

ORANGE COUNTY



May 8, 2013

Regional Permit Adoption Hearing



Presentation

- MS4 Permits
- Need & Support for B.3.c. Compliance Option
- Questions

MS4 Permits



Need for B.3.c.

- Provision A requires instantaneous attainment of Water Quality Standards for “every pollutant, everywhere.”
- B.3.c. is needed because it creates an achievable basis for compliance with the Order.

Support [With Clarifications] for B.3.c.

- Creates auditable compliance pathway
- Links “BMP Approach” to attainment of Water Quality Standards per State and Federal guidance
- Establishes outcome-based approach which will support watershed planning and the Draft San Diego RWQCB “Practical Vision” Document
- Is supported by 39 permittees

Clarification #1 – Numeric Goals

B.3.a.(1) Footnote – Interim and Final Numeric Goals

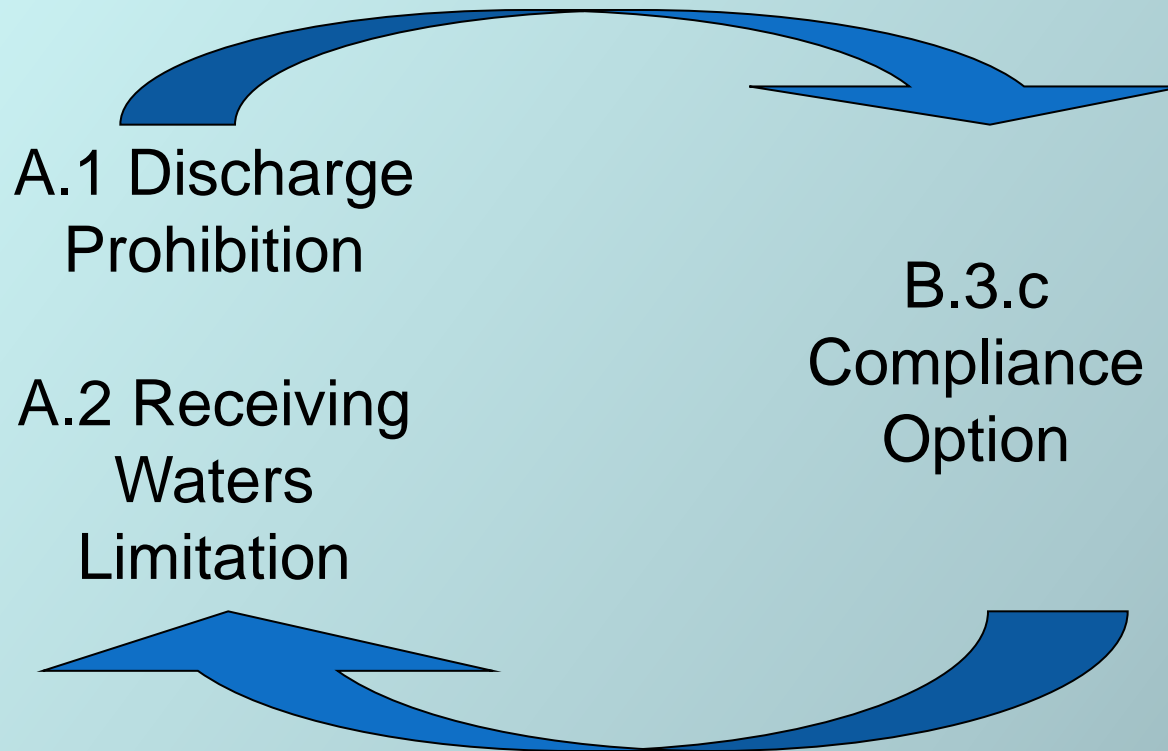
Interim and final numeric goals may take a variety of forms such as TMDL established WQBELs, action levels, pollutant concentration, load reductions, number of impaired water bodies delisted from the List of Water Quality Impaired Segments, Index of Biotic Integrity (IBI) scores, or other appropriate metrics. Interim and final numeric goals are not necessarily limited to one criterion or indicator, but may include multiple criteria and/or indicators. Except for TMDL established WQBELs, interim and final numeric goals and corresponding schedules may be revised through the adaptive management process under Provision B.5.

