

**California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348**

FACT SHEET

November 21, 2008

ITEM: 11

SUBJECT: Waste Discharge Requirements for the County of Orange, Orange County Resources and Development Management Department, and the Incorporated Cities of Orange County within the Santa Ana Region, Urban Storm Water Runoff Management Program, Orange County, Order No. R8-2008-0030 (NPDES No. CAS 618030)

I. INTRODUCTION

The 1972 Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of pollutants from point sources to waters of the United States (U.S.). Since then, considerable strides have been made in reducing conventional forms of pollution, such as from sewage treatment plants and industrial facilities, through the implementation of the NPDES program and other federal, state and local programs. The adverse effects of some of the persistent toxic pollutants (e.g., DDT, PCB and TBT) were addressed through manufacturing and use restrictions and through cleanup of contaminated sites. On the other hand, pollution from land runoff (including atmospheric deposition, urban, suburban and agricultural) was largely unabated until the 1987 CWA amendments. As a result, diffuse sources, including urban storm water runoff, now contribute a larger portion of many kinds of pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities. The National Urban Runoff Program (NURP) final report to the Congress (U.S. EPA, 1983) concluded that the goals of the CWA could not be achieved without addressing urban runoff discharges. The 1987 CWA amendments established a framework for regulating urban storm water runoff. Pursuant to these amendments, the Santa Ana Regional Water Quality Control Board (Regional Board) began regulating municipal storm water runoff in 1990.

The attached pages contain information concerning an application for renewal of Waste Discharge Requirements and a NPDES permit, which prescribe waste discharge requirements for urban storm water runoff from the cities and unincorporated areas in Orange County within the jurisdiction of the Santa Ana Regional Board. On July 21, 2006, the County of Orange and the Orange County Flood Control District (OCFCD), in cooperation with the cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, Laguna Hills, Laguna Woods, La Habra, La Palma, Lake Forest, Los Alamitos, Newport Beach, Orange, Placentia, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, and Yorba Linda (hereinafter collectively referred to as permittees or dischargers), submitted NPDES Application No. CAS 618030 (Report of Waste Discharge) for reissuance of their areawide storm water NPDES permit. The permit application was submitted in accordance with the requirements of the previous NPDES permit (Order No. R8-2002-0010, NPDES No. CAS618030), which expired on January 19, 2007. Additionally, the permit application follows guidance provided by staff of the State Water Resources Control Board (State

Board), the Regional Water Quality Control Boards (Regional Boards), and the United States Environmental Protection Agency (U.S. EPA).

On February 20, 2007, Order No. R8-2002-0010, NPDES No. CAS618030, was administratively extended in accordance with 40 CFR Part 122.6 and Title 23, Division 3, Chapter 9, §2235.4 of the California Code of Regulations.

Order No. R8-2008-0030 regulates discharges of urban storm water from the lower Santa Ana watershed to waters of the U.S., which ultimately drain into the Pacific Ocean.

II. REGULATORY BACKGROUND/CLEAN WATER ACT REQUIREMENTS

Urban runoff includes dry weather flows and storm water runoff from urbanized areas through a storm water conveyance system. As water flows over streets, parking lots, construction sites, and industrial, commercial, residential and municipal areas, it can intercept pollutants from these areas and transport them to waters of the U.S. If appropriate pollution control measures are not implemented, urban runoff may contain pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, mostly nitrogen and phosphorus compounds), oxygen-demanding substances (decaying matter), pesticides (DDT, Chlordane, Diazinon, Chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc) and petroleum products (oil & grease, PAHs, petroleum hydrocarbons). If not properly managed and controlled, urbanization can change the stream hydrology and increase pollutant loading to receiving waters. As a watershed undergoes urbanization, pervious surface area decreases, runoff volume and velocity increase, riparian and wetland habitat decrease, the frequency and severity of flooding increase and pollutant loading increases. Most of these impacts are due to human activities that occur during and/or after urbanization. The pollutants and hydrologic changes can cause declines in aquatic resources, toxicity to marine organisms, and impact human health and the environment.

However, properly planned high-density development, with sufficient open space and low impact developments, can reduce urban sprawl and problems associated with sprawl. Urban in-fill development can be an element of smart growth, creating the opportunity to maintain relatively natural open space elsewhere in the area. The goal of low impact development is to mimic post-construction runoff quality and quantity to pre-construction runoff quality and quantity.

The U.S. EPA recognizes urban runoff as the number one source of estuarine pollution in coastal communities¹. Studies² conducted in the Southern California area and other studies have reported a definite link between storm water runoff from urban areas and pollution in nearshore zones. A number of Orange County beaches were closed during 1999 and 2000 due to microbial contamination. One of the studies conducted to

¹ US EPA, 1999, 40CFR Parts 9, 122, 123, 124, National Pollutant Discharge Elimination System – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule, 64FR 68727.

² Bay, S., Jones, B. H. and Schiff, K, 1999, Study of the Impact of Stormwater Discharge on Santa Monica Bay. Sea Grant Program, University of Southern California; and Haile, R.W., et. al., 1996, An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay.

determine the source of this microbial contamination indicated that urban runoff may be one of the sources of this contamination. If not properly controlled, urban runoff could be a significant source of pollutants in waters of the U.S. Table 1 includes a list of pollutants, their sources, and some of the adverse environmental consequences mostly resulting from urbanization.

Table 1. Pollutants/Impacts of Urbanization on Waters of the US (Marine Pollution)³

Pollutants	Sources	Effects and Trends
Toxins (e.g., biocides, PCBs, trace metals, heavy metals)	Industrial and municipal wastewaters; runoff from farms, forests, urban areas, and landfills; erosion of contaminated soils and sediments; vessels; atmospheric deposition	Poison and cause disease and reproductive failure; fat-soluble toxins may bioaccumulate, particularly in birds and mammals, and pose human health risks. Inputs into US waters have declined, but remaining inputs and contaminated sediments in urban and industrial areas pose threats to living resources.
Pesticides (e.g., DDT, diazinon, chlorpyrifos)	Urban runoff, agricultural runoff, commercial, industrial, residential, and farm use	Legacy pesticides (DDT, Chlordane, Dieldrin, etc.) use has been banned; still persists in the environment; some of the other pesticide uses are curtailed or restricted.
Biostimulants (organic wastes, plant nutrients)	Sewage and industrial wastes; runoff from farms and urban areas; nitrogen from combustion of fossil fuels	Organic wastes overload bottom habitats and deplete oxygen; nutrient inputs stimulate algal blooms (some harmful), which reduce water clarity, cause loss of seagrass and coral reef, and alter food chains supporting fisheries. While organic waste loadings have decreased, nutrient loadings have increased.
Petroleum products (oil, grease, petroleum hydrocarbons, PAHs)	Urban runoff and atmospheric deposition from land activities; shipping and tanker operations; accidental spills; coastal and offshore oil and gas production activities; natural seepage; PAHs from internal combustion engines	Petroleum hydrocarbons can affect bottom organisms and larvae; spills affect birds, mammals and nearshore marine life. While oil pollution from ships, accidental spills, and production activities has decreased, diffuse inputs from land-based activities have not.
Radioactive isotopes	Atmospheric fallout, industrial and military activities	Few known effects on marine life; bioaccumulation may pose human health risks where contamination is heavy.

