

## Santa Ana Regional Water Quality Control Board

### STATE OF CALIFORNIA CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SANTA ANA REGION

#### TIME SCHEDULE ORDER NO. R8-2025-0001 REQUIRING THE COUNTY OF ORANGE

#### TO COMPLY WITH REQUIREMENTS PRESCRIBED IN GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ AS AMENDED BY ORDER NO. 2015-0122-DWQ AND ORDER NO. 2018-0028-DWQ (NPDES PERMIT NO. CAS000001) WDID NO. 8 30I005741 FOR JOHN WAYNE AIRPORT

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) finds:

1. John Wayne Airport (hereinafter “JWA” or “Facility”) is located at 18601 Airport Way in the City of Santa Ana, California. This Facility has a total area of 118 acres and an industrial area of roughly 105 acres. The County of Orange (“Discharger”) owns and operates JWA.
2. The State Water Resources Control Board’s (State Water Board) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ was amended on November 6, 2018 with an effective of July 1, 2020 (General Permit). The Amended General Permit also serves as a permit under the National Pollutant Discharge Elimination System program, NPDES Permit No. CAS000001.
3. The Facility is a commercial service airport in Orange County that conducts aircraft fueling, fleet vehicle fueling, maintenance and repairs of airplanes, Ground Support Equipment (GSE) washing and light maintenance, and airplane washing. The Facility has Standard Industrial Classification (SIC) code 4581 – Airports, Flying Fields, and Airport Terminal Services. This SIC code is listed as requiring permit coverage per Attachment A to the General Permit.
4. The General Permit establishes numeric effluent limitations (NELs) for facilities that discharge stormwater associated with industrial activities into water bodies that have approved Total Maximum Daily Loads (TMDLs) set forth in Attachment E to the General Permit and have identified waste load allocations for industrial stormwater discharges. NELs are numeric limits, an exceedance of which is a violation of the

General Permit. The NELs require dischargers to limit the concentration of pollutants in their stormwater discharges in order to protect water quality.

5. Stormwater runoff from JWA ultimately discharges to Santa Ana-Delhi Channel which is tributary to Upper Newport Bay and Lower Newport Bay. These water bodies are located within the Newport Bay/San Diego Creek watershed.
6. Upper Newport Bay and Lower Newport Bay are both identified on California's 2010 Clean Water Act (CWA) section 303(d) List of Impaired Waters as impaired for metals (including copper and zinc).
7. The NELs in the General Permit in the Newport Bay/San Diego Creek watershed were derived from the San Diego Creek and Newport Bay Toxics Total Maximum Daily Load (TMDL) established by the U.S. Environmental Protection Agency on June 14, 2002.
8. The NELs that apply to stormwater discharges from JWA include copper and zinc and are new and more stringent than the prior regulatory requirements in the previous General Permit. These NELs became effective on July 1, 2020 and exceedances of the NELs may be subject to mandatory minimum penalties pursuant to Water Code (Water Code) section 13385, subdivisions (h) and (i).
9. The Discharger has completed a pollutant source assessment that include NEL pollutants and copper and zinc were identified as associated with industrial activities at the Facility.
10. Copper and zinc are present in stormwater samples collected by the Discharger (November 2019 to present) and have been reported in concentrations that exceed the NELs:

<b>Pollutant</b>	<b>Number of Samples Collected</b>	<b>Number of Samples Exceeding Numeric Effluent Limit</b>	<b>Reported Concentration Range (mg/L)</b>	<b>Final Numeric Effluent Limit (mg/L)</b>
Copper	166	154	0.00169 – 0.126	0.00578
Zinc	166	53	0.0132 – 0.331	0.095

11. The Discharger is expected to exceed the NELs for copper and zinc based on historical monitoring data that has been reported to the State Water Board's online Stormwater Multiple Application and Report Tracking System (SMARTS) database by the Discharger and will require additional pollutant control measures to comply with the applicable NELs listed in the General Permit.
12. On December 30, 2024, the Discharger requested an extension to the original Time Schedule Order (TSO) R8-2020-0029 to provide additional time to implement Best Management Practices (BMPs) in order to comply with applicable NELs. The initial TSO was adopted on August 5, 2020 for copper and zinc. A request for an extension

was submitted by JWA requesting additional time to install multiple advanced treatment systems in order to achieve compliance with the NELs for copper and zinc.

13. In order to comply with the applicable NELs, the Discharger will:

- Conduct investigative sampling on BMP effectiveness in the SNAFuel drainage area;
- Design and construct an advance stormwater treatment system or equivalent BMP as needed in the SNAFuel drainage area;
- Reconstruct drainage areas to prevent commingling of industrial and non-industrial pollutant sources;
- Reconstruct drainage area and infrastructure to minimize industrial stormwater exposure;
- Design and construct 6 advanced stormwater treatment systems throughout the Facility; and,
- Implement a range of interim BMPs throughout the Facility that include but are not limited to: quarterly commercial ramp cleaning, trench drain cleaning, media filter socks and straw wattles deployment, catch basins inserts, covering stormwater pollutant material, use of a regenerative sweeper, oil water separators and clarifiers, and coalescing plate separators.

