

Regional Board Hearing

Presentation of
Orange County Permittees

by

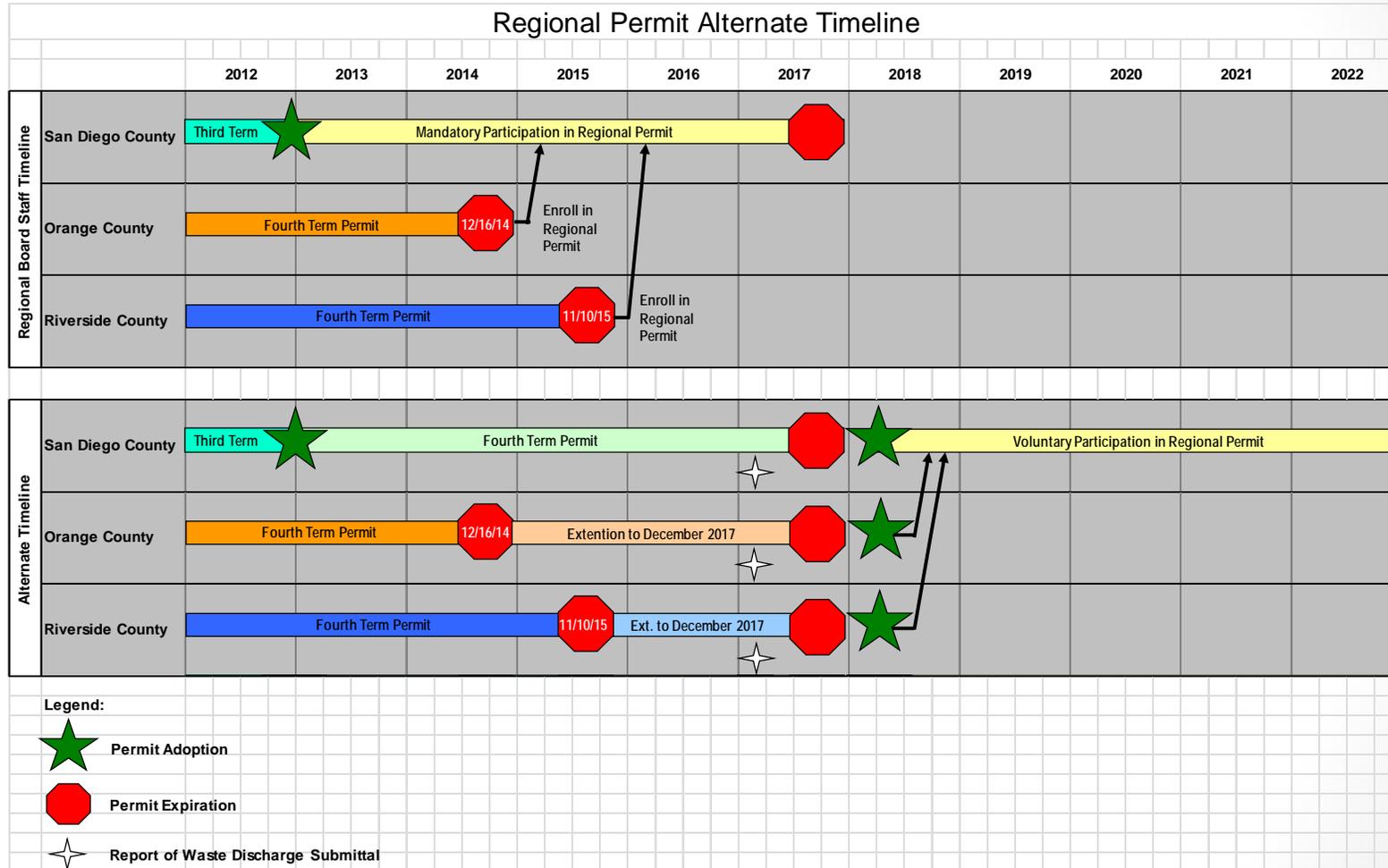
County of Orange

Chris Crompton / Ryan Baron
/ Mary Anne Skorpanich
February 11, 2015

Presentation

- Regional Permit Enrollment
- Key Policy Issues
 - Compliance
 - State of the Environment in South Orange County – Bridging the Analytic Gap
- Pathway Forward

Regional Permit Process



Regional Permit Enrollment



Response to Comments

- **126** pages, most in response to County of Orange
 - **58** “disagree” statements
 - **53** “no change to Tentative Order” statements
 - **17** “agree” statements
 - **Zero** changes in response to legal comments
-
- Regional Permit in 2013 made consideration of the South Orange County ROWD largely irrelevant to the process
 - A separate permit for south Orange County, as was requested, could have made the ROWD relevant

→ Regional Permit Enrollment

→ **Key Policy Issues**

- **Compliance**
- State of the Environment in South Orange County - the Analytic Gap

→ Pathway Forward

Permit Compliance



A.2.a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters

A.4. Each Copermitttee must achieve compliance with... A.2.a of this Order through timely implementation of control measures

