

LA COUNTY MS4 PERMIT: 3RD BOARD WORKSHOP

California Science Center
May 3, 2012

LA County MS4 Permit Outline

Section III. Discharge Prohibitions

Existing **Part 1**

- **Non-Storm Water Discharge Prohibition**✓

Section IV. Effluent Limitations

Existing **Part 7**

- **TMDL Water Quality Based Effluent Limitations (see “TMDL Provisions” below)**✓

Section V. Receiving Water Limitations

Existing **Part 2**

- **Applicable Water Quality Standards for the receiving water**✓

Section VI. Special Provisions

Existing **Part 4**

- **Watershed Management Programs**✓
- **Minimum Control Measures**✓
- **TMDL Provisions**✓

Section VI. Standard Provisions

Existing **Part 6**

Attachment: Monitoring and Reporting Provisions

Existing **Attachment**

Workshop Outline



- Watershed Management Program Provisions
 - Purpose and Scope
 - Development Process
 - Elements
 - Implementation
 - Monitoring, Assessment and Adaptive Management
- Total Maximum Daily Load (TMDL) Provisions
 - Water Quality Based Effluent Limitations and Receiving Water Limitations
 - Compliance Determination
- Receiving Water Limitations Provisions

Terminology



Water Quality Based Effluent Limitation

A restriction on the quantity or concentration of a pollutant that may be discharged necessary to achieve a water quality standard

Receiving Water Limitation

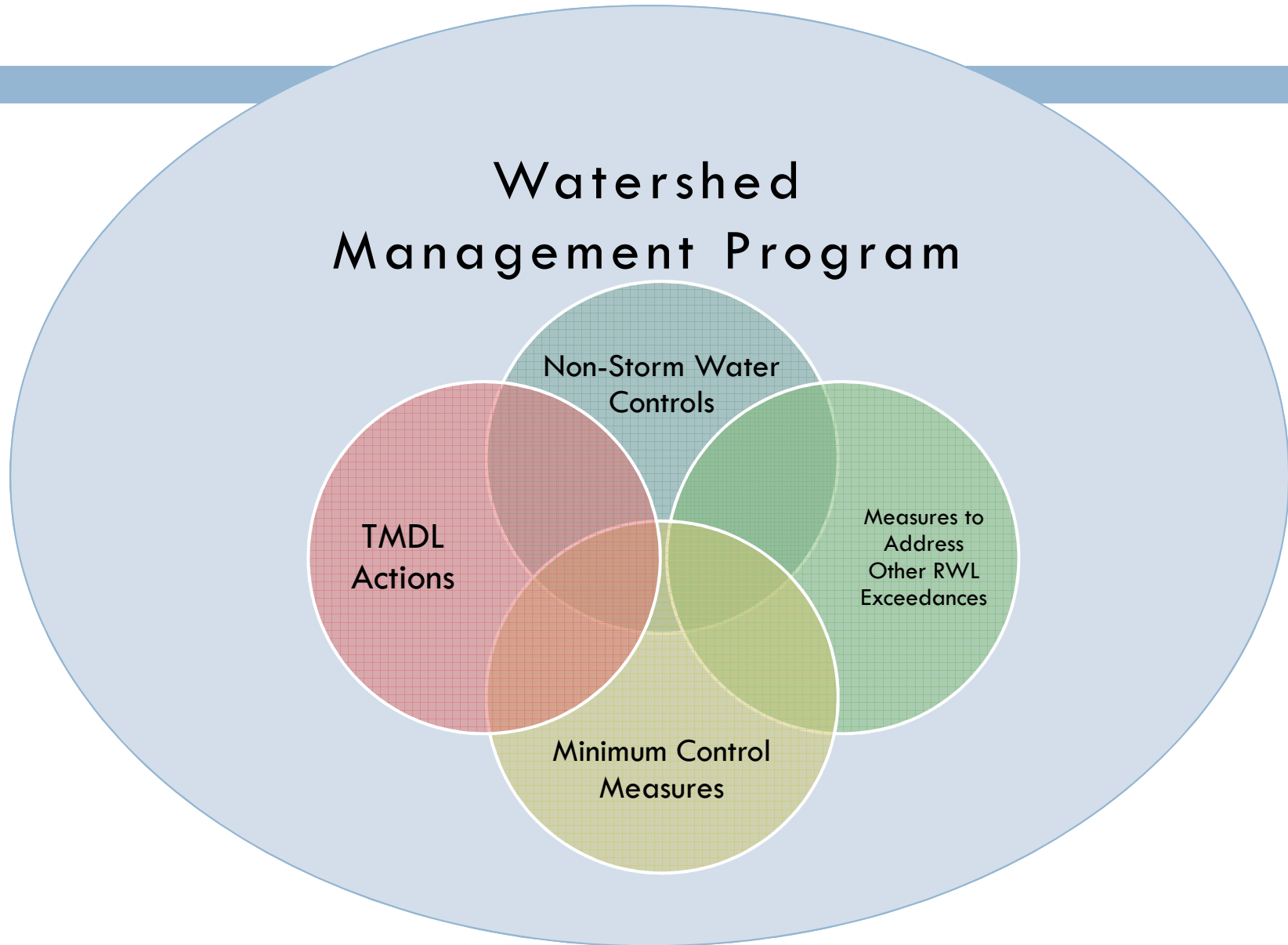
Any applicable numeric or narrative water quality standard, or limitation to implement the applicable WQS, for the receiving water

