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

Date: Dec. 5, 2012

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**LOS ANGELES REGION**

320 W. 4<sup>th</sup> Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576 - 6600 • Fax (213) 576 - 6640  
<http://www.waterboards.ca.gov/losangeles>

**ATTACHMENT F – FACT SHEET**

**FOR**

**ORDER R4-2012-0175  
NPDES PERMIT NO. CAS004001**

**WASTE DISCHARGE REQUIREMENTS FOR  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES  
WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT  
THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4**

**November 8, 2012**

**ATTACHMENT F – FACT SHEET**

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**ATTACHMENT F – FACT SHEET**

As described in Part II of this Order, this Fact Sheet sets forth the significant factual, legal, methodological, and policy rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California.

**I. PERMIT INFORMATION**

The following table summarizes administrative information related to the facility and the Dischargers.

**Table F-1. Facility and Discharger Information**

<b>WDID</b>	Various (See Table 4 of Order)
<b>Dischargers</b>	The Los Angeles County Flood Control District, the County of Los Angeles, and 84 incorporated cities within the coastal watersheds of Los Angeles County with the exception of the City of Long Beach (See Table 4 of Order)
<b>Name of Facility</b>	Municipal Separate Storm Sewer Systems (MS4s) within the Coastal Watersheds of Los Angeles County with the exception of the City of Long Beach MS4
<b>Facility Address</b>	Various
<b>Facility Contact, Title and Phone</b>	Various (See Table 4 of Order)
<b>Mailing Address</b>	Various (See Table 4 of Order)
<b>Billing Address</b>	Same as above
<b>Type of Facility</b>	Large Municipal Separate Storm Sewer System (MS4) <sup>1</sup>
<b>Major or Minor Facility</b>	Major
<b>Watersheds</b>	(1) Santa Clara River Watershed; (2) Santa Monica Bay Watershed Management Area, including Malibu Creek Watershed and Ballona Creek Watershed; (3) Los Angeles River Watershed; (4) Dominguez Channel and Greater Los Angeles/Long Beach Harbors Watershed Management Area; (5) Los Cerritos Channel and Alamitos Bay Watershed Management Area; (6) San Gabriel River Watershed; and (7) Santa Ana River Watershed

<sup>1</sup> According to 40 CFR § 122.26(b)(8), “[a] municipal separate storm sewer system (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

<p><b>Receiving Water</b></p>	<p>Surface waters identified in Tables 2-1, 2-1a, 2-3, and 2-4, and Appendix 1, Table 1 of the Water Quality Control Plan - Los Angeles Region (Basin Plan), and other unidentified tributaries to these surface waters within the following Watershed Management Areas:</p> <p>(1) Santa Clara River Watershed;                  (2) Santa Monica Bay Watershed Management Area, including Malibu Creek Watershed and Ballona Creek Watershed;                  (3) Los Angeles River Watershed;                  (4) Dominguez Channel and Greater Los Angeles/Long Beach Harbors Watershed Management Area;                  (5) Los Cerritos Channel and Alamitos Bay Watershed Management Area;                  (6) San Gabriel River Watershed; and                  (7) Santa Ana River Watershed<sup>2</sup>.</p>
<p><b>Receiving Water Type</b></p>	<p>Inland surface waters, estuarine waters, and marine waters, including wetlands, lakes, rivers, estuaries, lagoons, harbors, bays, and beaches</p>

The Los Angeles County Flood Control District, Los Angeles County, and the 84 municipalities listed in Table F-2 above are the owners and/or operators<sup>3</sup> of Municipal Separate Storm Sewer Systems within the Coastal Watersheds of Los Angeles County (hereinafter Facility).

For the purposes of this Order, the entities listed in Table 4 of the Order are hereinafter referred to separately as "Permittees" and jointly as the "Dischargers." References to "discharger" or "permittee" or "co-permittee" or "municipality" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Dischargers or Permittees herein.

**II. FACILITY DESCRIPTION**

**A. Description of the Permittees' MS4s**

The Permittees' MS4s, like many MS4s in the nation, are based on regional floodwater management systems that use both natural and altered water bodies to achieve flood management goals. The Permittees' MS4s comprise a large interconnected system, controlled in large part by the Los Angeles County Flood Control District (LACFCD), among others, and used by multiple cities along with Los Angeles County. This extensive system conveys storm water and non-storm water across municipal boundaries where it is commingled within the MS4 and then discharged to receiving water bodies.

<sup>2</sup> Note that the Santa Ana River Watershed lies primarily within the boundaries of the Santa Ana Regional Water Quality Control Board. However, a portion of the Chino Basin subwatershed lies within the jurisdictions of Pomona and Claremont in Los Angeles County. The primary receiving water within the Los Angeles County portion of the Chino Basin subwatershed are San Antonio Creek and Chino Creek.

<sup>3</sup> Owner or operator means the owner or operator of any facility or activity subject to regulation under the NPDES program (40 CFR § 122.2).

In 1915, the California Legislature enacted the Los Angeles County Flood Control Act, establishing the Los Angeles County Flood Control District (LACFCD). The objects and purposes of the Act are to provide for the control and conservation of the flood, storm and other waste waters within the flood control district. Among its other powers, the LACFCD also has the power to preserve, enhance, and add recreational features to lands or interests in lands contiguous to its properties for the protection, preservation, and use of the scenic beauty and natural environment for the properties or the lands. The LACFCD is governed, as a separate entity, by the County of Los Angeles Board of Supervisors.

The area covered under this Order encompasses more than 3,000 square miles. This area contains a vast drainage network that serves incorporated and unincorporated areas in every Watershed Management Area within the Los Angeles Region. Maps depicting the major drainage infrastructure within the area covered under this Order are included in Attachment C of this Order.

The total length of the Permittees' MS4s, and the locations of all storm drain connections, are not known exactly, as a comprehensive map for the MS4 does not exist. Rough estimates, based on information from the LACFCD and large municipalities (population > 100,000), indicate that the length exceeds 4,300 miles, as shown below. The LACFCD's system includes the majority of drainage infrastructure within incorporated and unincorporated areas in every watershed, including approximately 500 miles of open channel, 3,500 miles of underground drains, and an estimated 88,000 catch basins, and several dams. Portions of the LACFCD's current system were originally unmodified natural rivers and water courses.

**Table F-2. Extent of Select Permittees' MS4s**

Permittee	Area (Square Miles)	Catch Basins	Storm Drain Length	Open Channel Length
LACFCD/ LA County	3,100	88,000	3,500 miles	500 miles
City of LA	469	30,000	1,600 miles	31 miles
El Monte	10	316	11 miles	0.4 mile
Glendale	30.6	1,100	Unknown	Unknown
Inglewood	9	1,157	12 miles	Unknown
Pasadena	26	1,050	30	Unknown
Santa Monica	8.3	850	Unknown	Unknown
Torrance	20	2,000	20 miles	3 miles
<b>TOTAL</b>	<b>approx. 3,672.9</b>	<b>approx. 109,473</b>	<b>approx. 4,323</b>	<b>approx. 484.4</b>

Unlike other Permittees, the LACFCD does not own or operate any municipal sanitary sewer systems, public streets, roads, or highways, and has no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, new developments or re-development projects, or development construction sites located in any incorporated or unincorporated areas within its service area. Nonetheless, as an owner and operator of MS4s, the LACFCD is required by federal regulations to control pollutant discharges into and from its MS4, including the ability to control through interagency agreements among co-permittees and other owners of a MS4 the contribution of pollutants from one portion of the MS4 to another portion of the MS4. Additionally, the Los Angeles County Flood Control District does own the County of Los Angeles Department of Public Works headquarters building and Los Angeles County Flood Control District maintenance yards to support its field operations.

Storm water and non-storm water are conveyed through the MS4s and ultimately discharged into receiving waters of the Los Angeles Region. MS4s subject to this Order receive storm water and non-storm water flows from various sources. These flows come from MS4s owned by the Permittees covered by this Order and other public agencies, NPDES permitted discharges, discharges authorized by the USEPA (including discharges subject to a decision document approved pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)), groundwater, and natural flows.

The requirements contained in this Order apply to the Los Angeles County Flood Control District, 84 cities within the coastal watersheds of Los Angeles County, and the unincorporated areas of Los Angeles County under County jurisdiction, with the exception of the City of Long Beach. Under the previous Order, Order No. 01-182, the Los Angeles County Flood Control District was designated the Principal Permittee, and the County of Los Angeles and the 84 incorporated cities were designated co-Permittees. However, in this Order, the role of Principal Permittee has been eliminated. This Order divides Los Angeles County into seven Watershed Management Areas (WMAs).

## **B. The Need to Regulate Discharges from MS4s**

The quality of storm water and non-storm water discharges from MS4s is fundamentally important to the health of the environment and the quality of life in Southern California. Polluted storm water and non-storm water discharges from MS4s are a leading cause of water quality impairment in the Los Angeles Region. Storm water and non-storm water discharges are often contaminated with pesticides, fertilizers, fecal indicator bacteria and associated pathogens, trash, automotive byproducts, and many other toxic substances generated by activities in the urban environment. Water that flows over streets, parking lots, construction sites, and industrial, commercial, residential, and municipal areas carries these untreated pollutants through the MS4 directly into the receiving waters of the Region. The water quality impacts, ecosystem impacts, and increased public health risks from MS4 discharges that affect receiving waters nationwide and throughout Los Angeles County, including its coastline, are well documented.

The National Urban Runoff Program (NURP) Study (USEPA 1983) showed that MS4 discharges draining from residential, commercial, and light industrial areas contain significant loadings of total suspended solids and other pollutants. Many studies continue to support the conclusions of the NURP Study. The NURP Study also found that pollutant levels from illicit discharges were high enough to significantly degrade receiving water quality, and threaten aquatic life, wildlife, and human health. The general findings and conclusions of the NURP Study are reiterated in the more recent 2008 National Research Council report "Urban Runoff Management in the United States" as well as in a regional study, "Sources, Patterns and Mechanisms of storm Water Pollutant Loading from Watersheds and Land Uses of the Greater Los Angeles Area, California," SCCWRP Technical Report 510 (2007), funded in large part by the Regional Water Board.

Some of the conclusions of the 2007 regional study were as follows.

*Storm water runoff from watershed and land use based sources is a significant contributor of pollutant loading and often exceeds water quality standards.* High pollutant concentrations were observed throughout the study at both mass emission (ME) and land use (LU) sites. Pollutant concentrations frequently exceeded water quality standards.

*Storm water Event Mean Concentrations (EMCs), fluxes and loads were substantially lower from undeveloped open space areas when compared to developed urbanized watersheds.* Storms sampled from less developed watersheds produced pollutant EMCs and fluxes that were one to two orders of magnitude lower than comparably sized storms in urbanized watersheds. Furthermore, the higher fluxes from developed watersheds were generated by substantially less rainfall than the lower fluxes from the undeveloped watersheds, presumably due to increased impervious surface area in developed watersheds.

*The Los Angeles region contributed a similar range of storm water runoff pollutant loads as that of other regions of the United States.* Comparison of constituent concentrations in storm water runoff from land use sites from this study reveal median EMCs that are comparable to U.S. averages reported in the National Storm water Quality Database (NSQD; Pitt et al., 2003). Comparison to the NSQD data set provides insight to spatial and temporal patterns in constituent concentrations in urban systems. Similarities between levels reported in the NSQD and this study suggest that land-based concentrations in southern California storm water are generally comparable to those in other parts of the country.

*Peak concentrations for all constituents were observed during the early part of the storm.* Constituent concentrations varied with time over the course of storm events. For all storms sampled, the highest constituent concentrations occurred during the early phases of storm water runoff with peak concentrations usually preceding peak flow. Although the pattern of an early peak in concentration was comparable in both large and small developed watersheds, the peak concentration tended to occur later in the storm and persist for a longer duration in the smaller developed watersheds. Therefore monitoring programs must capture the early portion of storms and account for intra-

storm variability in concentration in order to generate accurate estimates of EMC and contaminant loading. Programs that do not initiate sampling until a flow threshold has been surpassed may severely underestimate storm EMCs.

*Highest constituent loading was observed early in the storm season with intra-annual variability driven more by antecedent dry period than amount of rainfall.* Seasonal differences in constituent EMCs and loads were consistently observed at both ME and LU sites. In general, early season storms (October – December) produce significantly higher constituent EMCs and loads than late season storms (April-May), even when rainfall quantity was similar. This suggests that the magnitude of constituent load associated with storm water runoff depends, at least in part, on the amount of time available for pollutant build-up on land surfaces. The extended dry period that typically occurs in arid climates such as southern California maximizes the time for constituents to build-up on land surfaces, resulting in proportionally higher concentrations and loads during initial storms of the season.

The 1992, 1994, and 1996 National Water Quality Inventory Reports to Congress prepared by USEPA showed a trend of impairment in the Nation's waters from contaminated storm water and dry weather urban runoff. The 2004 National Water Quality Inventory (305(b) Report) showed that urban runoff/storm water discharges contribute to the impairment of 22,559 miles of streams, the impairment of 701,024 acres of lakes, and the impairment of 867 square miles of estuaries in the United States. The Natural Resources Defense Council (NRDC) 1999 Report, "Stormwater Strategies, Community Responses to Runoff Pollution" identifies two main causes of the storm water pollution problem in urban areas. Both causes are directly related to development in urban and urbanizing areas:

*Increased volume and velocity of surface runoff.* There are three types of human-made impervious covers that increase the volume and velocity of runoff: (i) rooftop, (ii) transportation imperviousness, and (iii) non-porous (impervious) surfaces. As these impervious surfaces increase, infiltration will decrease, forcing more water to run off the surface, picking up speed and pollutants.

*The concentration of pollutants in the runoff.* Certain activities, such as those from industrial sites, are large contributors of pollutant concentrations to the MS4.

The report also identified several activities causing storm water pollution from urban areas, including practices of homeowners, businesses, and government agencies.

Studies conducted by the United States Geological Survey (USGS) confirm the link between urbanization and water quality impairments in urban watersheds due to contaminated storm water runoff.

Furthermore, the water quality impacts of urbanization and urban storm water discharges have been summarized by several other recent USEPA reports. Urbanization causes changes in hydrology and increases pollutant loads which adversely impact water quality and impair the beneficial uses of receiving waters.

Increases in population density and imperviousness result in changes to stream hydrology including:

- increased peak discharges compared to predevelopment levels;
- increased volume of storm water runoff with each storm compared to predevelopment levels;
- decreased travel time to reach receiving water;
- increased frequency and severity of floods;
- reduced stream flow during prolonged periods of dry weather due to reduced levels of infiltration;
- increased runoff velocity during storms due to a combination of effects of higher discharge peaks, rapid time of concentration, and smoother hydraulic surfaces from channelization; and
- decreased infiltration and diminished groundwater recharge.

The Los Angeles County MS4 program has conducted monitoring to:

- quantify mass emissions for pollutants;
- identify critical sources for pollutants of concern in storm water;
- evaluate BMP effectiveness; and
- evaluate receiving water impacts, including impacts to tributaries.

The monitoring indicates that instream concentrations of pathogen indicators (fecal coliform and streptococcus), heavy metals (such as Pb, Cu, Zn) and pesticides (such as diazinon) exceed water quality standards. The mass emissions of pollutants to the ocean are significant from the urban WMAs such as the Los Angeles River WMA, Ballona Creek WMA, and Coyote Creek WMA, with the Los Angeles River WMA providing more than seventy percent of the loadings. Critical source data for facilities (such as auto-salvage yards, primary metal facilities, and automotive repair shops) show that total and dissolved heavy metals (Pb, Cu, Zn, and Cd), and total suspended solids (TSS) exceeded water quality standards by as much as two orders of magnitude. The results are consistent with a limited term study conducted by the Regional Water Board to characterize storm water runoff in the Los Angeles region in 1988 before the issuance of first MS4 permit. Storm water runoff data from predominant land uses in Los Angeles County showed similar patterns. Light industrial, commercial and transportation land uses showed the highest range of exceedances. A pesticide (diazinon) was detected in higher concentrations from residential land use. The data for polycyclic aromatic hydrocarbons (PAHs), a known pollutant of concern in urban storm water runoff, is inconclusive but improved analytical methods may yield more definitive results in the future. Receiving water impacts studies found that storm water discharges from urban watersheds exhibit toxicity attributable to heavy metals. Bioassessments of the benthic communities showed bioaccumulation of toxicants. Sediment analysis showed higher concentrations of pollutants, such as Pb and PAHs, in urban watersheds than in rural watersheds (2 to 4 times higher). In addition, toxicity of dry weather flows was observed with the cause of toxicity undetermined. Other studies have documented concentrations of pollutants that exceed water quality standards in storm drains flowing to the ocean during dry weather, and adverse health impacts from swimming near flowing storm drains.



Trash is also a serious and pervasive water quality problem in Los Angeles County. The Regional Water Board has determined that current levels of trash exceed the existing water quality objectives contained in the Basin Plan that are necessary to protect the beneficial uses of many surface waters. Regional Water Board staff regularly observes trash in surface waters throughout the Los Angeles region. Non-profit organizations such as Heal the Bay, Friends of the Los Angeles River (FoLAR) and others organize volunteer clean-ups periodically, and document the amount of trash collected. Trash in waterways causes significant water quality problems. Small and large floatables inhibit the growth of aquatic vegetation, decreasing habitat and spawning areas for fish and other living organisms. Wildlife living in rivers and in riparian areas can be harmed by ingesting or becoming entangled in floating trash. Except for large items, settleables are not always obvious to the eye. They include glass, cigarette butts, rubber, and construction debris, among other things. Settleables can be a problem for bottom feeders and can contribute to sediment contamination. Some debris (e.g. diapers, medical and household waste, and chemicals) are a source of bacteria and toxic substances. Floating debris that is not trapped and removed will eventually end up on the beaches or in the open ocean, keeping visitors away from our beaches and degrading coastal waters. Significant strides have been made by a number of Permittees in addressing this problem through the implementation of control measures to achieve wasteload allocations established in trash TMDLs.

### **C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data**

The Los Angeles County MS4 Permit was last reissued in 2001 as Order No.01-182. Order No. 01-182 expired in 2006, but has been administratively extended pursuant to federal regulations. Order No. 01-182 was reopened by the Regional Water Board in 2006, 2007 and 2009 to incorporate provisions to implement three TMDLs. It was further amended in 2010 and 2011 pursuant to a peremptory writ of mandate issued by the Los Angeles County Superior Court.

Order No. 01-182 is organized under the following seven parts and includes several attachments. The description below summarizes key permit parts and attachments in Order No. 01-182:

#### Part 1 – Discharge Prohibitions

As required by section 402(p)(3)(B)(ii) of the Clean Water Act, Part 1 requires permittees to “effectively prohibit non-storm water discharges into the MS4 and watercourses, except where such discharges” are covered by a separate NPDES permit or fall within one of thirteen categories of flows that are conditionally exempted from the discharge prohibition. These exempted flows fall under the general categories of natural flows, fire fighting flows, and flows incidental to urban activities (i.e. landscape irrigation, sidewalk rinsing). These non-storm water flows may be exempted so long as: (i) they are not a source of pollutants, (ii) their effective prohibition is not necessary to comply with TMDL provisions, and (iii) they do not violate antidegradation policies. Part 1 also authorizes the Regional Water Board Executive Officer to impose conditions on these types of discharges and to add or remove categories of conditionally exempted non-storm water discharges based on their potential to contribute pollutants to receiving waters.

### Part 2 – Receiving Water Limitations

Part 2 prohibits discharges from the MS4 that cause or contribute to the violation of water quality standards. In addition, discharges from the MS4 of storm water or non-storm water, for which a Permittee is responsible, may not cause or contribute to a condition of nuisance. Part 2.3 states that permittees shall comply with these prohibitions “through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with [the Los Angeles Stormwater Quality Management Program (SQMP)] and its components and other requirements of [the LA County MS4 Permit].” Part 2.3 establishes an “iterative process” whereby certain actions are required when exceedances of water quality standards or objectives occur. This iterative process includes submitting a Receiving Water Limitations Compliance Report; revising the SQMP and its components to include modified BMPs, an implementation schedule and additional monitoring to address the exceedances; and implementing the revised SQMP. These provisions are consistent with the receiving water limitations language required by State Water Board Order WQ 99-05.

Part 2 also includes provisions implementing the Marina del Rey Harbor Mothers’ Beach and Back Basins Bacteria TMDL (summer dry weather provisions only). During summer dry weather, Part 2.6 prohibits discharges of bacteria from MS4s into Marina del Rey Harbor Basins D, E, or F, including Mothers’ Beach that cause or contribute to exceedance of the applicable bacteria water quality objectives.

Part 2 also included similar TMDL provisions relating to the Santa Monica Bay summer dry weather bacteria TMDL. However, as a result of a legal challenge by Los Angeles County and the LACFCD, the Regional Water Board was required to void and set aside those provisions, which the Regional Water Board did in 2011.

### Part 3 – Stormwater Quality Management Program (SQMP) Implementation

Under Part 3, each Permittee shall, at a minimum, implement the SQMP, which is an enforceable element of the Los Angeles County MS4 Permit. The SQMP, at a minimum, shall also comply with the applicable storm water program requirements of 40 CFR section 122.26(d)(2). The SQMP and its components shall be implemented so as to reduce the discharges of pollutants in storm water to the maximum extent practicable (MEP) and effectively prohibit non-storm water discharges to the MS4. Each Permittee shall also implement additional controls, where necessary, to reduce the discharge of pollutants from the MS4.

Part 3 also sets forth specific responsibilities of the Principal Permittee, which under Order No. 01-182 is the LACFCD, and co-permittees. In addition, Part 3 sets forth requirements for Watershed Management Committees (WMCs) which, among other tasks, prioritize pollution control efforts and evaluate the effectiveness of and recommend changes to the SQMP and its components. Each Permittee must also have the necessary legal authority to prohibit non-storm water discharges to the MS4, as well as possess adequate legal authority to develop and enforce storm water and non-storm water ordinances for its jurisdiction.

#### Part 4 – Special Provisions

Part 4 sets forth provisions for public information and participation, industrial/commercial facilities control program, development planning, development construction, public agency activities, and illicit connections and illicit discharges elimination. These programs are termed “minimum control measures” and have been in place since the inception of the MS4 NPDES permitting program, as required by federal regulations.

#### Part 5 – Definitions

Part 5 includes definitions for terms used within Order No. 01-182.

#### Part 6 – Standard Provisions

Part 6 includes standard provisions relating to implementation of the programs required by the permit. Such provisions include, but are not limited to, the duty to comply, the duty to mitigate, inspection and entry requirements, proper operation and maintenance requirements, monitoring and reporting requirements, and the duty to provide information. Most of these provisions are required by 40 CFR sections 122.41 or 122.42 and apply to all NPDES permits.

#### Part 7 – TMDL Provisions

In 2009, Order No. 01-182 was amended to include provisions that are consistent with the assumptions and requirements of waste load allocations from the Los Angeles River Trash TMDL. Appendix 7-1 identifies the permittees subject to the Los Angeles River Trash TMDL and sets forth the interim and final numeric effluent limitations for trash that the permittees must comply with. Part 7 also sets forth how permittees can demonstrate compliance with the numeric effluent limitations. Permittees have the option to employ three general compliance strategies to achieve the numeric effluent limitations. Depending on the strategy selected, the Permittee may demonstrate compliance either by documenting the percentage of its area addressed by full capture systems (“action-based” demonstration) or by calculating its annual trash discharge to the MS4 and comparing that to its effluent limitation. This approach allows the Permittee the flexibility to comply with the numeric effluent limitations using any lawful means, and establishes appropriate and enforceable compliance metrics depending on the method of compliance and level of assurance provided by the Permittee that the selected method will achieve the numeric effluent limitations derived from the TMDL WLAs.