Impacts

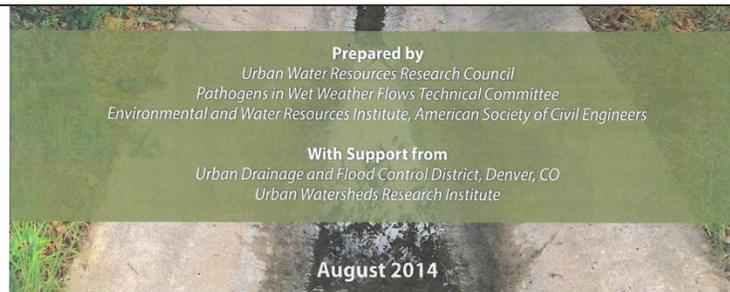
- Reverse process from LA and Santa Ana Regions
- Most agency permits in compliance from Day 1
- System was not setup to make flood control operators adhere to the same standards as other point source dischargers
- Is sky falling? Not in OC but active lawsuits/NOIs in CA/U.S.
- Prioritization at risk
- Material changes to WQIP process if 2015-16 compliance

ASCE - Attaining FIB Compliance in Wet Weather Infeasible

PATHOGENS *in Urban Stormwater Systems*



*Depending on the sources of FIB affecting a particular receiving water and the manner in which MS4 permit compliance is assessed, dry weather standards may be attainable in some cases, **but consistently attaining standards under wet weather conditions may be infeasible.***

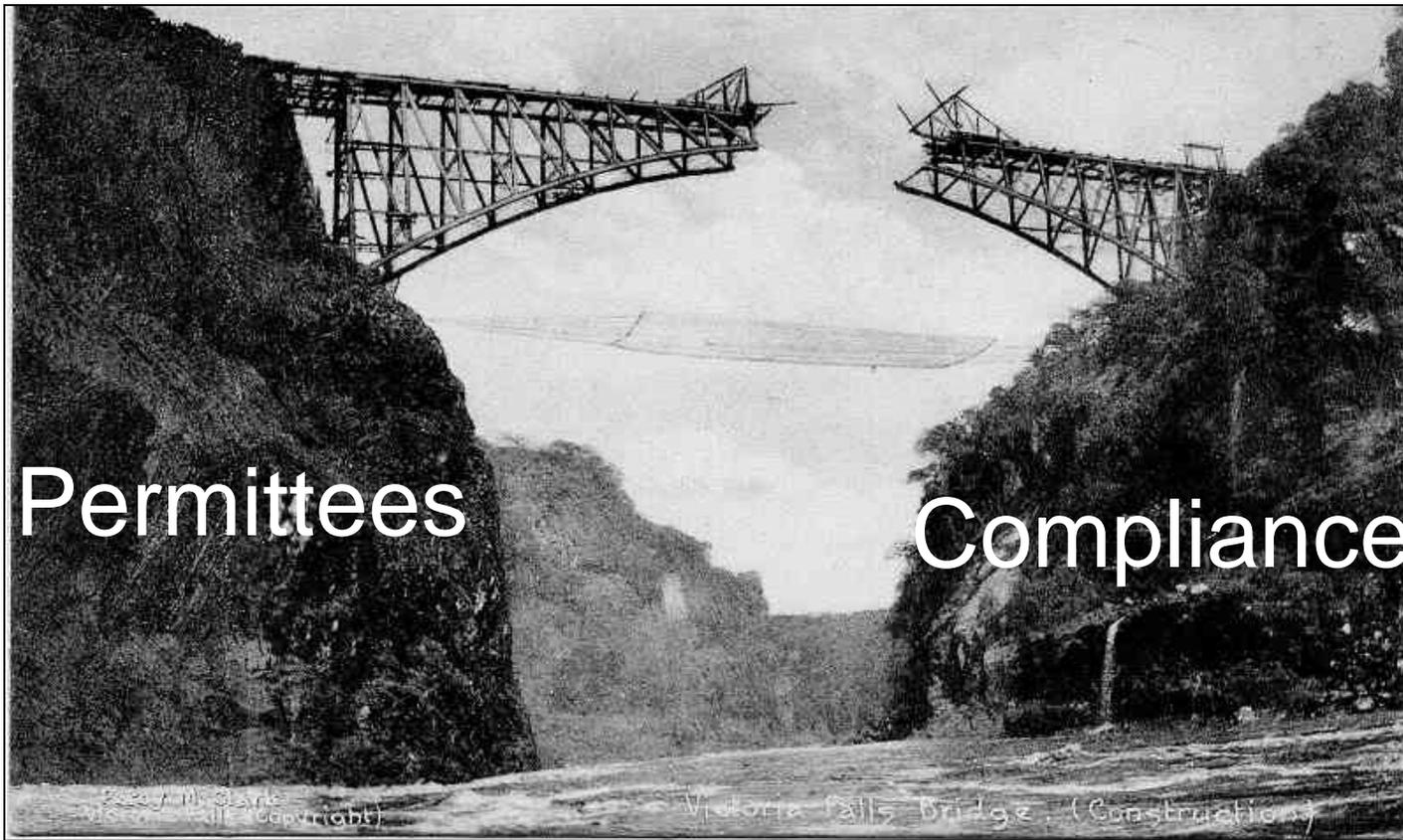


Prepared by
Urban Water Resources Research Council
Pathogens in Wet Weather Flows Technical Committee
Environmental and Water Resources Institute, American Society of Civil Engineers