³Adapted from "Marine Pollution in the United States" prepared for the Pew Oceans Commission, 2001.

Sediment	Erosion from farming, construction activities, forestry, mining, development; river diversions; coastal dredging and mining	Reduce water clarity and change bottom habitats; carry toxins and nutrients; clog fish gills and interfere with respiration in aquatic fauna. Sediment delivery by many rivers has decreased, but sedimentation poses problems in some areas; erosion from coastal development and sea-level rise is a future concern.
Plastics and other debris	Ships, fishing nets, containers, trash, urban runoff	Entangles marine life or is ingested; degrades beaches, wetlands and nearshore habitats. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors.
Thermal	Cooling water from power plants and industry, urban runoff from impervious	Kills some temperature-sensitive species; displaces others. Generally, less a risk to marine life than thought 20 years ago.
Noise	Vessel propulsion, sonar, seismic prospecting, low-frequency sound used in defense and research	May disturb marine mammals and other organisms that use sound for communication.
Pathogens (bacteria, protozoa, viruses)	Sewage, urban runoff, livestock, wildlife, discharges from boats and cruise ships	Pose health risks to swimmers and consumers of seafood. Sanitation has improved, but standards have been raised.
Alien species	Ships and ballast water, fishery stocking, aquarists	Displace native species, introduce new diseases; growing worldwide problem.

The Clean Water Act (CWA) prohibits the discharge of any pollutant to navigable waters from a point source unless an NPDES permit authorizes the discharge. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the CWA required municipal separate storm sewer systems (MS4s) and industrial facilities, including construction sites, to obtain NPDES permits for storm water runoff from their facilities. On November 16, 1990, the United States Environmental Protection Agency (EPA) promulgated the final Phase I storm water regulations. The storm water regulations are contained in 40 CFR Parts 122, 123 and 124.

The areawide NPDES permit for Orange County areas within the Santa Ana Regional Board's jurisdiction is being considered for renewal in accordance with Section 402 (p) of the CWA and all requirements applicable to an NPDES permit issued under the issuing authority's discretionary authority. The requirements included in this order are consistent with the CWA, the federal regulations governing urban storm water discharges, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), the California Water Code, and the State Board's Plans and Policies, including the Ocean Plan.

The Basin Plan is the basis for the Regional Board's regulatory programs. The Plan was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulations, including the Clean Water Act and the California Water Code. As required, the Basin Plan designates the beneficial uses of the waters of the region and specifies water quality objectives intended to protect those uses. (Beneficial uses and water quality objectives, together with an antidegradation policy, comprise federal "water quality standards"). The Basin Plan also specifies an implementation plan, which includes certain discharge prohibitions. In general, the Basin Plan makes no distinctions between wet and dry weather conditions in designating beneficial uses and setting water quality objectives, i.e., the beneficial uses, and correspondingly, the water quality objectives are assumed to apply year-round. (Note: In some cases, beneficial uses for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and beneficial uses) may be present only during wet weather.) Most beneficial uses and water quality objectives were established in the 1971, 1975 and 1983 Basin Plans.

Water Code Section 13241 requires that certain factors be considered, at a minimum, when water quality objectives are established. These include economics and the need for developing housing in the Region. (The latter factor was added to the Water Code in 1987).

During the third term permit (R8-2002-0010) development process, the permittees raised an issue regarding compliance with Section 13241 of the California Water Code with respect to water quality objectives for wet weather conditions, specifically the cost of achieving compliance during wet weather conditions and the need for developing housing within the Region and its impact on urban storm water runoff. In response to this request, Regional Board staff in collaboration with the permittees in the region has organized a Storm Water Quality Standards Task Force (SWQSTF). The SWQSTF is closely monitoring actual and potential beneficial uses of surface waters within the region. Based on the findings, it is likely that the SWQSTF would recommend changes to the current beneficial use designations and water quality objectives specified in the Basin Plan. This order may be reopened to incorporate any changes to the water quality standards. In the meantime, the provisions of this order will result in reasonable further progress towards the attainment of the existing water quality objectives, in accordance with the discretion in the permitting authority recognized by the United States Court of Appeals for the Ninth Circuit in *Defenders of Wildlife v Browner*, 191 F.3d 1159, 1164 (9th Cir. 1999).

III. BENEFICIAL USES

Storm water flows that are discharged to municipal storm drain systems in Orange County are tributary to various water bodies (inland surface streams, bays and tidal prisms, ocean waters, and lakes and reservoirs) of the state. The beneficial uses of these water bodies include municipal and domestic supply, agricultural supply, industrial service and process supply, groundwater recharge, navigation, hydropower generation, water contact recreation, non-contact water recreation, commercial and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat, preservation of rare, threatened or endangered

species, marine habitat, shellfish harvesting, spawning, reproduction and development of aquatic habitats and estuarine habitat. The ultimate goal of this storm water management program is to protect the water quality standards of the receiving waters.

IV. PERMITTED AREA

The permitted area is delineated by the Los Angeles County-Orange County boundary line on the northwest, the San Bernardino-Orange County boundary line on the north and northeast, the Riverside County-Orange County boundary line on the east, the Santa Ana Regional Board-San Diego Regional Board boundary line on the southeast, and the Pacific Ocean on the southwest (see Attachment A of the order). The permittees serve a population of approximately 3.006⁴ million, occupying an area of approximately 789 square miles (including unincorporated areas and the limits of 34 cities, 26 of which are within the Santa Ana Regional Board's jurisdiction). The permittees have jurisdiction over, and/or maintenance responsibility for, storm water conveyance systems within Orange County. The County's systems include an estimated 400 miles of storm drain systems. A major portion of the urbanized areas of Orange County drains into water bodies within this Regional Board's jurisdiction. Storm water discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. In addition, there are storm water discharges from agricultural land uses, including farming and animal operations. However, the CWA specifically excludes agricultural discharges from regulation under this program. Other areas of the County not addressed or which are excluded by the storm water regulations and areas not under the jurisdiction of the permittees are excluded from the area requested for coverage under this permit. These excluded areas and activities include:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, schools, colleges, universities, and highways;
- Native American tribal lands; and
- Utilities and special district properties.