#### Attachment U – Monitoring and Reporting Program

Order No. 01-182 has both self-monitoring and public reporting requirements, which include: (1) monitoring of “mass emissions” at seven mass emission monitoring stations; (2) Water Column Toxicity Monitoring; (3) Tributary Monitoring; (4) Shoreline Monitoring; (5) Trash Monitoring; (6) Estuary Sampling; (7) Bioassessment; and (8) Special Studies. The purpose of mass emissions monitoring is to: (1) estimate the mass emissions from the MS4; (2) assess trends in the mass emissions over time; and (3) determine if the MS4 is contributing to exceedances of water quality standards by comparing results to the applicable standards in the Basin Plan. Order No. 01-182 established that the Principal Permittee shall monitor the mass emissions stations. The permit required mass emission sampling five times per year.

### III. APPLICABLE STATUTES, REGULATIONS, PLANS, AND POLICIES

The provisions contained in this Order are based on the requirements and authorities described below.

#### A. Legal Authorities – Federal Clean Water Act and California Water Code

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It serves as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260).

#### B. Federal and California Endangered Species Acts

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2115.5) or the Federal Endangered Species Act (16 U.S.C.A., §§ 1531 to 1544). This Order requires compliance with requirements to protect the beneficial uses of waters of the United States. Permittees are responsible for meeting all requirements of the applicable Endangered Species Act.

#### C. California Environmental Quality Act (CEQA)

This action to adopt an NPDES Permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21100, et seq.) pursuant to California Water Code section 13389. (*County of Los Angeles v. Cal. Water Boards* (2006) 143 Cal.App.4th 985.)

#### D. State and Federal Regulations, Policies, and Plans

**1. Water Quality Control Plans.** The CWA requires the Regional Water Board to establish water quality standards for each water body in its region. Water quality standards include beneficial uses, water quality objectives and criteria that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to prevent degrading waters. On June 13, 1994, the Regional Water Board adopted a *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (hereinafter Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Los Angeles Region. The Regional Water Board has amended the Basin Plan on multiple occasions since 1994. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to the surface water bodies that receive discharges from the Los Angeles County MS4 generally include those listed below:

**Table F-3. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
All Municipal Separate Storm Sewer Systems (MS4s) discharge points within the coastal watersheds of Los Angeles County with the exception of those originating in the City of Long Beach	Multiple surface water bodies of the Los Angeles Region	Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PROC); Ground Water Recharge (GWR); Freshwater Replenishment (FRSH); Navigation (NAV); Hydropower Generation (POW); Water Contact Recreation (REC-1); Limited Contact Recreation (LREC-1); Non-Contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Areas of Special Biological Significance (BIOL); Wildlife Habitat (WILD); Preservation of Rare and Endangered Species (RARE); Marine Habitat (MAR); Wetland Habitat (WET); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); Shellfish Harvesting (SHELL)

Pursuant to California Water Code sections 13263(a) and 13377, the requirements of this Order implement the Basin Plan.

**a. Permit Structure: Watershed Management Approach and Total Maximum Daily Load (TMDL) Implementation**

One of the fundamental issues for this Order was a reconsideration of the basic permit structure. The previous Order, Order No. 01-182, was structured as a single permit whereby all 86 Permittees were assigned uniform requirements, with additional requirements for the Principal Permittee. Through Order No. 01-182, the Regional Water Board began to implement a Watershed Management Approach to address water quality protection in the region. The Watershed Management Approach intended to provide a comprehensive and integrated strategy toward water resource protection, enhancement, and restoration while considering economic and environmental impacts within a hydrologically defined drainage basin or watershed.

On June 12, 2006, prior to the expiration date of Order No. 01-182, all of the Permittees filed Reports of Waste Discharge (ROWD) applying for renewal of their waste discharge requirements. Specifically, the Los Angeles County Flood Control District submitted an ROWD application on behalf of itself, the County of Los Angeles, and 78 other Permittees. Several Permittees under Order No. 01-182 elected to not be included as part of the Los Angeles County Flood Control District's ROWD. On June 12, 2006, the cities of Downey and Signal Hill each submitted an individual ROWD application requesting an individual MS4 permit; and the Upper San Gabriel River Watershed Coalition (comprised of the cities of Azusa, Claremont, Glendora, Irwindale, and Whittier) also submitted an individual ROWD application requesting a separate MS4 permit for these cities. In 2010, the LACFCD withdrew from its 2006 ROWD and submitted a new ROWD also

requesting an individual MS4 permit. The LACFCD also requested that it no longer be designated as the Principal Permittee and that it is relieved of Principal Permittee responsibilities.

The Regional Water Board evaluated each of the 2006 ROWDs and notified all of the Permittees that their ROWDs did not satisfy federal storm water regulations contained in the USEPA Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; Final Rule, August 9, 1996 (61 *Fed Reg.* 41697). The Regional Water Board also found that the information presented in the ROWDs did not reflect the current status of program elements for MS4 permits developed over the past decade or the new information specific to this MS4. Because each ROWD did not satisfy federal requirements, the Regional Water Board deemed all four 2006 ROWDs incomplete. The Regional Water Board also evaluated the LACFCD's 2010 ROWD and found that it too did not satisfy federal requirements nor reflect the current status for MS4s.

Though five separate ROWDs were submitted, the Regional Water Board retains the discretion as the permitting authority to determine whether to issue permits for discharges from MS4s on a system-wide or jurisdiction-wide basis. Clean Water Act section 402(p)(3)(B)(i) and implementing regulations at 40 CFR section 122.26, subdivisions (a)(1)(v), (a)(3)(ii), and (a)(3)(iv) allow the permitting authority to issue permits for MS4 discharges on a system-wide or jurisdiction-wide basis taking into consideration a variety of factors. Such factors include the location of the discharge with respect to waters of the United States, the size of the discharge, the quantity and nature of the pollutants discharged to waters of the United States, and other relevant factors. Federal regulations at 40 CFR section 122.26(a)(3)(ii) identify a variety of possible permitting structures, including one system-wide permit covering all MS4 discharges or distinct permits for appropriate categories of MS4 discharges including, but not limited to, all discharges owned or operated by the same municipality, located within the same jurisdiction, all discharges within a system that discharge to the same watershed, discharges within a MS4 that are similar in nature, or for individual discharges from MS4s.

In evaluating the five separate ROWDs and the structure for this Order, the Regional Water Board considered a number of factors:

- i. The nature of the Permittees' MS4s, which comprise a large interconnected system, controlled in large part by the Los Angeles County Flood Control District, among others, and used by multiple cities along with Los Angeles County. The discharges from these entities frequently commingle in the MS4 prior to discharge to receiving waters.
- ii. The requirement to implement 33 largely watershed-based TMDLs in this Order. A number of Permittees have already established jurisdictional groups on a watershed or subwatershed basis for TMDL implementation. (See Attachment K of this Order for a matrix of these TMDLs and Permittees by

Watershed Management Area (WMA)). Many of the TMDLs apply to multiple watersheds and the jurisdictional areas of multiple Permittees. Having separate permits would make implementation of the TMDLs more cumbersome.

- iii. The passage of Assembly Bill 2554 in 2010, which amended the Los Angeles County Flood Control Act. This statute allows the LACFCD to assess a property-related fee or charge for storm water and clean water programs. Funding is subject to voter approval in accordance with Proposition 218. Fifty percent of funding is allocated to nine "watershed authority groups" to implement collaborative water quality improvement plans. (See Attachments B and C of this Order for maps of WMAs.)
- iv. Results of the on-line survey administered to Permittees by Regional Water Board staff regarding permit structure. The results indicated that a majority of Permittees support a single MS4 permit for Los Angeles County. A significant minority support multiple watershed-based permits. Overall, 85 percent of the permittees that responded to the on-line survey support either a single MS4 permit or several individual watershed-based permits. A small number of permittees support alternative groupings of adjacent municipalities instead of watershed-based groupings. Only four permittees expressed a preference for individual MS4 permits.
- v. The 2006 and 2010 ROWDs. Eight Permittees submitted individual or small group ROWDs, including the cities of Signal Hill and Downey; five cities in the upper San Gabriel River watershed; and the Los Angeles County Flood Control District. The LACFCD has also requested that it is no longer designated as Principal Permittee and relieved of Principal Permittee responsibilities.

Based on an evaluation of these factors, the Regional Water Board again determined that, because of the complexity and networking of the MS4 within Los Angeles County, that one system-wide permit is appropriate. In order to provide individual Permittees with more specific requirements, this Order regulates the MS4 discharges of 86 Permittees with some sections devoted to universal requirements for all Permittees and others devoted to requirements specific to each Watershed Management Area (WMA), including TMDL implementation provisions. This structure is supported by section 402(p) of the Clean Water Act and 40 CFR sections 122.26, subdivisions (a)(1)(v), (a)(3)(ii), and (a)(3)(iv). A single permit will ensure consistency and equitability in regulatory requirements within Los Angeles County, while watershed-based sections within the single permit will provide flexibility to tailor permit provisions to address distinct watershed characteristics and water quality issues. Additionally, an internal watershed-based structure comports with the Regional Water Board's Watershed Management Initiative, its watershed-based TMDL requirements, and the LACFCD's funding initiative passed in Assembly Bill 2554. Watershed-based sections will help promote watershed-wide solutions to address water quality problems, which in many cases are the most efficient and cost-effective means to address storm water and urban runoff pollution. Further, watershed-based

sections may encourage collaboration among permittees to implement regional integrated water resources approaches such as storm water capture and re-use to achieve multiple benefits.

The Regional Water Board determined that the cities of Signal Hill and Downey, the five upper San Gabriel River cities, and the LACFCD are included as Permittees in this Order. Individually tailored permittee requirements are provided in this Order, where appropriate.

The Regional Water Board also determined that because the LACFCD owns and operates large portions of the MS4 infrastructure, including but not limited to catch basins, storm drains, outfalls and open channels, in each coastal watershed management area within Los Angeles County, the LACFCD should remain a Permittee in the single-system wide permit; however, this Order relieves LACFCD of its role and responsibilities as Principal Permittee. Additionally, given the LACFCD's limited land use authority, it is appropriate for the LACFCD to have a separate and uniquely-tailored storm water management program. Accordingly, the storm water management program minimum control measures imposed on the LACFCD in Part VI.D of this Order differ in some ways from the minimum control measures imposed on other Permittees. Namely, aside from its own properties and facilities, the LACFCD is not subject to the Industrial/Commercial Facilities Program, the Planning and Land Development Program, and the Development Construction Program. However, as a discharger of storm and non-storm water, the LACFCD remains subject to the Public Information and Participation Program and the Illicit Connections and Illicit Discharges Elimination Program. Further, as the owner and operator of certain properties, facilities and infrastructure, the LACFCD remains subject to requirements of a Public Agency Activities Program.

- 2. Ocean Plan.** In 1972, the State Water Board adopted the Water Quality Control Plan for Ocean Waters of California, California Ocean Plan (hereinafter Ocean Plan). The State Water Board adopted the most recent amended Ocean Plan on September 15, 2009. The Office of Administration Law approved it on March 10, 2010. On October 8, 2010, USEPA approved the 2009 Ocean Plan. The Ocean Plan is applicable, in its entirety, to ocean waters of the State. In order to protect beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Pursuant to California Water Code sections 13263(a) and 13377, the requirements of this Order implement the Ocean Plan. The Ocean Plan identifies beneficial uses of ocean waters of the State to be protected as summarized below:



**Table F-3B. Ocean Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
All Municipal Separate Storm Sewer Systems (MS4s) discharge points within the coastal watersheds of Los Angeles County with the exception of those originating within the City of Long Beach	Pacific Ocean	Industrial Water Supply (IND); Water Contact (REC-1) and Non-Contact Recreation (REC-2), including aesthetic enjoyment; Navigation (NAV); Commercial and Sport Fishing (COMM); Mariculture; Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS); Rare and Endangered Species (RARE); Marine Habitat (MAR); Fish Migration (MIGR); Fish Spawning (SPWN) and Shellfish Harvesting (SHELL)

**3. Antidegradation Policy.** 40 CFR section 131.12<sup>4</sup> requires that the state water quality standards include an antidegradation policy consistent with the federal antidegradation policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining the Quality of the Waters of the State"). Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Resolution No. 68-16 and 40 CFR section 131.12 require the Regional Water Board to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Water Board's policies. Resolution 68-16 requires that discharges of waste be regulated to meet best practicable treatment or control to assure that pollution or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the State be maintained.

The discharges permitted in this Order are consistent with the antidegradation provisions of 40 CFR section 131.12 and Resolution 68-16. Many of the water bodies within the area covered by this Order are of high quality. The Order requires the Permittees to meet best practicable treatment or control to meet water quality standards. As required by 40 CFR section 122.44(a), the Permittees must comply with the "maximum extent practicable" technology-based standard set forth in CWA section 402(p). Many of the waters within the area covered by this Order are impaired and listed on the State's CWA Section 303(d) List and either the Regional Water Board or USEPA has established TMDLs to address the impairments. This Order requires the Permittees to comply with permit provisions to implement the WLAs set forth in the TMDLs in order to restore the beneficial uses of the impaired

<sup>4</sup> All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

water bodies consistent with the assumptions and requirements of the TMDLs. This Order includes requirements to develop and implement storm water management programs, achieve water quality-based effluent limitations, and effectively prohibit non-storm water discharges through the MS4.

The issuance of this Order does not authorize an increase in the amount of discharge of waste. The Order includes new requirements to implement WLAs assigned to Los Angeles County MS4 discharges that have been established in 33 TMDLs, most of which were not included in the previous Order.

4. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations and other conditions in this Order are at least as stringent as the effluent limitations in the previous permit.

#### **E. Impaired Water Bodies on CWA section 303(d) List**

Section 303(d)(1) of the CWA requires each state to identify specific water bodies within its boundaries where water quality standards are not being met or are not expected to be met after implementation of technology-based effluent limitations on point sources. Water bodies that do not meet water quality standards are considered impaired and are placed on the state's "303(d) List". Periodically, USEPA approves the State's 303(d) List. Most recently, USEPA approved the State's 2010 303(d) List of impaired water bodies on October 11, 2011, which includes certain receiving waters in the Los Angeles region. For each listed water body, the state or USEPA is required to establish a total maximum daily load (TMDL) of each pollutant impairing the water quality standards in that water body. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable pollutant loadings for a water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a water body to meet water quality standards. A TMDL is the sum of the allowable pollutant loads of a single pollutant from all contributing point sources (the waste load allocations or WLAs) and non-point sources (load allocations or LAs), plus the contribution from background sources and a margin of safety. (40 CFR section 130.2(i).) MS4 discharges are considered point source discharges. For 303(d)-listed water bodies and pollutants in the Los Angeles Region, the Regional Water Board or USEPA develops and adopts TMDLs that specify these requirements.

Over the last decade, the Regional Water Board and USEPA have established 33 TMDLs to remedy water quality impairments in various water bodies within Los Angeles County. (See Attachment K of this Order for a list of TMDLs by Watershed Management Area for Los Angeles County.) These TMDLs identify MS4 discharges as a source of pollutants to these water bodies and, as required, establish WLAs for MS4 discharges to reduce the amount of pollutants discharged to receiving waters. Section 402(p)(3)(B)(iii) of the Clean Water Act requires the Regional Water Board to impose permit conditions, including: "management practices, control techniques and system,

design and engineering methods, and *such other provisions as the Administrator of the State determines appropriate for the control of such pollutants.*" (emphasis added.) Section 402(a)(1) of the Clean Water Act also requires states to issue permits with conditions necessary to carry out the provisions of the Clean Water Act. Federal regulations also require that NPDES permits contain effluent limits consistent with the assumptions and requirements of all available WLAs (40 CFR § 122.44(d)(1)(vii)(B)). California Water Code section 13377 also requires that NPDES permits include limitations necessary to implement water quality control plans. Therefore, this Order includes effluent limitations and other provisions to implement the TMDL WLAs assigned to permittees regulated by the LA County MS4 Permit.

The Regional Water Board has previously established numeric effluent limitations to implement TMDL WLAs when it reopened Order No. 01-182 in 2009 to incorporate permit provisions to implement the Los Angeles River Watershed Trash TMDL WLAs. In that case, Permittees have the option to employ three general compliance strategies to achieve the numeric effluent limitations. Depending on the strategy selected, the Permittee may demonstrate compliance either by documenting the percentage of its area addressed by full capture systems ("action-based" demonstration) or by calculating its annual trash discharge to the MS4 and comparing that to its effluent limitation. This approach allows the Permittee the flexibility to comply with the numeric effluent limitations using any lawful means, and establishes appropriate and enforceable compliance metrics depending on the method of compliance and level of assurance provided by the Permittee that the selected method will achieve the numeric effluent limitations derived from the TMDL WLAs. A similar approach is used for the 32 other TMDLs incorporated into this Order, where appropriate.

#### **F. Other Plans, Policies and Regulations**

This Order implements all other applicable federal regulations and State plans, policies and regulations, including the California Toxics Rule at 40 CFR section 131.38.

### **IV. RATIONALE FOR DISCHARGE SPECIFICATIONS**

#### **A. Discharge Prohibitions – Non-Storm Water Discharges**

##### **1. Regulatory Background**

The CWA employs the strategy of prohibiting the discharge of any pollutant from a point source into waters of the United States unless the discharger of the pollutant(s) obtains an NPDES permit pursuant to CWA section 402. The 1987 amendment to the CWA included section 402(p) that specifically addresses NPDES permitting requirements for municipal discharges from MS4s. Section 402(p) prohibits the discharge of pollutants from specified MS4s to waters of the United States except as authorized by an NPDES permit and identifies the substantive standards for MS4 permits. MS4 permits (1) "shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers[ ]" and (2) "shall require [i] controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering

methods, and [ii] such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” (CWA § 402(p)(3)(B)(ii-iii).)

On November 16, 1990, USEPA published regulations to implement the 1987 amendments to the CWA. (55 Fed.Reg. 47990 et seq. (Nov. 16, 1990)). The regulations establish minimum requirements for MS4 permits. The regulations address both storm water and non-storm water discharges from MS4s; however, the minimum requirements for each are significantly different. This is evident from USEPA’s preamble to the storm water regulations, which states that “Section 402(p)(B)(3) [of the CWA] requires that permits for discharges from municipal separate storm sewers require the municipality to “effectively prohibit” non-storm water discharges from the municipal storm sewer ... Ultimately, such non-storm water discharges through a municipal separate storm sewer system must either be removed from the system or become subject to an NPDES permit.” (55 Fed.Reg. 47990, 47995 (Nov. 16, 1990)).<sup>5</sup> USEPA states that MS4 Permittees are to begin to fulfill the “effective prohibition of non-storm water discharges” requirement by: (1) conducting a screening analysis of the MS4 to provide information to develop priorities for a program to detect and remove illicit discharges, (2) implementing a program to detect and remove illicit discharges, or ensure they are covered by a separate NPDES permit, and (3) to control improper disposal into the storm sewer. (40 CFR § 122.26(d)(2)(iv)(B).) These non-storm water discharges therefore are not subject to the MEP standard.

“Illicit discharges” defined in the regulations is the most closely applicable definition of “non-storm water” contained in federal law and the terms are often used interchangeably. In fact, “illicit discharge” is defined by USEPA in its 1990 rulemaking, as “any discharge through a municipal separate storm sewer that is not composed entirely of storm water and that is not covered by an NPDES permit [other than the permit for the discharge from the MS4].” (55 Fed.Reg. 47990, 47995).

## 2. Definition of Storm Water and Non-Storm Water

Federal regulations define “storm water” as “storm water runoff, snow melt runoff, and surface runoff and drainage.” (40 C.F.R. § 122.26(b)(13).) While “surface runoff and drainage” is not defined in federal law, USEPA’s preamble to the federal regulations demonstrates that the term is related to precipitation events such as rain and/or snowmelt. (55 Fed.Reg. 47990, 47995-96 (Nov. 16, 1990)). For example, USEPA states:

In response to the comments [on the proposed rule] which requested EPA to define the term ‘storm water’ broadly to include a number of classes of discharges which are not in any way related to precipitation events, EPA believes that this rulemaking is not an appropriate forum for addressing the appropriate regulation under the NPDES program of such non-storm water discharges . . . . Consequently, the final definition of storm water has not been expanded from what was proposed.

<sup>5</sup> USEPA further states that, “[p]ermits for such [non-storm water] discharges must meet applicable technology-based and water-quality based requirements of Sections 402 and 301 of the CWA.” (55 Fed. Reg. 47990, 48037 (Nov. 16, 1990)).

(*ibid.*) The storm water regulations themselves identify numerous categories of discharges including landscape irrigation, diverted stream flows, discharges from drinking water supplier sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, and street wash water as “non-storm water.” While these types of discharges may be regulated under storm water permits, they are not considered storm water discharges. (40 CFR § 122.26(d)(2)(iv)(B)). USEPA states that, “in general, municipalities will not be held responsible for prohibiting some specific components of discharges or flows ... through their municipal separate storm sewer system, *even though such components may be considered non-storm water discharges...*” (emphasis added). However, where certain categories of non-storm water discharges are identified by the Permittee (or the Regional Water Board) as needing to be addressed, they are no longer exempt and become subject to the effective prohibition requirement in CWA section 402(p)(3)(B)(ii). This review of the storm water regulations and USEPA’s discussion of the definition of storm water in its preamble to these regulations strongly supports the interpretation that storm water includes only precipitation-related discharges. Therefore, non-precipitation related discharges are not storm water discharges and, therefore, are not subject to the MEP standard in CWA section 402(p)(3)(B)(iii). Rather, non-storm water discharges shall be effectively prohibited pursuant to CWA section 402(p)(3)(B)(ii).

### 3. Non-Storm Water Regulation

Non-storm water discharges from the MS4 that are not authorized by separate NPDES permits, nor specifically exempted, are subject to requirements under the NPDES program, including discharge prohibitions, technology-based effluent limitations and water quality-based effluent limitations (40 CFR § 122.44). USEPA’s preamble to the storm water regulations also supports the interpretation that regulation of non-storm water discharges through an MS4 is not limited to the MEP standard in CWA section 402(p)(3)(B)(iii):

*“Today’s rule defines the term “illicit discharge” to describe any discharge through a municipal separate storm sewer system that is not composed entirely of storm water and that is not covered by an NPDES permit. Such illicit discharges are not authorized under the Clean Water Act. Section 402(p)(3)(B) requires that permits for discharges from municipal separate storm sewers require the municipality to “effectively prohibit” non-storm water discharges from the municipal separate storm sewer...Ultimately, such non-storm water discharges through a municipal separate storm sewer must either be removed from the system or become subject to an NPDES permit.” (55 Fed.Reg. 47990, 47995.)*

In its 1990 rulemaking, USEPA explained that the illicit discharge detection and elimination program requirement was intended to begin to implement the Clean Water Act’s provision requiring permits to “effectively prohibit non-storm water discharges.” (55 Fed.Reg. 47990, 47995.)

### 4. Authorized and Conditionally Exempt Non-Storm Water Discharges

The previous permit, Order No. 01-182, contained provisions exempting several categories of non-storm water discharges from the discharge prohibition, including discharges covered by a separate individual or general NPDES permit for non-storm water discharges, natural flows, flows from emergency fire fighting activity, and flows incidental to urban activities. This Order retains these same categories, but with several enhancements. Natural flows specified in this Order include natural springs and rising ground water; flows from riparian habitats and wetlands; diverted stream flows authorized by the State or Regional Water Board; and uncontaminated ground water infiltration. Flows incidental to urban activities specified in this Order include landscape irrigation; dechlorinated/debrominated swimming pool discharges; dewatering of lakes and decorative fountains; non-commercial car washing by residents or by non-profit organizations; and street/sidewalk washwater. This Order separately identifies flows from non-emergency fire fighting activities and discharges from drinking water supplier distribution systems as "essential" non-storm water discharges rather than combining them into the same category as the other non-storm water discharges incidental to urban activities. In doing so, the Regional Water Board recognizes that these discharges are essential public service discharge activities and are directly or indirectly required by other state or federal statute and/or regulation. This Order continues to unconditionally exempt emergency fire fighting discharges from the discharge prohibition.