Watershed Management Programs (WMPs)



- Organizing framework for permit provisions and storm water management programs
- Water quality priorities, particularly TMDL requirements, are driver for selecting and implementing pollutant controls
 - ▣ Allows flexibility to customize some core permit requirements/sequence implementation actions to achieve equal or greater pollutant control and meet TMDL compliance deadlines

PERMIT STRUCTURE

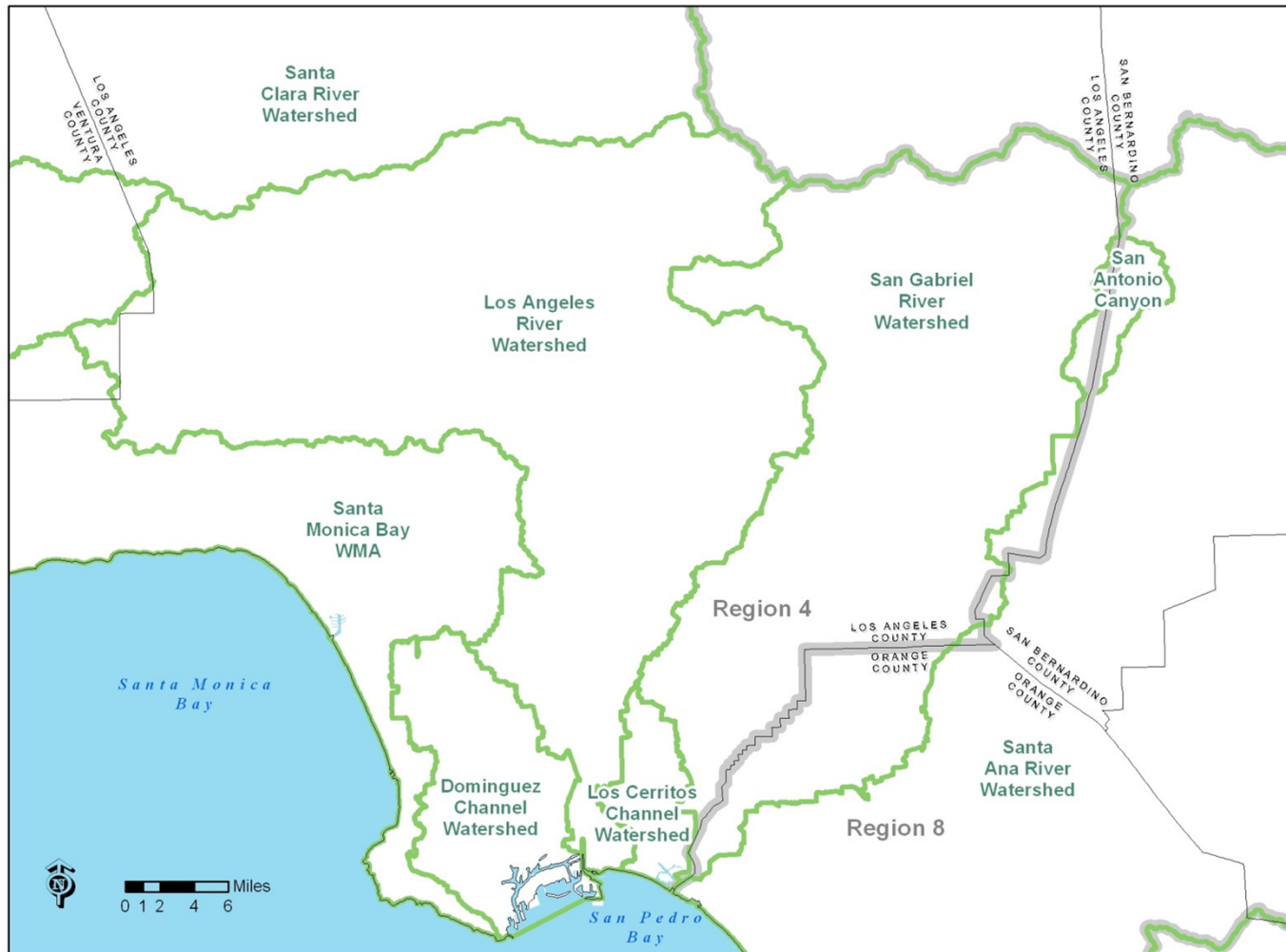


Scope of WMPs

- Seven Watershed Management Areas
 - ▣ Further subdivision based on subwatersheds, e.g. WQFI subwatersheds
- Individual vs. Group programs
 - ▣ Encourage cooperative programs among all Permittees within WMA
 - ▣ Permittees may participate in more than one WMP
 - Individual requirements from each WMP compiled in Permittee's jurisdictional storm water management program
 - ▣ An individual Permittee may develop its own WMP for each WMA within its jurisdiction
 - Not preferred - Ramifications for plan development, monitoring, collaboration on regional controls

Watershed Management Areas

Watershed Management Areas in Los Angeles County



Watershed Management Program Implementation Cycle



Watershed Management Program Process Timeline

Part	Provision	Due Date
VI.C.2.b	Notify Regional Water Board of intent to develop Watershed Management Program	6 months after Order adoption
VI.C.2.b	Submit draft plan to Executive Officer	1 year after Order adoption
VI.C.2.c	Submit final plan to Executive Officer	3 months after receipt of Regional Water Board comments on draft plan
VI.C.4	Begin implementation of Watershed Management Program	Upon submittal of final plan
VI.C.6.a.ii	First evaluation of Watershed Management Program and submittal of revisions to plan	1 ½ years after submittal of final plan