Clarification #1 – Resolution

B.3.c.(1).(a).(ii) Numeric Goals

Numeric goals applicable to the Copermittees MS4 discharges ~~expressed as concentration-based or load-based effluent limitations~~ for all other pollutants listed on the Clean Water Act Section 303(d) List of Water Quality Impaired

Clarification #2 – Section A Compliance



Clarification #2 - Resolution

A. PROHIBITIONS AND LIMITATIONS

*The purpose of this provision is to describe the conditions under which storm water from and non-storm water discharges into and from the MS4s are effectively prohibited or limited. The goal of the prohibitions and limitations is to protect the water quality and designated beneficial uses of waters of the state from adverse impacts caused or contributed to by MS4 discharges. This goal will be accomplished through the implementation of water quality improvement strategies and runoff management programs that effectively prohibit non-storm water discharges into the Copermittees' MS4s, and reduce pollutants in storm water discharges from the Copermittees' MS4s to the MEP. **The process for determining compliance with the Discharge Prohibitions (A.1), Receiving Water Limitations (A.2), and Effluent Limitations (A.3, including effluent limitations derived from the TMDL requirements – Attachment E) is defined in Provision A.4.***

Clarification # 2 - Resolution

A.1. Discharge Prohibitions

- a. Except as provided in Provision A.1.e, A.1.f, and A.4.d., discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance in receiving waters of the state are prohibited.
- e. If a Permittee has complied with the procedures outlined in Part B.3.c, the Permittee shall not be considered in violation of Part A.1 of this Order.
- f. For discharges associated with water body pollutant combinations addressed in a TMDL in Attachment E of this Order, the affected Copermitees shall achieve compliance as outlined in Attachment E.

Clarification # 2 - Resolution

A.2.Receiving Water Limitations

- a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters, including but not limited to all applicable provisions contained in **the list below to the extent that they remain in effect and are operative, unless such discharges are being addressed by the Copermittee(s) through the processes set forth in this Order (Provision A.4, Provision B.3.c., and Attachment E). Where a TMDL has been developed and its terms have been incorporated into this Order (in a manner that is consistent with the waste load allocations set forth in the TMDL), a Permittee shall also be considered in compliance with such TMDL-related requirements provided in this Order, if it is timely and in good faith implementing the MEP-compliant control measures otherwise established by this Order:**

Clarification # 2 - Resolution

A.2. Receiving Water Limitations

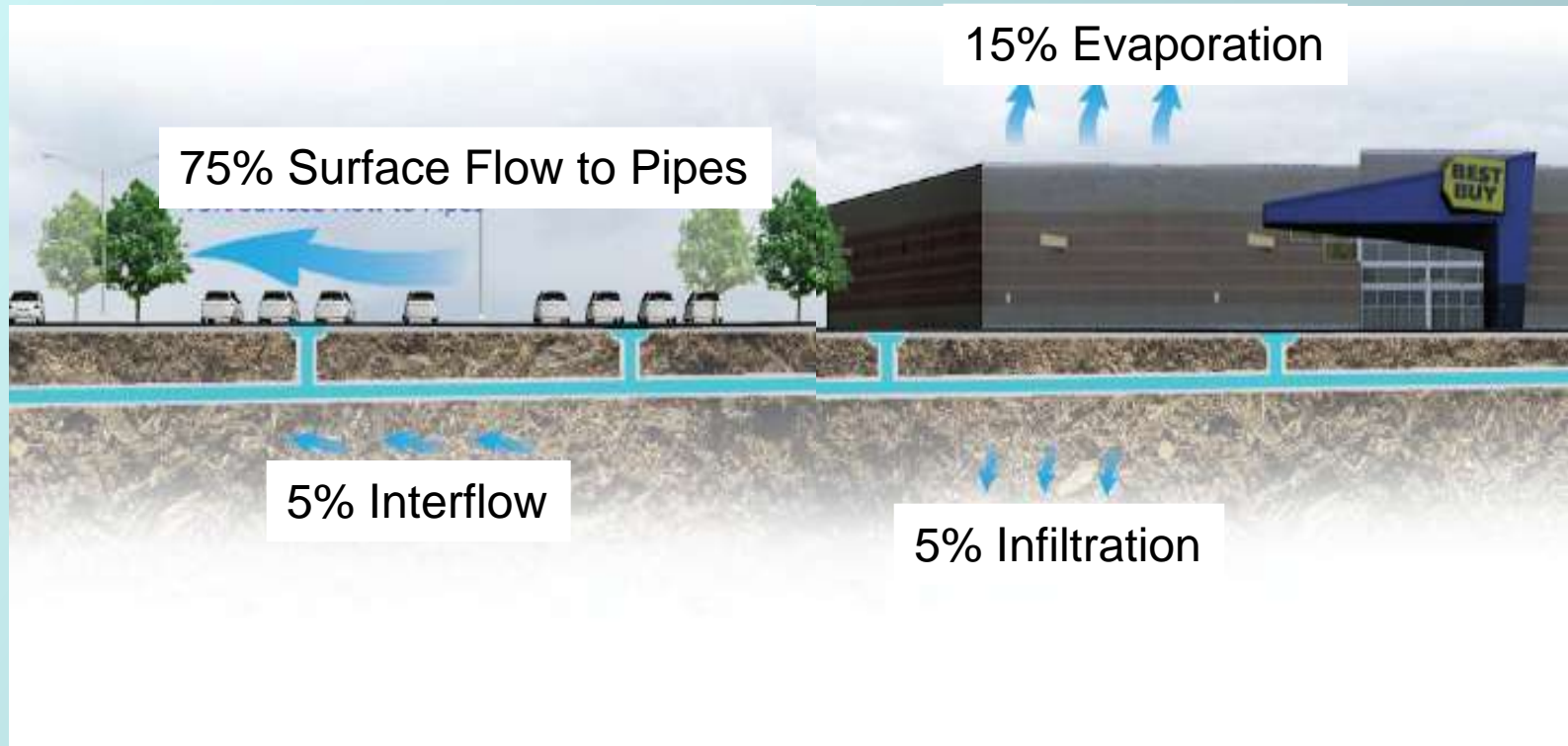
- c. **If a Permittee has complied with the procedures outlined in Part B.3.c, the Permittee shall not be considered in violation of Part A.2 of this Order.**
- d. **d. For receiving water limitations associated with a water body pollutant combination addressed in a TMDL in Attachment E of this Order, the affected Copermittees shall achieve compliance as outlined in Attachment E.**