Like Order No. 01-182, this Order contains a provision that the Regional Water Board Executive Officer may add or remove categories of exempt non-storm water discharges. In addition, in the event that any of the categories of non-storm water discharges are determined to be a source of pollutants by the Executive Officer then the discharges will no longer be exempt unless the Permittee implements conditions approved by the Executive Officer to ensure that the discharge is not a source of pollutants. Also the Executive Officer may impose additional prohibitions of non-storm water discharges in consideration of antidegradation policies and TMDLs.

## 5. BMPs for Non-Storm Water Discharges

In this Order, no changes have been made to the types of non-storm water discharges included in the non-storm water discharge prohibition exemptions, with one exception related to temporary discharges authorized by USEPA pursuant to sections 104(a) or 104(b) of CERCLA. However, the non-storm water discharge provisions in this Order have been reworded to clarify the requirements for addressing authorized and conditionally exempt non-storm water discharges that are not prohibited. In particular, language has been added to explicitly identify State and Regional Water Board permits that are applicable to some of the exempted non-storm water discharges. The State and Regional Water Board general permits referenced in this Order and their applicability to the different types of non-storm water discharges that are routinely discharged through the MS4 is contained in Table F-4 below.

**Table F-4. State and Regional Water Board General Permits Referenced in this Permit**

Order/NPDES Permit No.	Applicable Types of Discharges
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Order/NPDES Permit No.	Applicable Types of Discharges
NPDES Permit No. CAG994003 – Discharges of Nonprocess Wastewater to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>• Ground water seepage</li> <li>• Uncontaminated pumped ground water</li> <li>• Gravity flow from foundation drains, footing drains, and crawl space pumps</li> <li>• Air conditioning condensate</li> <li>• Discharges of cleaning wastewater and filter backwash</li> </ul>
NPDES Permit No. CAG994004 – Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>• Uncontaminated pumped ground water</li> <li>• Discharges from activities that occur at wellheads, such as well construction, well development (e.g., aquifer pumping tests, well purging), or major well maintenance</li> <li>• Gravity flow from foundation drains, footing drains, and crawl space pumps</li> <li>• Discharges of ground water from construction and project dewatering<sup>6</sup></li> </ul>
NPDES Permit No. CAG990002 – Discharges from Utility Vaults and Underground Structures to Surface Waters	<ul style="list-style-type: none"> <li>• Uncontaminated pumped ground water</li> <li>• Gravity flow from foundation drains, footing drains, and crawl space pumps</li> </ul>
NPDES Permit No. CAG674001 – Discharges From Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>• Discharges of low threat hydrostatic test water<sup>7</sup></li> </ul>

<sup>6</sup> Discharges of ground water from construction and project dewatering include treated or untreated wastewater from permanent or temporary construction dewatering operations; ground water pumped as an aid in the containment and/or cleanup of a contaminant plume; ground water extracted during short-term and long-term pumping/aquifer tests; ground water generated from well drilling, construction or development and purging of wells; equipment decontamination water; subterranean seepage dewatering; incidental collected storm water from basements; and other process and non-process wastewater discharges that meet the eligibility criteria and could not be covered under another specific general NPDES permit.

<sup>7</sup> Low threat hydrostatic test water means discharges resulting from the hydrostatic testing or structural integrity testing of pipes, tanks, or any storage vessels using domestic water or from the repair and maintenance of pipes, tanks, or reservoirs.

Order/NPDES Permit No.	Applicable Types of Discharges
NPDES Permit No. CAG914001 – Discharges of Treated Groundwater from Investigation and/or Cleanup of Volatile Organic Compounds Contaminated-Sites to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>Discharges of treated ground water from investigation and/or cleanup of volatile organic compound (VOC) contaminated sites</li> </ul>
NPDES Permit No. CAG994005 – Discharges of Ground Water from Water Supply Wells to Surface Waters in Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>Discharges of ground water from potable water supply wells<sup>8</sup></li> </ul>
NPDES Permit No. CAG834001 – Waste Discharge Requirements for Treated Groundwater and Other Wastewaters from Investigation and/or Cleanup of Petroleum Fuel-Contaminated Sites to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	<ul style="list-style-type: none"> <li>Discharges of treated ground water and other waste waters from investigation and/or cleanup of petroleum fuel contaminated sites</li> </ul>

This Order explicitly adds another category of authorized non-storm water discharge for discharges authorized by USEPA pursuant to sections 104(a) or 104(b) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These discharges typically consist of short-term, high volume discharges resulting from the development or redevelopment of groundwater extraction wells, or USEPA or State-required compliance testing of potable water treatment plants, as part of a USEPA authorized groundwater remediation action under CERCLA. These discharges through the MS4 are only authorized if: (i) the discharge will comply with water quality standards identified as applicable or relevant and appropriate requirements (“ARARs”) under section 121(d)(2) of CERCLA; or (ii) the discharge is subject to either (a) a written waiver of ARARs by USEPA pursuant to section 121(d)(4) of CERCLA or (b) a written determination by USEPA that compliance with ARARs is not practicable considering the exigencies of the situation, pursuant to 40 CFR section 300.415(j). Additionally, a decision to authorize a discharge through the MS4 to surface waters will not be made by USEPA without first conducting a comprehensive evaluation of containment, treatment, reinjection, or re-use options for the water generated from the subject wells. If a decision to discharge through the MS4 is made, USEPA’s authorization of the discharge under CERCLA will require that the discharger shall:

- (1) Implement BMPs to minimize the rate and duration of the discharge and remove excessive solids, and implement other on-site physical treatment where feasible.

<sup>8</sup> Discharges covered by this permit include ground water from potable water supply wells generated during the following activities: ground water generated during well purging for data collection purposes; ground water extracted from major well rehabilitation and redevelopment activities; and ground water generated from well drilling, construction, and development.



- (2) Promote infiltration of discharged water in locations that will prevent or minimize degradation of groundwater quality.
- (3) Notify the affected MS4 Permittees, including the LACFCD and the MS4 Permittee with land use authority over the discharge location, and the Regional Water Board at least one week prior to a planned discharge (unless USEPA determines in writing that exigent circumstances require a shorter notice period) and as soon as possible (but no later than 24 hours after the discharge has occurred) for unplanned discharges;
- (4) Monitor any pollutants of concern in the discharge<sup>9</sup>; and
- (5) Maintain records for all discharges greater than 100,000 gallons.<sup>10</sup>

In addition to requiring NPDES permit coverage for applicable categories of non-storm water discharges, this Order contains language that specifies certain conditions, including implementation of BMPs, for each category of conditionally exempt non-storm water discharge that must be met in order for the non-storm water discharge to be exempted from the non-storm water prohibition and thus allowed through the MS4.

The California Recycled Water Policy, adopted by the State Water Board in Resolution No. 2009-0011, calls for an increase in the use of recycled water from municipal wastewater sources that meet the definition in California Water Code section 13050(n), in a manner that implements state and federal water quality laws. In support of the California Recycled Water Policy, a provision has been added requiring that alternative means of disposal or opportunities for capture, reclamation, and reuse must be evaluated prior to discharging any of the non-storm water discharge categories to the MS4. In addition, to ensure the protection of receiving water quality all non-storm water discharges must be segregated from potential sources of pollutants to prevent the introduction of pollutants to the discharge.

In establishing provisions specific to different non-storm water discharge types, the Regional Water Board reviewed non-storm water discharge provisions and BMPS included in other area MS4 permits. MS4 permits reviewed included the Ventura County MS4 permit (R4-2009-0057), the Orange County MS4 permit (Order No. R9-2009-0002), the Riverside County MS4 permit (R9-2010-0016), and the San Diego County MS4 permit (R9-2007-0001). Conditions established in this permit for each of

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<sup>9</sup> Pollutants of concern include, at a minimum, trash and debris, including organic matter, TSS, any pollutant being addressed by the groundwater remediation action under CERCLA, and any pollutant for which there is a Water Quality Based Effluent Limitation in Part VI.E applicable to discharges from the MS4 to the receiving water.

<sup>10</sup> Records shall be maintained, as appropriate, on the: name of CERCLA authorized discharger, date and time of notification (for planned discharges), method of notification, location of discharge, discharge pathway, receiving water, date of discharge, time of the beginning and end of the discharge, duration of the discharge, flow rate or velocity, estimated total number of gallons discharged, type of pollutant removal equipment used, type of dechlorination equipment used if applicable, type of dechlorination chemicals used if applicable, concentration of residual chlorine if applicable, type(s) of sediment controls used, and field and laboratory monitoring data. Records shall be retained for three years, unless the Regional Water Board requests a longer record retention period and shall be made available upon request by the MS4 Permittee or the Regional Water Board.

the non-storm water discharge categories ensure the protection of receiving water quality and are considered common practices.

Dischargers permitted under NPDES Permit No. CAG990002 are required to contact the appropriate Permittee(s) with jurisdiction over the MS4, including but not limited to the Los Angeles County Flood Control District, within 24 hours, whenever there is a discharge of 50,000 gallons or more from utility vaults and underground structures to the MS4.

The conditions for landscape irrigation have been split into potable and reclaimed landscape irrigation categories. As identified in the Orange County MS4 permit incidental runoff from landscape irrigation projects including over irrigation and overspray have the potential to contribute landscape derived pollutants such as bacteria, nutrients, and pesticides to receiving waters. In addition, the California Recycled Water Policy identifies the need for control of incidental runoff from landscape irrigation projects, particularly as it relates to recycled water use. The BMPs incorporated into the permit for potable landscape irrigation ensure that water is conserved, overspray and over irrigation causing incidental runoff is minimized, and exposure to landscape related pollutants is minimized.

State Water Board Water Quality Order No. 2009-0006-DWQ, General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water, is a general permit for producers and distributors of recycled water for landscape irrigation uses. As part of this general permit, the producers and distributors of recycled water for landscape irrigation are required to develop an Operations and Maintenance Plan (O&M Plan) that includes an Operations Plan and an Irrigation Management Plan. Therefore, any reclaimed landscape irrigation discharges to the MS4 must comply with the relevant portion of the O&M Plan including the Irrigation Management Plan. By explicitly referencing the O&M requirement in this permit, it centralizes the requirements for reclaimed landscape irrigation and helps to ensure that procedures are in place for conserving water, minimizing incidental runoff, and minimizing exposure to landscape related pollutants.

Non-storm water discharge provisions have been added for the dewatering of lakes to the MS4. The provisions for the dewatering of lakes including removing and legally disposing of all visible trash on the shoreline or on the surface of the lake and the cleaning of the MS4 inlet and outlet where the water will be discharged to the receiving water have been consistently incorporated into Regional Water Board authorizations to discharge non-storm water from lakes, reservoirs, and ponds. In addition provisions for volumetrically and velocity controlling discharges as well as taking measurements to stabilize lake bottom sediments are incorporated into the provisions of this Order to ensure that turbidity in receiving waters are maintained at an acceptable level. The permit provisions for the dewatering of lakes ensure the protection of receiving water quality.

Basin plan requirements for residual chlorine have been explicitly included in the conditions for drinking water supplier distribution system releases,

dechlorinated/debrominated swimming pool/spa discharges, and dewatering of decorative fountains. Related to swimming pool discharges, discharges of cleaning wastewater and filter backwash are specifically mentioned as being allowed only if authorized under a separate NPDES permit. The Regional Water Board has a general permit for discharges of nonprocess wastewater to surface waters in coastal watersheds of Los Angeles and Ventura counties (NPDES Permit No. CAG994003) that may address discharges of cleaning wastewater and filter backwash.

Specific BMPs for discharges of swimming pools/spas and the dewatering of decorative fountains have been added to this Order including prohibiting the dewatering of swimming pools/spas or decorative fountains containing copper-based algacides and requiring the implementation of controls to prevent introduction of pollutants prior to discharge. Swimming pool/spa discharges and decorative fountain water must be dechlorinated or debrominated using holding time, aeration, and/or sodium thiosulfate and if necessary shall be pH adjusted to within the range of 6.5 and 8.5. The MS4 inlet and outlet must be inspected and cleaned out immediately prior to discharge to protect receiving water quality. In addition provisions for volumetrically and velocity controlling discharges are incorporated into the provisions of this Order to ensure that turbidity in receiving waters are maintained at an acceptable level.

In addition to the specific inclusion of Basin Plan water quality objectives for residual chlorine, this Order allows discharges of drinking water supplier distribution system releases as long as specified BMPs are implemented. BMPs must be implemented to prevent introduction of pollutants to drinking water supplier distribution system releases prior to discharge to the receiving water. BMPs must be consistent with the American Water Works Association (California – Nevada Section) BMP Manual for Drinking Water System Releases and other applicable guidelines. Similar to discharges of swimming pools/spas and dewatering of decorative fountains, drinking water supplier distribution system releases must be dechlorinated or debrominated using holding time, aeration, and/or sodium thiosulfate and if necessary shall be pH adjusted to within the range of 6.5 and 8.5. The MS4 inlet and outlet must be inspected and cleaned out immediately prior to discharge to protect receiving water quality. BMPs such as sand bags or gravel bags, or other appropriate means shall be utilized to prevent sediment transport and all sediment shall be collected and disposed of in a legal and appropriate manner. In addition provisions for volumetrically and velocity controlling discharges are incorporated into the provisions of this Order to ensure that turbidity in receiving waters are maintained at an acceptable level.

The permit provisions for drinking water supply and distribution system releases, dechlorinated/debrominated swimming pool/spa discharges, and dewatering of decorative fountains ensures the protection of receiving water quality.

The Regional Water Board evaluated and established a list of approved BMPs for various programs and activities through Regional Water Board Resolution 98-08 that serves as appropriate BMPs for inclusion in the Discharger and Permittees' regulatory programs. Requirements for street/sidewalk wash water contained in

Resolution 98-08 have also been explicitly incorporated into this Order. The inclusion of the requirements contained in Resolution 98-08 helps to ensure that Permittees are aware of the requirements and ensures the protection of receiving water quality.

Specific BMPs for discharges from non-commercial car washing have been incorporated into this Order to prevent the introduction of pollutants prior to discharge. BMPs that must be implemented for the discharge of non-commercial vehicle wash water include minimizing the amount of water used by turning off nozzles or kinking the hose when not spraying a vehicle and by using a pressure washer; using biodegradable, phosphate free detergents and non-toxic cleaning products; where possible, washing vehicles on permeable surfaces where wash water can percolate into the ground; creating a temporary berm or block off the storm drains; using pumps or vacuums to direct water to pervious areas; and emptying buckets of soapy water or rinse water into the sanitary sewer system. These BMPs are common practice and ensure the protection of receiving water quality.

The inclusion of conditions for flows related to non-emergency fire-fighting activities is new to this iteration of the permit. Conditions for discharges related to fire fighting activities have been incorporated into other MS4 permits including both Orange County and Riverside County. Flows resulting from emergency fire fighting activities necessary for the protection of life or property do not require implementation of specific BMPs.

The specific BMPs for discharges associated with non-emergency fire fighting activities that have been incorporated into this Order have been incorporated into other California MS4 permits. Both the Riverside County and Orange County MS4 permits require the development and implementation of a program to address pollutants from non-emergency fire fighting flows. Rather than develop a program to address non-emergency fire fighting flows, common BMPs used in association with non-emergency fire fighting discharges have been incorporated into this Order. Guidance on BMPs contained in this Order for non-emergency fire fighting activities is available in the Best Management Practices Plan for Urban Runoff Management for Participating Riverside County Fire Fighting Agencies.

The inclusion of specific conditions for exempted non-storm water discharges in this Order centralizes the requirements for non-storm water discharges. Conditions established in this permit for each of the conditionally exempt non-storm water discharge categories are common practice and have been incorporated into other area MS4 permits.

## **6. Permittee Requirements for Non-Storm Water Discharges**

This Order includes specific requirements for Permittees related to more targeted screening of MS4 outfalls for non-storm water discharges, and monitoring and evaluation of significant non-storm water discharges. Permittees are required to develop and implement procedures to ensure that all conditions required for

conditionally exempt non-storm water discharges are being implemented. These requirements also help to clarify the responsibilities of the Permittees versus the responsibilities of the non-MS4 Permittee dischargers to the MS4. The development and implementation of these procedures helps to ensure compliance with the non-storm water discharge prohibition and ensure that the non-storm water discharges are not sources of pollutants.

## B. Technology-Based Effluent Limitations

Section 301(b)(1)(A) of the CWA and 40 CFR section 122.44(a) require that NPDES permits include technology based effluent limitations.<sup>11</sup> In 1987, the CWA was amended to require that municipal storm water discharges “reduce the discharge of pollutants to the maximum extent practicable.” (CWA § 402(p)(3)(B)(iii).) The “maximum extent practicable” (MEP) standard is the applicable federal technology based standard that MS4 owners and operators must attain to comply with their NPDES permits.<sup>12</sup> The corresponding regulatory provisions that further detail the MEP standard can be found in 40 CFR sections 122.26(d)(2)(iv) and 122.44(k)(2).

Neither Congress nor the USEPA has specifically defined the term “maximum extent practicable.” Rather, the MEP standard is a flexible and evolving standard. Congress established this flexible MEP standard so that administrative bodies would have “the tools to meet the fundamental goals of the Clean Water Act in the context of storm water pollution.”<sup>13</sup> This standard was designed to allow permit writers flexibility to tailor permits to the site-specific nature of MS4s and to use a combination of pollution controls that may be different in different permits.<sup>14</sup> The MEP standard is also expected to evolve in light of programmatic improvements, new source control initiatives, and technological advances that serve to improve the overall effectiveness of storm water management programs in reducing pollutant loading to receiving waters. This is consistent with USEPA’s interpretation of storm water management programs. As explained by USEPA in its 1990 rulemaking, “EPA anticipates that storm water management programs will evolve and mature over time” (55 Fed.Reg. 47990, 48052 (Nov. 16, 1990)). There is ample evidence of this evolution in storm water management. Two local examples include the development of full capture trash control devices in response to the Los Angeles Region Trash TMDLs, and the development of innovative media filters for use in outfalls at the Boeing Santa Susana Field Laboratory that have potential municipal applications.

To provide clarification to the Regional Water Boards, the State Water Board’s Office of Chief Counsel issued a memorandum dated February 11, 1993 regarding the “Definition of ‘Maximum Extent Practicable’”. In the memorandum, the State Water Board interpreted the MEP standard to entail “a serious attempt to comply,” and that under the

<sup>11</sup> A technology based effluent limitation is based on the capability of a model treatment method to reduce a pollutant to a certain concentration (NPDES Permit Writer’s Manual, Appendix A). Technology based requirements represent the minimum level of control that must be imposed in a permit issued under CWA § 402.

<sup>12</sup> Note that the MEP standard only applies to storm water discharges from the MS4. Non-storm water discharges are subject to a different standard – specifically, non-storm water discharges through the MS4 must be effectively prohibited.

<sup>13</sup> Building Industry Ass’n of San Diego County v. State Water Resources Control Board (2004) 124 Cal.App.4th 866, 884.

<sup>14</sup> In re City of Irving, Texas, Municipal Storm Sewer System, (July 16, 2001), 10 E.A.D. 111 (E.P.A.), \*6.

MEP standard, “practical solutions may not be lightly rejected.” The memorandum states, “[i]n selecting BMPs which will achieve MEP, it is important to remember that municipalities will be responsible to reduce the discharge of pollutants in storm water to *the maximum extent practicable*. This means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.” The memorandum further states that, “[a]fter selecting a menu of BMPs, it is of course the responsibility of the discharger to insure that all BMPs are implemented.”

This Order includes programmatic requirements in six areas pursuant to 40 CFR section 122.26(d)(2)(iv) as well as numeric design standards for storm water runoff from new development and redevelopment consistent with the federal MEP standard (see State Water Board Order WQ 2000-11, the “LA SUSMP Order”). This Order also includes protocols for periodically evaluating and modifying or adding control measures, consistent with the concept that MEP is an evolving and flexible standard.

This Order also provides for the use of municipal action levels (“MALs”) derived from the National Stormwater Quality Database (NSQD), as a means of evaluating the overall effectiveness of a Permittee’s storm water management program in reducing pollutant loads from a particular drainage area and in order to assess compliance with the MEP standard. Finally, this Order includes BMP Performance Standards derived from the International BMP Database as a guide for BMP selection and design, and as a tool for evaluating the effectiveness of individual post-construction BMPs in reducing pollutant loads and assessing compliance with the MEP standard. USEPA recommends the use of numeric benchmarks for BMPs to estimate BMP effectiveness and as triggers for taking additional actions such as evaluating the effectiveness of individual BMPs, implementing and/or modifying BMPs, or providing additional measures to protect water quality.<sup>15</sup>

### **C. Water Quality-Based Effluent Limitations (WQBELs)**

In addition to requiring that MS4 permits include technology based requirements consistent with the MEP standard, section 402(p)(3)(B)(iii) of the CWA authorizes the inclusion of “such other provisions as the Administrator or the State determines appropriate for the control of [] pollutants.”<sup>16</sup> This requirement gives USEPA or the State permitting authority discretion to determine what permit conditions are necessary to control pollutants. Generally, permit requirements designed to achieve water quality standards are referred to as water quality based effluent limitations (WQBELs). A WQBEL is a restriction on the quantity or concentration of a pollutant that may be discharged from a point source into a receiving water that is necessary to achieve an

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<sup>15</sup> See USEPA November 22, 2002 memorandum, “Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs.”

<sup>16</sup> The first and second iterations of the Los Angeles County MS4 Permit relied solely upon requirements consistent with the MEP standard to work toward achieving water quality standards. Note that the MEP standard is distinct from a water quality based standard; each has a different basis. Therefore, while from a practical point of view, the goal of all MS4 permit conditions is to control pollutants in discharges to ultimately achieve certain water quality outcomes, water quality based standards are directly derived from this desired outcome, while the MEP standard is anticipated to be a way of working toward the desired outcome, but is not directly derived from it.

applicable water quality standard in the receiving water.<sup>17</sup> WQBELs may be expressed narratively or numerically.

In its Phase I Stormwater Regulations, Final Rule, USEPA elaborated on these requirements, stating that, “permits for discharges from municipal separate storm sewer systems must require controls to reduce the discharge of pollutants to the maximum extent practicable, and where necessary water quality-based controls” (see 55 Fed.Reg. 47990, 47994 (Nov. 16, 1990)). In December 1999, USEPA reiterated in its Phase II Stormwater Regulations, Final Rule that MS4 “permit conditions must provide for attainment of applicable water quality standards (including designated uses), allocations of pollutant loads established by a TMDL, and timing requirements for implementation of a TMDL.”<sup>18</sup> The State Water Board has affirmed that MS4 permits must include requirements necessary to achieve compliance with the applicable technology based standard of MEP and to achieve water quality standards.<sup>19</sup>

WQBELs are required for point source discharges that have the reasonable potential to cause or contribute to an excursion of water quality standards and technology based effluent limitations or standards are not sufficient to achieve water quality standards.<sup>20</sup>

The State Water Board has previously concluded that sole reliance in MS4 permits on BMP based requirements is not sufficient to ensure attainment of water quality standards. (See State Water Board Order 2001-015). The Regional Water Board concurs with this conclusion. This conclusion is amply supported by Regional Water Board and USEPA established TMDLs for impaired waters in the Los Angeles Region, indicating that MS4 discharges are a continuing source of pollutants to the impaired receiving waters notwithstanding the implementation of storm water management programs that have been driven by the MEP standard by Permittees for the last two decades.

In this Order, WQBELs are included where the Regional Water Board has determined that discharges from the MS4 have the reasonable potential to cause or contribute to an excursion above water quality standards.<sup>21</sup> Reasonable potential can be demonstrated in several ways, one of which is through the TMDL development process. Where a point source is assigned a WLA in a TMDL, the analysis conducted in the development of the TMDL provides the basis for the Regional Water Board’s determination that the discharge has the reasonable potential to cause or contribute to an exceedance of water quality standards in the receiving water. This approach is affirmed in USEPA’s Permit Writer’s Manual, which states, “[w]here there is a pollutant with a WLA from a TMDL, a permit writer must develop WQBELs.” Therefore, WQBELs are included in this Order for all pollutants for which a WLA is assigned to MS4 discharges.