Discharges from the permitted area drain into the Pacific Ocean. The watersheds regulated under this order generally referred to as the San Diego Creek/Newport Bay watershed and the Lower Santa Ana River Basin.

V. WATERSHED MANAGEMENT/LOWER SANTA ANA RIVER BASIN

To manage the water resources of the region efficiently, it is critical to have a holistic approach. The entire storm drain system in Orange County is not controlled by a single entity; the County of Orange, the OCFCD, several cities, Caltrans, U.S. Army Corps of Engineers and a number of other entities own, operate and/or manage the storm drain systems. In addition to the cities, the County and the OCFCD, there are a number of other significant contributors of storm water runoff to these storm drain systems. These include: large institutions such as the State University facilities, schools, hospitals, etc.; federal facilities such as Department of Defense facilities; State agencies such as Caltrans; water

⁴ SCAG County Population Forecasts for 2005 (this is for the entire County)
(<http://www.eltoroairport.org/issues/population.html>)

and wastewater management agencies such as Orange County Water District, Metropolitan Water District etc.; the National Forest Service; state parks; and entertainment centers such as Disneyland. The quality and quantity of storm water runoff into and out of Orange County also depends upon runoff from San Bernardino and Riverside County areas that are tributary to Orange County. Some of the runoff from Orange County enters the San Gabriel River or systems controlled by other entities, such as the Los Angeles County Flood Control District, which are under the Los Angeles Regional Board's jurisdiction.

Some of these facilities, such as California Department of Transportation facilities and Disneyland, are already under individual permits for storm water runoff. The Los Angeles and San Diego Regional Boards have also issued areawide storm water permits for areas within their jurisdiction.

Cooperation and coordination among all the stakeholders are essential for efficient and economical management of the watershed. It is also critical to manage nonpoint sources at a level consistent with the management of urban storm water runoff in a watershed in order to prevent or remedy water quality impairment. Regional Board staff will facilitate coordination of monitoring and management programs among the various stakeholders, where necessary.

An integrated watershed management approach is consistent with the Strategic Plan (2008-2012⁵) for the State and Regional Boards. A watershed wide approach is also necessary for implementation of the load and waste load allocations developed under the TMDL process (see Section B, below). The MS4 permittees and all the affected entities should be encouraged to participate in regional or watershed solutions instead of project-specific and fragmented solutions.

The pollutants in urban runoff originate from a multitude of sources and effective control of these pollutants requires a cooperative effort of all the stakeholders and many regulatory agencies. Every stage of urbanization should be considered in developing appropriate urban runoff pollution control methodologies. The program's success depends upon consideration of pollution control techniques during planning, construction and post-construction operations. At each stage, appropriate pollution prevention measures, proper site design considerations, source control measures and, if necessary, treatment techniques should be considered.

1. SUB-WATERSHEDS AND MAJOR CHALLENGES

The Lower Santa Ana River Watershed can be subdivided into five tributary watersheds:

- a. *The San Gabriel River Drainage Area:* Carbon Canyon Creek and Coyote Creek drain into the San Gabriel River. Only a portion of the San Gabriel River is within the Santa Ana Regional Board's jurisdiction. The River empties into the Pacific Ocean at the boundary between two Regional Boards (Regions 4 and 8). Region 4 regulates most of the discharges to the San Gabriel River.

⁵ State Water Resources Control Board, Strategic Plan Update, 2008-2012, September 2, 2008

The Los Angeles Regional Board (Region 4) listed the San Gabriel River as an impaired waterbody on the CWA Section 303(d) list of impaired waters. It is listed for ammonia, toxicity, algae, eutrophication, pH, odors, low dissolved oxygen, trash, lead, arsenic, copper, silver, mercury (tissue), coliform, DDT, PCBs, chlordane, and abnormal fish histology. A trash TMDL for the East Fork of the River was adopted by the Regional Board (Region 4) and approved by the US EPA. On July 13, 2006, the Los Angeles Regional Board adopted TMDLs for metals in the San Gabriel River watershed. However, because of the state's inability to meet the March 2007 deadline for an approved TMDL prescribed in a consent decree (Heal the Bay Inc., et al. v. Browner C98-4825 SBA), on March 26, 2007, the EPA promulgated TMDLs for metals and selenium for the San Gabriel River. The upper portions of Coyote Creek flow through Orange County to join the San Gabriel River above the tidal prism. Other unnamed tributaries located in northwestern Orange County also discharge into the San Gabriel River estuary. The EPA promulgated TMDLs include wet weather wasteload allocations for Coyote Creek for copper, lead and zinc and dry weather wasteload allocations for copper for Coyote Creek. The permittees are expected to implement programs and policies consistent with the metals and selenium TMDLs for the San Gabriel River watershed. This includes constituent-specific source control programs or other equally effective programs to control the discharge of copper, lead and zinc into Coyote Creek and other tributaries in Orange County that discharge into the San Gabriel River.

- b. The Huntington Harbour and Bolsa Bay Drainage Area: This includes Anaheim Bay, Huntington Harbour, Bolsa Bay, and Bolsa Chica Ecological Reserve. A number of flood control channels discharge into this area, including Anaheim-Barber, East Garden Grove-Wintersberg, and Bolsa Chica Channel. The area historically had a number of oil production facilities and an oil-well drilling mud disposal area. There are still some production wells in the area. Certain areas of the Bolsa Chica wetlands have been impacted by the oil production and related activities in the area. The drilling mud disposal area has been cleaned up, and through a collaborative effort of a number of state, federal, and local agencies and other entities the Bolsa Chica wetlands have been restored.

Anaheim Bay and Huntington Harbour are listed as impaired waterbodies (see Table 2), and TMDLs will be developed to address the pollutants causing the impairment.