With Support from
Urban Drainage and Flood Control District, Denver, CO
Urban Watersheds Research Institute

August 2014

Pathway to Compliance Needed



→ Regional Permit Enrollment

→ Key Policy Issues

- Compliance
- State of the Environment in South Orange County – bridging the Analytic Gap

→ Pathway Forward

Bridging the Analytic Gap

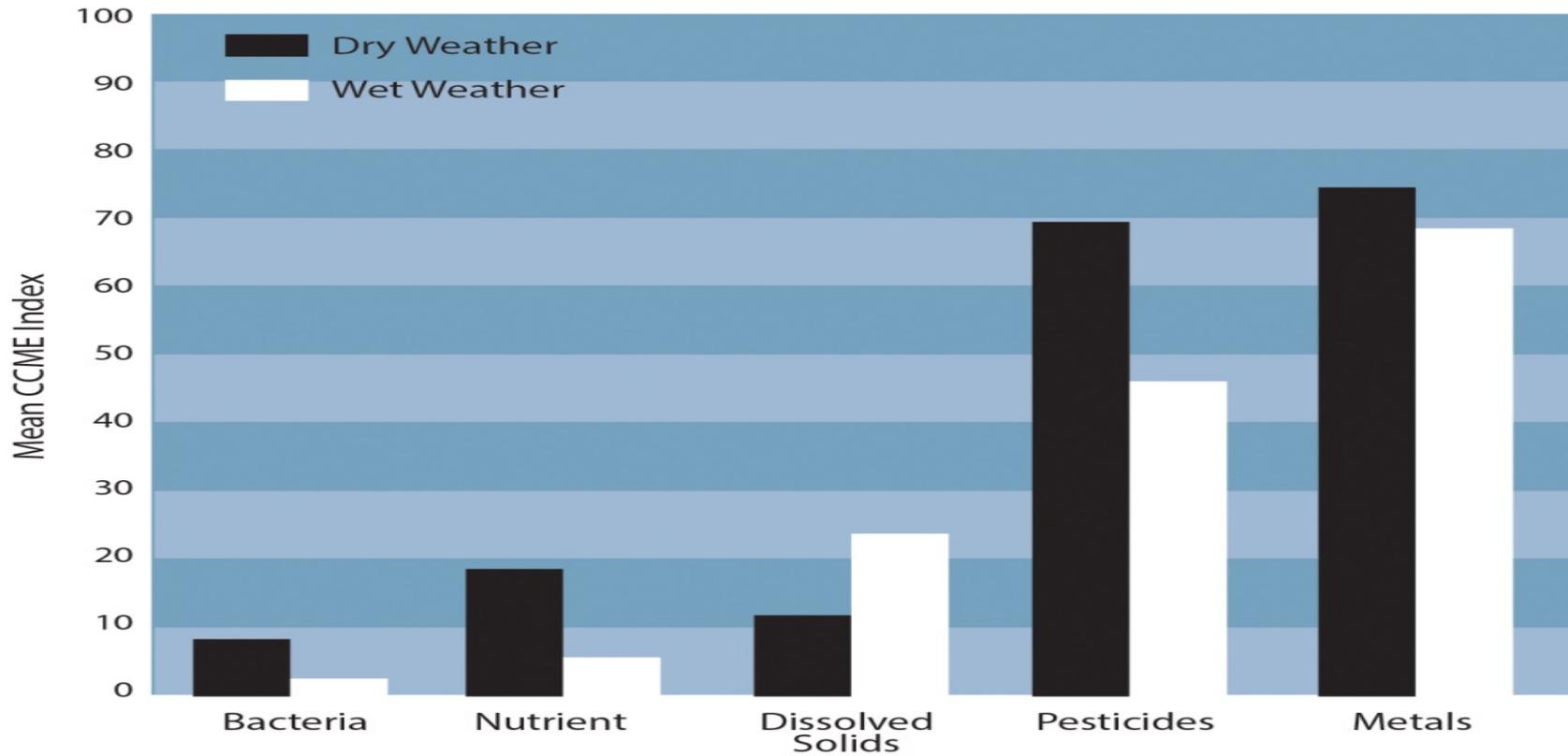
Findings must “bridge the analytic gap between the raw evidence and ultimate decision or order.” WQ Order 95-4

