California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2003-0065

Amending Order No. R8-2003-0028
Waste Discharge Requirements
for
Bordier's Nursery, Inc.
Orange County

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

1. On February 21, 2003, the Regional Board adopted Order No. R8-2003-0028, renewing waste discharge requirements for Bordier's Nursery, Inc. (hereinafter discharger) requirements for the discharge of nursery irrigation and storm runoff.

2. The discharger recently submitted a request to revise Order No. R8-2003-0028 to clarify certain discharge specifications and provisions of Order No. R8-2003-0028 and to revise Monitoring and Reporting Program No. R8-2003-0028.

3. In accordance with Water Code Section 13389, the amendment of Order No. R8-2003-0028, is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

4. The Regional Board has notified the discharger and other interested agencies and persons of its intent to amend the waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.

5. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order No. R8-2003-0028 be amended as follows:

1. Order No. R8-2003-0028, Discharge Specifications A.1, delete footnote number 3.

2. Order No. R8-2003-0028, revise Discharge Specifications A.5. as follows:

   5. The discharge of hazardous wastes is prohibited.

3. Order No. R8-2003-0028, revise Discharge Specifications A.6 as follows:

   6. The discharge shall not cause toxicity to animal or plant life in affected receiving waters.

4. Order No. R8-2003-0028, revise Provision B.3. as follows:

   3. Compliance with the monthly average mass emission rate specified under Discharge Specification A.1. for Total Nitrogen and Total Phosphorous shall be determined by the total flow discharged within the month (in million gallons) multiplied by the average of all measurements for the parameter (in mg/l) within the month and multiplied by 8.34. Compliance with Total Nitrogen limits (lbs/day) shall be determined by dividing the monthly mass emission rate by the number of calendar days within the month in consideration. Discharges that occur between October 1 and March 31 when the storm-induced mean daily flow rate measured at San Diego Creek at Campus Drive[1] is above 50 cfs shall not be included in the determination of compliance with the Total Nitrogen limits.

5. Order No. R8-2003-0028, revise Provision B.4. as follows:

   4. Compliance with the 12-month average mass limits specified in Discharge Specifications A.3. shall be determined monthly by the arithmetic mean of the last twelve monthly averages.

6. Order No. R8-2003-0028, delete Provision B.6. and renumber remainder Provisions.

7. Monitoring and Reporting Program No. R8-2003-0028, delete Monitoring and Reporting Requirements A.10.e.

8. Monitoring and Reporting Program No. R8-2003-0028, delete Monitoring and Reporting Requirements A.10.f. and renumber remainder requirements.

9. Monitoring and Reporting Program No. R8-2003-0028, revise Monitoring and Reporting Requirements A.10.g. and renumber as follows:

   e. Quarterly samples shall be collected from the first discharge of February, May, August, and November. If no discharge occurs during these months, then the next succeeding discharge shall be sampled.

10. Monitoring and Reporting Program No. R8-2003-0028, revise Monitoring and Reporting Requirements A.10.h. as follows and renumber:

    f. Semi-annual samples shall be collected from the first storm-induced discharge between October and April and the first dry weather discharge between April and October.

11. Monitoring and Reporting Program No. R8-2003-0028, add Monitoring and Reporting Requirements A.10.g:

    g. Annual samples shall be collected of the first discharge of October. If no discharge occurs during that month, then the next succeeding discharge shall be sampled.

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[1] *Measurements taken by Orange County Public Facilities and Resources Department.*

12. Monitoring and Reporting Program No. R8-2003-0028, revise Monitoring and Reporting Requirements A.10.i. as follows and renumber remainder requirements accordingly:

    h. The monthly mass emission rate for total nitrogen and total phosphorous shall be determined by using the following formula:

$$Mass\ (lbs/month) = 8.34 \times Q \times C$$

Where:

Q = total flow discharged within the month in million gallons.

C = the sum of all measurements for the parameter within the month (in milligrams per liter) divided by the total number of samples.

The daily mass emission rate for total nitrogen shall be determined by dividing the monthly mass emission rate by the number of calendar days within the month in consideration. Discharges that occur between October 1 and March 31 when the storm-induced mean daily flow rate measured at San Diego Creek at Campus Drive[2] is above 50 cfs shall not be included in the determination of compliance with the Total Nitrogen limits. The daily mass emission rate shall be calculated annually in December and shall be submitted with the required monthly report for January.

13. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.2. as follows:

    2. The following shall constitute the effluent monitoring program for all discharges:

Constituent	Units	Type of Sample	Minimum Frequency of Sampling & Analysis
Irrigation Wastewater Discharges[3]	mgd	Recorder/Totalizer	Continuous
Stormwater Discharges[4]	"	"	"
Total Dissolved Solids	mg/l	Grab	See B.6, below
Total Nitrogen	"	"	"
Total Phosphorous	"	"	"
Total Suspended Solids	"	"	"
Copper	mg/l	"	"

2 *Measurements taken by Orange County Public Facilities and Resources Department.*

3 *Discharges during dry weather conditions.*

4 *Discharges due to storm events. "Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation and that is separated from the previous storm event by at least 72 hours of dry weather.*

Constituent	Units	Type of Sample	Minimum Frequency of Sampling & Analysis
Selenium[6]	µg/l	Grab	Semi-annually (see also paragraph B.3. and 4., below)
Aldrin	"	"	"
Chlordane	"	"	"
Dieldrin	"	"	"
2, 4' – DDT[6]	"	"	"
2, 4' – DDE[6]	"	"	"
2, 4' – DDD[6]	"	"	"
4, 4' – DDT[6]	"	"	"
4, 4' – DDE[6]	"	"	"
4, 4' – DDD[6]	"	"	"
Alpha Endosulfan	"	"	"
Beta Endosulfan	"	"	"
Endosulfan Sulfate	"	"	"
Endrin	"	"	"
Endrin Aldehyde	"	"	"
Heptachlor	"	"	"
Heptachlor Epoxide	"	"	"
Alpha BHC	"	"	"
Beta BHC	"	"	"
Delta BHC	"	"	"
Gamma BHC	"	"	"
Toxaphene	"	"	"
PCB 1016	"	"	"
PCB 1221	µg/l	Grab	Semi-annually (see also paragraph B.3 and 4. below)
PCB 1232	"	"	"
PCB 1242	"	"	"
PCB 1248	"	"	"
PCB 1254	"	"	"
PCB 1260	"	"	"
Remaining EPA Priority Pollutants (See Attachment "B")	µg/l	Grab	Annually

14. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.3. as follows:

    3. In conjunction with sampling for organochlorine pesticides and selenium, the discharger shall conduct a sediment particle size analysis and analysis for total organic carbon. Particle analysis may be performed using the standard hydrometer method.

15. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.4. as follows:

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6 *Selenium, DDTs, chlordane, PCBs, dieldrin and toxaphene are to be analyzed on an unfiltered sample.*

4. Minimum frequency of sampling and analysis shall be twice per year, however quarterly monitoring for those constituents that are detected in the above test shall be implemented for one year following detection.

16. Monitoring and Reporting Program No. R8-2003-0028, delete Effluent Monitoring B.5.

17. Monitoring and Reporting Program No. R8-2003-0028, add new Effluent Monitoring B.5. as follows:

    5. When a discharge occurs, the discharger shall conduct a visual inspection of where, when and whether the discharge percolates. The results of this visual inspection shall be recorded in a permanent log and submitted with the monthly report.

18. Monitoring and Reporting Program No. R8-2003-0028, add new Effluent Monitoring paragraph B.6. as follows:

    6. Minimum frequency of sampling and analysis shall be as follows:

        a. For dry weather flow discharges: within one hour of every daily discharge.
        b. For storm-induced discharges: within 1 hour of first flush discharge very storm event.

19. Monitoring and Reporting Program No. R8-2003-0028, delete the whole Section C. Toxicity Monitoring and renumber following section accordingly.