<sup>17</sup> See 40 CFR § 122.2; NPDES Permit Writer's Manual, Appendix A. A WQBEL is distinguished from a technology based effluent limitation (TBEL) in that the basis for the WQBEL is the applicable water quality standard for the receiving water, while the basis for the TBEL is generally the performance of the best available technology.

<sup>18</sup> See, e.g., Phase II Stormwater Regulations, Final Rule, 64 Fed. Reg. 68722, 68737.

<sup>19</sup> See, e.g., State Water Board Orders WQ 99-05 and 2001-15.

<sup>20</sup> 40 CFR §§ 122.44(d)(1)(i); 122.44(d)(1)(iii)

<sup>21</sup> 40 CFR §§ 122.44(d)(1)(i)-(iii); 122.44(d)(1)(vii)(B)

Federal regulations further require that, "when developing water quality-based effluent limits...the permitting authority shall ensure that effluent limits ... are consistent with the assumptions and requirements of any available wasteload allocation for the discharge..." (40 CFR § 122.44(d)(1)(vii)(B)).

The Regional Water Board interprets this to mean that the final WQBEL must be expressed in similar terms as the underlying WLA; for example, where a TMDL includes WLAs for MS4 discharges that provide numeric pollutant load objectives, the WLA should be translated into numeric WQBELs in the permit, and at a level to achieve the same expected water quality outcome. USEPA also recommends the use of numeric WQBELs to meet water quality standards where MS4 discharges have the reasonable potential to cause or contribute to a water quality standard excursion. Numeric WQBELs will help clarify MS4 permit requirements and improve accountability in this permit term.

While BMPs<sup>22</sup> are central to MS4 permits, permit requirements may only rely upon BMP based limitations in lieu of water quality based effluent limitations if: (1) the BMPs are adequate to achieve water quality standards, and (2) numeric effluent limitations are infeasible.<sup>23</sup> As discussed earlier, the State and Regional Water Boards have concluded that sole reliance on MEP based permit requirements is not sufficient to ensure the achievement of water quality standards. Further, there is insufficient data and information available at this time on the prospective implementation of BMPs throughout Los Angeles County to provide the Regional Water Board reasonable assurance that the BMPs would be sufficient to achieve the WQBELs.<sup>24</sup>

Regarding the feasibility of numeric effluent limitations, the Regional Water Board concludes that numeric WQBELs are feasible. While a lack of data may have hampered the development of numeric effluent limitations for MS4 discharges in earlier permit cycles, in the last decade, 33 TMDLs have been developed for water bodies in Los Angeles County in which WLAs are assigned to MS4 discharges. In each case, part of the development process entailed analyzing pollutant sources and allocating loads using empirical relationships or modeling approaches. As a result, it is possible to use these numeric WLAs to derive numeric WQBELs for MS4 discharges. USEPA has also acknowledged that its expectations regarding the application of numeric WQBELs to municipal storm water discharges have changed as the storm water permit program has continued to mature over the last decade.<sup>25</sup>

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<sup>22</sup> Note that best management practices and effluent limitations are two different types of permit requirements (see 40 CFR §§ 122.2; 122.44(k), which distinguish the two terms and describe their relationship to each other).

<sup>23</sup> 40 CFR §§ 122.44(d)(1); 122.44(k)(3); see also State Water Board Order 91-03; Memorandum from Elizabeth Miller Jennings, Office of Chief Counsel to Bruce Fujimoto, Division of Water Quality, "Municipal Storm Water Permits: Compliance with Water Quality Objectives," October 3, 1995.

<sup>24</sup> USEPA states in its 2002 memorandum, "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs" that, "[w]hen a non-numeric water quality-based effluent limit is imposed, the permit's administrative record, including the fact sheet when one is required, needs to support that the BMPs are expected to be sufficient to implement the WLA in the TMDL," citing 40 CFR §§ 124.8, 124.9, and 124.18. See also USEPA's 2010 memorandum revising the 2002 memorandum.

<sup>25</sup> See USEPA 2010 memorandum, "Revisions to the November 22, 2002 Memorandum 'Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs'" in which USEPA states, "where the NPDES permitting authority determines that MS4 discharges...have the reasonable potential to cause or contribute to water quality standards excursions, permit for MS4s...should contain numeric effluent limitations where feasible to do so." USEPA further states, "[w]here the TMDL includes WLAs for



The inclusion of numeric WQBELs is also consistent with the Ninth Circuit Court of Appeal's ruling in *Defenders of Wildlife v. Browner* (191 F.3d 1159, 1166 (1999)) that the permitting authority has discretion regarding the nature and timing of requirements that it includes as MS4 permit conditions to attain water quality standards, and that these requirements may include numeric effluent limitations.

Further, given the variability in implementation of storm water management programs across Permittees, numeric WQBELs create an objective, equitable and accountable means of controlling MS4 discharges, while providing the flexibility for Permittees to comply with the WQBELs in any lawful manner.

#### **D. Final Effluent Limitations**

Final WQBELs are included in this Order based on the final WLAs assigned to discharges from the Los Angeles County MS4 in all available TMDLs.

MS4 permits can include compliance schedules for achieving final WQBELs derived from TMDL WLAs, so long as the compliance schedule is consistent with a TMDL implementation plan adopted by the Regional Water Board and approved through the State's basin plan amendment process. If a compliance schedule exceeds one year, it must include interim requirements pursuant to 40 CFR section 122.47.

Section 402(o) of the CWA and 40 CFR section 122.44(l) require that effluent limitations in reissued orders be at least as stringent as those in the existing order. This Order carries over the final receiving water limitations and WQBELs that were included to implement the Marina del Rey Harbor Back Basins and Mothers' Beach Bacteria TMDL and the Los Angeles River Trash TMDL, respectively, in the 2007 and 2009 amendments to Order No. 01-182.

#### **E. Interim Effluent Limitations**

Where there is a TMDL implementation plan adopted by the Regional Water Board and approved through the State's basin plan amendment process, interim WQBELs are included in this Order based on interim WLAs established for MS4 discharges.

### **V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

#### **A. Receiving Water Limitations**

Receiving water limitations are included in all NPDES permits issued pursuant to CWA section 402. Section 402(p)(3)(B)(iii) of the CWA authorizes the inclusion of "such other provisions as the Administrator or the State determines appropriate for the control of [] pollutants." This requirement gives USEPA or the State permitting authority discretion to determine what permit conditions are necessary to control pollutants. In its Phase I Stormwater Regulations, Final Rule, USEPA elaborated on these requirements, stating that, "permits for discharges from municipal separate storm sewer systems must require controls to reduce the discharge of pollutants to the maximum extent practicable, and

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stormwater sources that provide numeric pollutant load...objectives, the WLA should, where feasible, be translated into numeric WQBELs in the applicable stormwater permits."

where necessary water quality-based controls” (see 55 Fed. Reg. 47990, 47994 (Nov. 16, 1990)). USEPA reiterated in its Phase II Stormwater Regulations, Final Rule, that MS4 “permit conditions must provide for attainment of applicable water quality standards (including designated uses), allocations of pollutant loads established by a TMDL, and timing requirements for implementation of a TMDL.”<sup>26</sup> USEPA Region IX has also affirmed the agency’s position that MS4 discharges must meet water quality standards in a series of comment letters on MS4 permits issued by various California regional water boards.<sup>27</sup> California Water Code section 13377 also requires that NPDES permits include limitations necessary to implement water quality control plans. Both the State Water Board and Regional Water Board have previously concluded that discharges from the MS4 contain pollutants that have the reasonable potential to cause or contribute to excursion above water quality standards. As such, inclusion of receiving water limitations is appropriate to control MS4 discharges.

The inclusion of receiving water limitations is also consistent with the Ninth Circuit Court of Appeal’s ruling in *Defenders of Wildlife v. Browner* (191 F.3d 1159, 1166 (1999)) that the permitting authority has discretion regarding the nature and timing of requirements that it includes as MS4 permit conditions to attain water quality standards.

The Ninth Circuit Court of Appeals recently explained that, “[w]ater quality standards are used as a supplementary basis for effluent limitations [guidelines] so that numerous dischargers, despite their individual compliance with technology based effluent limitations, can be regulated to prevent water quality from falling below acceptable levels” (*NRDC v. County of Los Angeles* (2011) 673 F.3d 880, 886). Receiving water limitations are included in this Order to ensure that individual and collective discharges from the MS4 do not cause or contribute to exceedances of water quality standards necessary to protect the beneficial uses of the receiving waters.

The receiving water limitations in this Order consist of all applicable numeric or narrative water quality objectives or criteria, or limitations to implement the applicable water quality objectives or criteria, for receiving waters as contained in Chapters 3 and 7 of the Basin Plan, or in water quality control plans or policies adopted by the State Water Resources Control Board, including Resolution No. 68-16, or in federal regulations, including but not limited to, 40 CFR sections 131.12 and 131.38. The water quality objectives in the Basin Plan and other State Water Board plans and policies have been approved by USEPA and combined with the designated beneficial uses constitute the water quality standards required under federal law.

The receiving water limitations provisions in this Order are the same as those included in the previous Los Angeles County MS4 Permit provisions, and are based on precedential State Water Board Orders WQ 98-01 and WQ 99-05. This Order includes three main provisions related to receiving water limitations. First, consistent with CWA section 402(p)(B)(3)(iii) and 40 CFR section 122.44(d)(1), it includes a provision stating that discharges from the MS4 that cause or contribute to an exceedance of receiving water limitations are prohibited. This is also in accord with the State Water Board’s

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<sup>26</sup> See, e.g., Phase II Stormwater Regulations, Final Rule, 64 Fed. Reg. 68722, 68737.

<sup>27</sup> See, e.g., letter from Alexis Strauss, Acting Director, Water Division, USEPA Region IX, to Walt Pettit, Executive Director, State Water Board, re: SWRCB/OCC File A-1041 for Orange County, dated January 21, 1998.

finding in Order WQ 98-01 (“The [State Water Board] agrees that the NPDES permit must prohibit discharges that “cause” or “contribute” to violations of water quality standards.”). Second, it includes a provision stating that discharges from the MS4 of stormwater or non-stormwater, for which a Permittee is responsible, shall not cause or contribute to a condition of nuisance.<sup>28</sup>

Third, it includes a provision that states that Permittees shall achieve these two prohibitions “through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the storm water management program and its components and other requirements of this Order including any modifications.” This third provision elucidates the process by which Permittees are expected to achieve the first two provisions and then outlines the so-called “iterative process” whereby certain actions are required when exceedances of receiving water limitations occur and discharges from the MS4 are implicated. This iterative process includes submitting a Receiving Water Limitations Compliance Report; revising the storm water management program and its components to include additional BMPs, an implementation schedule and additional monitoring to address the exceedances; and implementing the revised storm water management program. The inclusion of this protocol for estimating BMP effectiveness and taking additional actions such as implementing additional BMPs and/or modifying BMPs to improve their effectiveness when monitoring demonstrates that they are necessary to protect water quality is consistent with USEPA’s expectations for MS4 permits.<sup>29</sup>

The State and Regional Water Boards have stated that each of the three provisions are independently applicable, meaning that compliance with one provision does not provide a “safe harbor” where there is non-compliance with another provision (i.e., compliance with the third provision does not shield a Permittee who may have violated the first or second provision from an enforcement action). Rather, the third provision is intended to ensure that the necessary storm water management programs and controls are in place, and that they are modified by Permittees in a timely fashion when necessary, so that the first two provisions are achieved as soon as possible. USEPA expressed the importance of this independent applicability in a series of comment letters on MS4 permits proposed by various regional water boards. At that time, USEPA expressly objected to certain MS4 permits that included language stating, “permittees will not be in violation of this [receiving water limitation] provision ...” (if certain steps are taken to evaluate and improve the effectiveness of the Drainage Area Management Plan (DAMP)), concluding that this phrase would not comply with the CWA.<sup>30</sup>

The Receiving Water Limitations provisions of Order No. 01-182 have been litigated twice, and in both cases the courts have upheld the language and the State and Regional Water Board’s interpretation of it. Both courts ruled that the first two provisions

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<sup>28</sup> Wat. Code, § 13377 (“the state board or the regional boards shall . . . issue waste discharge requirements and dredged or fill material permits which apply and ensure compliance with all applicable provisions of the [CWA], thereto, together with any more stringent effluent standards or limitations necessary to implement waste quality control plans, or for the protection of beneficial uses, or to prevent nuisance”).

<sup>29</sup> See, e.g., USEPA 2002 memorandum, “Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs.”

<sup>30</sup> See note 20.

are independently applicable from the third provision that establishes the “iterative process” requirements and no “safe harbor” exists.

The provisions were first litigated in 2005 where the Los Angeles County Superior Court stated, “In sum, the Regional [Water] Board acted within its authority when it included Parts 2.1 and 2.2 in the Permit without a ‘safe harbor,’ whether or not compliance therewith requires efforts that exceed the ‘MEP’ standard.” (*In re L.A. Cnty. Mun. Storm Water Permit Litig.* (L.A. Super. Ct., No. BS 080548, Mar. 24, 2005) Statement of Decision from Phase I Trial on Petitions for Writ of Mandate, pp. 4-5, 7.).

The provisions were again litigated in 2011. In that case, the Ninth Circuit Court of Appeal in *NRDC v. County of Los Angeles* (673 F.3d 880, 886) affirmed that the iterative process (in Part 2.3 of the 2001 Order) does not “forgive” violations of the discharge prohibitions (in Parts 2.1 and 2.2 of the 2001 Order). The court acknowledged that Part 2.3 clarifies that Parts 2 and 3 interact, but the court concluded that Part 2.3 “offers no textual support for the proposition that compliance with certain provisions shall forgive non-compliance with the discharge prohibitions.” The Ninth Circuit further concluded that, “[a]s opposed to absolving noncompliance or exclusively adopting the MEP standard, the iterative process ensures that if water quality standards ‘persist,’ despite prior abatement efforts, a process will commence whereby a responsible Permittee amends its SQMP. Given that Part 3 of the [2001] Permit states that SQMP implementation is the ‘minimum’ required of each Permittee, the discharge prohibitions serve as additional requirements that operate as enforceable water-quality-based performance standards required by the Regional Board.”

Nonetheless, the Regional Water Board is in a unique position to be able to offer multiple paths to compliance with receiving water limitations in this MS4 permit. The Regional Board has worked closely with the US EPA in implementing the requirements of the 1999 consent decree between EPA and the environmental groups. The requirements of the consent decree are nearly complete and 33 of these TMDLs addressing hundreds of waterbody-pollutant combinations covering every coastal watershed in Los Angeles County will be implemented in this Order. The number of TMDLs, and hundreds of water quality issues that the TMDLs address, is unprecedented anywhere else in California. These extensive and enforceable implementation programs for addressing myriad water quality issues throughout the County, coupled with more robust core provision requirements, and commitments to implement watershed solutions to address all impairments in regional waters, allows this Board to consider the compliance mechanisms described below. These compliance mechanisms provide an incentive and robust framework for Permittees to craft comprehensive pathways to achieve compliance with receiving water limitations – both those addressed by TMDLs and those not addressed by TMDLs. This compliance mechanism is contingent upon participating Permittees being in full compliance with all requirements articulated in the permit and approved Watershed Management Program or EWMP in order to take advantage of these provisions.

This Order includes requirements in Part VI.E of this Order to implement WLAs assigned to MS4 discharges from 33 TMDLs. Those TMDLs adopted through the State’s basin planning process include programs of implementation pursuant to

California Water Code section 13242, including implementation schedules, for attaining water quality standards. The TMDL provisions in Part VI.E and attachments include compliance schedules for TMDLs adopted by the Regional Water Board consistent with the TMDL implementation schedule to achieve the final receiving water limitations. The Regional Water Board recognizes that, in the case of impaired waters subject to a TMDL, the permit's receiving water limitations for the pollutants addressed by the TMDL may be exceeded during the period of TMDL implementation. Therefore, this Order provides, in Part VI.E.2.c, that a Permittee's full compliance with the applicable TMDL requirements pursuant to the compliance schedules in this Order constitutes a Permittee's compliance with the receiving water limitations provisions in Part V.A. of this Order for the particular pollutant addressed by the TMDL.

For water body-pollutant combinations not addressed by a TMDL, the Regional Water Board has included provisions in Part VI.C. to allow Permittees to develop a Watershed Management Program or EWMP to address receiving water limitations not otherwise addressed by a TMDL. The Watershed Management Program must include a Reasonable Assurance Analysis (RAA) that is quantitative and performed using a peer-reviewed model in the public domain. Models to be considered for the RAA, without exclusion, are the Watershed Management Modeling System (WMMS), Hydrologic Simulation Program-FORTRAN (HSPF), and the Structural BMP Prioritization and Analysis Tool (SBPAT). The RAA shall commence with assembly of all available, relevant subwatershed data collected within the last 10 years, including land use and pollutant loading data, establishment of quality assurance/quality control (QA/QC) criteria, QA/QC checks of the data, and identification of the data set meeting the criteria for use in the analysis. Data on performance of watershed control measures needed as model input shall be drawn only from peer-reviewed sources. These data shall be statistically analyzed to determine the best estimate of performance and the confidence limits on that estimate for the pollutants to be evaluated. The objective of the RAA shall be to demonstrate the ability of Watershed Management Programs and enhanced Watershed Management Programs (where retention of the 85<sup>th</sup> percentile, 24-hour event is not technically feasible) to ensure that Permittees' MS4 discharges achieve applicable water quality based effluent limitations and do not cause or contribute to exceedances of receiving water limitations.

A Permittee's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or enhanced Watershed Management Program constitutes compliance with the receiving water limitations provisions in Part V.A. of the Order for the specific water body-pollutant combinations addressed by an approved Watershed Management Program or enhanced Watershed Management Program. However, if a Permittee fails to meet any requirement or date for its achievement beginning with notification of a Permittee's intent to develop a Watershed Management Program or EWMP, and continuing with implementation of an approved Watershed Management Program or enhanced Watershed Management Program, the Permittee is subject to the provisions of Part V.A. for the waterbody-pollutant combination(s) that were to be addressed by the requirement. Permittees that do not elect to develop a Watershed Management Program or EWMP are required to demonstrate compliance with receiving water limitations pursuant to Part V.A.

## **VI. RATIONALE FOR PROVISIONS**

### **A. Standard Provisions**

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. Dischargers must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR section 122.42.

### **B. Watershed Management Programs**

The purpose of the Watershed Management Programs is to provide a framework for Permittees to implement the requirements of this Order in an integrated and collaborative fashion to address water quality priorities on a watershed scale, including complying with the requirements of Part V.A. (Receiving Water Limitations), Part VI.E (Total Maximum Daily Load Provisions) and Attachments L through R, by customizing the control measures in Parts III.A.4 (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures). This watershed management paradigm is consistent with federal regulations that support the development of permit conditions, as well as the implementation of storm water management programs, at a watershed scale (40 CFR §§ 122.26(a)(3)(ii), 122.26(a)(3)(v), and 122.26(d)(2)(iv)). USEPA later issued a Watershed-Based NPDES Permitting Policy Statement (USEPA, 2003) that defines watershed-based permitting as an approach that produces NPDES permits that are issued to point sources on a geographic or watershed basis. In this policy statement, USEPA explains that, “[t]he utility of this tool relies heavily on a detailed, integrated, and inclusive watershed planning process.” USEPA identifies a number of important benefits of watershed permitting, including more environmentally effective results; the ability to emphasize measuring the effectiveness of targeted actions on improvements in water quality; reduced cost of improving the quality of the nation’s waters; and more effective implementation of watershed plans, including TMDLs, among others.

There are several reasons for this shift in emphasis from Order No. 01-182. A watershed based structure for permit implementation is consistent with TMDLs developed by the Los Angeles Water Board and USEPA, which are established at a watershed or subwatershed scale and are a prominent new part of this Order. Many of the Permittees regulated by this Order have already begun collaborating on a watershed scale to develop monitoring and implementation plans required by TMDLs. Additionally, a watershed based structure comports with the recent amendment to the Los Angeles County Flood Control Act (Assembly Bill 2554 in 2010), which allows the LACFCD to assess a parcel tax for storm water and clean water programs. Funding is subject to voter approval in accordance with Proposition 218. Fifty percent of funding is allocated to nine “watershed authority groups” to implement collaborative water quality improvement plans.

An emphasis on watersheds is appropriate at this stage in the region’s MS4 program to shift the focus of the Permittees from rote program development and implementation to more targeted, water quality driven planning and implementation. Addressing MS4

discharges on a watershed scale focuses on water quality results by emphasizing the receiving waters within the watershed. The conditions of the receiving waters drive management actions, which in turn focus on the measures to address pollutant contributions from MS4 discharges.

The ultimate goal of the Watershed Management Programs is to ensure that discharges from the Los Angeles County MS4: (i) achieve applicable WQBELs that implement TMDLs, (ii) do not cause or contribute to exceedances of receiving water limitations, and (iii) for non-storm water discharges from the MS4, are not a source of pollutants to receiving waters.

After more than 20 years of program implementation, it is critical that the Permittees design and implement their programs based on their improved knowledge of storm water and its impacts on local receiving waters and by employing BMPs and other control measures that have been developed and refined over the past two decades. The Watershed Management Programs are driven by strategic planning and implementation, which will ultimately result in more cost effective implementation. The Watershed Management Programs will provide permittees with the flexibility to prioritize and customize control measures to address the water quality issues specific to the watershed management area (WMA), consistent with federal regulations (40 CFR § 122.26(d)(2)(iv)).

Focusing on watershed implementation does not mean that the Permittees must expend funds outside of their jurisdictions. Rather, the Permittees within each watershed are expected to collaborate to develop a watershed strategy to address the high priority water quality problems within each watershed. They have the option of implementing the strategy in the manner they find to be most effective. Each Permittee can implement the strategy individually within its jurisdiction, or the Permittees can group together to implement the strategy throughout the watershed.

While this Order includes a new emphasis on addressing MS4 discharges on a watershed basis, this Order includes recognition of the importance of continued program implementation on jurisdictional levels. This Order also acknowledges that jurisdictional and watershed efforts may be integrated to achieve water quality outcomes.

In this Order, the watershed requirements serve as the mechanism for this program integration. Since jurisdictional activities also serve watershed purposes, such activities can be integrated into the Permittees' watershed management programs. Such opportunities for program integration inherently provide flexibility to the Permittees in implementing their programs. Program integration can be expanded or minimized as the Permittees see fit. Some Permittees may opt to continue jurisdiction-specific implementation for certain programs, while for other program areas more collaborative watershed scale implementation may be more effective. Permittees identify individual roles and responsibilities as part of the Watershed Management Program Plan.

Permittees can customize the BMPs to be implemented, or required to be implemented, for development, construction, and existing development areas. Flexibility to determine

which industrial or commercial sites are to be inspected is also provided to the Permittees. Educational approaches are also to be determined by the Permittees under this Order. Significant leeway is also provided to the Permittees in using methods to assess the effectiveness of their various runoff management programs. This flexibility is further extended to the monitoring program requirements, which allow the Permittees to develop monitoring approaches to several aspects of the monitoring program.

The challenge in drafting this Order is to provide the flexibility described above, while ensuring that this Order provides baseline requirements and is still enforceable. To achieve this, this Order frequently prescribes baseline or default requirements, such as for each of the six "minimum control measures" within a Permittee's baseline storm water management program, while providing the Permittees with flexibility to propose customized actions as part of their watershed management program.