VI.C.6.a.ii	Second evaluation of Watershed Management Program and submittal of revisions to plan	180 days prior to expiration date of Order

Watershed Management Program Plan Development

Identify Watershed Priorities

- Water quality characterization
- Waterbody-pollutant classification
- Source assessment
- Prioritization

Select Watershed Control Measures

- Customize Minimum Control Measures
- Target non-storm water discharge controls
- Compile TMDL implementation actions from Implementation Plans
- Identify individual Permittee responsibilities

Conduct Reasonable Assurance Analysis

- Quantitative analysis/modeling of control measures
- Focus on deadlines within permit term and progress toward achieving final WQBELs
- Documentation of legal authority to implement selected control measures

Identification of Water Quality Priorities



- Highest priority (*Category 1*) – Waterbody/pollutant combinations subject to TMDLs
- High priority (*Category 2*) – Waterbody/pollutant combinations identified on Section 303(d) List as impaired, but no TMDL yet
- Medium – Waterbody/pollutant combinations with exceedances of WQS, but not listed as impaired
- Low priority – Waterbody/pollutant combinations for which data do not indicate exceedances of WQS

Source Assessment

- Focus on Category 1 and 2
- Review available data from
 - ▣ Storm water management programs:
 - Illicit discharge detection and elimination programs
 - Commercial / industrial facilities control programs
 - Development construction programs
 - Public agency activities
 - ▣ TMDL source analysis
 - ▣ Watershed modeling
 - ▣ Monitoring programs
- Identify MS4 outfalls discharging to waterbodies in Categories 1 and 2