**2014 REPORT OF WASTE DISCHARGE
SAN DIEGO REGION
STATE OF THE ENVIRONMENT**



ORANGE COUNTY STORMWATER PROGRAM

Our Water Quality Priorities

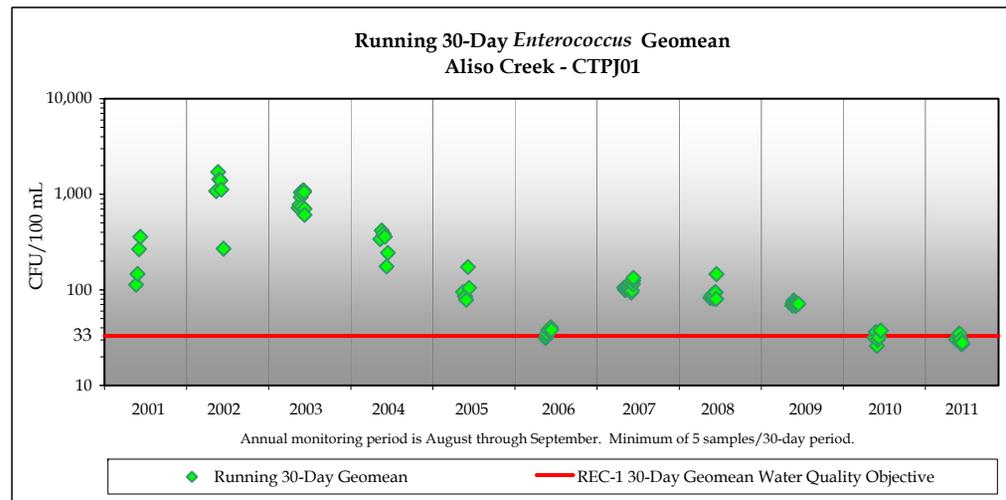
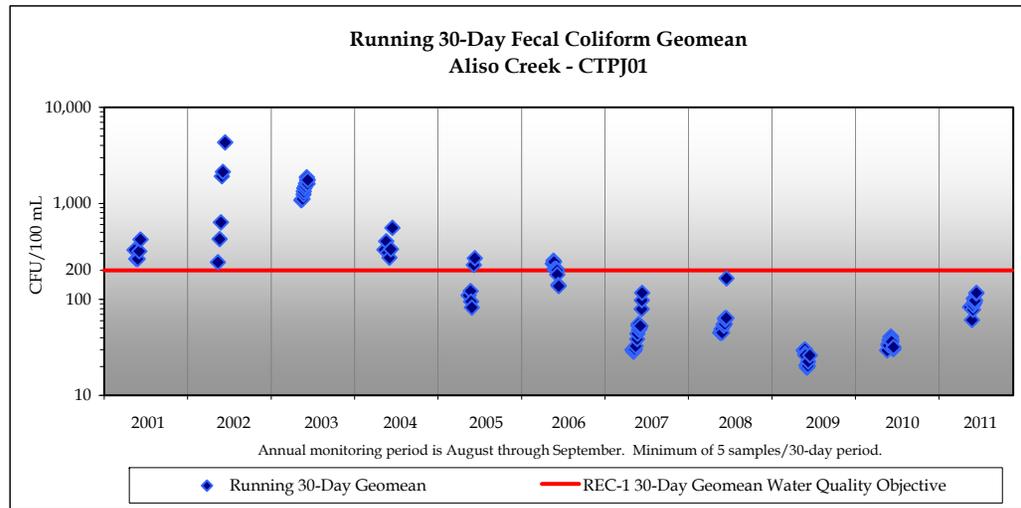


