CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2005-132

AN ORDER RESCINDING CLEANUP AND ABATEMENT ORDER NO. 99-211
FOR
THE COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT,
AND THE CITY OF LAGUNA NIGUEL

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On December 28, 1999, this Regional Board issued Cleanup and Abatement Order No. 99-211. Order No. 99-211 required the County of Orange, Orange County Flood Control District, and City of Laguna Niguel (Copermittees) to develop a work plan with a time schedule to cleanup the waste discharged from the "J03P02" storm drain outfall into the Sulphur Creek tributary to Aliso Creek, abate the effects of the discharged waste, implement a weekly monitoring program, and to submit quarterly progress reports. Order No. 99-211 was issued in response to discharges of waste with high fecal coliform bacteria that impaired the ability of Sulphur Creek to support Non-Contact Recreation (REC-2).

2. On March 2, 2001 the Executive Officer issued a Directive pursuant to CWC Section 13225 for an investigation of urban runoff in the Aliso Creek watershed that the County of Orange and the Cities within the watershed to conduct weekly monitoring at the largest storm drain outfalls that discharge to Aliso Creek. The Regional Board affirmed the issuance of the Directive in May 2001, requiring additional monitoring locations for receiving water locations upstream and downstream of the outfalls.

3. On February 13, 2002, this Regional Board adopted Order No. R9-2002-01, National Pollutant Discharge Elimination System (NPDES) No. CA0108740, *Waste Discharge Requirements For Discharges Of Urban Runoff From The Municipal Separate Storm Sewer Systems (MS4s) Draining The Watersheds Of The County Of Orange, The Incorporated Cities Of Orange County, And The Orange County Flood Control District Within The San Diego Region*. Order No. R9-2002-01 updated Order No. 96-03, which was in place at the time Order No. 99-211 was issued. Order No. R9-2002-001 requires the Copermittees to each prepare an individual Jurisdictional Urban Runoff Management Program document that describes all activities the City and County has undertaken or is undertaking to implement the requirements for addressing urban runoff during the three major phases of urban development, i.e., the planning, construction, and existing development phases. Order No. R9-2002-01 also requires the Copermittees to participate in the development of an Aliso Creek Watershed Urban Runoff Management Plan (WURMP) that implements a program of short and long-term activities to address discharges of bacteria that impair water quality standards.

4. The Copermittees have implemented management measures to identify the sources of bacteria and prevent the discharge of elevated levels of bacteria from the J03P02 outfall. These measures have been described in the 20 quarterly progress reports.

5. On February 24, 2004 this Regional Board issued a draft Bacteria-Impaired Waters Total Maximum Daily Load (TMDL) for Beaches and Creeks in the San Diego Region. The Regional Board is tentatively scheduled to consider adoption of the TMDL In December 2005.

6. On January 26, 2005, the Copermittees submitted a letter to the Executive Officer of the Regional Board requesting that Order No. 99-211 be rescinded.

7. On March 22, 2005 the Regional Board notified interested persons of the request to rescind Order No. 99-211 and accepted written comments for 30 days. Four written comments were received during the comment period.

8. The Regional Board, in a public meeting, heard and considered all comments pertaining to the rescission of Order No. 99-211.

9. Rescission of requirements that does not result in a relaxation of standards does not constitute a "project" to be carried out or approved by the Regional Board to which the California Environmental Quality Act (CEQA) would apply (Public Resources Code 21080).

10. IT IS HEREBY ORDERED that Cleanup and Abatement Order No. 99-211 is rescinded.

I, John H. Robertus, 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, San Diego Region, on May 11, 2005.

JOHN H. ROBERTUS