20. Monitoring and Reporting Program No. R8-2003-0028, revise Reporting D.1. as follows:

    1. Monitoring reports shall be submitted monthly following the monitoring period. The monitoring reports shall also include copies of Monthly Summary Pesticide Use Report the discharger submits to the Department of Pesticide Regulations (DPR). Monitoring reports shall be submitted by the dates in the following schedule:

Report[7]	Reporting period	Report Due Date
Irrigation Wastewater Discharges	Monthly	By the 30th day of the month following the monitoring period
Storm Water Discharges	6	"
Particle Size Analysis & Total Organic Carbon	(See A.10.h, above)	"
Annual Priority Pollutants Analysis	(See A.10.i, above)	By the 30th day of the month following the monitoring period

[7] *This table attempts to summarize all of the special reports that are required to be submitted in accordance with Order No. R8-2003-0028; however, the omission of a report from this table does not absolve the discharger from the requirement to submit that report*

21. Monitoring and Reporting Program No. R8-2003-0028, revise Reporting D.3. and renumber as follows:

    3. If no discharge occurs during the previous monitoring period, a statement to that effect shall be included in the monitoring report.

22. Renumber affected Monitoring and Reporting Requirements numbers accordingly.

23. All other conditions and requirements of Order No. R8-2003-0028 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 3, 2003.

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

October 3, 2003

ITEM: **5**

SUBJECT: Amendment to Order No. R8-2003-0028, Waste Discharge Requirements, Bordier's Nursery, Inc., Orange County – Amending Order No. R8-2003-0065

DISCUSSION:

On February 21, 2003, the Board adopted Order No. R8-2003-0028, renewing waste discharge requirements for Bordier's Nursery, Inc. (hereinafter discharger) for the discharge of nursery irrigation and storm runoff.

The discharger recently submitted a request to revise Order No. R8-2003-0028 to clarify and correct certain provisions of the Order and to revise the Monitoring and Reporting Program No. R8-2003-0028. Board staff reviewed the request and determined that amending the waste discharge requirements for Bordier's Nursery, Inc. is appropriate.

The recommended changes include incorporating a revised definition of the conditions under which discharges would not be considered in determining compliance with the nitrogen limits of the Order. These nitrogen limits implement the established nutrient TMDL for the Newport Bay watershed. Order No. R8-2003-0028 specifies that storm runoff due to 0.5 inches or greater of rain shall not be included in the determination of compliance with these limits. This was based on staff's interpretation of the storm magnitude that would result in flows greater than 50 cubic feet per second (cfs) in San Diego Creek at Campus Drive. The TMDL excludes these flows during the period October 1 through March 31 when induced by storms. Review of flow data collected by the Orange County Public Facilities and Resources Department indicates that storms smaller than that can result in such flows in the Creek. Therefore, staff proposes that the Order be amended to directly implement the TMDL exclusion, i.e., to specify that discharges that occur between October 1 and March 31 when the storm-induced mean daily flow rate measured at San Diego Creek at Campus Drive is above 50 cfs shall not be included in the determination of compliance with the nitrogen limits.

Other proposed changes entail modifications of the Monitoring and Reporting Program. These include deletion of requirements pertaining to toxicity monitoring. This is recommended in light of the studies being conducted on behalf of the discharger and other nursery facilities in the watershed by the University of California Cooperative Extension to evaluate toxicity. Further, it is expected that a regional monitoring program to evaluate toxic substances/toxicity in the Newport Bay watershed will be initiated in response to Regional Board direction (Water Code Section 13267 request). This program will address discharges resulting from agricultural operations, including nurseries. The Monitoring and Reporting Program will be revised, if necessary, to implement appropriate elements of that monitoring program. In the interim, extensive chemical-specific monitoring is required by the Monitoring and Reporting Program to determine whether pollutants are present at levels of concern.

The following were the recommended changes to Order No. R8-2003-0028 that were considered and adopted by the Board at the October 3, 2003 meeting. (Deleted text is struck out and added text is bold and highlighted.)

1. Order No. R8-2003-0028, Discharge Specifications A.1, delete footnote number 3:

[3] ~~*The total nitrogen limit applies during the summer and winter seasons.*~~

2. Order No. R8-2003-0028, revise Discharge Specifications A.5. as follows:

   5. The discharge of ~~toxic or~~ hazardous wastes is prohibited.

3. Order No. R8-2003-0028, revise Discharge Specifications A.6 as follows:

   6. The discharge ~~of any substance(s) in concentrations~~ **shall not cause** toxic**ity** to animal or plant life ~~is prohibited~~ **in affected receiving waters**.