MS4 Prioritization

- Based on water quality priorities and MS4 source assessment
- TMDLs
 - ▣ First priority: Address WQBELs and receiving water limitations with interim or final compliance dates within the permit term; past deadlines
 - ▣ Second priority: Begin addressing WQBELs and receiving water limitations with compliance deadlines between 2012-2017
- Other Receiving Water Considerations
 - ▣ Address MS4 discharges that may have caused or contributed to exceedances of water quality standards (not otherwise covered by a TMDL)

Selection of Watershed Control Measures



- Objectives
 - ▣ Create efficient and effective program to focus individual and collective resources on watershed priorities
 - ▣ Focus on Categories 1 and 2
 - ▣ Prevent or eliminate non-storm water discharges through the MS4 that are a source of pollutants
 - ▣ Implement controls to achieve interim and final WQBELs and receiving water limitations – focus on deadlines during permit term
 - ▣ Ensure that MS4 discharges do not cause or contribute to exceedances of other WQS not yet addressed by TMDLs

Permit Provisions Addressed in WMP

- SWMP Minimum Control Measures
 - ▣ Identify opportunities to focus resources on Categories 1 and 2
 - ▣ Management programs consistent with 40 CFR § 122.26(d)(2)(iv)(A)-(D)
 - ▣ Justification for modifications
 - ▣ Customized actions replace, in relevant part, the baseline permit requirements in Section VI.D
- Non-Storm Water Discharge Measures
 - ▣ Effectively prohibit non-storm water discharges
 - ▣ Implement additional BMPs
 - ▣ Divert to sanitary sewer

Permit Provisions Addressed in WMP

- TMDL Control Measures
 - ▣ Actions identified in Basin Plan amendment and/or TMDL Implementation Plans submitted by Permittees
 - Controls to address storm water and non-storm water discharges, where necessary
 - At a minimum, actions to be taken during permit term to achieve interim and/or final WQBELs and receiving water limitations
 - May include baseline or customized activities under MCMs
 - May include controls under non-storm water discharge provisions