- c. The Santa Ana River Drainage Area: This includes Santa Ana River Reaches 1 and 2, Santiago Creek Reaches 1, 2, 3 and 4, Silverado Creek, Black Star Creek, Talbert Channel, Talbert Marsh and Greenville-Banning Channel. The major problem for the area is microbial contamination of the coastal zone. The initial studies conducted by the Orange County Sanitation District determined that their facilities were probably not the cause of the microbial problems in the nearshore zone. Subsequently, the Executive Officer issued a directive to the County of Orange and the cities of Santa Ana, Costa Mesa, Fountain Valley and Huntington Beach (urban storm water dischargers to this tributary area) under Section 13267 of the Water Code. This directive required the dischargers to provide a plan to identify, characterize and control sources that contributed to the microbial problems in the Huntington Beach area. Several studies were conducted to trace the source(s) of the microbial contamination. These studies could not conclusively determine the sources of microbial contamination in the Huntington Beach area.

However, urban runoff was identified as one of the sources. The permittees have diverted most of the dry-weather flows to the sanitary sewer system and significant improvements have been noted in the beach water quality.

- d. *The Newport Bay Drainage Area:* Tributaries include Bonita Creek, Serrano Creek, Peters Canyon Wash, Hicks Canyon Wash, Bee Canyon Wash, Borrego Canyon Wash, Agua Chinon Wash, Laguna Canyon Wash, Rattlesnake Canyon Wash, Sand Canyon Wash, San Diego Creek Reaches 1 and 2, and San Joaquin Freshwater Marsh.

The Newport Bay watershed has a number of impaired waterbodies listed under Section 303(d) of the CWA (see Section 2, below for details). The impairments are mostly due to nutrients, sediment, pesticides, pathogens and metals. To date, TMDLs have been developed for nutrients, sediment, and fecal coliform bacteria and certain pesticides (diazinon and chlorpyrifos). These TMDLs are being implemented. The current and future (year 2012) targets for the nutrient TMDLs are already being met. However, Board staff is currently reevaluating the nutrient TMDLs in light of evidence that there remains impairment of these waters due to eutrophication. In addition, toxics TMDLs were promulgated by USEPA on June 14, 2002, including TMDLs for metals and selenium, and a TMDL specific to the Rhine Channel located in Lower Newport Bay. The Regional Board is in the process of developing TMDL implementation plans for these TMDLs.

The Irvine Ranch Water District (IRWD), which provides sewage collection and treatment services for most areas in the Newport Bay Drainage area, has been also accepting dry weather flows from some of the storm sewer systems. The IRWD constructed a number of water quality treatment wetlands for treating urban storm water runoff. These treatment wetlands are strategically located to capture and treat flows from different portions of the watershed. The IRWD also sponsored legislation that authorizes the District to collect storm water fees for maintenance of these treatment wetlands. These treatment wetlands are designed to remove sediment and nutrients from urban runoff but may be less efficient in removing pathogens and toxics (metals, pesticides, etc.). It is anticipated that a combination of site design, low impact development, source control and other best management practices and these treatment wetlands will help to control the discharge of pollutants in urban runoff.

- e. *Irvine Coast and Newport Coast Areas of Special Biological Significance (ASBSs)*
The Ocean Plan has 35 designated areas of special biological significance throughout the State; two of these ASBSs are within the Santa Ana Region, Irvine Coast Areas of Special Biological Significance, Newport Coast Areas of Special Biological Significance. The ASBSs require protection of species and/or biological communities to the extent that alteration of natural water quality is undesirable. The Crystal Cove area, which is within the Irvine Coast ASBS, is currently experiencing increased urban runoff from new developments in the area. The Ocean Plan contains a prohibition on discharges of wastes to ASBS. The State Board has developed conditions for special protection of ASBSs⁶. All waste discharges to the

⁶ Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance, March 3, 2008
(http://www.waterboards.ca.gov/water_issues/programs/ocean/docs/asbs/draft_special_protections.pdf)

ASBS are governed by the prohibition in the Ocean Plan and are subject to the special protections prescribed by the State Board.

2. CWA SECTION 303(d) LIST AND TMDLs:

The 2006 water quality assessment conducted by the Regional Board identified a number of waterbodies within the Region as impaired waterbodies, under Section 303(d) of the CWA. These are waterbodies where the designated beneficial uses are not met and/or the water quality objectives are being violated. These waterbodies were placed on the CWA Section 303(d) list of impaired waters⁷. The impaired waterbodies in Orange County within the Santa Ana Regional Board's jurisdiction are listed in Table 2.

Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e., water quality objectives are met and the beneficial uses are protected. It is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in waste discharge requirements. TMDLs have been developed for sediment and nutrients for San Diego Creek and Newport Bay and for fecal coliform bacteria in Newport Bay. The stakeholders in this watershed are collaborating in the development and implementation of the TMDLs. The Regional Board's Executive Officer has issued requirements for the submittal and implementation by the responsible parties of plans and schedules to address the TMDL requirements.

Table 2. Clean Water Act Section 303(d) Listed Waterbodies⁸

Water Body	Hydro Unit	Pollutant Stressor	Source	Priority	Size Affected	Unit	TMDL End Date
Anaheim Bay	80111000	Nickel ⁹	Source Unknown	Medium	402	Acres	2019
		Dieldrin ¹⁰	Source Unknown	Medium	402	Acres	2019
		PCBs ¹¹	Source Unknown	Medium	402	Acres	2019
		Sediment Toxicity	Source Unknown	Medium	402	Acres	2019

⁷ 2006 CWA Section 303(d) list of water quality limited segments
http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/tmdl/docs/303d/usepa_final_r8_2006_303dlist.pdf

⁸ Extracted from 2006 CWA Section 303(d) list of water quality limited segments

⁹ EPA listing

¹⁰ EPA listing

¹¹ EPA listing

Balboa Beach	80114000	Pesticides (DDT, dieldrin)	Source Unknown	Medium	1.8	Miles	2019
		PCBs	Source Unknown	Medium	1.8	Miles	2019
Bolsa Chica State Beach	80111000	Metals (copper ¹² and nickel ¹³)	Source Unknown	Medium	2.6	Miles	2019
Buck Gully Creek	80111000	Pathogens (fecal coliform, total coliform)	Source Unknown	Medium	0.3	Miles	2019
Huntington Beach State Park	80111000	Pathogens (Enterococcus and indicator bacteria)	Source Unknown	Medium	5.8	Miles	2019
		PCBs	Source Unknown	Medium	5.8	Miles	2019
Huntington Harbour	80111000	Metals (copper ¹⁴ , lead, nickel ¹⁵)	Source Unknown	Medium	221	Acres	2019
		Pathogens	Urban Runoff/ Storm Sewers	Medium	221	Acres	2019
		Chlordane	Source Unknown	Medium	221	Acres	2019
		PCBs ¹⁰	Source Unknown	Medium	221	Acres	2019
		Sediment Toxicity	Source Unknown	Medium	221	Acres	2019
Los Trancos Creek (Crystal Cove Creek)	80111000	Pathogens (fecal coliform, total coliform)	Source Unknown	Medium	0.19	Miles	2019
Newport Bay, Lower	80111000	Chlordane	Source Unknown	Medium	767	Acres	2019
		DDT	Source Unknown	Medium	767	Acres	2019
		Copper	Source Unknown	High	767	Acres	2007
		PCBs	Source Unknown	Medium	767	Acres	2019
		Sediment Toxicity	Source Unknown	Medium	767	Acres	2019