14. The Discharger has developed and updated a facility specific Storm Water Pollution Prevention Plan (SWPPP) that is currently being implemented and complies with the monitoring and reporting requirements of the General Permit. The facility specific SWPPP dated February 5, 2025 was submitted by the Discharger, via SMARTS, on February 20, 2025.

15. Water Code section 13300 states: *"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."*

16. Water Code section 13385, subdivisions (h) and (i), require the regional water boards to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385 subdivision (j)(3) allows the regional water boards to exempt certain facilities from mandatory minimum penalties when there are exceedances of NELs if the facility is in compliance with a time schedule order issued pursuant to Section 13300 if all of the [specified] requirements are met.

17. To trigger an exemption to mandatory minimum penalties under section 13385, subdivision (j)(3), there must be a TSO or a cease and desist order that specifies the actions that the discharger is required to take to correct violations that would otherwise be subject to mandatory minimum penalties. Additionally, pursuant to Water Code section 13385, subdivision (j)(3)(B), the regional water boards must find that *"the*

*discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” for one of the listed reasons, including that the “effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”*

18. The TSO must establish *“a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design, development and implementation of the control measures that are necessary to comply with the effluent limitation.”* (Water Code section 13385, subdivision (j)(3)(C)(i)). The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both .... (I) Effluent limitations for the pollutant or pollutants of concern and (II) Actions and milestones leading to compliance with the effluent limitation. (Water Code section 13385, subdivision (j)(3)(C)(iii)).
19. To extend a TSO beyond five years, a regional water board must hold a public hearing, and the discharger must demonstrate that *“it is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation .... [and] that the additional time is necessary to comply with the effluent limitation.”* (Water Code section 13385, subdivision (j)(3)(C)(ii)(II)). An extension may not exceed five additional years. The Santa Ana Water Board held a public hearing on July 25, 2025. Based on the written and oral evidence presented in this matter, the board finds that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the copper and zinc NELs.
20. The Santa Ana Water Board issues this Order to the Discharger based on all the findings set forth herein.
21. The time schedule set forth herein ends on July 25, 2030. This date does not exceed the 10 years allowed by the Water Code and is as short as possible, taking into account all of the factors specified in Water Code section 13385, subdivision (j)(3)(C)(i).
22. Since the time schedule for completion of additional BMP implementation to comply with the TMDL requirements in the General Permit exceeds one year from the effective date of this Order, this Order includes interim requirements and dates for their achievement. The interim requirements include interim effluent limitations for copper and zinc and actions the Discharger must implement that will lead to compliance with the NELs in the General Permit.

23. As provided in Water Code section 13385, subdivision (j)(3)(D), the discharger must also prepare and implement a pollution prevention plan pursuant to section 13263.3 to trigger the exemption to mandatory minimum penalties. As described in Paragraph 14, the Discharger has prepared and is implementing a SWPPP that includes the information required for a pollution prevention plan under section 13263.3, subdivision (d)(2).
24. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this Order exempts the Discharger from mandatory minimum penalties only for violations of the NELs for copper and zinc in the General Permit that occur after the effective date of this Order and until the expiration date of this Order. In addition to potential mandatory minimum penalties for violations of final NELs in the General Permit, the Discharger may be subject to enforcement actions for failure to comply with an interim effluent limitation or other requirement contained in this Order. An exceedance of an interim numeric effluent limit for the purpose of this Order is determined consistent with the requirements of the General Permit. Compliance with NELs will be assessed at each discharge location identified by the Discharger, including alternate discharge locations as authorized by the General Permit.
25. The definition of an NEL exceedance from the General Permit shall apply to this Order. The General Permit defines an NEL exceedance as follows: Responsible Discharger shall compare all sampling and analytical results from each distinct sample (individual or combined as authorized by XI.C.5) to the corresponding instantaneous maximum NEL values in the TMDL Compliance Table E-2. An instantaneous maximum NEL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NEL value.
26. The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301 because the Order pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this Order is categorically exempt from CEQA pursuant to California Code of Regulations, title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this Order is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Santa Ana Water Board.
27. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Santa Ana Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this Order concerning compliance with waste discharge requirements and provided a 30-day comment period. The Santa Ana Water Board considered all pertinent comments prior to issuing this Order.
28. Any person aggrieved by this action of the Santa Ana Water Board may petition the State Water Board to review the action in accordance with the Water Code section 13320 and the California Code of Regulations, title 23, sections 2050 and following.