← Increasing Concern

FIB: Dry Weather-Beaches



FIB: Dry Weather-Inland Streams



FIB: Model Control Program

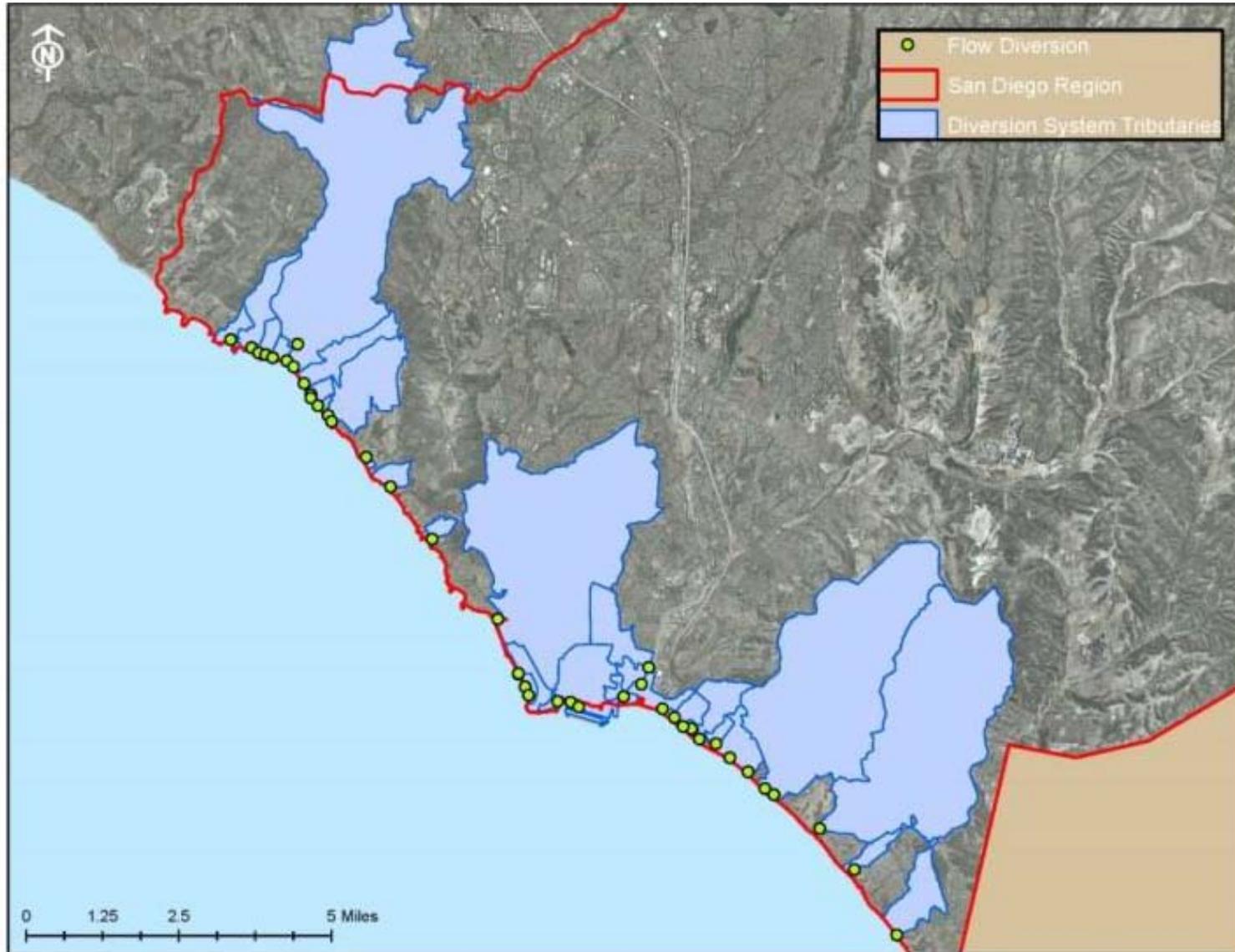
- Non Structural BMPs

- Irrigation Runoff Reduction 
- SSO Reductions 
- LID 
- Pet Waste Management 
- Control of ID/IC 
- Inspection 
- Animal Facility 
- Drain Cleaning 
- **Wildlife Control** 