¹² EPA listing

¹³ EPA listing

¹⁴ EPA listing

¹⁵ EPA listing

Newport Bay, Upper Ecological Reserve	80111000	Copper	Source Unknown	High	653	Acres	2007
		Chlordane	Source Unknown	Medium	653	Acres	2019
		Metals	Urban Runoff/ Storm Sewers	Medium	653	Acres	2019
		DDT	Source Unknown	Medium	653	Acres	2019
		PCBs	Source Unknown	Medium	653	Acres	2019
		Sediment Toxicity	Source Unknown	Medium	653	Acres	2019
Peters Canyon Channel	80111000	Pesticides (DDT, Toxaphene)	Source Unknown	Medium	3	Miles	2019
Rhine Channel	80114000	Metals (copper, lead, mercury, zinc)	Source Unknown	Medium	20	Acres	2019
		PCBs	Source Unknown	Medium	20	Acres	2019
		Sediment Toxicity	Source Unknown	Medium	20	Acres	2019
San Diego Creek, Reach 1	80111000	Selenium	Source Unknown	High	7.8	Miles	2009
		Fecal Coliform	Urban Runoff/ Storm Sewers Other Urban Runoff	Medium	7.8	Miles	2019
		Toxaphene	Source Unknown	Medium	7.8	Miles	2019
San Diego Creek Reach 2	80111000	Metals	Urban Runoff/ Storm Sewers	High	6.3	Miles	2009
Santiago Creek R4	80112000	Salinity/ TDS/ Chlorides	Source Unknown	Low	9.8	Miles	2019
Seal Beach	80111000	Enterococcus	Source Unknown	Low	0.53	Miles	2019
		PCBs	Source Unknown	Low	0.53	Miles	2019

Silverado Creek	80112000	Pathogens	Unknown Nonpoint Source	Low	11	Miles	2019
		Salinity/ TDS/ Chlorides	Unknown Nonpoint Source	Low	11	Miles	2019

The proposed order includes numeric effluent limits based on the wasteload/load allocations developed and approved by the Regional Board, State Board, Office of Administrative Law and the EPA.

VI. FIRST, SECOND AND THIRD TERM PERMITS: STORM WATER POLLUTION CONTROL PROGRAMS/POLICIES

Prior to EPA's promulgation of the final storm water regulations, the counties of Orange, Riverside and San Bernardino applied for areawide NPDES permits for storm water runoff. On July 13, 1990, the Regional Board issued Order No. 90-71 to the permittees (first term permit). On March 8, 1996, the Board adopted Order No. 96-31 (second term permit). On January 18, 2002, the Board adopted Order No. R8-2002-0010 (third term permit). These permits included the following requirements as outlined in the storm water regulations:

1. Prohibited non-storm water discharges to the MS4s, with certain exceptions.
2. Required the municipalities to develop and implement a drainage area management plan (DAMP) to reduce pollutants in urban storm water runoff to the maximum extent practicable (MEP¹⁶).
3. Required the discharges from the MS4s to meet water quality standards in receiving waters.
4. Required the municipalities to identify and eliminate illicit discharges and illegal connections to the MS4s.
5. Required the municipalities to establish and maintain legal authority to enforce storm water regulations.
6. Required monitoring of dry weather flows, storm flows, and receiving water quality, and required program assessment.
7. Required the permittees to identify and inspect construction sites and industrial and commercial facilities.
8. Required the permittees to develop and implement a Water Quality Management Plan to address post-development runoff.

The following programs and policies have been implemented or are being implemented by the permittees. During the first term permit, the permittees developed a Drainage Area Management Plan (1993 DAMP) which was approved by the Executive Officer of the Regional Board on April 29, 1994. The 1993 DAMP included a number of best management practices (BMPs) and a very extensive public education program. The 1993

¹⁶ Maximum Extent Practicable (MEP) means to the maximum extent feasible, taking into account equitable considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, technical feasibility, fiscal feasibility, public health risks, societal concerns, and social benefits.

DAMP was updated a number of times and a draft 2007 version of the DAMP was submitted with the permit renewal application. The monitoring program for the first term permit included 89 monitoring stations within streams and flood control channels and 21 stations within the bays, estuaries and the ocean. The findings and conclusions from these monitoring stations and monitoring programs of other municipal permittees (Riverside and San Bernardino Counties and others) were used to identify problem areas and to re-evaluate the monitoring program and the effectiveness of the BMPs. The direction of these program elements were depended upon the results of the ongoing studies and a holistic approach to watershed management.

Other elements of the storm water management program included identification and elimination of illicit discharges and illegal connections and establishment of adequate legal authority to control pollutants in storm water discharges. The permittees have completed a survey of their storm drain systems to identify illicit discharges/illegal connections and have adopted appropriate ordinances to establish legal authority. Some of the more specific achievements during the previous term permits are as follows:

1. Interagency Agreements and Coordination: Established a program management structure through an Interagency Implementation Agreement. Participated in regional monitoring programs and focused special studies/research programs. Worked with the County Sanitation Districts, Health Care Agency, Integrated Waste Management Agency, and the Water Districts to provide a consistent urban storm water pollution control message to the public. Worked with Caltrans, other transportation agencies, the Storm Water Quality Task-Force, and others to further study and understand urban runoff problems and control measures. Supported regional studies to improve storm water management programs and monitoring programs through the Southern California Coastal Water Research Project.
2. Ordinances, Plans and Policies: Adopted a Model Water Quality Ordinance and Enforcement Consistency Guide; prepared a Water Pollution Enforcement Implementation Plan, Public Agency Activity BMP guideline, a Public Pesticide and Fertilizer Use Guideline, Criteria for MS4 Inspections, and a Water Quality Monitoring Plan, Model Water Quality Management Plan; and established a Technical Advisory Committee for overall program development and implementation.
3. Program Review: A number of existing programs were reviewed to determine their effectiveness in combating urban pollution and to recommend alternatives and or improvements, including litter control measures, street sweeping frequencies and methods, public agency activities and facilities, illegal and illicit connections to the MS4 systems, and existing monitoring programs.
4. Public Education: A number of steps were taken to educate the public, businesses, industries, and commercial establishments regarding their role in urban runoff pollution controls. The appropriate industrial dischargers were notified of the storm water regulatory requirements. For a number of unregulated activities, BMP guidances (Fact Sheets) were developed (mobile detailing, automotive service centers, restaurants, pool maintenance). Finally, a countywide hotline was established for reporting any suspected water quality problems.
5. Public Agency Training: Training was provided to public agency employees on how to implement New Development Guidelines and Public Works BMPs, how to conduct

investigations of reported water quality problems and how to conduct inspections of industrial facilities, construction sites and public work projects. The municipal planners were trained to recognize water quality related problems in proposed developments.

6. Related Activities: Flood control channels were stabilized, sediment basins were constructed, and debris booms were installed; illegal connections were eliminated and illicit connections to the MS4s were documented , eradicated or permitted.

VII. PRIOR TERM PERMITS - WATER QUALITY IMPROVEMENTS

An accurate and quantifiable measurement of the impact of the above stated storm water management programs is difficult for a variety of reasons, such as the variability in chemical water quality data, the incremental nature of BMP implementation, lack of baseline monitoring data, and the existence of some of the programs and policies prior to initiation of formal storm water management programs. There are generally two accepted methodologies for assessing water quality improvements: (1) conventional monitoring such as chemical-specific water quality monitoring; and (2) non-conventional monitoring such as monitoring of the amount of household hazardous waste collected and disposed off at appropriate disposal sites, amount of used oil collected, debris removed by the debris boom, etc.

The water quality monitoring data collected during prior permit terms did not indicate any discernible trends or significant changes. However, the most recent monitoring data indicate that there are reductions in the mass loading rates for some of the metals like copper and zinc and improvements in beach water quality after diversion of dry weather flows to the sanitary sewers. The non-conventional monitoring data also indicate that other programs and policies have been very effective in keeping a significant quantity of wastes from being discharged into waters of the US.

During the second and third term permits, there was an increased focus on watershed management initiatives and coordination among the municipal permittees in Orange, Riverside and San Bernardino Counties. These efforts resulted in a number of regional monitoring programs and other coordinated program and policy developments.

It is anticipated that with continued implementation of the revised DAMP and other requirements specified in this order, including low impact developments, the goals and objectives of the storm water regulations will be met, including protection of water quality standards for all receiving waters.

VIII. FUTURE DIRECTION/2007 DRAFT DAMP

The NPDES permit renewal application included a revised draft of the DAMP (2007 DAMP) that includes programs and policies the permittees are proposing to implement during the fourth term permit. The 2007 draft DAMP is the principal guidance document for urban storm water management programs in Orange County and includes the following major components:

1. Continues to provide a framework for the program management activities and plan development.
2. Continues to provide the legal authority to control discharges to the MS4s.
3. Improves current BMPs to achieve further reduction in pollutant loading to the MS4s.
4. Continues to include programs and policies for public education processes and to seek public support for urban storm water pollution prevention BMPs.
5. Increases requirements for controls on new developments and significant redevelopments.
6. Continues to ensure that construction sites implement appropriate pollution control measures during construction and effective post-construction water quality management plan (WQMP) implementation.
7. Continues to ensure that industrial, construction and commercial sites are adequately identified, categorized and inspected for compliance with storm water regulations.
8. Continues to include programs and policies to eliminate illicit discharges and illegal connections to the MS4s.
9. Includes continued monitoring of urban runoff.
10. Includes provisions for any special focus studies and/or control measures.

A combination of these programs and policies and the requirements specified in this order should ensure control of pollutants in storm water runoff from facilities owned and/or controlled by the permittees.

IX. PERMIT REQUIREMENTS

The legislative history of storm water statutes (1987 CWA Amendments), US EPA regulations (40CFR Parts 122, 123, and 124), and clarifications issued by the State Water Resources Control Board (State Board Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional NPDES permitting strategy was anticipated for regulating urban storm water runoff. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and the complexity of urban storm water runoff quality and quantity, MS4 permits generally include narrative requirements for the implementation of BMPs in place of numeric effluent limits.

The requirements included in this order are meant to specify those management practices, control techniques and system design and engineering methods that will result in maximum extent practicable protection of the beneficial uses of the receiving waters. The State Board (Orders No. WQ 98-01 and WQ 99-05) concluded that MS4s must meet the technology-based maximum extent practicable (MEP) standard and water quality standards (water quality objectives and beneficial uses). The US Court of Appeals for the Ninth Circuit subsequently held that strict compliance with water quality standards in MS4 permits is at the discretion of the permitting authority. Any requirements included in the order that are more stringent than the federal storm water regulations are in accordance with the CWA Section 402(p)(3)(iii), and the California Water Code Section 13377 and are consistent with the Regional Board's interpretation of the requisite MEP standard.

The Report of Waste Discharge (ROWD) included a discussion of the current status of Orange County's urban storm water management program and the proposed programs and policies for the next five years (fourth term permit). The proposed order incorporates these documents and the performance commitments made in the ROWD.

This order recognizes the significant progress made by the permittees during the first, second and third term permits in implementing the storm water regulations. The permit also recognizes regional and innovative solutions to such a complex problem. For these reasons, the order is somewhat less prescriptive when compared to some of the MS4 NPDES permits for urban runoff issued by other Regional Boards. However, it incorporates an integrated watershed approach in solving urban runoff related water quality and quantity issues. The proposed permit also includes numeric effluent limits based on wasteload/load allocations and an emphasis on implementation of low impact development principles. With these requirements, it should achieve the same or better water quality benefits because of the programs and policies already being implemented or proposed for implementation, including regional and watershed wide solutions.

The major requirements include: (1) Discharge prohibitions; (2) Receiving water limitations; (3) Prohibition on illicit discharges and illegal connections; (4) Public and business education; (5) Adequate legal authority; (6) Programs and policies for municipal facilities and activities; (7) Inspection Activities by the municipalities; (8) A program to address runoff from residential areas; (9) New development/re-development requirements including a requirement to fully implement low impact development principles and to minimize any hydrologic conditions of concern; (10) Waste load allocations for nutrients, sediment, and fecal coliform bacteria; metals, and pesticides, including numeric effluent limits; and (11) Monitoring and reporting requirements.