4. Order No. R8-2003-0028, revise Provision B.3. as follows:

   3. Compliance with the monthly average mass emission rate specified under Discharge Specification A.1. for Total Nitrogen and Total Phosphorous shall be determined by the total flow discharged within the month (in million gallons) multiplied by the average of all measurements for the parameter (in mg/l) within the month and multiplied by 8.34. Compliance with Total Nitrogen limits (lbs/day) shall be determined by dividing the monthly mass emission rate by the number of calendar days within the month in consideration. ~~Storm runoff due to 0.5 inches or greater of rain shall not be included in the total flow determination~~. **Discharges that occur between October 1 and March 31 when the storm-induced mean daily flow rate measured at San Diego Creek at Campus Drive[1] is above 50 cfs shall not be included in the determination of compliance with the Total Nitrogen limits.**

5. Order No. R8-2003-0028, revise Provision B.4. as follows:

   4. Compliance with the 12-month average mass limits specified in Discharge Specifications A.~~2~~**3**. shall be determined monthly by the arithmetic mean of the last twelve monthly averages.

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[1] ***Measurements taken by Orange County Public Facilities and Resources Department.***

6. Order No. R8-2003-0028, delete Provision B.6. as follows:

   ~~6. The discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program (M&RP) No. R8-2003-0028. No discharge shall result in acute toxicity in ambient receiving waters. The effluent shall be deemed to cause acute toxicity when the toxicity test of 100% effluent, as required in Monitoring and Reporting Program No. R8-2003-0028, results in failure of the test as determined using the pass or fail test protocol specified in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA-821-R-02-012, Fifth Edition, October 2002).~~

7. Monitoring and Reporting Program No. R8-2003-0028, revise A.10.e. as follows:

   ~~e. Daily samples shall be collected on each day of the week.~~

8. Monitoring and Reporting Program No. R8-2003-0028, delete A.10.f. as follows:

   ~~f. Monthly samples shall be collected on any representative day of each month.~~

9. Monitoring and Reporting Program No. R8-2003-0028, revise A.10.g. as follows:

   ~~g e.~~ Quarterly samples shall be collected ~~on any representative day~~ **from the first discharge** of February, May, August, and November. **If no discharge occurs during these months, then the next succeeding discharge shall be sampled.**

10. Monitoring and Reporting Program No. R8-2003-0028, revise A.10.h. as follows:

    ~~h~~**.f.** Semi-annual samples shall be collected ~~on any representative day of January~~ **from the first storm-induced discharge between October and April** and the **first dry weather discharge between April and October** ~~July~~.

11. Monitoring and Reporting Program No. R8-2003-0028, add new paragraph A.10.g. as follows:

    g. **Annual samples shall be collected of the first discharge of October. If no discharge occurs during that month, then the next succeeding discharge shall be sampled.**

12. Monitoring and Reporting Program No. R8-2003-0028, revise A.10.i. as follows:

    h. The monthly mass emission rate for total nitrogen and total phosphorous shall be determined by using the following formula:

$$\text{Mass (lbs/month)} = 8.34 \times Q \times C$$

Where:

Q = total flow discharged within the month in million gallons.

C = the sum of all measurements for the parameter within the month (in milligrams per liter) divided by the total number of samples.

The daily mass emission rate for total nitrogen shall be determined by dividing the monthly mass emission rate by the number of calendar days within the month in consideration. Discharges that occur between October 1 and March 31 when the storm-induced mean daily flow rate measured at San Diego Creek at Campus Drive[2] is above 50 cfs shall not be included in the determination of compliance with the Total Nitrogen limits. The daily mass emission rate shall be calculated annually in December and shall be submitted with the required monthly report for January.

13. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.2. as follows:

    2. The following shall constitute the effluent monitoring program for all discharges:

Constituent	Units	Type of Sample	Minimum Frequency of Sampling & Analysis
Irrigation Wastewater Discharges[3]	mgd	Recorder/Totalizer	Continuous
Stormwater Discharges[4]	~~mgd~~"	~~Recorder/Totalizer~~"	~~Continuous~~"
Total Dissolved Solids	mg/l	Grab	~~Every day of discharge~~[5] **See B.6, below**
Total Nitrogen	~~Mg/l~~"	~~Grab~~"	~~Every discharge~~"
Total Phosphorous	~~Mg/l~~"	~~Grab~~"	~~Every discharge~~"