The State Water Board must receive the petition by 5:00 p.m., 30 days after the Santa Ana Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found online at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED** that, pursuant to the California Water Code sections 13300 and 13385, subdivision (j)(3), the County of Orange, as owner and operator of JWA, shall comply with the requirements listed below to ensure compliance with the NELs by July 25, 2030 for copper and zinc contained in the General Permit:

1. Comply immediately with the following interim effluent limitation at all discharge points, interim actions, and schedule:

Pollutant	Interim Effluent Limit (mg/L)	Compliance Period
Copper Zinc	0.06673 0.18	July 25, 2025 - July 25, 2026
Copper Zinc	0.0345 0.143	July 26, 2026 - July 25, 2027
Copper Zinc	0.0211 0.122	July 26, 2027 - July 25, 2028
Copper Zinc	0.0111 0.112	July 26, 2028 - July 25, 2029
Copper Zinc	0.00578 0.095	July 26, 2029 - July 25, 2030

Interim Action Plan	Completion Date
<b>Task 1: Fire Station Modification (JWA 4-9)</b> <ul style="list-style-type: none"> <li>• Install permanent canopy.</li> <li>• Install sump to support material transfer.</li> <li>• Alter operational procedures to reduce copper and zinc exposure.</li> </ul>	August 1, 2026
<b>Task 2: Commercial Ramp Advanced Treatment Construction (JWA 1-1_QCS and JWA 1-2)</b> <ul style="list-style-type: none"> <li>• Conduct bench-scale testing and pilot study to support the design of advanced stormwater treatment system.</li> <li>• Design and construct advanced stormwater treatment system.</li> </ul>	August 1, 2028
<b>Task 3: SNAFuel BMP Investigation (JWA 4-10)</b> <ul style="list-style-type: none"> <li>• Conduct investigative sampling on BMP effectiveness during Q1 and Q2 of 2025.</li> <li>• Design and construct an advanced stormwater treatment system if copper or zinc Numeric Effluent Limits are exceeded.</li> </ul>	August 1, 2028

<b>Task 4: GAIP – Clay Lacy Aviation Advanced Treatment Construction (JWA 4-6)</b> <ul style="list-style-type: none"> <li>Construct advanced stormwater treatment system.</li> </ul>	August 1, 2028
<b>Task 5: GAIP – Jay’s Air Center Advanced Treatment Construction (JWA 3-5)</b> <ul style="list-style-type: none"> <li>Construct advanced stormwater treatment system. Begin construction in Q1 of 2026.</li> </ul>	August 1, 2028
<b>Task 6: Maintenance Laydown Yard Structural Improvements and Advanced Treatment Construction (JWA 3-4)</b> <ul style="list-style-type: none"> <li>After completion of the Taxiway Realignment Project: <ul style="list-style-type: none"> <li>Reconstruct drainage area to prevent commingling of industrial and non-industrial areas</li> <li>Reconstruct drainage area to minimize sediment run-on</li> <li>Reconstruct drainage area to reduce stormwater exposure to industrial activities</li> <li>Construct advanced stormwater treatment system.</li> </ul> </li> </ul>	August 1, 2029
<b>Task 7: GAIP – ACI Jet Advanced Treatment Construction (JWA 2-3_QCS)</b> <ul style="list-style-type: none"> <li>Begin construction of new drainage system concurrent with Taxiway A, D, and E and south trench drain installation.</li> <li>After completion of the Taxiway Realignment Project and other GAIP Construction projects: <ul style="list-style-type: none"> <li>Reconstruct drainage area to prevent commingling of industrial and non-industrial areas</li> <li>Complete construction and drainage connections for both the north and south advanced stormwater treatment systems. Begin construction in Q1 2026.</li> </ul> </li> </ul>	July 25, 2030

The foregoing interim effluent limitation and interim actions are in effect from the effective date of this Order through the end date of this TSO on July 25, 2030. During this time, the County of Orange shall comply with the interim actions and associated schedule based on the Discharger’s initial correspondence with the Santa Ana Water Board on April 16, 2024, a subsequent meeting held on June 11, 2024, the formal TSO request submission dated December 30, 2024, as well as modifications made after further correspondence with the Santa Ana Water Board in early 2025.

2. Submit, electronically through SMARTS, annual progress reports to demonstrate compliance with the interim actions per the above schedule and with the interim effluent limitation in addition to other reporting requirements pursuant to the General Permit by July 1 of each year. The Santa Ana Water Board will review the progress reports to determine whether the Discharger has completed the required interim action plan items and whether the Discharger has complied with the interim effluent limitation. The Santa Ana Water Board may require the Discharger to submit additional information as reasonably necessary to determine compliance with this Order.
3. All technical and monitoring reports required under this Order are reasonably required pursuant to Water Code section 13383. The Santa Ana Water Board needs the

required information in order to determine compliance with this Order and the General Permit.

4. Any person signing a document submitted under this Order 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."*

5. If the Discharger fails to comply with any provisions of this Order, the Santa Ana Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Santa Ana Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
6. All other provisions of the General Permit as amended not in conflict with this TSO are in full force and effect.
7. This Time Schedule Order is effective on July 25, 2025.

I, Jayne E. Joy, Executive Officer, hereby certify that this Order R8-2025-0001 is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on July 25, 2025.

---

Jayne E. Joy, P.E.  
Executive Officer