Reasonable Assurance Analysis

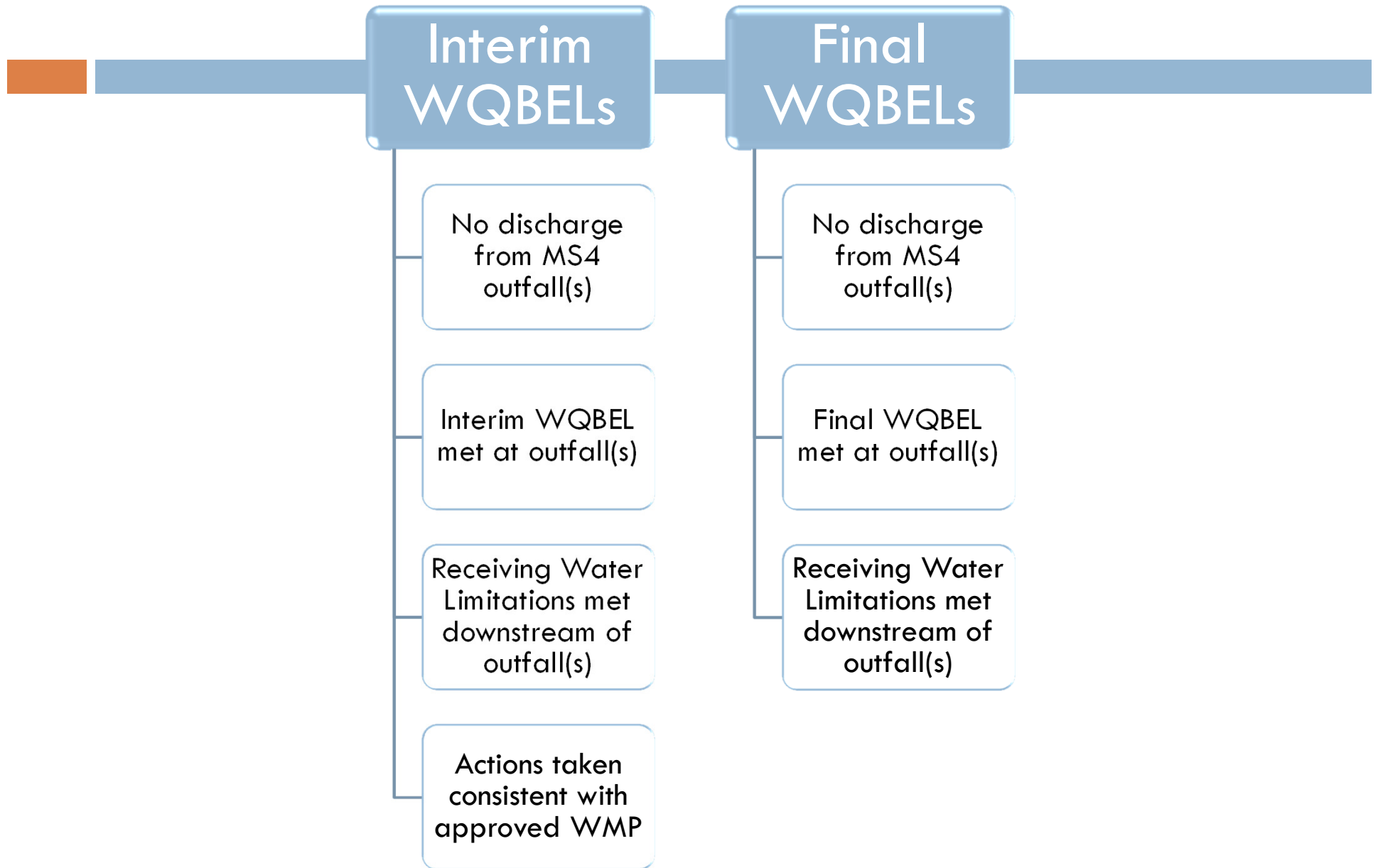


- ❑ WMP must include quantitative analysis demonstrating that watershed control measures are likely to achieve applicable WQBELs with deadlines during permit term
- ❑ If deadlines fall outside of permit term, must include interim milestones and dates for achievement
- ❑ Must include documentation of legal authority to implement, or compel implementation of, the control measures relied upon

TMDL Provisions

- Requirements to implement 33 TMDLs
- Matrices identifying individual Permittees subject to each TMDL
- Attachment for each Watershed Management Area
 - ▣ Numeric Water Quality Based Effluent Limitations established to implement each TMDL WLA
 - ▣ Specific Receiving Water Limitations included, where consistent with WLAs (e.g. exceedance days for bacteria TMDLs)
- Trash TMDL provisions based on existing LA River Trash TMDL requirements

