

Draft Alternative Compliance Pathway for Receiving Water Limitations

Insert the following as Provision B.3.c:

c. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS COMPLIANCE OPTION

- (1) The Copermittees may utilize implementation of the water quality improvement strategies in the Water Quality Improvement Plan to demonstrate compliance with the requirements of Provisions A.1.a, A.1.c and A.2.a. For each Copermittee in the Watershed Management Area that chooses to utilize this option, the Copermittee will be in compliance with Provisions A.1.a, A.1.c and A.2.a if:
- (a) Numeric goals and schedules developed pursuant to Provision B.3.a include the following numeric goals:
 - (i) Water quality based effluent limitations (WQBELs) expressed as concentration-based or load-based effluent limitations applicable to the Watershed Management Area established by the TMDLs in Attachment E to this Order; and
 - (ii) Numeric goals applicable to the Copermittee's 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 Segments¹ for the receiving waters in the Watershed Management Area that do not have a TMDL developed; and
 - (iii) Numeric goals for receiving waters that will protect the conditions of the receiving waters and attain water quality standards.
 - (b) An analysis utilizing a watershed model or other watershed analytical tools is performed. The results must be included in the Water Quality Improvement Plan to quantitatively demonstrate that the implementation of the water quality improvement strategies required under Provision B.3.b will achieve the numeric goals within the established schedules required under Provision B.3.a. The analysis may be performed individually or jointly by the Copermittees choosing to utilize this option in the Watershed Management Area, and must be updated as part of the iterative approach and adaptive management process required under Provisions B.5.a-b.
 - (c) The Water Quality Improvement Plan specifies the monitoring and assessments (i.e. MS4 outfall discharge, receiving water, and/or special studies) that will be performed by the Copermittee to confirm the implementation of the water quality improvement strategies within its jurisdiction is making progress toward achieving the numeric goals in accordance with the established schedules developed pursuant to Provision

¹ 2002 and subsequent 303(d) Lists

B.3.c.(1)(a). The monitoring and assessments must be incorporated into the monitoring and assessment program required pursuant to Provision B.4. The monitoring and assessments must be updated as part of the iterative approach and adaptive management process required under Provision B.5.c.

- (d) The numeric goals proposed pursuant to Provision B.3.c.(1)(a), the analysis performed pursuant to Provision B.3.c.(1)(b), and the specific monitoring and assessments proposed pursuant to Provision B.3.c.(1)(c) have been reviewed by the Water Quality Improvement Consultation Panel (see Provision F.1.a.(1)(b)) for any recommendations. Updates must be reviewed by the Water Quality Improvement Consultation Panel for any recommendations.
- (2) Each Copermittee that chooses to utilize this option will, for the pollutant/water body combinations covered by the analysis, be in compliance with Provisions A.1.a, A.1.c and A.2.a when the Water Quality Improvement Plan, incorporating the requirements of Provision B.3.c.(1), is accepted by the San Diego Water Board.
- (3) The Copermittee will, for the pollutant/water body combinations covered by the analysis, remain in compliance with Provisions A.1.a, A.1.c and A.2.a during the term of this Order as long as:
- (a) The results of the analysis performed pursuant to Provision B.3.c.(1)(d) is accepted by the San Diego Water Board Executive Officer as part of the Water Quality Improvement Plan and as part of subsequent updates to the Water Quality Improvement Plan; AND
 - (b) The Copermittee continues to implement the water quality improvement strategies within its jurisdiction developed pursuant to Provision B.3.b.(1) in accordance with the schedules for implementing the strategies established pursuant to Provision B.3.b.(3)(a); AND
 - (c) The Copermittee continues to perform the monitoring and assessments specified in the Water Quality Improvement Plan, developed and implemented pursuant to Provision B.3.c.(1)(c), to demonstrate its progress toward achieving the numeric goals applicable to its MS4 discharges in accordance with the interim and final dates for achieving the numeric goals established pursuant to Provision B.3.a.(2); AND
 - (d) The Copermittee continues to implement the requirements of Provision A.4.a.