Permittees that elect to develop a Watershed Management Program must submit a "Notice of Intent" to the Regional Water Board no later than six months after the effective date of this Order. The Notice of Intent must be signed by all Permittees electing to participate in the Watershed Management Program for the Watershed Management Area. Permittees that do not elect to develop a Watershed Management Program are subject to the baseline storm water management program requirements in this Order and must demonstrate compliance with applicable WQBELs through monitoring data collected from the Permittee's outfall(s).

Permittees electing to develop a Watershed Management Program must submit a draft plan for approval by the Regional Water Board or by the Executive Officer on behalf of the Regional Water Board no later than one year after the effective date of the Order, or if certain conditions are met, no later than 18 months or 30 months after the effective date of the Order. To encourage stakeholder involvement in the development of the Watershed Management Programs, the Order requires that the Permittees form a permit-wide technical advisory committee (TAC) that will advise and participate in the development of the Watershed Management Programs. The TAC must include at least one public representative from a non-governmental organization with public membership. Additionally, the Order requires that the draft Watershed Management Programs are made available for public review prior to approval by the Regional Water Board or Executive Officer on behalf of the Regional Water Board.

Each Watershed Management Program must:

1. Prioritize water quality issues resulting from storm water and non-storm water discharges to the MS4 and from the MS4 to receiving waters within each Watershed Management Area,
2. Identify and implement strategies, control measures, and BMPs to achieve applicable water quality based effluent limitations and/or receiving water limitations, consistent with applicable compliance schedules in this Order,
3. Execute an integrated monitoring and assessment program to determine progress towards achieving applicable limitations, and
4. Modify strategies, control measures, and BMPs as necessary based on analysis of monitoring data collected pursuant to the MRP to ensure that applicable water



quality-based effluent limitations and receiving water limitations and other milestones set forth in the Watershed Management Program will be achieved.

Watershed Management Programs must be developed using the Regional Water Board's Watershed Management Areas (see Attachments B and C of this Order). Where appropriate, Watershed Management Areas may be separated into subwatersheds to focus water quality prioritization and implementation efforts by receiving water, or to align Permittee groups with "watershed authority groups" designated in the Los Angeles County Flood Control Act, so long as the Permittees implement all TMDL provisions for which they are identified as a responsible Permittee.

Permittees must identify the water quality priorities within each Watershed Management Area that will be addressed by the Watershed Management Program consistent with 40 CFR section 122.26(d)(2)(iv). At a minimum, these priorities must include achieving applicable water quality based effluent limitations and/or receiving water limitations established pursuant to TMDLs and included in this Order.

Each plan must include an evaluation of existing water quality conditions, including characterization of storm water and non-storm water discharges from the MS4 and receiving water quality, consistent with 40 CFR §§ 122.26(d)(1)(iv) and 122.26(d)(2)(iii), to support identification and prioritization/sequencing of management actions.

On the basis of the evaluation of existing water quality conditions, water body-pollutant combinations must be classified into one of the following three categories:

- Category 1 (Highest Priority): Water body-pollutant combinations for which water quality based effluent limitations and/or receiving water limitations are included in this Order to implement TMDLs.
- Category 2 (High Priority): Pollutants for which data indicate water quality impairment in the receiving water according to the State's Listing Policy and for which MS4 discharges may be causing or contributing to the impairment.
- Category 3 (Medium Priority): Pollutants for which there are insufficient data to indicate water quality impairment in the receiving water according to the State's Listing Policy, but which exceed applicable receiving water limitations contained in this Order and for which MS4 discharges may be causing or contributing to the exceedance.

Utilizing existing information, potential sources within the watershed for the pollutants in Categories 1 and 2 must be identified, consistent with 40 CFR sections 122.26(d)(1)(iii) and 122.26(d)(2)(ii). Permittees must identify known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the highest water quality priorities (Categories 1 and 2).

Based on the findings of the source assessment, the issues within each watershed must be prioritized and sequenced. Factors that must be considered in establishing watershed priorities include:

1. Pollutants for which there are water quality based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term.
2. Pollutants for which there are water quality based effluent limitations and/or receiving water limitations with interim or final compliance deadlines between October 26, 2012 and October 25, 2017.
3. Pollutants for which data indicate impairment in the receiving water and the findings from the source assessment implicates discharges from the MS4, but no TMDL has been developed.

Permittees must identify strategies, control measures, and BMPs to implement through their jurisdictional storm water management programs, or collectively on a watershed scale, with the goal of creating an efficient program to focus individual and collective resources on watershed priorities.

The following provisions of this Order may be part of the Watershed Control Measures within a Watershed Management Program:

1. **Minimum Control Measures.** Permittees may assess the minimum control measures (MCMs) as defined in this Order to identify opportunities for focusing resources on the high priority issues in each watershed. For each of the following minimum control measures, Permittees may propose modifications that will achieve equivalent pollutant control given watershed priorities:
  - a. Development Construction Program
  - b. Industrial/Commercial Program
  - c. Illicit Connection/Illicit Discharge Detection and Elimination Program
  - d. Public Agency Activities Program
  - e. Public Information and Participation Program
2. **Non-Storm Water Discharge Measures.** Where Permittees identify non-storm water discharges from the MS4 as a source of pollutants in the source assessment, the Watershed Control Measures must include strategies, control measures, and/or BMPs that will be implemented to effectively eliminate the source of pollutants. These may include measures to prohibit the non-storm water discharge to the MS4, additional BMPs to reduce pollutants in the non-storm water discharge or conveyed by the non-storm water discharge, or strategies to require the non-storm water discharge to be separately regulated under a general NPDES permit.
3. **TMDL Control Measures.** Permittees must compile control measures that have been identified in TMDLs and corresponding implementation plans. If not sufficiently identified in previous documents, or if implementation plans have not yet been developed (e.g., EPA promulgated TMDLs), the Permittees must evaluate and identify control measures to achieve water quality based effluent limitations and/or receiving water limitations established in this Order pursuant to these TMDLs.
  - a. TMDL control measures must include, where necessary, control measures to address both storm water and non-storm water discharges from the MS4.

- b. TMDL control measures may include activities covered under the MCMs as well as BMPs and other control measures covered under the non-stormwater discharge provisions of this Order.
- c. TMDL control measures must include, at a minimum, those actions that will be implemented during the permit term to achieve interim and/or final water quality based effluent limitations and/or receiving water limitations with compliance deadlines within the permit term.

Pursuant to 40 CFR sections 124.8, 124.9, and 124.18, as part of the Watershed Management Program plan, Permittees must conduct a Reasonable Assurance Analysis for each TMDL that consists of an assessment (through quantitative analysis or modeling) to demonstrate that the activities and control measures (i.e. BMPs) identified in the Watershed Control Measures will achieve applicable water quality based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term.

Permittees must incorporate and, where necessary develop, numeric milestones and compliance schedules into the plan consistent with 40 CFR section 122.47(a). Numeric milestones and schedules shall be used to measure progress towards addressing the highest water quality priorities and achieving applicable water quality based effluent limitations and/or receiving water limitations. Where the TMDL Provisions do not include interim or final water quality based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term, Permittees must identify interim numeric milestones and compliance schedules to ensure significant progress toward achieving interim and final water quality based effluent limitations and/or receiving water limitations with deadlines beyond the permit term (40 CFR § 122.47(a)(3)).

Schedules must be developed for both the strategies, control measures and BMPs to be implemented by each individual Permittee within its jurisdiction and for those that will be implemented by multiple Permittees on a watershed scale. Schedules must be adequate for measuring progress at least twice during the permit term. Schedules must incorporate the following:

1. Compliance deadlines occurring within the permit term for all applicable interim and/or final water quality based effluent limitations and/or receiving water limitations to implement TMDLs,
2. Interim deadlines and numeric milestones within the permit term for any applicable final water quality based effluent limitation and/or receiving water limitation to implement TMDLs, where deadlines within the permit term are not otherwise specified,
3. For watershed priorities related to addressing exceedances of receiving water limitations in Part V.A and not otherwise addressed by Part VI.E:
  - a. Numeric milestones based on measureable criteria or indicators, to be achieved in the receiving waters and/or MS4 discharges,

- b.** A schedule with interim and final dates for achieving the numeric milestones, and
- c.** Final dates for achieving the receiving water limitations as soon as possible.

Each Permittee must implement the Watershed Management Program immediately after determination by the Regional Water Board Executive Officer that the Watershed Management Program meets the requirements of this Order.

Clean Water Act section 402(a)(2) requires the permitting authority to prescribe conditions for MS4 permits to assure compliance, including conditions on data and information collection, reporting, and such other requirements as appropriate. Consistent with this requirement, Permittees in each Watershed Management Area must develop an integrated program to assess the progress toward achieving the water quality based effluent limitations and/or receiving water limitations per the compliance schedules, and the progress toward addressing the highest water quality priorities for each Watershed Management Area. The integrated watershed monitoring and assessment program may be customized, but must contain the basic elements (receiving water monitoring, storm water outfall monitoring, non-storm water outfall monitoring, new development/re-development effectiveness tracking and regional studies), and achieve the objectives of, the Monitoring and Reporting Program (MRP) (Attachment E of this Order).

Permittees in each Watershed Management Area must implement an adaptive management process, at least twice during the permit term, adapting the Watershed Management Program to become more effective, based on, but not limited to the following:

1. Progress toward achieving the outcome of improved water quality in MS4 discharges and receiving waters through implementation of the watershed control measures;
2. Progress toward achieving interim and/or final water quality based effluent limitations and/or receiving water limitations, or other numeric milestones where specified, according to established compliance schedules;
3. Re-evaluation of the highest water quality priorities identified for the Watershed Management Area based on more recent water quality data for discharges from the MS4 and the receiving water(s) and a reassessment of sources of pollutants in MS4 discharges;
4. Availability of new information and data from sources other than the Permittees' monitoring program(s) within the Watershed Management Area that informs the effectiveness of the actions implemented by the Permittees;
5. Regional Water Board recommendations; and
6. Recommendations for modifications to the Watershed Management Program solicited through a public participation process, consistent with 40 CFR section 122.26(d)(2)(iv).

Based on the results of the iterative process, Permittees are required to report any modifications necessary to improve the effectiveness of the Watershed Management Program in the Annual Report, and as part of the Report of Waste Discharge (ROWD). Permittees must implement any modifications to the Watershed Management Program upon acceptance by the Regional Water Board Executive Officer.

### **C. Storm Water Management Program Minimum Control Measures (MCMs)**

#### **1. General Requirements**

**a. Basis for MCMs.** 40 CFR section 122.26(d)(2)(iv) establishes required elements of the Permittees' storm water management program. The previous permit, Order No. 01-182, included six categories of minimum control measures that are considered to be baseline or default requirements for meeting the requirements of 40 CFR section 122.26(d)(2)(iv). These requirements were determined appropriate within Order No. 01-182 and again appropriate for this Order. The minimum control measures require Permittees to implement BMPs that are considered necessary to reduce pollutants in storm water to the MEP and to effectively prohibit non-storm water discharges. In lieu of implementing the MCMs as described in Part VI of this Order, this Order allows for Permittees to develop alternative BMPs to comply with 40 CFR section 122.26(d)(2)(iv), when implemented through a Watershed Management Program approved by the Executive Officer of the Regional Water Board.

#### **b. Timelines for Implementation**

The timelines for implementation of most MCMs contained in Part VI.D of this Order is provided in Table F-5 below. Where implementation dates for minimum control measures are not provided in the Table, Part VI.D.1.b requires implementation within 6 months of the effective date this Order. Unless otherwise noted in Part VI.D of the Order, each Permittee that does not elect to develop a Watershed Management Program or enhanced Watershed Management Program per Part VI.C must implement the requirements contained in Part VI.D within 6 months after the effective date of this Order. In the interim, a Permittee shall continue to implement its existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR section 122.26(d)(2)(iv).

Permittees that elect to develop a Watershed Management Program or enhanced Watershed Management Program shall continue to implement their existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with 40 CFR section 122.26(d)(2)(iv) until the Watershed Management Program or enhanced Watershed Management Program is approved by the Regional Water Board Executive Officer. The Table below denotes the timeframe for requirements as well as the basis of those timeframes. The majority of the timeframes are consistent with Order No. 01-182 as well as other area permits including the Ventura County MS4 Permit and the State Water Board's Construction General

NPDES Permit. The timeframe for notifications, submittals, and attaining compliance with permit requirements are determined to be the earliest practicable periods and ensure timely measures for protection of water quality.

**Table F-5. Timeline for the Implementation of Permit Requirements**

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
<b>Discharge Prohibitions</b>			
III.A.2.a.ii	Drinking water suppliers must notify MS4 Permittee if intend to discharge to the Permittee's MS4.	At least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge.	Allows for advanced notice and sampling, if warranted.
III.A.4.e	If the Permittee determines that any of the authorized or conditionally exempt essential non-storm water discharges identified in Parts III.A.1.a through III.A.1.c, III.A.2.a or III.A.3 is a source of pollutants, notify the Regional Water Board if the non-storm water discharge has coverage under a separate NPDES permit or subject to a Record of Decision (ROD) approved under section 121 of CERCLA, or a conditionally exempt essential non-storm water discharge or emergency non-storm water discharge.	Within 30 days of determination.	The language in the previous LA MS4 permit, Order No. 01-182, states "promptly." The specification of a 30 day deadline is considered reasonable and the earliest practicable deadline to ensure the protection of water quality.
Table III.A	<u>Dewatering of Lakes</u> – Ensure procedures for advanced notification by the lake owner/operator to the Permittee(s).	At least 72 hours in advance of discharge.	Allows for advanced notice and sampling, if warranted.
Table III.A	<u>Dechlorinated/debrominated swimming pool/spa discharges</u> – Ensure procedures for advanced notification by the pool owner to the Permittee(s) prior to planned discharges of 100,000 gallons or more.	At least 72 hours in advance of discharge.	Allows for advanced notice and sampling, if warranted.
Table III.A	<u>Dewatering of decorative fountains</u> – Ensure procedures for advanced notification by the fountain owner to the Permittee(s) prior to planned discharges of 100,000 gallons or more.	At least 72 hours in advance of discharge.	Allows for advanced notice and sampling, if warranted.
<b>Receiving Water Limitations</b>			
V.A.3.a	Upon determination by either the Permittee or the Regional Water Board that discharges from the MS4 are causing or contributing to an exceedance of an applicable Receiving Water Limitation, the Permittee shall notify the Regional Water Board within 30 days of analytical results and thereafter submit an Integrated Monitoring Compliance Report within the next	Within 30 days of receipt of analytical results from the sampling event.	The language in the current LA MS4 permit reads "promptly." The specification of a 30 day deadline is considered reasonable and the earliest practicable deadline to ensure the protection of water quality.

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	Annual Report.		
V.A.3.b	Submit any modifications to the Integrated Monitoring Compliance Report required by the Regional Water Board	Within 30 days notification from the Regional Water Board.	This is consistent with Order No. 01-182
V.A.3.c	Permittee shall revise its control measures and monitoring program to incorporate the improved modified BMPs that will be implemented, an implementation schedule, and any additional monitoring required.	Within 30 days following Regional Water Board Executive Officer's approval of the Integrated Monitoring Report.	Allows for adequate time to make modifications.
<b>Provisions</b>			
VI.A.2.j	Discharger shall file with the Regional Water Board a report of waste discharge before making any material change or proposed change in the character, location, or volume of the discharge.	At least 120 days prior to any change.	Standard language.
<b>Special Provisions: Watershed Management Programs</b>			
VI.C.2.b	Permittees that elect to develop a Watershed Management Program must notify the Regional Water Board.	No later than 6 months after the date this Order is adopted.	This provides a reasonable amount of time to determine participation in a WMP, but also ensure adequate time for implementation of watershed scale control measures during the term of this Order.
VI.C.2.c	Permittees that elect to develop a Watershed Management Program shall submit a draft plan to the Regional Water Board Executive Officer.	No later than 18 months after the date this Order is adopted.	This provides a reasonable amount of time to complete the plan but also ensure effective monitoring during the term of this Order.
VI.C.6.a.i	Permittees in each Watershed Management Area shall implement an adaptive management process adapting the Watershed Management Program to become more effective.	At least twice during the permit term.	This encourages application of the iterative approach.
VI.C.6.b.i	Permittees in the Watershed Management Area shall implement the adaptive management process with regard to its jurisdictional storm water management program to improve its effectiveness.	At least annually.	This encourages application of the iterative approach.
<b>Special Provisions: Minimum Control Measures</b>			
VI.D.2.a.i	<u>Progressive Enforcement and Interagency Coordination</u> – In the event that a Permittee determines that a facility or site operator has failed to adequately implement all necessary BMPs, that Permittee shall take progressive enforcement which shall include a follow-up	Follow-up inspection within 4 weeks from the date of the initial inspection and/or investigation.	This is consistent with the current LA MS4 permit.

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	inspection.		
VI.D.2.b	<u>Progressive Enforcement and interagency Coordination</u> – Each Permittee shall initiate investigation of complaints from facilities within its jurisdiction.	Initiate investigation within one business day of complaint.	This is consistent with Order No. 01-182.
VI.D.5.b.ii	<u>Public Information and Participation Program</u> – If participating in a County-wide or Watershed Group PIPP, provide contact information for their appropriate staff responsible for storm water public education activities to the designated PIPP coordinator and contact information changes.	No later than 30 days after a change occurs.	This is consistent with Order No. 01-182 for contact changes, which directs contact changes be sent to Los Angeles County by May 1, 2002. However, with the elimination of the Principal Permittee in this Order, it is more appropriate to direct any contact information changes directly to the PIPP coordinator.
VI.D.6.b.iii	<u>Industrial/Commercial Business Program</u> – Each Permittee shall update its inventory of critical sources.	Update at least annually.	Business turn-over can be significant thus an active inventory is required.
VI.D.6.c.i	<u>Industrial/Commercial Business Program</u> – Each Permittee shall notify the owner/operator of each of its inventoried commercial and industrial sites identified in Part VI.D.5.b of this Order of the BMP requirements applicable.	Notify at least once during the five-year period of this Order.	This is required so that the owner/operator remains informed and vigilant about BMP implementation.
VI.D.6.d.i	<u>Industrial/Commercial Business Program</u> – Each Permittee shall inspect all commercial facilities identified in Part VI.D.5.b of this Order twice during the 5-year term of this Order with a minimum interval of 6 months between the first and second mandatory compliance inspection required.	Provided that the first mandatory compliance inspection occurs no later than 2 years after the date this Order is adopted.	Order No. 01-182 required initial implementation by August 2004 (or a little over 2.5 years), however the 2 year requirement contained in this Order is considered reasonable and the earliest practicable deadline to ensure the protection of water quality.
VI.D.6.e.i.(1)	<u>Industrial/Commercial Business Program</u> – Each Permittee shall perform an initial compliance inspection of all industrial facilities identified in Part VI.D.5.b of this Order	No later than 2 years after the date this Order is adopted.	Order No. 01-182 required initial implementation by August 2004 (or a little over 2.5 years). However, the 2 year requirement contained in this Order is considered reasonable and the earliest practicable deadline to ensure the protection of water quality.
VI.D.6.e.i.(2)	<u>Industrial/Commercial Business Program</u> – Each Permittee shall review the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) database at defined	The first interval shall occur approximately 2 years after the date this Order is adopted. The second interval shall occur approximately 4	This specific requirement for inspecting facilities within certain intervals is a new requirement, but is considered consistent with Order No. 01-182.



Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	intervals to determine if an industrial facility has been recently inspected by the Regional Water Board. The Permittee does not need to inspect the facility if it is determined that the Regional Water Board conducted an inspection of the facility within the prior 24 month period.	years after the date this Order is adopted.	
VI.D.6.e.i.(3)	<u>Industrial/Commercial Business Program</u> – Each Permittee shall evaluate its inventory of industrial facilities and perform a second mandatory compliance inspection at a minimum of 25% of the facilities identified to have filed a No Exposure Certification.	Approximately 3 to 4 years after the date this Order is adopted.	This is consistent Order No. 01-182.
VI.D.7.c.iii.(5).(f)	<u>Planning and Land Development Program</u> – Each Permittee shall develop a schedule for the completion of offsite projects, including milestone dates to identify, fund, design, and construct the projects.	Offsite projects shall be completed as soon as possible, and at the latest within 4 years of the certificate of occupancy for the first project that contributed funds toward the construction of the offsite project.	This requirement is consistent with the provisions contained in the Ventura County Redevelopment Project Area Master Plan (RPAMP).
VI.D.7.d.iv.(1).(c)	<u>Planning and Land Development Program</u> – Each Permittee shall maintain a database providing key information for each new development/re-development subject to the requirements of Part VI.D.6 of this Order.	Each Permittee shall implement a tracking system and an inspection and enforcement program for new development and redevelopment post-construction storm water no later than 60 days after Order adoption date.	Effectiveness tracking of the treatment system is warranted and will also help to ensure adequate maintenance.
VI.D.7.d.i	<u>Planning and Land Development Program</u> – A local LID ordinance that fully incorporated the applicable requirements of this Order shall be submitted to the Executive Officer of the Regional Water Board for approval.	Within 180 days after the date this Order is adopted.	The requirement is deemed acceptable due to the large number of existing LID ordinances within the Permittees and the varied number of templates available nationally.
VI.D.7.d.iii.(1).(a) (ii)	<u>Planning and Land Development Program</u> – Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for BMP maintenance and conduct a maintenance inspection.	At least once a year.	This is consistent with the current Ventura County MS4 permit.
VI.D.7.d.iv	<u>Planning and Land Development Program</u> – Each Permittee shall implement a tracking system and an inspection and enforcement program from new development and redevelopment post-construction storm water BMPs.	No later than 60 days after the date this Order is adopted.	A tracking system is deemed critical to the success of this MCM. Additionally, a tracking system need not be complex and can, and has, been developed using

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
			spreadsheets or equivalent.
VI.D.7.d.iv.(1).(c).ii	<u>Planning and Land Development Program</u> – Inspection of post-construction BMPs to assess operation conditions with particular attention to criteria and procedures for post-construction treatment control and hydromodification control BMP repair, replacement, or re-vegetation.	Inspection at least once every 2 years after project completion.	This is consistent with the current Ventura County MS4 permit.
VI.D.8.j.ii.(1)	<u>Development Construction Program</u> – Inspect public and private construction sites 1 acre or larger that discharge to a tributary listed by the state as an impaired water for sediment or turbidity under CWA § 303(d).	When two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA, within 48 hours of a ½-inch rain event, and at least once every two weeks.	This requirement is consistent with the current State Water Board's General NPDES Construction Permit Requirements.
VI.D.8.j.ii.(1)	<u>Development Construction Program</u> – Inspect public and private construction sites 1 acre or larger determined to be a significant threat to water quality.	When two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA, within 48 hours of a ½-inch rain event, and at least once every two weeks.	This requirement is consistent with the current State Water Board's General NPDES Construction Permit Requirements.
VI.D.8.j.ii.(1)	<u>Development Construction Program</u> – Inspect public and private construction sites 1 acre or larger that do not meet other criteria in Part VI.D.7.j.ii.(1) of this Order.	At least monthly.	This requirement is consistent with the current General Construction Permit Requirements.
VI.D.9.c.iii	<u>Public Agency Activities Program</u> – Each Permittee shall update its facility inventory.	At least once during the term of this Order.	This requirement is deemed reasonable because site conditions can change at existing facilities.
VI.D.9.h.iii.(2)	<u>Public Agency Activities Program</u> – In areas that are not subject to a trash TMDL, each Permittee shall inspect Priority A catch basins.	A minimum of 3 times during the wet season (October 1 through April 15) and once during the dry season every year.	This is consistent with Order No. 01-182.
VI.D.9.h.iii.(2)	<u>Public Agency Activities Program</u> – In areas that are not subject to a trash TMDL, each Permittee shall inspect Priority B catch basins.	A minimum of once during the wet season and once during the dry season every year.	This is consistent with Order No. 01-182.
VI.D.9.h.iii.(2)	<u>Public Agency Activities Program</u> – In areas that are not subject to a trash TMDL, each Permittee shall inspect Priority C catch basins.	A minimum of once per year.	This is consistent with Order No. 01-182.
VI.D.9.h.iv.(1).(c)	<u>Public Agency Activities Program</u> – Provide clean out of catch basins, trash receptacles, and grounds in the event area.	Within one business day subsequent to the event.	This is consistent with the current Ventura County MS4 permit.
VI.D.8.h.vi.(2)	<u>Public Agency Activities Program</u> – Each Permittee shall inspect the	Prior to the wet season every year.	This is consistent with Order No. 01-182.