Conclusion

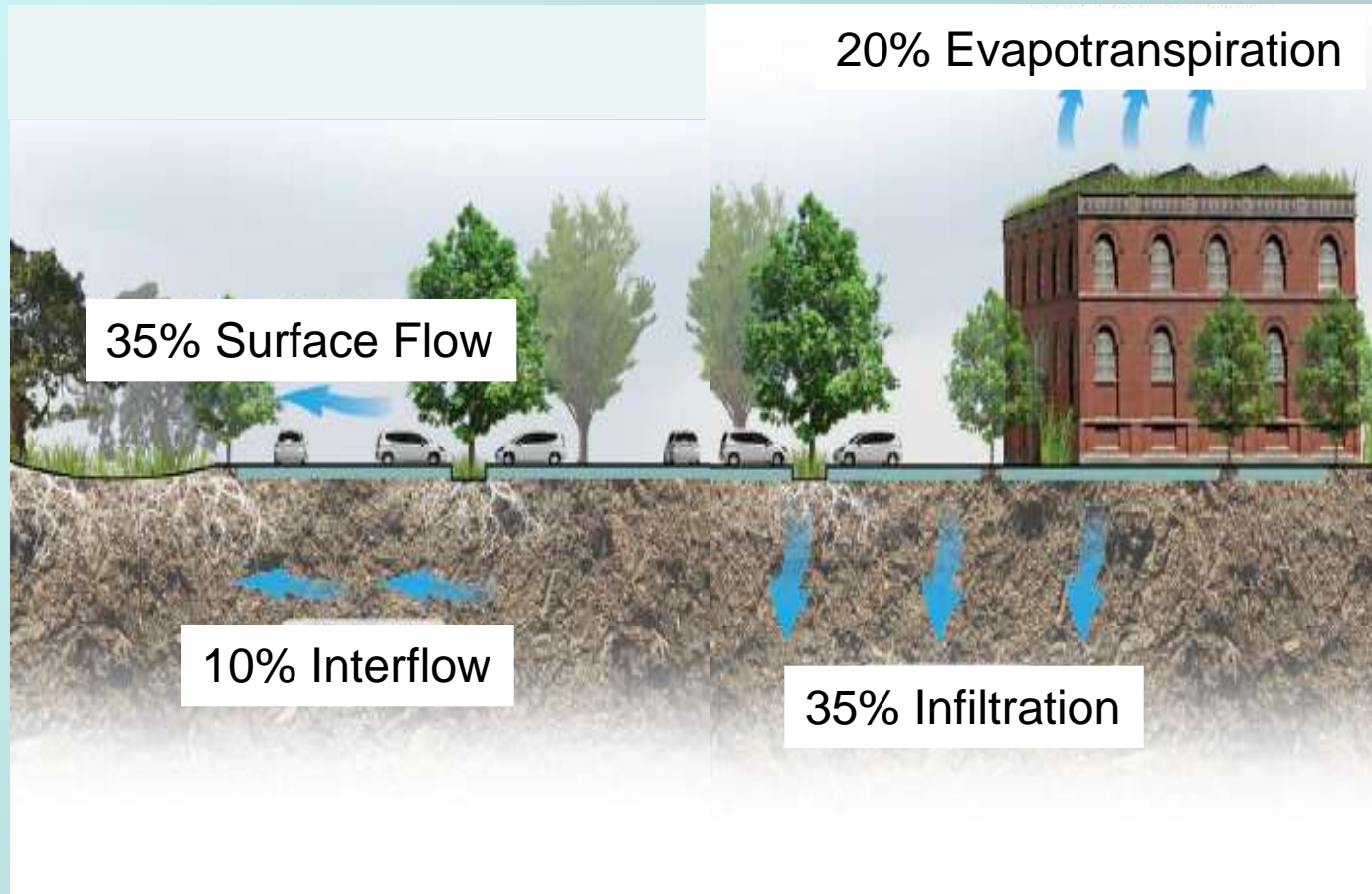
- B.3.c. Compliance Option provides a necessary and auditable compliance pathway for permittees
- Clarify
 - “Numeric Goals” per Footnote
 - Nexus to Provision A
- Inclusion of B.3.c. Compliance Option (with Clarifications) is requested by San Diego, Riverside and Orange (39 permittees)