These programs and policies are intended to improve urban storm water quality and protect the beneficial uses of receiving waters of the region.

1. DISCHARGE PROHIBITIONS

In accordance with CWA Section 402(p)(3)(B)(ii), this order prohibits the discharge of non-storm water to the MS4s, with a few exceptions. The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the permittees or the Executive Officer determines that any of the exempted non-storm water discharges contain pollutants, a separate NPDES permit or coverage under the Regional Board's De Minimis permit will be required.

2. RECEIVING WATER LIMITATIONS

Receiving water limitations are included to ensure that discharges from MS4 systems do not cause or contribute to violations of applicable water quality standards in receiving waters. The compliance strategy for receiving water limitations is consistent with the US EPA and State Board guidance and recognizes the complexity of storm water management.

This order requires the permittees to meet water quality standards in receiving waters in accordance with US EPA requirements as specified in State Board Order No. WQ 99-05. If water quality standards are not met by implementation of current BMPs, the permittees are required to re-evaluate the programs and policies and to propose

additional BMPs. Compliance determination will be based on this iterative BMP implementation/compliance evaluation process.

3. ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO MS4s

The permittees have completed their survey of the MS4 systems and eliminated or permitted all identified illegal connections. The permittees have also established a program to address illicit discharges and a mechanism to respond to spills and leaks and other incidents of discharges to the MS4s. The permittees are required to continue these programs to ensure that the discharges from MS4s do not become a source of pollutants in receiving waters.

4. PUBLIC AND BUSINESS EDUCATION OUTREACH PROGRAM

Public outreach is an important element of the overall urban pollution prevention program. The permittees have committed to implement a strategic and comprehensive public education program to maintain the integrity of the receiving waters and their ability to sustain beneficial uses. The principal permittee has taken the lead role in the outreach program and has targeted various groups including businesses, industry, development, utilities, environmental groups, institutions, homeowners, school children, and the general public. The proposed order includes additional requirements to address runoff from residential developments. The permittees have developed a number of educational materials, established a storm water pollution prevention hotline, started an advertising and educational campaign and distribute public education materials at a number of public events. The permittees are required to continue these efforts and to expand public participation and education programs.

5. LEGAL AUTHORITY

During the first two permit cycles, each permittee adopted a number of ordinances, municipal codes, and other regulations to establish legal authority to control discharges to the MS4s and to enforce these regulations as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The permittees are required to enforce these ordinances and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D)). The enforcement activities undertaken by a majority of the permittees have consisted primarily of Notices of Violation, which act to educate the public on the environmental consequences of illicit discharges. Several coastline municipalities have regularly issued Citations. In the case of the County, additional action has sometimes included recovery of investigation and clean-up costs from a responsible party. In the event of egregious or repeated violations, the option exists for a referral to the County District Attorney for possible prosecution. In order to eliminate unauthorized, non-storm water discharges, reduce the amount of pollutants commingling with storm water runoff and thereby protect water quality, an additional level of enforcement is required between Notices of Violation and District Attorney referrals. The third term permit required the permittees to establish the authority and resources to administer either civil or criminal fines and/or penalties for violations of their local water quality ordinances (and the Federal Clean Water Act). The permittees now have this authority for civil and/or criminal penalties.

6. PUBLIC FACILITIES AND ACTIVITIES

Education of municipal planning, inspection, and maintenance staff is critical to ensure that municipal facilities and activities do not cause or contribute to an exceedance of receiving water quality standards. The second and third term permits required the permittees to prepare an Environmental Performance Report to address public agency facilities and activities that are not regulated under the State's General Industrial Activities Storm Water Permit. It also required the permittees to report on an annual basis the actions taken to eliminate the discharge of pollutants from public agency activities and facilities. The permittees are required to inspect and maintain drainage facilities free of waste materials to control pollutants in storm water runoff flowing through these systems. The proposed order requires the permittees to continue to re-evaluate their facilities and activities on an annual basis to see if additional BMPs are needed to ensure water quality protection.

7. MUNICIPAL INSPECTION PROGRAM

The third term permit included requirements for inspection of construction, industrial, and commercial facilities within the permittees' jurisdiction in order to control the loading of pollutants entering the MS4s from these sites. The permittees were required to inventory construction, industrial and commercial facilities; prioritize those facilities with respect to their potential for discharge of pollutants in runoff and their proximity to sensitive receiving waters; and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in 'educational' type enforcement, repeated non-compliance should result in more severe forms of enforcement, such as, monetary penalties, stop work orders or permit revocation.

8. NEW DEVELOPMENT

During the third term permit, the permittees developed and revised existing new development guidelines. The permittees were required to implement these guidelines, with program implementation of post construction Water Quality Management Plan criteria standards. Additionally, this order requires the permittees to work towards the goal of restoring and preserving the natural hydrologic cycles in approving urban developments. To accomplish this goal, the permittees are required to implement low impact development principles through appropriate site design and source control BMPs. The proposed order includes a 5% limitation on effective impervious area¹⁷ for new developments. It also recognizes that certain soil and groundwater conditions might preclude a particular site from achieving the 5% effective impervious area goal and includes alternatives and in-lieu programs.

9. SANITARY SEWER OVERFLOWS, SEPTIC SYSTEM FAILURES AND PORTABLE TOILET DISCHARGES

The third term permit required the permittees to investigate adverse impacts on urban runoff quality from leaking septic systems and portable toilets. The information provided by the permittees indicates that leaking or failing septic systems are not a

¹⁷Effective impervious areas are those areas which are not connected to a pervious feature (such as a landscaped area, pervious concrete or asphalt surfaces with a sub-base of infiltration materials) and from where storm water runoff is conveyed to a storm water conveyance system or directly to waters of the US.

significant problem in Orange County as most areas of the County are sewered. A number of beach closures in Orange County have been due to spills, overflows, and leaks from the sanitary sewer lines. To address these concerns, waste discharge requirements (SSO order) for local sanitary sewer agencies were adopted by the Regional Board. Subsequently, the State Board adopted an SSO order, Water Quality Order No. 2006-0003, to address this problem on a statewide basis. The Regional Board SSO order has since been rescinded. The permittees are required to comply with the statewide SSO order.