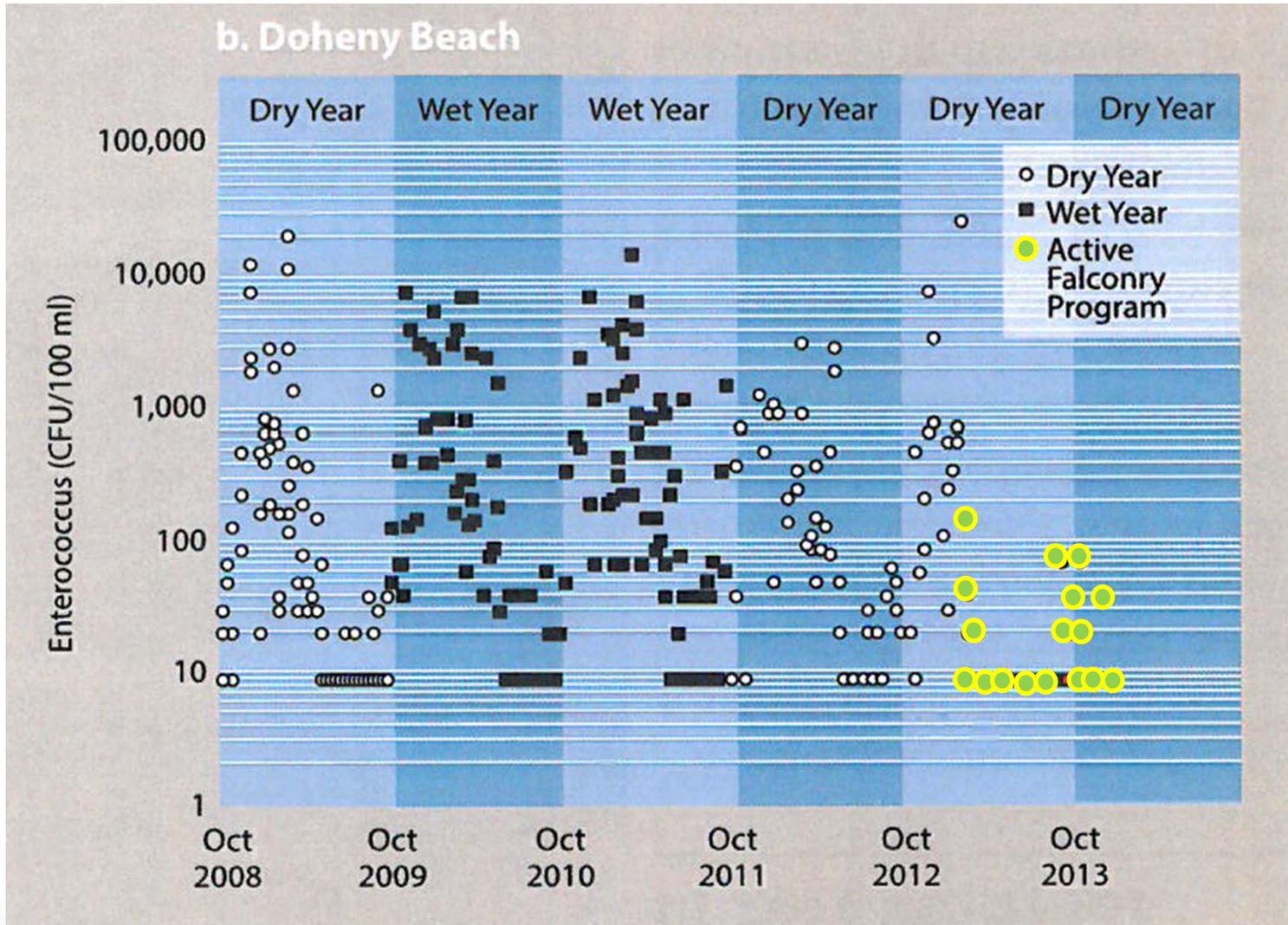
- Structural BMPs

- **Low Flow Diversion** 
- Low Flow Treatment 
- **Regional Basins** 
- **Channel Restoration** 