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	legibility of the stencil or label nearest each inlet.		
VI.D.9.h.vi.(3)	<u>Public Agency Activities Program</u> – Each Permittee shall record all catch basins with illegible stencils and re-stencil or re-label.	Within 180 days of inspection.	This is consistent with Order No. 01-182.
VI.D.9.h.vii.(1)	<u>Public Agency Activities Program</u> – In areas that are not subject to a trash TMDL, each Permittee shall install trash excluders, or equivalent devices, on or in catch basins or outfalls, except at sites where the application of such BMPs alone will cause flooding.	No later than 4 years after the date this Order is adopted in areas specified as Priority A.	This is based on the current Ventura County MS4 permit, but due to the significant number of catch basins in Los Angeles County compared to Ventura County the time frame was lengthened.
VI.D.9.h.viii.(1)	<u>Public Agency Activities Program</u> – Visual monitoring of Permittee-owned open channels and other drainage structures, including debris basins, for debris.	At least annually.	This is consistent with Order No. 01-182.
VI.D.9.h.viii.(2)	<u>Public Agency Activities Program</u> – Removal of trash and debris from open channels.	A minimum of once per year before the wet season.	This is consistent with Order No. 01-182.
VI.D.9.i.ii	<u>Public Agency Activities Program</u> – Each Permittee shall perform street sweeping of curbed streets for Priority A areas.	Swept at least two times per month.	This is consistent with Order No. 01-182.
VI.D.9.i.ii	<u>Public Agency Activities Program</u> – Each Permittee shall perform street sweeping of curbed streets for Priority B areas.	Swept at least once per month.	This is consistent with Order No. 01-182.
VI.D.9.i.ii	<u>Public Agency Activities Program</u> – Each Permittee shall perform street sweeping of curbed streets for Priority C areas.	Swept as necessary but in no case less than once per year.	This is consistent with Order No. 01-182.
VI.D.9.i.iv.(1)	<u>Public Agency Activities Program</u> – Permittee-owned parking lots exposed to storm water shall be kept clear of debris and excessive oil buildup and cleaned.	No less than 2 times per month and/or inspected no less than 2 times per month to determine if cleaning is necessary. In no case shall a Permittee-owned parking lot be cleaned less than once a month.	This is consistent with Order No. 01-182.
VI.D.9.j.i.(2)	<u>Public Agency Activities Program</u> – Where the self-waiver has been invoked, the Permittee shall submit to the Regional Water Board Executive Officer a statement of the occurrence of the emergency, an explanation of the circumstances, and the measures that were implemented to reduce the threat to water quality.	No later than 30 business days after the situation of emergency has passed.	This is consistent with the current Ventura County MS4 permit.
VI.D.9.k.i	<u>Public Agency Activities Program</u> – Each Permittee shall train or ensure training of all of their employees	No later than 1 year after the date this Order is adopted and annually	Order No. 01-182 allowed for this to be initially completed by August

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	and contractors in targeted positions on the requirements of the overall storm water management program.	thereafter before June 30.	2002. However, since this implementation of this requirement is continuing from the previous LA MS4 permit, implementation within a year is considered reasonable and the earliest practicable period for implementation. This is consistent with Order No. 01-182 and the current Ventura County MS4 permit.
VI.D.9.k.ii	<u>Public Agency Activities Program</u> – Each Permittee shall train all of their employees and contractors or ensure training for all who use or have the potential to use pesticides or fertilizers.	No later than 1 year after the date this Order is adopted and annually thereafter before June 30.	This is consistent with the current Ventura County MS4 permit.
VI.D.10.b.ii	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Each Permittee shall initiate investigation(s) to identify and locate the source of an illicit discharge.	Within 72 hours of becoming aware of the illicit discharge.	Order No. 01-182 and the current Ventura County MS4 permit require illicit discharge investigations be initiated within 1 business day. However, the 72 hour requirement takes into account the possibility of weekend spills.
VI.D.10.b.iv.(2)	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – If the source of the illicit discharge has been determined to originate within an upstream jurisdiction, the Permittee shall notify the upstream jurisdiction and the Regional Water Board.	Within 30 days of such determination.	This ensures the ID is addressed in a reasonable period of time by the upstream jurisdiction.
VI.D.10.b.v	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – In the event the Permittee is unable to eliminate an ongoing illicit discharge following full execution of its legal authority and in accordance with its Progressive Enforcement Policy, or other circumstances prevent the full elimination of an ongoing illicit discharge, the Permittee shall work with the Regional Water Board to provide a diversion of the entire flow to the sanitary sewer or provide treatment.	Notify the Regional Water Board within 30 days of such determination and provide a written plan for review and comment.	This ensures the Regional Water Board is effectively engaged in the ultimate disposition of ongoing illicit discharges.
VI.D.10.c.ii	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Each Permittee, upon discovery or upon receiving a report of a suspected illicit connection, shall	Initiate investigation within 21 days of discovery.	This is consistent with Order No. 01-182 and the current Ventura County MS4 permit.

Part Number	Requirement Summary	Timeframe	Basis for Timeframe
	initiate an investigation.		
VI.D.10.c.iii.(2)	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Each Permittee, upon confirmation of an illicit MS4 connection, shall ensure that the connection is eliminated.	Within 180 days of completion of the investigation.	This is consistent with Order No. 01-182 and the current Ventura County MS4 permit.
VI.D.10.e.i.(2)	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Initiate investigation of all public and employee illicit discharge and spill complaints.	Within 1 business day of receiving the complaint.	This is consistent with Order No. 01-182 and the current Ventura County MS4 permit.
VI.D.10.e.i.(3)	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Response to spills for containment.	Within 4 hours of becoming aware of the spill, except where such spills occur on private property, in which case should be within 2 hours of gaining legal access to the property.	The requirement that spills be responded to within 4 hours of becoming aware of the spill, except where such spills occur on private property, in which case should be within 2 hours of gaining legal access to the property is the earliest practicable period for implementation and ensures the protection of water quality.
VI.D.10.f.iv	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – Each Permittee must create a list of applicable staff and contractors which require IC/ID training and ensure that training is provided.	At least twice during the term of this Order.	This requirement is new and twice during the term of this Order is considered reasonable and the earliest practicable period for implementation.
VI.D.10.f.v	<u>Illicit Connections and Illicit Discharges Elimination Program</u> – New Permittee staff members must be provided with IC/ID training.	Within 180 days of starting employment.	The current Ventura MS4 permit specifies that within 1 year all employees must be trained. However, the requirement that employees be trained within 180 days of starting employment is the earliest practicable period for implementation and ensures the protection of water quality.

## 2. Progressive Enforcement

Progressive enforcement is a series of defined and reproducible enforcement actions whereby consequences of non-compliance increase with each incremental enforcement steps. Progressive enforcement includes procedures to coordinate enforcement between the Regional Water Board and Permittees. As the Regional Water Board is the agency responsible for implementing the NPDES program, it has the authority to step in when enforcement actions of Permittee are unsuccessful in bringing dischargers into compliance with the permit. As such, progressive enforcement is an effective strategy to achieve timely compliance with permit

requirements. Order No. 01-182 included requirements for a progressive enforcement strategy that are carried over to this Order, with some modifications. This Order includes supplemental documentation requirements for site acreage and Risk Factor rating, when making a referral to the Regional Water Board for MS4 permit non-compliance of a discharger under the construction general permit. This requirement is necessary information for the Regional Water Board consideration. Moreover, this Order eliminates the provision within Order No. 01-182 that allows the Regional Water Board and Permittees to form a storm water task force. This provision was removed because the ability for coordinated enforcement between the Regional Water Board and Permittees is adequately established through remaining provisions within Part VI.D.2 of this Order.

### **3. Modifications/Revisions**

This Order requires each Permittee to modify its storm water management programs, protocols, practices, and municipal codes to be consistent with this Order. This provision is necessary to ensure that each Permittee takes all the steps necessary to update the core and ancillary programs that are required to ensure compliance with this Order. A significant change from Order No. 01-182 is that this obligation now rests with each individual Permittee rather than the Principal Permittee.

### **4. Public Information and Participation Program**

#### **a. Legal Authority**

NPDES regulation 40 CFR section 122.26(d)(2)(iv)(A)(6) provides that the proposed management program include "A description of a program to reduce to the maximum extent practicable, pollutants in discharges from MS4s associated with the application of pesticides, herbicides, and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications, and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities."

NPDES regulation 40 CFR section 122.26(d)(2)(iv)(B)(6) provides that the proposed management program include " A description of education activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials."

To satisfy the Public Education and Outreach minimum control measure, the Permittees need to implement a Public Information and Participation Program (PIPP) that has the following objectives: (1) measurably increase the knowledge of the target audiences about the MS4, the adverse impacts of storm water pollution of receiving waters and potential solutions to mitigate the impacts, (2) measurably change the waste disposal and storm water pollution generation behavior of target audiences by developing and encouraging implementation of appropriate activities, and (3) involve and engage a diversity of socio-economic

groups and ethnic communities in Los Angeles County to participate in mitigating the impacts of storm water pollution.

## **b. Background**

Implementation of a PIPP is a critical BMP and a necessary component of a storm water management program. The State Water Board Technical Advisory Committee "recognizes that education with an emphasis on pollution prevention is the fundamental basis for solving nonpoint source pollution problems." The USEPA Phase II Fact Sheet 2.3 (Fact Sheet 2.3) finds that "An informed and knowledgeable community is critical to the success of a storm water management program since it helps insure the following: (i) greater support for the program as the public gains a greater understanding of the reasons why it is necessary and important, and (ii) greater compliance with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters."<sup>31</sup>

Furthermore, the public can provide valuable input and assistance to a municipal storm water management program and, therefore, should play an active role in the development and implementation of the program. An active and involved community is essential to the success of a storm water management program because it allows for:

- Broader public support since residents who participate in the development and decision making process are partially responsible for the program and, therefore, are more likely to take an active role in its implementation;
- Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of residents volunteers;
- A broader base of expertise and economic benefits since the community can be a valuable, and free, intellectual resource; and
- A conduit to other programs as residents involved in the storm water program development process make important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program on a watershed basis.

## **c. PIPP Implementation**

It is generally more cost-effective to have numerous operators coordinate to use an existing program than each developing its own local programs. Therefore, Permittees are encouraged to participate in a County-wide PIPP or in one or more Watershed Group sponsored PIPPs supplemented with additional information specific to local needs.

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<sup>31</sup> Storm Water Phase II Final Rule - Public Education and Outreach Minimum Control Measure. USEPA Fact Sheet 2.3, January 2000.

Permittees are required to: (a) conduct storm water pollution prevention public service announcements and advertising campaigns; (b) provide public education materials on the proper handling or potential storm water pollutants; (c) distribute activity specific storm water pollution prevention public education materials to points of purchase; (d) maintain storm water websites or provide links to storm water websites via the Permittees website, which contain educational material and opportunities for the public to participate in storm water pollution prevention and clean-up activities; and (e) provide independent, parochial, and public schools within each Permittee's jurisdiction with materials, including, but not limited to videos, live presentations, and other information. Permittees are required to use effective strategies to educate and involve ethnic communities using culturally effective methods.

The intent of these changes is to provide an increase in public knowledge of storm water pollution prevention practices in an effective and cost efficient manner, while still providing flexibility for the Permittees to implement the requirements on a watershed group basis.

The Order requires outreach to ethnically diverse communities using culturally effective strategies. The USEPA, Tailoring Outreach Programs to Minority and Disadvantaged Communities and Children Fact Sheet finds that, "many residents of ethnically and culturally diverse communities don't speak English. English messages contained in public education outreach materials may not be effectively reaching a significant portion of some communities. The intent of this provision is to encourage behavior changes that reduce pollutants in storm water to a portion of the population who might otherwise be overlooked.

## **5. Industrial/Commercial Business Program**

### **a. Legal Authority**

The Phase I regulations require, in part, that the applicant: (i) develop adequate legal authority, (ii) perform a source identification, and (iii) develop a management program to reduce the discharge of pollutants to the MEP using management practices, control techniques and system design and engineering methods, and such other provisions which are appropriate. Specifically, with regards to industrial controls, the management plan shall include the following.

"A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:



- i. Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges.
- ii. Describe a monitoring program for storm water discharges associated with industrial facilities [...]"

(40 CFR section 122.26(d)(2)(iv)(C))

The provisions contained in this Order pertaining to the inspection and facility control program requirements for industrial and commercial facilities, as well as construction sites (as discussed below in Part VI.7.b.) are also based on the requirements found in the previous permit, Order No. 01-182. Those requirements, among others, were the subject of litigation between several permittees and the Regional Water Board. In that case, the Los Angeles County Superior Court upheld the inspection and facility control program requirements for industrial/commercial facilities and construction sites in Order No. 01-182. The Court determined that "[t]he Permit contains reasonable inspection requirements for these types of facilities. [Citation.] The Permit requires each permittees to confirm that operators of these facilities have a current waste discharge identification number and is effectively implementing Best Management Practices (BMPs) in compliance with County and municipal ordinances, Regional Board Resolution 90-08 and the Stormwater Quality Management Plans (SQMPs). [Citation.] Addressing pollution after it has entered the storm sewer system is not working to meet legislative goals. More work is required at the source of pollution, and that is partially the basis on which this Court finds that the Permit's inspection requirements are reasonable, and not onerous and burdensome." (*In re L.A. Cnty. Mun. Storm Water Permit Litig.* (L.A. Super. Ct., No. BS 080548, Mar. 24, 2005), Statement of Decision from Phase II Trial on Petitions for Writ of Mandate, p. 17.)

The Court also addressed the permittees' claims that the requirements in Order No. 01-182 shifted the Regional Water Board's inspection responsibility under State Water Board issued general NPDES permits for these types of facilities onto the local agencies. The Court disagreed, stating: "The Court agrees with [the Regional Water Board] and Intervenors that the United States EPA considered obligations under state-issued general permits to be separate and distinct. Despite the similarity between the general permits and the local storm water ordinances, both must be enforced. [Citations.] EPA requires permittees to conduct inspections of commercial and industrial facilities, as well as of construction sites. [Citation.]....This Court finds that the state-issued general permits do not preempt local enforcement of local storm water ordinances. (See State Board Order No. 99-08, [citation].) [¶] Therefore, this Court finds that requiring permittees to inspect commercial and industrial facilities and construction sites is authorized under the Clean Water Act, and both the Regional Board and the municipal permittees or the local government entities have concurrent roles in enforcing the industrial, construction and municipal permits. The Court finds that the Regional Board did not shift its inspection responsibilities to Petitioners. [¶] ... The Court further notes that the Permit issued to local entities, who are Petitioners here, does not refer to any inspection

obligations related to state-issued permits. [Citation.] There is no duplication of efforts and no shifting of inspection responsibility in derogation of the Regional Board's responsibility here. The Regional Board is not giving up its won responsibilities, and there is nothing arbitrary or capricious about the Permit's inspection provisions." (*Id.* at 17-18.)

It is also important to note that similar controls for industrial/commercial facilities and constrictor sites, including inspection activities, required by this Order were also required in the 2002 San Bernardino County MS4 permit issued by the Santa Ana Regional Water Quality Control Board (Santa Ana Regional Water Board). Like Order No. 01-182, that permit was also subject to litigation. In that case, the City of Rancho Cucamonga claimed that the Santa Ana Regional Water Board improperly delegated to it and other permittees the inspection duties of the State and Regional Water Boards and that it was being required to conduct inspections for facilities covered by other state-issued general NPDES permits. (*City of Rancho Cucamonga v. Regional Water Quality Control Board- Santa Ana Region* (2006) 135 Cal.App.4th 1377, 1389.) Like the Los Angeles County Superior Court, the California Court of Appeal rejected this argument. The Court of Appeal upheld the Santa Ana Regional Water Board's requirements, finding that "Rancho Cucamonga and the other permittees are responsible for inspecting construction and industrial sites and commercial facilities within their jurisdiction for compliance with and enforcement of local municipal ordinances and permits. But the Regional Board continues to be responsible under the 2002 NPDES permit for inspections under the general permits. The Regional Board may conduct its own inspections but permittees must still enforce their own laws at these sites. (40 C.F.R. § 122.26, subd. (d)(2) (2005).)" (*Id.* at 1390.)

## **b. Background**

Municipalities are required to control the storm water discharges associated with industrial activities and other commercial facilities identified as significant contributors of pollutants through the implementation of a mandatory baseline minimum set of source control BMPs; performance of an inspection program to verify the adequacy of BMPs implementation in the field and compliance with the municipal ordinances; and assist the Regional Water Board in ensuring that industrial activities subject to regulations are covered by the general industrial stormwater permit. Regional Water Board will also assist the municipalities in case of instances of egregious non-compliance with the municipal ordinances and state and federal laws and regulations.

The municipality is ultimately responsible for discharges from the MS4. Because industrial awareness of the program may not be complete, there may be facilities within the MS4 area that should be permitted under an industrial storm water permit but are not (non-filers). In addition, the Phase I regulations that require industries to obtain permit coverage for storm water discharges is largely based on Standard Industry Classification (SIC) Code. This has been shown to be incomplete in identifying industries that may be significant sources of storm water pollution ("industries" includes commercial businesses). The word "industries" is

used in a broad sense. Another concern is that the permitting authority may not have adequate resources to provide the necessary oversight of permitted facilities. Therefore, it is in the municipality's best interest to assess the specific situation and implement an industrial/commercial inspection/site visit and enforcement program to control the contribution of pollutants to the MS4 from all high risk sources.

In the preamble to the 1990 regulations, USEPA clearly states the intended strategy for discharges of storm water associated with industrial activity:

"...Municipal operators of large and medium municipal separate storm sewer systems are responsible for obtaining system-wide or area permits for their system's discharges. These permits are expected to require that controls be placed on storm water discharges associated with industrial activity which discharge through the municipal system." The USEPA also notes in the preamble that "... municipalities will be required to meet the terms of their permits related to industrial dischargers."

Similarly, in the USEPA's Guidance Manual (Chapter 3.0), USEPA specified that MS4 applicants must demonstrate that they possess adequate legal authority to:

- i.** Control construction site and other industrial discharges to MS4s;
- ii.** Prohibit illicit discharges and control spills and dumping;
- iii.** Carry out inspection, surveillance, and monitoring procedures.

The document goes on to explain that "control," in this context means not only to require disclosure of information, but also to limit, discourage, or terminate a storm water discharge to the MS4. Further, to satisfy its permit conditions, a municipality may need to impose additional requirements on discharges from permitted industrial facilities, as well as discharges from industrial facilities and construction sites not required to obtain permits.

In the same Guidance Manual (Chapter 6.3.3), USEPA states that the municipality is ultimately responsible for discharges from their MS4. Consequently, the MS4 applicant must describe how the municipality will help the USEPA and authorized NPDES States to:

- i.** Identify priority industries discharging to their systems;
- ii.** Review and evaluate storm water pollution prevention plans (SWPPPs) and other procedures that industrial facilities must develop under general or individual permits;
- iii.** Establish and implement BMPs to reduce pollutants from these industrial facilities (or require industry to implement them); and
- iv.** Inspect and monitor industrial facilities discharging storm water to the municipal systems to ensure these facilities are in compliance with their NPDES storm water permit, if required.

### **c. Industrial/Commercial Business Program Implementation**

The requirements in this Order clarify the scope and frequency of inspections. For commercial facilities, in general, frequencies have been modified to require inspections of a facility twice during the five year permit term provided that the first mandatory compliance inspection takes place no later than two years after the date this Order is adopted with a minimum interval of six months between the first and second inspection. The scope of the inspections for each of the facility types was clarified by specifying in tables what BMPs should be implemented at that facility to ensure that pollutant generating activity does not occur. The tables include a range of BMPs that are anticipated to be needed at select industrial and commercial facilities. The BMP categories are based on BMPs identified in the 2003 California Stormwater BMP Handbook, Industrial and Commercial as well as BMPs identified in Regional Water Board Resolution No. 98-08.

For industrial facilities, an initial mandatory compliance inspection must be completed at all industrial facilities no later than 2 years after the date this Order is adopted. If after the initial inspection, the facility was determined to as having exposure of industrial activities to storm water then the permit requires a second mandatory compliance inspection with a minimum interval of 6 months between the first and second mandatory compliance inspection. For facilities determined not to have exposure of industrial activities to storm water during the initial inspection, Permittees must conduct second compliance inspections yearly at a minimum of 20% of the facilities.

A provision was added to the Order relieving Permittees of the responsibility to inspect industrial facilities that the Regional Water Board has inspected within the previous 24 months.

In regards to the level of inspection, this Order clarifies that the Permittees are expected to check during inspections for a current Waste Discharge Identification (WDID) number for facilities discharging storm water associated with industrial activity, and that a SWPPP is available on site or that the owner/operator of the facility has applied for and has a current No Exposure Certification (and WDID number). In addition Permittees are expected to check during inspections for compliance with the implementation of minimum BMPs, as previously approved by Board Order 98-08, and compliance with the local storm water ordinances.

The inspection requirements in this Order provide greater clarification concerning the scope of enforcement. A progressive enforcement procedure was outlined including minimum steps that Permittees must take in their program to enforce their municipalities' storm water requirements. In recognition of some of the Permittees concerns regarding the resource intensive efforts needed to elevate enforcement actions, a mechanism was provided through which Permittees can refer cases to the Regional Water Board, and for violations of the State Water Board's General Industrial Activities Storm Water NPDES permit, the referral can be expedited, referral can occur after a single inspection and one written notice rather than referral after two inspections and two written notices.

## 6. Planning and Land Development Program

### a. Legal Authority

The permit application requirements described in 40 CFR section 122.26(d) have formed the basis for MS4 permits and remain applicable as elements in a storm water management program. Section 122.26(d)(2)(iv) requires in part, that the large and medium MS4 applicant develop a management program. Specifically, with regards to planning and land development and post-construction controls, the management program shall include the following:

*“(A) A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:*

*( 1 ) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;*

*( 2 ) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed.*

*( 3 ) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems*

*( 4 ) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible.”*

### b. Background

Land development and urbanization have been linked to the impairment of aquatic life beneficial uses in numerous studies. Poorly planned new developments and re-development have the potential to impact the hydrology of the watershed and the water quality of the surface waters. Development without proper controls, often result in increased soil compaction, changes in vegetation and increased impervious surfaces. These conditions may lead to a reduction in groundwater recharge and changes in the flow regime of the surface water

drainages. Historically, urban development has resulted in increased peak stream flows and flow duration, reduced base flows, and increased water temperatures. Pollutant loading in storm water runoff often increases due to post-construction use and because the storm water runoff is directly connected to the storm drain system or to the surface water body, without the benefit of filtration through soil and vegetation.

In a natural water body (i.e., a water body that has not been armored for flood control or channel stability), increased peak flows and flow duration can cause stream bank erosion, changes in channel geomorphology and bed sediment composition and stability.

When development infringes upon natural riparian buffers, the additional impacts may include further stream bank instability, increased nitrogen loadings to the water body—which would have been intercepted by native riparian vegetation, loss of shading resulting in further increase in water temperature, and a loss of woody debris and leaf litter, which provide food and habitat for some aquatic species.

Low Impact Development (LID) strategies are designed to retain storm water runoff on-site by minimizing soil compaction and impervious surfaces, and by disconnecting storm water runoff from conveyances to the storm drain system. This Order establishes criteria for the volume of storm water to be retained on-site as required to meet water quality goals and to preserve pre-development hydrology in natural drainage systems.