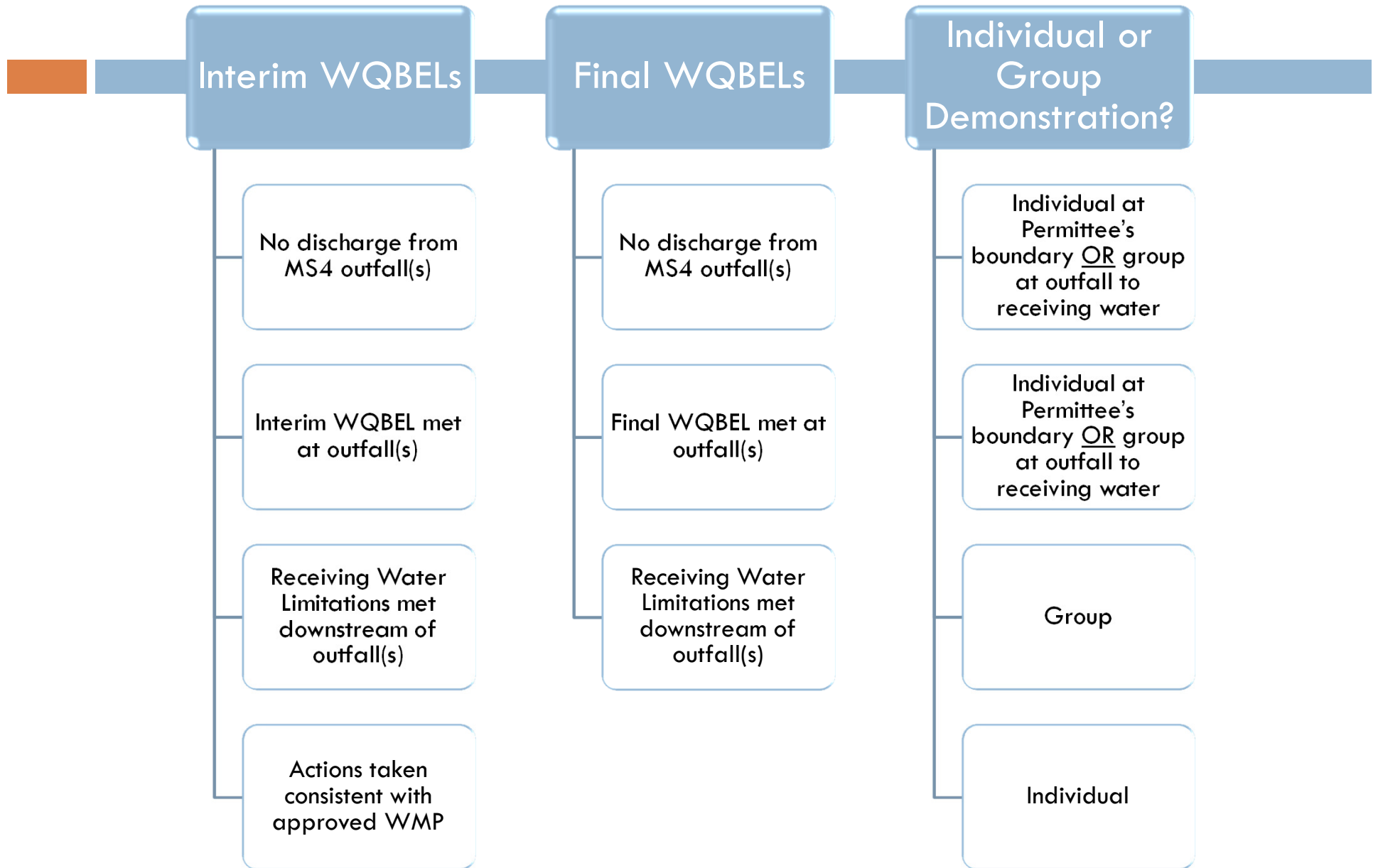
Compliance Demonstration Alternatives



Compliance Determination for Commingled Discharges

- Each permittee is only responsible for discharges from the MS4 for which it is owner/operator
- However, many TMDL WLAs are assigned jointly to a group of permittees because discharges commingle in MS4 prior to discharge to receiving water
- Where permittees have commingled discharges, compliance is determined for the group as a whole unless an individual permittee demonstrates compliance for its discharge individually

Compliance Demonstration Alternatives



TMDL Provisions (cont.)



- Compliance schedules
 - Equal to state-adopted TMDL implementation schedules
 - Approach to final compliance deadlines that have passed
 - Approach to EPA established TMDL without an implementation plan

Time Schedule Orders to Comply

EPA TMDLs

- Time schedule of actions
- Demonstration that schedule is as short as possible
- Interim requirements and dates for achievement

State-adopted TMDLs

- Chronology of actions taken since effective date of TMDL
- Justification of need for additional time
- Time schedule of proposed actions
- Demonstration that schedule is as short as possible
- Interim requirements and dates for achievement

Receiving Water Limitations (RWLs)

- RWL = Applicable Water Quality Standards
- Ensure that discharges from the MS4 do not cause or contribute to exceedances of applicable WQS; protect beneficial uses
- Language based on State Water Board precedential order, Order WQ 99-05; same as 2001 Permit and 2010 Ventura MS4 Permit
- Relationship between Receiving Water Limitations and “iterative [BMP implementation] process”
- Relationship to TMDL provisions - Achieve compliance with RWLs for specific waterbody-pollutant combinations as outlined in TMDL provisions, pursuant to applicable compliance schedules