FIB: Dry Weather Diversions



FIB: Wildlife Control

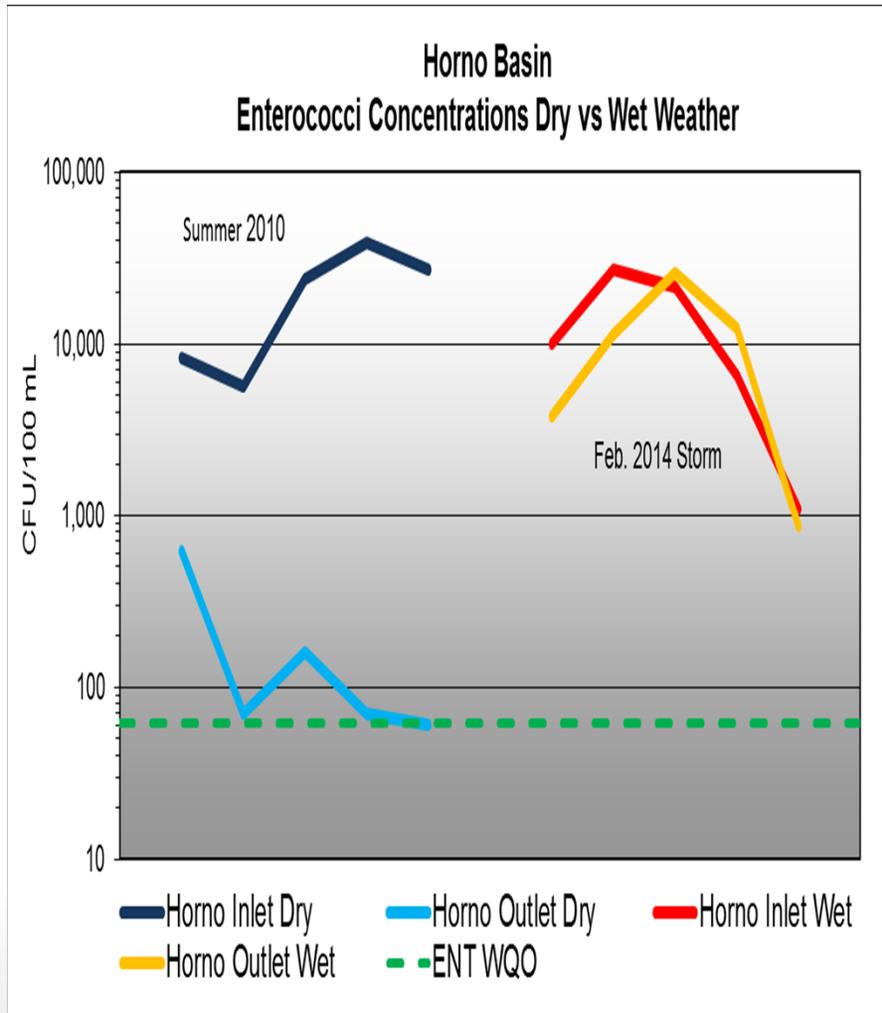


FIB: Wet Weather



FIB: Structural BMPs

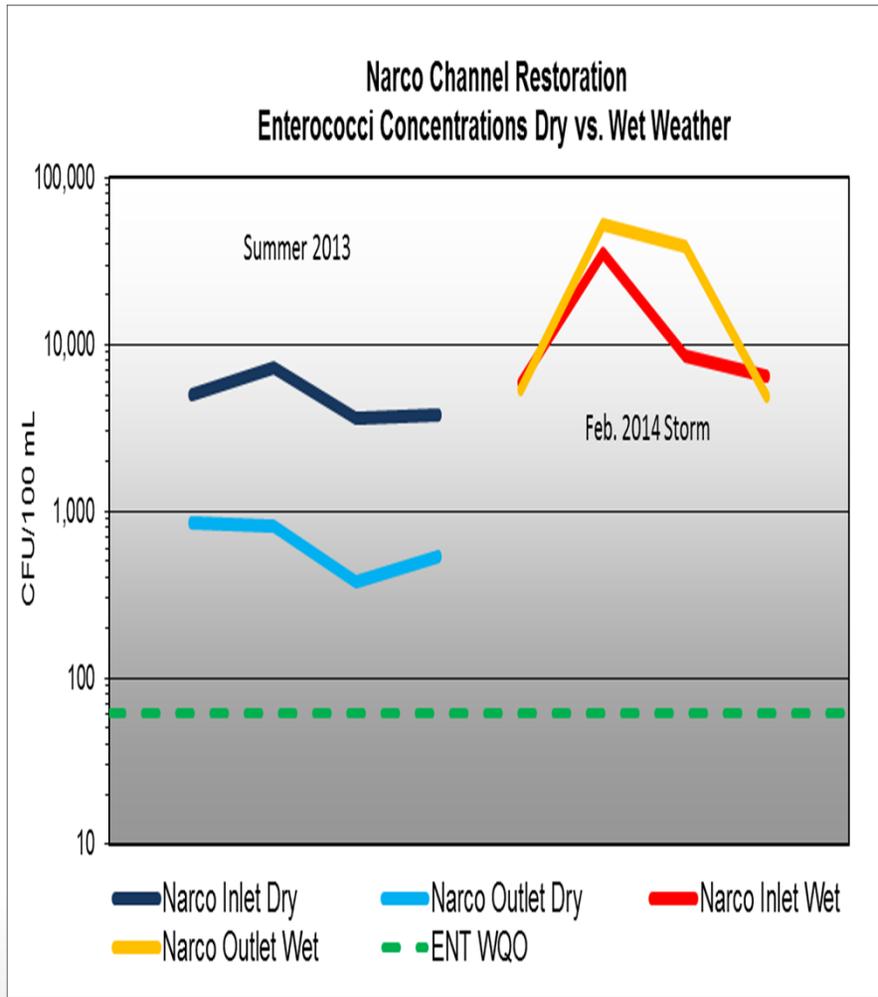
→ BMP Effectiveness - Enterococci



Credit: Kacen Clapper, OCPW

FIB: Channel Restoration

➔ BMP Effectiveness - Enterococci



Credit: Kacen Clapper, OCPW

State of the Environment Tells Us

- Compliance with A.2.a is unattainable in wet weather for FIB
- Successful dry weather bacteria BMPs appear ineffective in providing meaningful wet weather reductions
- Successful wet weather BMPs and ecological restoration projects appear to be ineffective for FIB removal in wet weather
- It makes the case for a compliance pathway

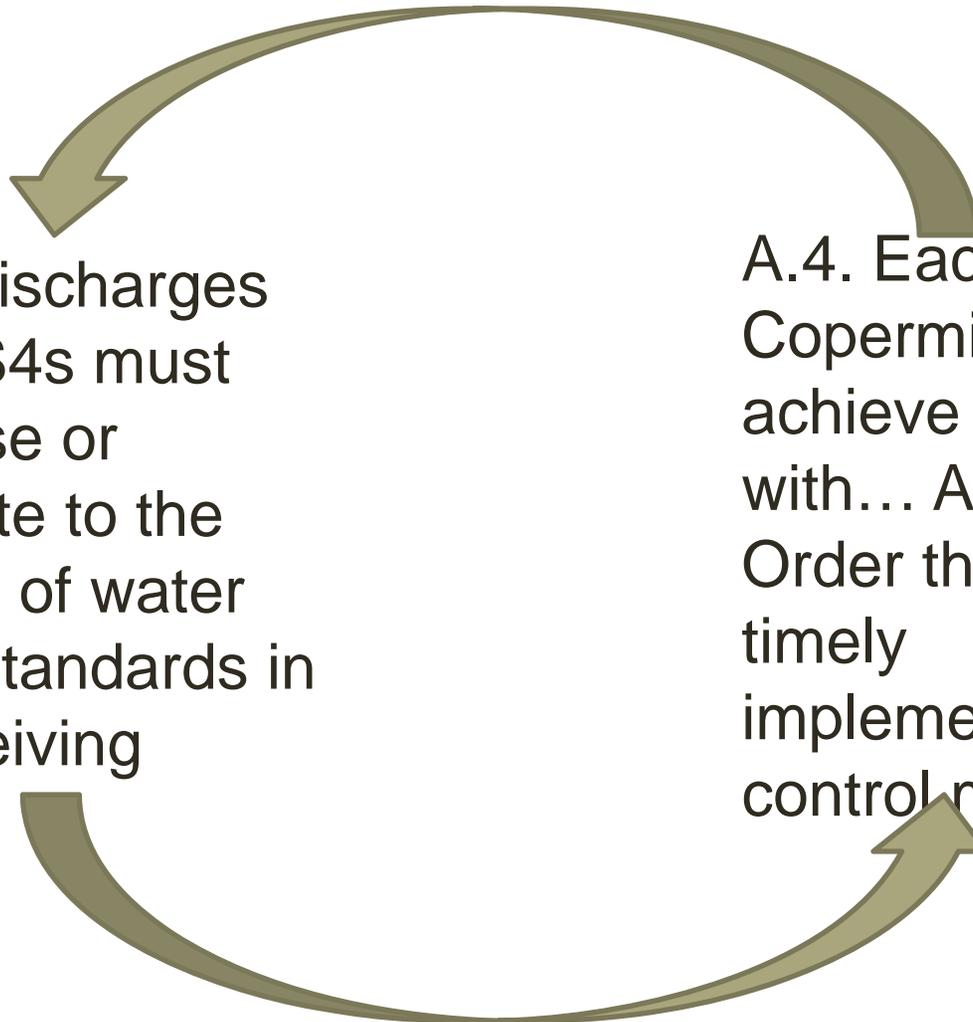
- Regional Permit Enrollment
- Key Policy Issues
 - Compliance
 - State of the Environment in South Orange County - the Analytic Gap
- **A Pathway Forward**

