
Key Issues & Potential Modifications: Se TMDLs for the Newport Bay Watershed

Workshop #1: Compliance Determination

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Purpose

- Clearly identify compliance options available to dischargers for when TMDL is incorporated into NPDES permits

Key Points of Consensus

- Clarity is needed
- Language will be placed, at a minimum, in the WLA portion of the TMDL (and also likely in the Implementation Plan as well)

Key Issues Overview

- What are the Compliance Options?

Key Issue:

Compliance Options

- Current language is based on how Regulated Parties organize themselves
 - Cooperative Watershed Program
 - Individual Action Plans
- Not very clear for an individual Regulated Party what their compliance options are
- Must be specific for interim and final WLAs
- Very important to clarify for permitting purposes

Potential Modifications: Compliance Options

Municipal Stormwater Dischargers

- Orange County MS4 Permittees
- Caltrans (?)

Other NPDES Dischargers

- General Groundwater Dewatering and Clean Up Permit Dischargers
- City of Irvine Individual Dewatering Permit
- Any other dischargers assigned NPDES permits

Potential Modifications: Compliance Options

For each discharger category, identify compliance options for:

- Interim WLAs (Phase I of the TMDL)
 - Options for those who opt for BMP Strategic Plan
 - Options for those who opt the Individual Action Plan
- Final WLAs (Phase II of the TMDL)
 - Options for those who opt for BMP Strategic Plan
 - Options for those who opt the Individual Action Plan

Potential Modifications: Compliance Options

Municipal Stormwater Dischargers

Compliance with **interim WLAs** may be demonstrated through any one of the means identified in Part 1 below:

1. For Regulated Parties who opt to implement a **BMP Strategic Plan**:
 - A. Implementation of an approved BMP Strategic Plan for all areas where the MS4 Permittee is identified as a Regulated Party OR
 - B. Attainment of tissue-based numeric targets over the specified averaging period, as measured in the Assessment Area OR
 - C. Attainment of dry weather WLAs over the specified averaging period in the receiving water, as measured at the Assessment Point OR
 - D. Attainment of dry weather WLAs over the specified averaging period at the point of discharge OR
 - E. Attainment of the CTR in the receiving water or at the point of discharge over the specified averaging period OR
 - F. No discharge.
2. Where the BMP Strategic Plan is not implemented consistent with the approved plan and schedule, Regulated Parties must demonstrate compliance through one option in 1.B through 1.E.

Potential Modifications: Compliance Options

Municipal Stormwater Dischargers

Compliance with **final WLAs** may be demonstrated through any one of the means identified in Part 1 below:

1. For Regulated Parties who opt to implement a **BMP Strategic Plan**:
 - A. Implementation of an approved BMP Strategic Plan for all areas where the MS4 Permittee is identified as a Regulated Party OR
 - B. Attainment of tissue-based numeric targets over the specified averaging period, as measured in the Assessment Area OR
 - C. Attainment of dry weather WLAs over the specified averaging period in the receiving water, as measured at the Assessment Point OR
 - D. Attainment of dry weather WLAs over the specified averaging period at the point of discharge OR
 - E. Attainment of the CTR in the receiving water or at the point of discharge over the specified averaging period OR
 - F. No discharge.
2. Where the BMP Strategic Plan is not implemented consistent with the approved plan and schedule, Regulated Parties must demonstrate compliance through one option in 1.B through 1.E.

Potential Modifications: Compliance Options

Other NPDES Dischargers

Compliance with **interim WLAs** may be demonstrated through any one of the means identified in Part 1 below:

1. For Regulated Parties who opt to implement a **BMP Strategic Plan**:
 - A. Implementation of an approved BMP Strategic Plan for all areas where the discharger is identified as a Regulated Party OR
 - B. Attainment of tissue-based numeric targets over the specified averaging period, as measured in the Assessment Area OR
 - C. Attainment of dry weather WLAs over the specified averaging period in the receiving water, as measured at the Assessment Point OR
 - D. Attainment of dry weather WLAs over the specified averaging period at the point of discharge OR
 - E. Attainment of the CTR in the receiving water or at the point of discharge over the specified averaging period OR
 - F. No discharge.
2. Where the BMP Strategic Plan is not implemented consistent with the approved plan and schedule, Regulated Parties must demonstrate compliance through one option in 1.B through 1.E.

Potential Modifications: Compliance Options

Other NPDES Dischargers

Compliance with **final WLAs** may be demonstrated through any one of the means identified in Part 1 below:

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 - E. Attainment of the CTR in the receiving water or at the point of discharge over the specified averaging period OR
 - F. No discharge.
2. Where the BMP Strategic Plan is not implemented consistent with the approved plan and schedule, Regulated Parties must demonstrate compliance through one option in 1.B through 1.E.

Potential Modifications: Compliance Options

Other NPDES Dischargers

Compliance with interim WLAs may be demonstrated through any one of the following means:

1. For Regulated Parties who opt to implement an Individual Action Plan:
 1. Implementation of an approved offset program OR
 2. Attainment of WLAs over the specified averaging period at the point of discharge OR
 3. No discharge.

Potential Modifications: Compliance Options

Other NPDES Dischargers

Compliance with **final WLAs** may be demonstrated through any one of the following means:

1. For Regulated Parties who opt to implement an **Individual Action Plan**:
 1. Implementation of an approved offset program OR
 2. Attainment of WLAs over the specified averaging period at the point of discharge OR
 3. No discharge.