Monitoring studies conducted by the California Department of Public Health (CDPH) have documented that mosquitoes opportunistically breed in structural storm water Best Management Practices (BMPs), particularly those that hold standing water for over 96 hours. Certain Low Impact Development (LID) site design measures that hold standing water such as rainwater capture systems may similarly produce mosquitoes. BMPs and LID design features should incorporate design, construction, and maintenance principles to promote drainage within 96 hours to minimize standing water available to mosquitoes. This Order requires regulated MS4 Permittees to coordinate with other agencies necessary to successfully implement the provisions of this Order. These agencies may include CDPH and local mosquito and vector control agencies on vector-related issues surrounding implementation of post-construction BMPs.

This Order is not intended to prohibit the inspection for or abatement of vectors by the State Department of Public Health or local vector agencies in accordance with CA Health and Safety Code, § 116110 et seq. and Water Quality Order No. 2012-0003-DWQ.

In California, hydromodification studies have focused on the erosive effects of storm water runoff flows and the resulting changes in geomorphology and bed sediment. As described in Hawley (2011), southern California streams may be especially susceptible to geomorphic changes due to steep topography, flashy flow regimes, high sediment loads and largely non-resistant stream bed

material.<sup>32</sup> This recent study assessed the impact of urbanization on peak flow and the duration of lower flows capable of moving bed sediment. The results of the study showed that, urbanization resulted in proportionally-longer durations of all geomorphically-effective flows, with a more pronounced effect on the durations of low to moderate flows.

A study performed by United States Geological Survey (USGS) researchers at nine different metropolitan areas within the United States, found that adverse impacts to macroinvertebrate benthic communities were observed in drainages with 5 percent impervious area.<sup>33</sup> The authors concluded that there appears to be no percent impervious area threshold below which benthic communities are not adversely impacted

The Grand River (lower) Surrogate Flow Regime Total Maximum Daily Load (TMDL), prepared for the Ohio Environmental Protection Agency (OEPA), examined the impacts of impervious cover and flow regime changes on aquatic life beneficial uses.<sup>34</sup> The TMDL was approved by USEPA on April 12, 2012. The TMDL analysis showed that aquatic community health (as measured by biological indices) decreased as impervious cover increased. Flow alteration and impervious cover were determined to be the stressors impairing aquatic life. Riparian buffers were identified as a mitigating factor. Peak flow, runoff volume, and flashiness were considered as surrogates. However, for this watershed, flow regime was selected because it addresses the full spectrum of flow conditions (i.e., peak flow and flow duration and base flow). In this watershed, low flow and increased water temperature presented a threat to cold-water fish species. Increased peak flow and flow duration were linked to impairment of aquatic life beneficial uses due to increased pollutant loading and the impact of channel scouring. A flow duration curve was developed for a reference watershed, based on unit area to allow for comparison of varying-sized streams. The criteria for selecting the reference watershed were: (1) the water body was fully supporting aquatic life beneficial uses, (2) location (ecoregion), (3) size (4) land cover (5) riparian buffer and (6) soils. The flow regime TMDL compares flow duration curves for the impaired stream and the reference stream. The TMDL is expressed as the difference between the impaired stream's flow and the reference stream's flow during all flow conditions. The TMDL report recommends protection strategy numeric targets of no more than 6 percent EIA with a forested (70 percent coverage) riparian buffer of 100 feet from the top of each stream bank (200 feet total).

In Los Angeles County, development has infringed upon or eliminated natural riparian buffers and existing development exceeds recommended percent impervious area in many watersheds. In addition, many water bodies have been armored or converted to engineered channels to manage flood hazards. Because of the hydrologic differences between engineered channels and natural water

<sup>32</sup> Hawley, Robert J. 2011. The effects of urbanization on the hydrologic stability of small streams in southern California.

<sup>33</sup> Cuffney, T.F., Brightbill, R.A., May, J.T., and Waite, I.R. 2010. Responses of benthic macroinvertebrates to environmental changes associated with urbanization in nine metropolitan areas. *Ecological Applications* 20(5):1384-1401.

<sup>34</sup> Ohio Environmental Protection Agency. Total Maximum Daily Loads for the Grand River (lower) Watershed. Draft Report. October 12, 2011.

bodies, the Regional Water Board approaches each situation differently. Where development occurs in drainages to water bodies that have been converted to engineered channels, the Regional Water Board's regulatory approach is designed to reduce storm water runoff -- the most effective method for reducing pollutant loading. Alternatively, where development occurs in drainages to natural water bodies, the Regional Water Board regulatory approach aims to reduce pollutant loading conveyed by storm water runoff and to preserve or restore the pre-development hydrology. As a result of past development, it is likely that retrofitting of existing development will be necessary to restore watershed hydrology to pre-development conditions.

### **c. Applicability**

New development and re-development projects subject to these requirements are described in Part VI.D.7.b. of this Order. Although not defined for large and medium MS4s, 40 CFR section 122.34 requires programs for small MS4s to include all projects that disturb an area equal to or greater than 1 acre of land and add more than 10,000 square feet of impervious surface area. The list of new development projects subject to requirements, specified in this Order in Parts VI.D.1.c.i(1)(a) through (k) were either carried over from Order No. 01-182 or were developed for the Ventura County MS4 and are appropriate for defining new developments and redevelopments in this Order. Clarification is provided for developments in progress during formulation of this Order (Part VI.D.c.i(1)(4)).

New development/re-development projects are subject to either the Water Quality/Flow Reduction Resource Management Criteria in Part VI.D.7.c.i or potentially more stringent Hydromodification (Flow/ Volume/ Duration) Control Criteria. Note that hydromodification controls apply only to projects that drain to a natural water body that is a stream, creek or a river. Hydromodification controls do not apply to discharges to lakes, estuaries, or to the ocean, which are not susceptible to channel erosion.

**i. Integrated Water Quality/ Flow Reduction /Resources Management Criteria (Part VI.D.7.c.i).** Projects located in drainages to water bodies that are now engineered channels are subject to Integrated Water Quality/Flow Reduction/Resources Management Criteria. These projects must be designed to minimize the footprint of the impervious area and to use low impact development (LID) strategies to disconnect the runoff from impervious area. The project must be designed to retain on-site the storm water runoff equal to the storm water quality design volume (SWQDv), unless it is determined that it is technically infeasible or there is an opportunity to contribute to an off-site regional ground water replenishment project.

The SWQDv is defined as the storm water runoff resulting from either:

- the 0.75 inch per 24 hour storm or
- the 85<sup>th</sup> percentile storm as defined in the Los Angeles County 85<sup>th</sup> percentile, 24-hour storm isohyetal map, whichever is greater.



This Order establishes a minimum design volume based on the 0.75 inch, 24-hour storm event as defined in the previous Los Angeles County MS4 permit (Order No. 01-182). This requirement is to prevent backsliding from the previous Order. The 85<sup>th</sup> percentile storm is the design storm used throughout most of the State of California for storm water treatment and LID BMPs designed for water quality protection.

Using detailed local rainfall data, the County of Los Angeles Hydrologist has developed the 85<sup>th</sup> percentile storm event isohyetal map, which exhibits the size of the 85<sup>th</sup> percentile storm event throughout Los Angeles County. Since this map uses detailed local rainfall data, it is more accurate for calculating the 85<sup>th</sup> percentile storm event than other methods which were included in Order No. 01-182. The other methods found in Order No. 01-182 were included as options to be used in the event that detailed accurate rainfall data did not exist for various locations within Los Angeles County. Therefore, they have not been carried over into this Order.

Storm water runoff may be retained on-site by methods designed to intercept rain water via infiltration, bioretention, and harvest and use. Examples of LID Best Management Practices (BMPs) that may be employed to meet the storm water retention requirements include rain gardens, bioswales, pervious pavement, green roofs, and rainwater harvesting for use in landscape irrigation.

**ii. Alternative Compliance for Technical Infeasibility or Opportunity for Regional Ground Water Replenishment (Part VI.D.7.c.ii).** This Order defines conditions that may make on-site retention of the SWQDv technically infeasible. These conditions include measures to:

- Ensure that on-site soils (*in-situ* or amended) have adequate infiltration rates for successful operation of infiltration BMPs,
- Protect groundwater and drinking water wells from contamination,
- Prevent infiltration that might exacerbate potential geotechnical hazards,
- Accommodate smart growth and infill or redevelopment.

A determination that compliance with the Integrated Water Quality/Flow Reduction/Resources Management Criteria is technically infeasible at the New Development/Re-development project site must be based on a site-specific hydrologic assessment or design analysis conducted and endorsed by a registered professional engineer, geologist, architect or landscape architect. This requirement is the same as contained in the Ventura County MS4 permit, and is necessary to ensure that a competent determination is conducted.

The criteria for technical infeasibility contained in Part VI.D.7.c.ii(2)(a) is necessary to ensure that the *in-situ* soil has adequate permeability to accommodate infiltration, and to ensure against premature failure of

infiltration BMPs. A minimum infiltration rate of 0.3 inches per hour under saturated conditions is specified for infiltration BMPs (e.g., dry well, pervious pavement). Infiltration BMPs are restricted to Hydrologic Soil Groups A and B, by other California storm water regulatory agencies. For example, the Contra Costa County Program's Stormwater LID Design Guidebook prohibits routing storm water runoff to a dry (infiltration) well, developed in Hydrologic Soil Groups C and D<sup>35</sup>. Infiltration rates for the lower permeability B soil group ranges between 0.30 and 0.15 inches per hour (USEPA, 2009, Appendix A)<sup>36</sup>. This criterion is specified to ensure the viability of infiltration systems, which may be depended upon to meet the storm water design volume criteria.

Infiltration BMPs are distinguished from bioretention BMPs, which may be implemented in all soils types. Bioretention BMPs are constructed using a manufactured/imported media that must meet strict specifications. The media specification for bioretention facilities is the same as specified for biofiltration systems. The difference between bioretention and biofiltration is that biofiltration systems are designed with an underdrain, which may allow for the discharge of a significant portion of the design storm volume, as described below under Alternative Compliance Measures. Bioretention BMPs may not include an underdrain.

The criteria for determining Technical Infeasibility described in Part VI.D.7.c.ii.(2)(b)-(f) are the same as contained in the Ventura County MS4 permit, except that (2)(b) "locations where seasonal high ground water is *within 5 feet of the surface*", was expanded to "5 to 10 feet" of the surface, to be consistent with local LID Manuals developed by the City of Santa Monica and the City of Los Angeles.

**iii. Alternative Compliance Measures (Part VI.D.7.c.iii.).** This Order provides equally weighted alternatives to on-site retention of the SWQDv. One alternative is to employ infiltration at off-site locations, including regional groundwater replenishment projects. The Regional Water Board has included the alternative for regional ground water replenishment in recognition of the multiple benefits it can provide. In addition to providing similar water quality benefits as compared to on-site retention, analysis by NRDC and UCSB found that implementing low impact development practices that emphasize retention at new and redeveloped residential and commercial properties in the urbanized areas of southern California and limited portions of the San Francisco Bay area has the potential to increase local water supplies by up to 405,000 acre-feet of water per year by 2030. This volume represents roughly two-thirds of the volume of water

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<sup>35</sup> Contra Costa County Clean Water Program. 2010. Stormwater C.3 Guidebook, Stormwater Quality Requirements for Development Applications. Fifth Ed. October 20, 2010. p. 18. < [www.cccleanwater.org](http://www.cccleanwater.org) >.

<sup>36</sup> USEPA. 2009. (United States Environmental Protection Agency). Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy and Independence and Security Act. Office of Water. December 2009.

used by the entire City of Los Angeles each year. In addition, the same study notes potential energy savings and reductions in CO<sub>2</sub> emissions.<sup>37</sup>

In an effort to promote retrofitting of existing development, alternative compliance measures may include the use of infiltration, bioretention, rainfall harvest and/or biofiltration at an existing development with similar land uses and where storm water runoff is expected to exhibit pollutant event mean concentrations (EMCs) that are comparable to or higher than the proposed new development re-development project. As another alternative the project proponent may comply with the Integrated Water Quality/Flow Reduction/Resources Management Criteria using biofiltration on the project site. The volume of storm water to be treated with biofiltration is 1.5 times the difference between the SWQDv and the volume of storm water runoff that can be reliably retained on the project site. The 1.5 multiplier is based on the finding in the *Ventura County Technical Guidance Manual* that biofiltration of 1.5 times the design volume will provide approximately the same pollutant removal as retention of the design volume on an annual basis.<sup>38</sup>

The volume of storm water runoff to be intercepted at an off-site mitigation project is equal to the difference between the SWQDv and the volume of storm water runoff that can be *reliably retained* on the project site. The estimate of the volume that can be reliably retained on-site shall be based on conservative assumptions including permeability of soils under saturated conditions. When rainfall harvest and use is linked to irrigation demand, the demand shall be estimated based on conditions that exist during the wet weather, winter season.

Mitigation at off-site projects shall be designed to provide equal or greater water quality protection to the surface waters within the same subwatershed as the proposed project. Preferably, the mitigation site will be located within the same Hydrologic Unit Code (HUC)-12 drainage area as the proposed new development or re-development. However, the mitigation project may be located within the expanded HUC-10 drainage area, if approved by the Executive Officer of the Regional Water Board.

As described in the *Ventura County Technical Guidance Manual*, a biofiltration system as defined in this Order, including Attachment H, allows for incidental interception of approximately 40 percent of the treatment volume and treatment of the remaining volume through filtration, and aerobic and anaerobic degradation. The effectiveness of the biofiltration system is greatly impacted by the volume of storm water runoff that is intercepted through incidental infiltration. For this reason, biofiltration as defined in this Order, does not include flow-through planter

<sup>37</sup> NRDC Technical Report. A Clear Blue Future: How Greening California Cities Can Address Water Resources and Climate Change in the 21<sup>st</sup> Century. August 2009.

<sup>38</sup> Ventura Countywide Stormwater Management Program. 2011. Ventura Technical Guidance Manual, Manual Update, 2011. Appendix D. July 13, 2011.

box or vault type systems with impervious bottom layers, unless Executive Officer approval is obtained. In addition, biofiltration systems as defined in this Order, must meet the specifications for drain placement and planting media provided in Attachment L if they are to be credited as meeting the water quality/flow reduction requirements of the Alternative Compliance Measures of this Order, unless Executive Officer approval is obtained. Attachment H provides a compilation of recent information contained in the Contra Costa County C3 Guidebook and Order R2-2011-083, adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 28, 2011. These specifications are based on experiences in the San Francisco Bay Region and are designed to ensure optimum pollutant removal and to prevent premature failure of infiltration components of the biofiltration system.

**iv. Water Quality Mitigation Criteria (Part VI.D.7.c.iii.(7).)** When off-site mitigation is performed, the storm water runoff from the project site must be treated prior to discharge. Volume-based treatment BMPs are to be sized to treat the runoff from the 85<sup>th</sup> percentile, 24-hour storm event, as described above for storm water retention BMPs. Flow through treatment BMPs are to be sized based on a rainfall intensity of 0.2 inches per hour or the one year, one-hour rainfall intensity as determined from the Los Angeles County isohyetal map, whichever is greater. A minimum flow design of 0.2 inches per hour is consistent with Order No. 01-182 and is included to prevent back sliding. The one year, one-hour rainfall intensity is the flow requirement specified in the Los Angeles River Trash Total Maximum Daily Loads (TMDL) and other Trash TMDLs established in the Region. The Los Angeles County isohyetal map of the one-year, one-hour storm intensity provides an accurate measure of variable storm intensity throughout the County. The one-year, one-hour rain intensity within the County ranges from approximately 0.2 inch/hour to 1.1 inches per hour.

**v. Hydromodification (Flow/ Volume/ Duration Control Criteria (Part VI.D.7.iv.).)** New development/re-development projects located in a drainage to a natural stream/creek/river water body shall be required to meet the water quality/flow reduction criteria and/or hydromodification control criteria, whichever are more stringent. (Hydromodification controls do not apply to discharges to lakes, estuaries or to the Pacific Ocean as these types of water bodies are not susceptible to hydromodification impacts.) This Order provides Hydromodification Control Criteria to be employed. The purpose of the hydromodification controls is to preserve or restore pre-development hydrology.

Part VI.D.7.iv.(b) of this Order describes New Development/Re-development projects that are exempted from hydromodification controls. These projects include maintenance and replacement activities and other projects that do not increase EIA within the subwatershed and therefore

are not expected to add to the hydromodification effects. Also exempted are projects located within drainages to waterbodies that are not susceptible to channel erosion or other hydromodification effects.

This Order offers four options for meeting the hydromodification controls for projects that will disturb greater than 1 acre but less than 50 acres:

- The project is designed to retain the storm water runoff from the 95<sup>th</sup> percentile, 24-hour-hour storm. This criterion is based on the recommendations from the USEPA's *Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act* (USEPA, 2009).
- The runoff flow rate, volume, velocity and duration does not exceed the pre-development condition for the 2-year, 24-hour rainfall event. Research has determined that the maximum point of the effective work curve occurs in the 1 to 2-year frequency (Leopold, 1964, as cited in the South Orange County Hydromodification Plan, 2011)<sup>39</sup>. Furthermore, the effects of development are greatest during smaller storm events. Under natural conditions, the storm water runoff from smaller storms would have been largely intercepted by vegetation, canopy, infiltration and/or evapotranspiration. During large storms, the soils become saturated and runoff occurs even under natural conditions.
- The Erosion Potential (Ep) in the receiving water channel will approximate 1, as determined by the Hydromodification Analysis Study and the Equation presented in Attachment J. This provision is the same as the requirement in the Ventura County MS4 permit (Order No. R4-2010-0108). By maintaining an Ep of approximately 1, the bed sediment of the channel is in an equilibrium state. Alternatively, Permittees can opt to use other work equations to calculate Erosion Potential with Executive Officer approval.
  - Permittees may also satisfy the requirement for Hydromodification Controls by implementing the hydromodification requirements in the County of Los Angeles Low Impact Development Manual (2009) for all projects disturbing an area greater than 1 acre within natural drainage systems.

For projects disturbing more than 50 acres, compliance with the controls may be achieved by similar means. However, the plans must be supported by more comprehensive hydrologic modeling. The final

<sup>39</sup> South Orange County. 2011. South Orange County Hydromodification Management Plan. < [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/docs/oc\\_permit/updates\\_031212/South\\_Orange\\_County%20HMP.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/oc_permit/updates_031212/South_Orange_County%20HMP.pdf) > Accessed April 25, 2012.

Subwatershed Hydromodification Plan must be completed within one year after the effective date of the Order.

The elements of the Subwatershed Hydromodification Plan are:

- Screening to assess which subwatersheds exhibit changes in geomorphology.
- Identify natural drainage systems within the subwatershed that are susceptible to hydromodification impacts,
- Identify areas critical to the hydrology (e.g., groundwater recharge areas, riparian buffers and wetlands) of the subwatershed and identify potential protection strategies for such areas,
- Conduct or access bioassessment monitoring data to assess whether aquatic life uses are being fully supported,
- Prepare preliminary protection strategies for subwatersheds that are fully supporting aquatic life beneficial uses,
- Prepare preliminary retrofit strategies for subwatersheds that exhibit the effects of hydromodification and are not fully supporting aquatic life beneficial uses,
- Identify candidate reference sub-watersheds that are supporting aquatic life beneficial uses and develop a flow duration curve that may serve as a standard for flow duration controls in water bodies that have aquatic life impairments linked to changes in the flow regime. This approach is as described in the recently approved OEPA, Grand River (lower) Flow Regime TMDL.

## **7. Development and Construction Program**

### **a. Introduction**

Soil disturbing activities during construction and demolition exacerbate sediment losses. Sediment is a primary pollutant impacting beneficial uses of watercourses. Sediments, and other construction activity pollutants must be properly controlled to reduce or eliminate adverse impacts.

### **b. Legal Authority**

40 CFR section 122.34(b)(4) states that with respect to construction site storm water runoff control for small MS4s, which is analogous to that for large MS4s:

“(i) [the permittee] must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives

requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. (ii) Your program must include the development and implementation of, at a minimum: (A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law; (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices; (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; (D) Procedures for site plan review which incorporate consideration of potential water quality impacts; (E) Procedures for receipt and consideration of information submitted by the public, and (F) Procedures for site inspection and enforcement of control measures.”

The inspection requirements for construction sites contained in this Order are also based on the requirements found in Order No. 01-182. As noted above in Part VI.C.5.a, the inspection requirements contained in Order No. 01-182 for construction sites were the subject of litigation between several permittees and the Regional Water Board. As provided in more detail above, the Los Angeles County Superior Court upheld the inspection requirements for industrial/commercial facilities and construction sites in Order No. 01-182, finding that the “[t]he Permit contains reasonable inspection requirements for these types of facilities.” (*In re L.A. Cnty. Mun. Storm Water Permit Litig.* (L.A. Super. Ct., No. BS 080548, Mar. 24, 2005), Statement of Decision from Phase II Trial on Petitions for Writ of Mandate, p. 17.) As also noted above, the Superior Court also rejected the permittees’ claims that the requirements in Order No. 01-182 shifted the Regional Water Board’s inspection responsibility under State Water Board issued general NPDES permits for these types of facilities onto the local agencies, finding that “[r]equiring permittees to inspect commercial and industrial facilities and construction sites is authorized under the Clean Water Act, and both the Regional Board and the municipal permittees or the local government entities have concurrent roles in enforcing the industrial, construction and municipal permits. The Court finds that the Regional Board did not shift its inspection responsibilities to Petitioners.” (*Id.* at 17-18.)

As previously noted for inspections of commercial/industrial facilities, the California Court of Appeal also rejected arguments pertaining to similar inspection requirements for construction sites prescribed by the Santa Ana Regional Water Board. (*City of Rancho Cucamonga v. Regional Water Quality Control Board- Santa Ana Region* (2006) 135 Cal.App.4th 1377, 1389.) In that case, the City of Rancho Cucamonga claimed that the Santa Ana Regional Water Board improperly delegated to it and other permittees the inspection duties

of the State and Regional Water Boards and that it was being required to conduct inspections for facilities covered by other state-issued general NPDES permits. The Court of Appeal upheld the Santa Ana Regional Water Board's requirements, finding that "Rancho Cucamonga and the other permittees are responsible for inspecting construction and industrial sites and commercial facilities within their jurisdiction for compliance with and enforcement of local municipal ordinances and permits. But the Regional Board continues to be responsible under the 2002 NPDES permit for inspections under the general permits. The Regional Board may conduct its own inspections but permittees must still enforce their own laws at these sites. (40 C.F.R. § 122.26, subd. (d)(2) (2005).)" (*Id.* at 1390.)

### **c. Construction Activity Applicability**

Any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre.

Construction activity that results in land surface disturbances of less than one acre if the construction activity is part of a larger common plan of development or sale of one or more acres of disturbed land surface.

Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to USEPA regulations, such as dairy barns or food processing facilities.

Construction activity associated with linear underground/overhead project (LUPs) including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.

Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Storm water discharges from dredge spoil placement that occur outside of U.S. Army Corps of Engineers jurisdiction<sup>40</sup> (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General

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<sup>40</sup> A construction site that includes a dredge and/or fill discharge to any water of the United States (e.g., wetland, channel, pond, or marine water) requires a permit from the U.S. Army Corps of Engineers pursuant to CWA section 404 and a Water Quality Certification from the Regional Water Board or State Water Board pursuant to CWA section 401.



Permit. Construction projects that intend to disturb one or more acres of land within the jurisdictional boundaries of a CWA section 404 permit should contact the appropriate Regional Water Board to determine whether this permit applies to the project.

**d. Development Construction Program Implementation**

Permittees must implement a construction program that applies to all activities involving soil disturbance with the exception of agricultural activities. Minimum requirements have been established for construction activity less than one acre and for those activities equal or greater than one acre. Activities covered by the permit include but are not limited to grading, vegetation clearing, soil compaction, paving, re-paving, and LUPs. The construction program should be designed to: (1) prevent illicit construction-related discharges of pollutants into the MS4 and receiving waters; (2) implement and maintain structural and non-structural BMPs to reduce pollutants in storm water runoff from construction sites; (3) reduce construction site discharges of pollutants to the MS4 to the MEP; and (4) prevent construction site discharges to the MS4 from causing or contributing to a violation of water quality standards.