A Pathway Forward

1. A compliance pathway is needed for south Orange County

A.2.a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters

A.4. Each Copermitttee must achieve compliance with... A.2.a of this Order through timely implementation of control measures



A Pathway Forward

Findings must “bridge the analytic gap between the raw evidence and ultimate decision or order.”

WQ Order 95-4

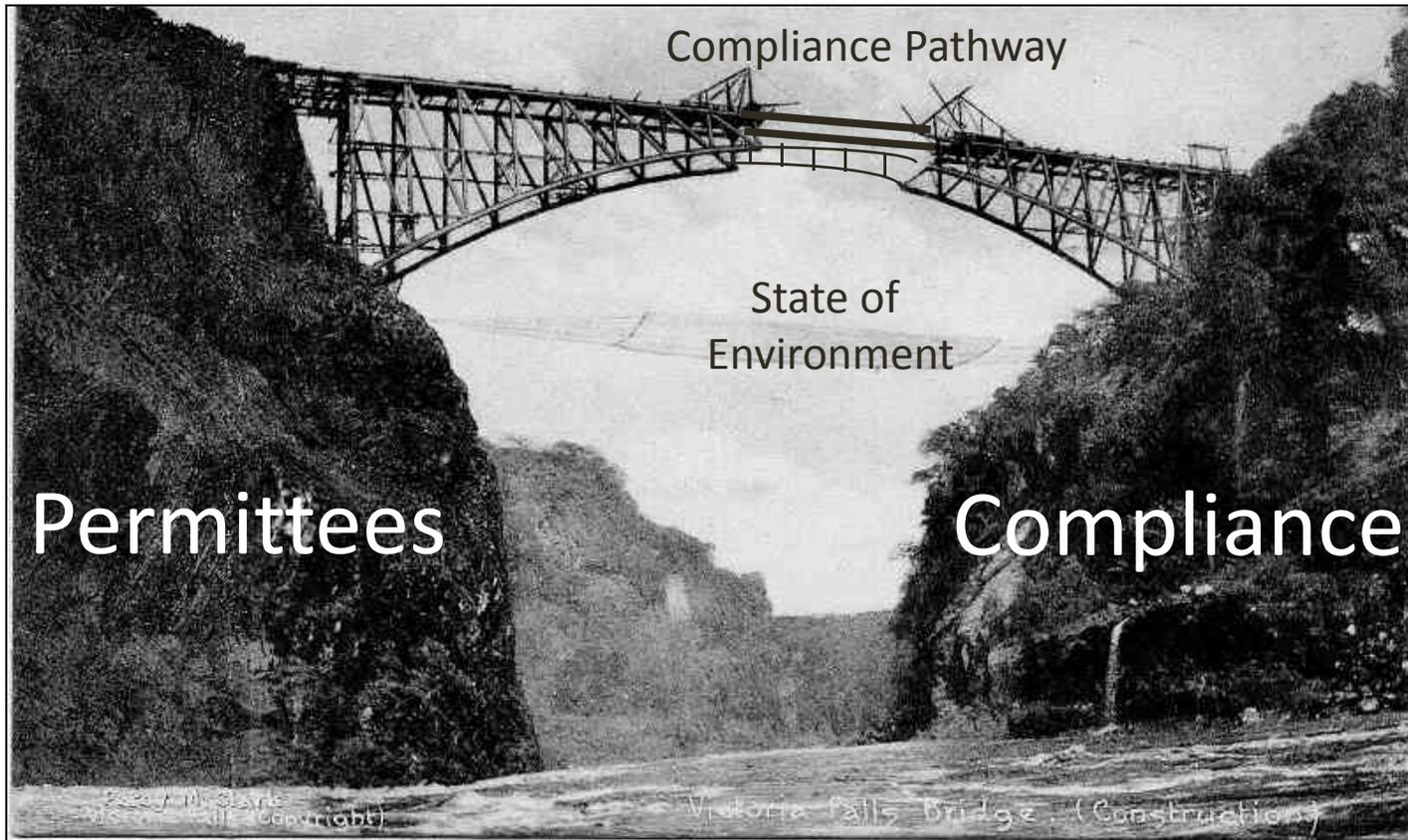
2. The Permit and Fact Sheet should reflect the “State of The Environment” in south Orange County

Note: See proposed text

A Pathway Forward

3. The Response to Comments and the lack of consideration of the ROWD and the “State of the Environment Report” reaffirm that the Regional Permit process is not responsive to our Program and needs to be re-evaluated

Questions



2015 Permit