Questions

Urban Runoff - Conventional Urban Development



Urban Runoff - Low Impact Development



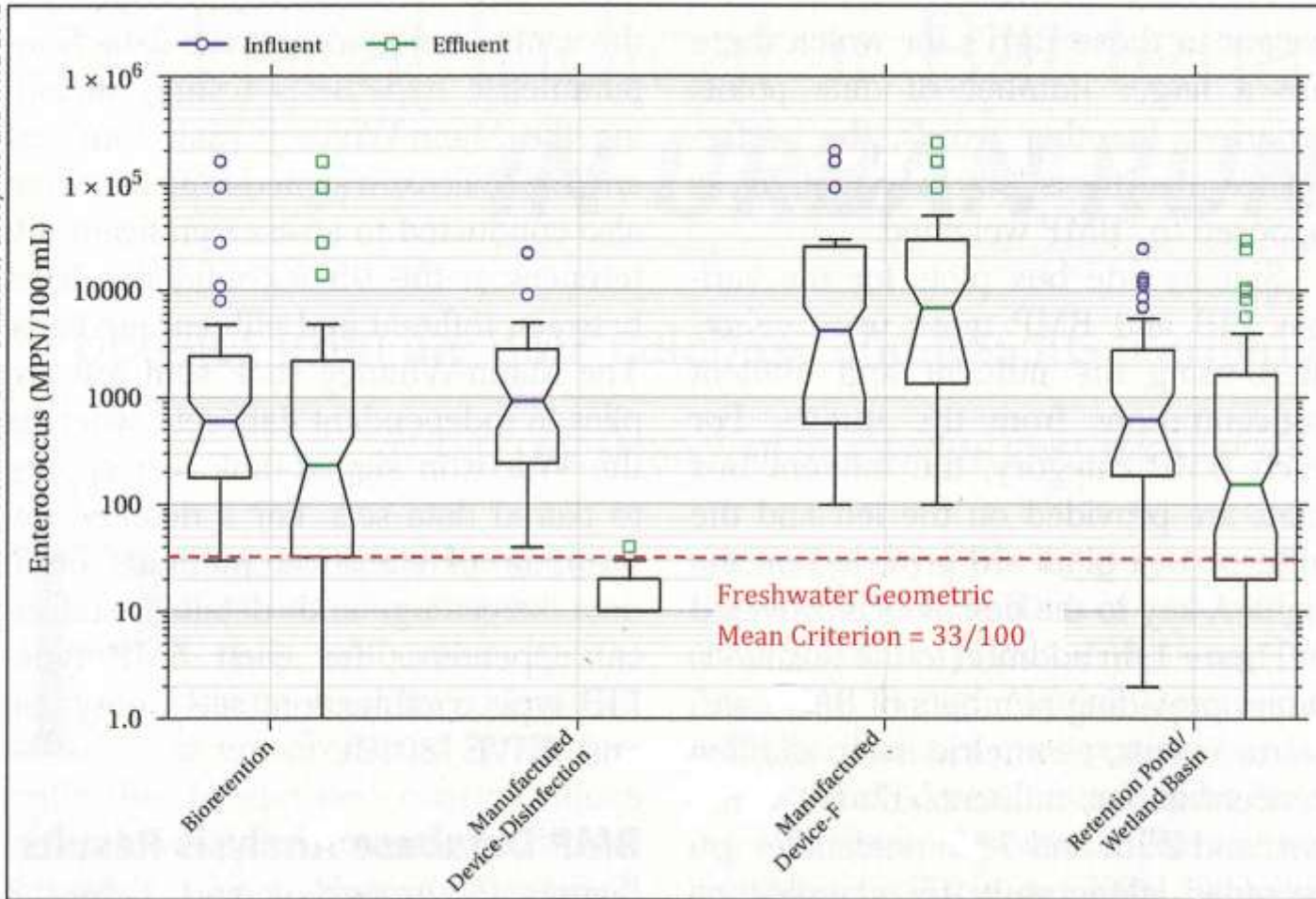


Figure 2. Box plots of influent/effluent enterococcus concentrations