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2 ***Measurements taken by Orange County Public Facilities and Resources Department.***

3 *Discharges during dry weather conditions.*

4 ***Discharges due to ~~surface runoff during stormy weather conditions~~ storm events. "Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation and that is separated from the previous storm event by at least 72 hours of dry weather.***

5 ~~*For continuous storm- induced discharges exceeding 3 days, sampling and analysis shall not be necessary after the third day.*~~

Constituent	Units	Type of Sample	Minimum Frequency of Sampling & Analysis
Total Suspended Solids	~~Mg/l~~"	~~Grab~~"	~~Every discharge~~"
Copper	**mg/l**	~~Grab~~"	~~Every discharge~~"
~~Acute Toxicity~~	~~TUa~~	~~Grab"~~	~~(See Section C., below)~~
~~Chronic Toxicity~~	~~TUc~~	~~Grab"~~	~~(See Section C.2, below)~~
Selenium[6]	µg/l	~~Grab~~"	Semi-annually (**see also paragraph B.3. and 4., below)**
Aldrin	µg/l	Grab	"~~Semi-Annually see also paragraph B.3. below~~
Chlordane	"	"	"
Dieldrin	"	"	"
2, 4' – DDT[6]	"	"	"
2, 4' – DDE[6]	"	"	"
2, 4' – DDD[6]	"	"	"
4, 4' – DDT[6]	"	"	"
4, 4' – DDE[6]	"	"	"
4, 4' – DDD[6]	"	"	"
Alpha Endosulfan	"	"	"
Beta Endosulfan	"	"	"
Endosulfan Sulfate	"	"	"
Endrin	"	"	"
Endrin Aldehyde	"	"	"
Heptachlor	"	"	"
Heptachlor Epoxide	"	"	"
Alpha BHC	µg/l"	Grab	
Beta BHC	"	"	"
Delta BHC	"	"	"
Gamma BHC	"	"	"
Toxaphene	"	"	"
PCB 1016	"	"	"
PCB 1221	"	"	"
PCB 1232	"	"	"
PCB 1242	"	"	"
PCB 1248	"	"	"
PCB 1254	"	"	~~Semi-annually (see also paragraph B.3 below~~ "
PCB 1260	"	"	**Semi-annually (see also paragraph B.3 and 4. below)**
Remaining EPA Priority Pollutants (See Attachment "B")	**µg/l**	**Grab**	Annually

6 *Selenium, DDTs, chlordane, PCBs, dieldrin and toxaphene are to be analyzed on an unfiltered sample.*

14. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.3. as follows:

    3. ~~Particle Size Analysis and Total Organic CarbonSemi annually,~~ **In conjunction with sampling for organochlorine pesticides and selenium,** the discharger shall conduct a sediment particle size analysis and analysis for total organic carbon. ~~of nursery discharge in conjunction with sampling for organochlorine pesticides, and shall include analysis of one dry weather discharge and one storm water discharge.~~ Particle analysis may be performed using the standard hydrometer method.

15. Monitoring and Reporting Program No. R8-2003-0028, revise Effluent Monitoring B.4. as follows:

    4. Minimum frequency of sampling and analysis shall be twice per year, however **quarterly monitoring for** those constituents that are detected in the ~~semi-annual~~ **above** test shall be implemented for one year following detection.

16. Monitoring and Reporting Program No. R8-2003-0028, delete Effluent Monitoring B.5. as follows:

    ~~5. Simultaneous with the acute toxicity monitoring described in the table above, the discharger shall conduct chemical specific monitoring. The chemical specific monitoring shall be based on the list submitted by the discharger as required in Provision B.7. of the Order and shall include all those chemicals/pesticides/herbicides used during the 2 weeks preceding the acute toxicity sampling. The discharger shall submit a written report that identifies to the extent feasible the cause of any observed toxicity and the measures that will be used to prevent its recurrence.~~

17. Monitoring and Reporting Program No. R8-2003-0028, add new Effluent Monitoring B.5. as follows:

    5. When a discharge occurs, the discharger shall conduct a visual inspection of where, when and whether the discharge percolates. The results of this visual inspection shall be recorded in a permanent log and submitted with the monthly report.