Each permittee shall use an site system to track grading permits, encroachment permits, demolition permits, building permits, or construction permits (and any other municipal authorization to move soil and/ or construct or destruct that involves land disturbance) issued by each permittee. To satisfy this requirement, the use of a database or GIS system is recommended.

For construction activity equal or greater than one acre, the Permittee must establish review procedures for construction site plans to determine potential water quality impacts and ensure the proposed controls are adequate. These procedures should include the preparation and submission of an Erosion and Sediment Control Plan (ESCP) containing elements of a Storm Water Pollution Prevention Plan (SWPPP) prior to issuance of a grading or building permit as well as a review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. The requirement that ESCP/SWPPPs must be developed by a Qualified SWPPP Developer (QSD) is new for this iteration of the permit. This requirement ensures the development of high quality ESCP/SWPPPs that protect water quality to the MEP.

A ESCP/SWPPP must be appropriate for the type and complexity of a project and will be developed and implemented to address project specific conditions. Some projects may have similarities or complexities, yet each project is unique in its progressive state that requires specific description and selection of BMPs needed to address all possible generated pollutants. The Permittee must ensure that construction site operators select and implement appropriate erosion and sediment control measures to reduce or eliminate the impacts to receiving waters. To help guide their Construction Program and ensure consistency regarding BMP selection, the Permit requires the Permittee to develop or adopt BMP standards for a range of construction related activities. The list of activities is based on California Stormwater Quality Association's (CASQA) Construction

BMP handbook. The ESCP/SWPPP must include the rationale used for selecting or rejecting BMPs. The project architect, or engineer of record, or authorized qualified designee, must sign a statement on the ESCP/SWPPP to the effect:

*"As the architect/ engineer of record, I have selected, appropriate BMPs to effectively minimize the negative impact of the project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activity."*

The Permittee is responsible for conducting inspection and enforcement of erosion and sediment control measures at specified times and frequencies during construction including prior to land disturbance, during grading and land development, during streets and utilities activities, during vertical construction, and during final landscaping and site stabilization. The Permittees' Municipal Inspectors must be adequately trained and Permittees are encouraged to offer opportunities for inspectors to enroll in the State Water Board sponsored Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) certification program. A progressive enforcement policy has been integrated into this iteration of the permit to ensure that adequate penalties are in place and to ensure the protection of receiving water quality.

Prior to approving and/ or signing off for occupancy and issuing the Certificate of Occupancy for all construction projects subject to post-construction controls, each permittee shall inspect the constructed site design, source control and treatment control BMPs to verify that they have been constructed in compliance with all specifications, plans, permits, ordinances, and this Order. The initial/ acceptance BMP verification inspection does not constitute a maintenance and operation inspection.

The Permittee must ensure that staff has proper training. In addition, the Permittee must develop and distribute training and educational material and conduct outreach to the development community. To ensure that the construction program is followed, construction operators must be educated about site requirements for control measures, local storm water requirements, enforcement activities, and penalties for non-compliance.

## **8. Public Agency Activities Program**

### **a. Background**

Publically-owned or operated facilities serve as hubs of activity for a variety of municipal staff from many different departments. Some municipalities will have one property at which all activities take place (e.g., the municipal maintenance yard), whereas others will have several specialized facilities such as animal control facilities, chemical storage facilities, composting facilities, equipment storage and maintenance facilities, fueling facilities, hazardous waste disposal facilities, incinerators, landfills, materials storage yards, pesticide storage

facilities, public buildings, public parking lots, public golf courses, public swimming pools, public parks, public marinas, recycling facilities, solid waste handling and transfer facilities, and flood control facilities.

## **b. Program Implementation**

### **i. Public Construction Activities Management**

The Permittee is required to implement BMPs and comply with the Planning and Land Development Program requirements in Part VI.D.6 of this Order and the Development Construction Program requirements in Part VI.D.7 of this Order at applicable Permittee-owned or operated (i.e., public or Permittee sponsored) construction projects. These requirements ensure that Permittee-owned or operated construction and development occurs in an equally protective manner as private development. The Permittee is also required to implement an effective combination of erosion and sediment control BMPs from Table 13 (see Construction Development Program, minimum BMPs) at those public sites that disturb less than one acre of soil. Last, the Permittee is required to obtain separate coverage under the State Water Board's Construction General NPDES Permit for all Permittee-owned or operated construction sites that require coverage.

### **ii. Public Facility Inventory**

A comprehensive list of publically-owned or operated facilities will help staff responsible for storm water compliance build a better awareness of their locations within the MS4 service area and their potential to contribute storm water pollutants. The inventory should include information on the location, contact person at the facility, activities performed at the facility, and whether the facility is covered under an industrial general storm water permit or other individual or general NPDES permit, or any applicable waivers issued by the Regional or State Water Board pertaining to storm water discharges. Incorporation of GIS into the inventory is encouraged. The facility inventory should be updated at least twice during the permit term and will serve as a basis for setting up periodic facility assessments and developing, where necessary, facility storm water pollution prevention plans. By developing an inventory of Permittee-owned facilities that are potential sources of storm water pollution helps to ensure that these facilities are monitored and receiving water quality is protected.

### **iii. Inventory of Existing Development for Retrofitting Opportunities**

Each Permittee is required to maintain an updated inventory of all Permittee-owned or operated (i.e., public) facilities within its jurisdiction that are potential sources of storm water pollution. This requirement is similar to the requirement of Order No. 01-182. In this Order, the incorporation of facility information into a GIS is recommended as this has been proven effective for effectively inventory and management of facilities and associated BMPs. Given that facility operation, condition, and practices can

change over a five year period, the Permittees are required to update its inventory at least twice during the term of this Order.

In addition to developing an inventory of publically-owned or operated facilities, in this Order, Permittees are required to develop an inventory of existing development for retrofitting opportunities. The intention of adding this requirement to the permit is to encourage the use of retrofit projects that reduce storm water pollutants into the MS4 that are a result of impacts from existing development. Permittees are also required to evaluate and rank these retrofitting opportunities.

#### **iv. Public Agency Facility and Activity Management**

Each Permittee is required to manage its facilities in accordance with the State Water Board's Industrial General NPDES Permit, where applicable, and shall ensure the implementation and maintenance of appropriate BMPs at all facilities with a potential to pollute stormwater. Therefore, Permittees shall obtain separate coverage under the State Water Board's Industrial General NPDES Permit for all Permittee-owned or operated facilities where industrial activities are conducted that require coverage under the Industrial General NPDES Permit and shall implement and maintain activity specific BMPs listed in Table 19 (BMPs for Public Agency Facilities and Activities).

Many municipalities use third-party contractors to conduct municipal maintenance activities in lieu of using municipal employees. Contractors performing activities that can affect storm water quality must be held to the same standards as the Permittee. Not only must these expectations be defined in contracts between the Permittee and its contractors, but the Permittee is responsible for ensuring, through contractually-required documentation or periodic site visits, that contractors are using storm water controls and following standard operating procedures. Therefore, the Permittee shall ensure all contractors hired by the Permittee to conduct Public Agency Activities including, but not limited to, storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair shall be contractually required to implement and maintain the activity specific BMPs listed in Table 18.

#### **v. Vehicle and Equipment Washing**

Specific BMPs for all fixed vehicle and equipment washing; including fire fighting and emergency response vehicles have been incorporated into this Order and must be implemented. In addition, specific BMPs for wash waters from vehicle and equipment washing. These requirements effectively prohibit the occurrence of illicit discharges resulting from unauthorized washing activities.

**vi. Landscape, Park, and Recreational Facilities Management**

Specific BMPs for public right-of-ways, flood control facilities and open channels, lakes and reservoirs, and landscape, park, and recreation facilities and activities have been included this Order, similar to those in Order No. 01-182 and the more recently adopted Ventura County MS4 Permit, and must be implemented. These requirements are reflective of current environmentally responsible practices.

**vii. Storm Drain Operation and Maintenance**

Specific BMPs for storm drain operations and maintenance have been carried over from Order No. 01-182 into this Order.

Permittees must prioritize catch basins for cleaning activities based on the volume of trash or debris.

The materials removed from catch basins may not reenter the MS4. The material must be dewatered in a contained area and the water treated with an appropriate and approved control measure or discharged to the sanitary sewer. The solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill.

**viii. Streets, Roads, and Parking Facilities Maintenance**

Permittees must prioritize streets and/or street segments for sweeping activities based on the volume of trash generated on the street or street segments. Based on these established priorities, Permittees must conduct street sweeping twice per month on the highest priority streets (Priority A), once per month on the medium priority streets (Priority B), and as needed but not less than once per year on the lowest priority streets (Priority C). In addition parking facilities must be cleaned using street sweeping equipment no less than two times per month and inspect no less than two times per month to determine if cleaning is necessary.

Specific BMPs for road reconstruction have been incorporated into this Order and must be followed during road repaving activities.

**ix. Emergency Procedures**

Permittees are required to conduct repairs of essential public service systems and infrastructure in emergency situations. These requirements ensure the protection of water quality. BMPs must be implemented to reduce the threat to water quality and the Regional Water Board must be notified of the occurrence, an explanation of the circumstances and measures taken to reduce the threat to water quality within 30 business days after the emergency has passed.

#### **x. Municipal Employee and Contractor Training**

Permittees are required to ensure that training is provided for employees and contractors that have job duties or participate in activities that have the potential to affect storm water quality. The training should promote a general understanding of the potential for activities to pollute storm water and include information on the identification of opportunities to require, implement, and maintain BMPs associated with the activities they perform. In addition training specific to employees or contractors that use or have the potential to use pesticides or fertilizers should be provided. This training should instruct employees and contractors on the potential for pesticide-related surface water toxicity, the proper use, handling and disposal of pesticides, the least toxic methods of pest prevention and control, and the overall reduction of pesticide use.

Many municipalities use third-party contractors to conduct municipal maintenance activities in lieu of using municipal employees. Contractors performing activities that can affect storm water quality must be held to the same standards as the Permittee. Not only must these expectations be defined in contracts between the Permittee and its contractors, but the Permittee is responsible for ensuring, through contractually-required documentation or periodic site visits, that contractors are using storm water controls and following standard operating procedures.

### **9. Illicit Connection and Illicit Discharge Elimination Program**

#### **a. Legal Authority**

A proposed management program "shall be based on a description of a program, including a schedule, to detect and remove (or require the discharger to the municipal storm sewer to obtain a separate NPDES permit for) illicit discharges and improper disposal into the storm sewer," per 40 CFR section 122.26(d)(2)(iv)(B). A Permittee must include in its proposed management program "a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal storm sewer system," per subsection (1) of the above federal regulation.

USEPA stormwater regulations define "illicit discharge" as "any discharge to a municipal separate storm sewer that is not composed entirely of stormwater" except discharges resulting from fire fighting activities and discharges from NPDES permitted sources (see 40 CFR section 122.26(b)(2)). The applicable regulations state that the following non-stormwater discharges may be allowed if they are not determined to be a significant source of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR section 35.2005(20)), uncontaminated pumped ground water, discharges from drinking water supplier distribution systems, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian

habitats and wetlands, dechlorinated swimming pool discharges, and street wash water. If, however, these discharges are determined to be a significant source of pollution then they must be prohibited.

Examples of common sources of illicit discharges in urban areas include apartments and homes, car washes, restaurants, airports, landfills, and gas stations. These so called "generating sites" discharge sanitary wastewater, septic system effluent, vehicle wash water, washdown from grease traps, motor oil, antifreeze, gasoline and fuel spills, among other substances. Although these illicit discharges can enter the storm drain system in various ways, they generally result from either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system, spills, or "midnight dumping"). Illicit discharges can be further divided into those discharging continuously and those discharging intermittently.

#### **b. Illicit Discharge Source Investigation and Elimination**

Section 402(p)(3)(B)(ii) of the CWA requires MS4 permits to "effectively prohibit non-stormwater discharges into the storm sewers." The permit implements this requirement, in part by requiring the development of procedures to investigate and eliminate illicit discharges. The permittee must develop a clear, step-by-step procedure for conducting the investigation of illicit discharges. The procedure must include an investigation protocol that clearly defines what constitutes an illicit discharge and what steps shall be taken to identify and eliminate its source. In many circumstances, sources of intermittent, illicit discharges are very difficult to locate, and these cases may remain unresolved. The permit requires that each case be conducted in accordance with the procedures developed to locate the source and conclude the investigation, after which the case may be considered closed. These procedures should be completed per the Progressive Enforcement Policy identified in Part VI.D.2 of this Order and should include enforcement as necessary to ensure the elimination of the illicit discharge/connection.

Illicit discharges may also originate in upstream jurisdictions and therefore this Order establishes procedures for communicating with upstream entities and providing information that may prove helpful in their investigation of its source(s).

If a Permittee is unable to eliminate an ongoing illicit discharge following full execution of its legal authority and in accordance with its Progressive Enforcement Policy, or other circumstances prevent the full elimination of an ongoing illicit discharge, including the inability to find the responsible party/parties, the Permittee shall require diversion of the entire flow to the sanitary sewer or treatment. In either instance, the Permittee shall notify the Regional Water Board in writing within 30 days of such determination and shall provide a written plan for review and comment that describes the efforts that have been undertaken to eliminate the illicit discharge, a description of the actions to be undertaken, anticipated costs, and a schedule for completion. The

goal of these requirements is to provide a permanent solution for ongoing illicit discharges.

**c. Identification and Response to Illicit Connections**

Illicit connections to the MS4 can lead to the direct discharge or infiltration of sewage or other prohibited discharges into the MS4. Permittees have been conducting illicit connection screening throughout the term of Order No. 01-182 and this Order requires a continuation of response efforts once an illicit connection is identified. This Order establishes unique obligations for the LACFCD and for the individual Permittees. The requirements for LACFCD are based on the unique obligations and infrastructure of a regional flood control district. Requirements for the individual Permittees require the investigation and follow-up of all illicit connections within 21 days of identification and elimination within 180 days.

**d. Public Reporting of Non-Storm Water Discharges and Spills**

Each Permittee needs to promote a program to help in the identification and termination of illicit discharges. This Order establishes requirements for the Permittees, individually or as a group, to develop public education campaigns and reporting numbers which are intended to promote public reporting of illicit discharges. Specifically, a stormwater hotline can be used to help permittees become aware of and mitigate spills or dumping incidents. Spills can include everything from an overturned gasoline tanker to sediment leaving a construction site to a sanitary sewer overflow entering into a storm drain. Permittees must set up a hotline consisting of any of the following (or combination thereof): a dedicated or non-dedicated phone line, E-mail address, or website.

This Order also requires development of written procedures for receiving and responding to calls from the public and for maintaining documentation about reported illicit discharges and spills and their investigation and remedy. These requirements are intended to ensure that reliable and consistent practices are deployed to address this persistent problem.

**e. Spill Response Plan**

Spills, leaks, sanitary sewer overflows, and illicit dumping or discharges can introduce a range of stormwater pollutants into the storm system. Prompt response to these occurrences is the best way to prevent or reduce negative impacts to waterbodies. The permittee must develop a spill response plan that includes an investigation procedure similar to or in conjunction with the investigation procedures developed for illicit discharges in general. Often, a different entity might be responsible for spill response in a community (i.e. fire department), therefore, it is imperative that adequate communication exists between stormwater and spill response staff to ensure that spills are documented and investigated in a timely manner.



**f. Illicit Connection and Illicit Discharge Education and Training**

The permit requires each Permittee to train field staff, who may come into contact or observe illicit discharges, on the identification and proper procedures for reporting illicit discharges. Field staff to be trained may include, but are not limited to, municipal maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 area. Permittee field staff are out in the community every day and are in the best position to locate and report spills, illicit discharges, and potentially polluting activities. With proper training and information on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program.

**10. Los Angeles County Flood Control District Section**

Due to the unique characteristics of the Los Angeles County Flood Control District, a Minimum Control Measure Section unique to the Los Angeles County Flood Control District was included in the Order. Unlike other Permittees, the LACFCD does not own or operate any municipal sanitary sewer systems, public streets, roads, or highways. Additionally, The LACFCD has no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, new developments or re-development projects, or development construction sites located in any incorporated or unincorporated areas within its service area. The Permittees that have such land use authority are responsible for implementing a storm water management program to inspect and control pollutants from industrial and commercial facilities, new development and re-development projects, and development construction sites within their jurisdictional boundaries. The requirements included in the Section are the same as those for other Permittees, but requirements that are not applicable due to the unique characteristic of the Los Angeles County Flood Control District were eliminated.

**D. Total Maximum Daily Load Provisions**

Clean Water Act section 303(d)(1)(A) requires each State to conduct a biennial assessment of its waters, and identify those waters that are not achieving water quality standards. These waters are identified as impaired on the State's Clean Water Act section "303(d) List" of water quality limited segments. The Clean Water Act also requires States to establish a priority ranking for waters on the 303(d) List and to develop and implement Total Maximum Daily Loads (TMDLs) for these waters. A TMDL specifies the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and allocates the acceptable pollutant load to point and nonpoint sources. The elements of a TMDL are described in 40 CFR sections 130.2 and 130.7. A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR § 130.2). Regulations further require that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and

water quality” (40 CFR section 130.7(c)(1)). The regulations at 40 CFR section 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters. Essentially, TMDLs serve as a backstop provision of the CWA designed to implement water quality standards when other provisions have failed to achieve water quality standards.

Upon establishment of TMDLs by the State or the USEPA, the State is required to incorporate, or reference, the TMDLs in the State Water Quality Management Plan (40 CFR sections 130.6(c)(1) and 130.7). The Regional Water Board’s Basin Plan, and applicable statewide plans, serves as the State Water Quality Management Plan governing the watersheds under the jurisdiction of the Regional Water Board. When adopting TMDLs as part of its Basin Plan, the Regional Water Board includes, as part of the TMDL, a program for implementation of the WLAs for point sources and load allocations (LAs) for nonpoint sources.

TMDLs are not self-executing, but instead rely upon further Board orders to impose pollutant restrictions on discharges to achieve the TMDL’s WLAs. Section 402(p)(3)(B)(iii) of the Clean Water Act requires the Regional Water Board to impose permit conditions, including: “management practices, control techniques and system, design and engineering methods, and *such other provisions as the Administrator of the State determines appropriate for the control of such pollutants.*” (emphasis added.) Section 402(a)(1) of the Clean Water Act also requires states to issue permits with conditions necessary to carry out the provisions of the Clean Water Act. Federal regulations also require that NPDES permits must include conditions consistent with the assumptions and requirements of any available waste load allocation (40 CFR section 122.44(d)(1)(vii)(B)). Similarly, state law requires both that the Regional Water Board implement its Basin Plan when adopting waste discharge requirements (WDRs) and that NPDES permits apply “any more stringent effluent standards or limitations necessary to implement water quality control plans...” (Cal. Wat. Code §§ 13263, 13377).

An NPDES permit should incorporate the WLAs as numeric WQBELs, where feasible. Where a non-numeric permit limitation is selected, such as BMPs, the permit’s administrative record must support the expectation that the BMPs are sufficient to achieve the WLAs. (40 CFR §§ 124.8, 124.9, and 124.18.) The USEPA has published guidance for establishing WLAs for storm water discharges in TMDLs and their incorporation as numeric WQBELs in MS4 permits.<sup>41</sup>

As required, permit conditions are included in this Order consistent with the assumptions and requirements of the available WLAs assigned to MS4 discharges, which have been established in thirty-three TMDLs. The Regional Water Board adopted twenty-five (25) TMDLs and USEPA established seven (7) TMDLs that assign WLAs to MS4 Permittees within the County of Los Angeles. In addition, the Santa Ana Regional Water Board adopted a TMDL that assigns WLAs to the Cities of Pomona and

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<sup>41</sup> USEPA (2010) “Revisions to the November 22, 2002 Memorandum ‘Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those TMDLs.’” Issued by James A. Hanlon, Director, Office of Wastewater Management and Denise Keehner, Director, Office of Wetlands, Oceans and Watersheds. November 12, 2010.

Claremont. The TMDLs included in this Order along with the adoption and approval dates are listed in the table below. Permit conditions for two of these TMDLs – the Marina del Rey Harbor Bacteria TMDL and the Los Angeles River Watershed Trash TMDL – were previously incorporated into Order No. 01-182 during re-openers in 2007 and 2009, respectively (Orders R4-2007-0042 and R4-2009-0130). TMDLs are typically developed on a watershed or subwatershed basis, which facilitates a more accurate assessment of cumulative impacts of pollutants from all sources. An overview of each Watershed Management Area, including the TMDLs applicable to it, is provided below.

**TMDLs with Resolution Numbers, Adoption Dates and Effective Dates**

MS4 Discharges within the  
Coastal Watersheds of Los Angeles County

TOTAL MAXIMUM DAILY LOAD	RESOLUTION NUMBER	ADOPTION DATE	STATE BOARD RESOLUTION NUMBER	STATE BOARD APPROVAL DATE	OAL APPROVAL DATE	EPA APPROVAL DATE	EFFECTIVE DATE
<b>Santa Clara River Watershed Management Area</b>							
Santa Clara River Nitrogen Compounds TMDL	2003-011	8/7/2003	2003-0073	11/19/2003	2/27/2004	3/18/2004	3/23/2004
Upper Santa Clara River Chloride TMDL	2008-012	12/11/2008	2009-0077	10/20/2009	1/26/2010	4/6/2010	4/6/2010
Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL (Lake Elizabeth only)	2007-009	6/7/2007	2007-0073	12/4/2007	2/8/2008	2/27/2008	3/6/2008
Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL	R10-006	7/8/2010	2011-0048	10/4/2011	12/19/2011	1/13/2012	3/21/2012
<b>Santa Monica Bay Watershed Management Area</b>							
Santa Monica Bay Beaches Bacteria TMDL (Dry Weather)	2002-004	1/24/2002	2002-0149	9/19/2002	12/9/2002	6/19/2003	7/15/2003
Santa Monica Bay Beaches Bacteria TMDL (Wet Weather)	2002-022	12/12/2002	2003-0022	3/19/2003	5/20/2003	6/19/2003	7/15/2003
Santa Monica Bay Nearshore and Offshore Debris TMDL	R10-010	11/4/2010	2011-0064	12/6/2011	3/15/2012	3/20/2012	3/20/2012
Santa Monica Bay TMDL for DDTs and PCBs (USEPA established)	N/A	N/A	N/A	N/A	N/A	3/26/2012	N/A
<b>Malibu Creek Subwatershed</b>							
Malibu Creek and Lagoon Bacteria TMDL	2004-019R	12/13/2004	2005-0072	9/22/2005	12/1/2005	1/10/2006	1/24/2006
Malibu Creek Watershed Trash TMDL	2008-007	5/1/2008	2009-0029	3/17/2009	6/16/2009	6/26/2009	7/7/2009
Malibu Creek Watershed Nutrients TMDL (USEPA established)	N/A	N/A	N/A	N/A	N/A	3/21/2003	N/A
<b>Ballona Creek Subwatershed</b>							
Ballona Creek Trash TMDL	2004-023	3/4/2004	2004-0059	9/30/2004	2/8/2005	N/A	8/11/2005
Ballona Creek Estuary Toxic Pollutants TMDL	2005-008	7/7/2005	2005-0076	10/20/2005	12/15/2005	12/22/2005	1/11/2006
Ballona Creek, Ballona Estuary and Sepulveda Channel Bacteria TMDL	2006-011	6/8/2006	2006-0092	11/15/2006	2/20/2007	3/26/2007	4/27/2007
Ballona Creek Metals TMDL	2007-015	9/6/2007	2008-0045	6/17/2008	10/6/2008	10/29/2008	10/29/2008