18. Monitoring and Reporting Program No. R8-2003-0028, add new Effluent Monitoring paragraph B.6. as follows:

    6. Minimum frequency of sampling and analysis shall be as follows:

    a. For dry weather flow discharges: within one hour of every daily discharge.
    b. For storm-induced discharges: within 1 hour of first flush discharge very storm event.

19. Monitoring and Reporting Program No. R8-2003-0028, delete the whole Section C. Toxicity Monitoring as follows and renumber following section accordingly:

~~**C. TOXICITY MONITORING**~~

~~1. Acute toxicity testing of the effluent wastewater shall be conducted at least once a month if there is a discharge. The discharger shall conduct acute toxicity testing as specified in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (1993 EPA 821-R-02-012, Fifth Edition, October 2002) using a control and 100% effluent. Static renewal survival (pass/fail) tests for 96 hours shall be conducted using Holmesimysis costata (Pacific mysid). The effluent tests must be conducted concurrent with reference toxicant tests. The effluent and reference toxicant tests must meet all test acceptability criteria as specified in the acute manual[3]. If the test acceptability criteria are not achieved, then the discharger must re-sample and re-test within 14 days. The test results must be reported according to the acute manual chapter on Report Preparation, and shall be attached to the monitoring reports. The use of alternative methods for measuring acute toxicity may be considered by the Executive Officer on a case by case basis.~~

~~2. Once each year during a storm event, acute and chronic toxicity testing of the wastewater (stormwater commingled with effluent) discharged from the facility shall be conducted. The discharger shall conduct survival (96-hour static renewal) and growth toxicity testing using Holmesimysis costata (Pacific mysid) as specified in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, August 1995).~~

20. Monitoring and Reporting Program No. R8-2003-0028, revise Reporting D.1. as follows:

1. Monitoring reports shall be submitted monthly following the monitoring period. The monitoring reports shall also include copies of ~~all reports submitted to~~ the **Monthly Summary Pesticide Use Report the discharger** submit~~ted~~ to the Department of Pesticide Regulations **(DPR)**. ~~These reports shall include a generic list of all chemicals/pesticides/herbicides not reported to DPR used during the last quarter month~~. **Monitoring reports shall be submitted by the dates in the following schedule:**

~~[3] *"Acute manual" refers to protocols described in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA-821-R-02-012, Fifth Edition, October 2002).*~~

Report[4]	Reporting period	Report Due Date
Irrigation Wastewater Discharges	**Monthly**	**By the 30th day of the month following the monitoring period**
Storm Water Discharges	[6]	"
Particle Size Analysis & Total Organic Carbon	**(See A.10.h, above)**	"
Annual Priority Pollutants Analysis	**(See A.10.i, above)**	**By the 30th day of the month following the monitoring period**

21. Monitoring and Reporting Program No. R8-2003-0028, revise Reporting D.3. as follows:

    3. If no discharge occurs during the previous monitoring period, a ~~letter~~ **statement** to that effect shall be ~~submitted in lieu of a~~ **included in the** monitoring report.

22. Renumber affected Monitoring and Reporting Requirements numbers accordingly.

Order No. R8-2003-0065 amends Order No. R8-2002-0028 to incorporate these changes.

RECOMMENDATION:

Adopt Order No. R8-2003-0065, as presented.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality – Jim Maughan
State Department of Water Resources – Glendale
State Department of Health Services, Santa Ana –
California Department of Fish and Game, San Diego – Tim Dillingham
Orange County Health Care Agency – Jack Miller
Orange County Public Facilities and Resources Department – Chris Crompton
Orange County Farm Bureau - Kathy Nakase
Irvine Ranch Water District – John Hills
University of California Cooperative Extension, South Coast Research Center – John Kabashima
City of Newport Beach – Dave Kiff
City of Irvine – Mike Loving
Hines Nurseries – Clifford Prather
El Modeno Gardens – Jo-Anne Newton
Defend the Bay – Bob Caustin
SPON – John Skinner
Natural Resources Defense Council
Orange County Coastkeeper
Lawyers for Clean Water C/c San Francisco Baykeeper

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[4] ***This table attempts to summarize all of the special reports that are required to be submitted in accordance with Order No. R8-2003-0028; however, the omission of a report from this table does not absolve the discharger from the requirement to submit that report.***