10. 303(d) LISTED WATERBODIES AND TMDL IMPLEMENTATION

The proposed order includes special provisions for the protection of impaired waterbodies. The 303(d) listed waterbodies fall under the following four categories:

- a. 303(d) listed with no TMDLs: The permittees are required to develop and implement pollutant-specific Watershed Action Plans to control the discharge of the pollutant causing the impairment.
- b. 303(d) listed with a technical TMDL (no implementation plan): If the TMDL specifies a wasteload/load allocation for urban runoff or storm water, the proposed order includes the appropriate load allocation or a numeric effluent limit derived from it.
- c. 303(d) listed with a TMDL implementation plan that has a compliance date beyond the permit term: The permittees are required to implement control measures to reduce the pollutant causing the impairment and monitor the progress towards achieving the target numeric effluent limit.
- d. 303(d) listed with a TMDL implementation plan that requires meeting the target goals within the permit term: Numeric effluent limits based on the allocations are included in the proposed order.

11. MONITORING REQUIREMENTS

During the first term permit and part of the second term permit, the permittees conducted extensive monitoring of the storm water flows, receiving water quality and sediment quality. These early programs focused on identifying pollutants, estimating pollutant loads, tracking compliance with water quality objectives, and identifying sources of pollutants. The Orange County monitoring program, like other monitoring programs nationwide, has established that there is a high degree of uncertainty in the quality of storm water runoff and that there are significant variations in the quality of urban runoff spatially and temporally. However, most of the monitoring programs to date have indicated that there a number of pollutants in urban storm water runoff. Only in a few cases has a definite link between pollutants in urban runoff and beneficial use impairment been established.

In 1999, the permittees re-evaluated their monitoring program and proposed a revised monitoring program. The goals of the 1999 Water Quality Monitoring Program were:

- To determine the role of urban runoff in beneficial use impairment;
- To collect technical information to develop an effective urban storm water management plan; and

- To determine the effectiveness of a number of BMPs, also as an aid to the overall urban storm water management plan.

To accomplish these goals, the monitoring program focused on three areas:

- Areas where constituent concentrations are substantially above system-wide averages. These areas were referred to as “warm spots” and the designation is based on monitoring data from prior years.
- Areas of Critical Aquatic Resources (sites with important aquatic resources).
- Sub-watersheds where certain BMPs have been installed to study their effectiveness.

The third term permit required the permittees to re-evaluate their Water Quality Monitoring Program and submit a revised plan for approval including the following elements: mass emissions, estuary/wetlands, water column toxicity, bacteriological/pathogen, bioassessment, reconnaissance, land use correlation, and TMDL/303(d) listed waters monitoring. Based on these requirements, the results from prior monitoring efforts, and based on guidance provided in “The Model Monitoring Program for Southern California”¹⁸, a revised monitoring program was submitted in 2003 (2003 Monitoring Program). In 2005, the Executive Officer approved the 2003 Monitoring Program. The proposed order requires the permittees to review the 2003 Monitoring Program to determine the need for any revisions.

The permittees also participate in a number of other regional monitoring programs such as those conducted by the Southern California Coastal Water Research Project and the California Regional Marine Monitoring Program and monitoring programs in response to TMDLs. The permittees are encouraged to continue their participation in regional and watershed-wide monitoring programs.

X. WATER QUALITY BENEFITS/COST ANALYSIS/FISCAL ANALYSIS

There are direct and indirect benefits from clean beaches, clean water, and a clean environment. It is difficult to assign a dollar value to the benefits the public derives from fishable and swimmable waters. In 1972, at the start of the NPDES program, only 1/3 of the US waters were swimmable and fishable. In 2008, more than 2/3 of the US waters meet these criteria. Clean beaches and other water recreational facilities also attract tourists. According to the Orange County 2006 Community Indicators Project, it is estimated that on average, an out-of-county visitor spent an average of \$107.00 per day in 2004. Huntington Beach’s 8.5-mile shoreline attracts 10 million visitors a year¹⁹. During the summer of 1999 and 2000 when the beaches were closed to water contact recreation, the beach communities reported multi-million-dollar losses in tourist revenues.

The true magnitude of the urban runoff problem is still elusive and any reliable cost estimate for cleaning up urban runoff would be premature. For urban storm water runoff, end-of-pipe treatments are cost prohibitive and are not generally considered as a

¹⁸ Model Monitoring Technical Committee, 2004

¹⁹ Los Angeles Times, May 9, 2001

technologically and economically feasible option. Over the last decade, the permittees have attempted to define the problem and implement best management practices. The costs incurred by the permittees in implementing these programs and policies can be divided into three broad categories (the costs indicated below are for the entire Orange County storm water program):

1. Shared costs: These are costs that fund activities performed mostly by the principal permittee under the Implementation Agreement. These activities include overall storm water program coordination; intergovernmental agreements; representation at the California Storm Water Quality Association, Regional Board/State Board meetings and other public forums; preparation and submittal of compliance reports and other reports required under the NPDES permits and Water Code Section 13267, budget and other program documentation; coordination of consultant studies, co-permittee meetings; training seminars, water quality monitoring, and Countywide public education and outreach. Shared costs have increased from \$0.81M at the inception of the Orange County storm water program to \$4.8M in 2006-2007.
2. Individual Costs for DAMP Implementation: These are costs incurred by each permittee for implementing the BMPs (drainage facility inspections for illegal connections, drain inlet/catchbasin stenciling, public education, inspections of construction, industrial and commercial facilities, etc.) included in the DAMP. A number of programs and policies for non-point and storm water pollution controls existed prior to the urban storm water runoff NPDES program. However, the DAMP that was developed and implemented in response to the urban storm water runoff NPDES program required additional programs and policies for pollution control. These costs are attributable to DAMP implementation. In 2006/07, the Permittees determined their total Individual Costs to be \$82.2M.

In addition to these expenditures, volunteer efforts (such as the annual "Beach Cleanup Day", "Inner Coastal Watershed Cleanup Day", etc.) also contributed to the urban runoff pollution control efforts.

The permittees identified the following funding sources (2006/07):

<u>FUNDING SOURCE</u>	<u>PERCENTAGE</u>
General Funds	11.8%
Gas Taxes	1.3%
Grants	30%
Sanitation Fees	31.3%
Time & Materials Ordinance & Permit Fees	0.6%
Special District Funds	24.3%
Other Sources	0.2%

XI. ANTIDegradation Analysis

The Regional Board has considered whether a complete antidegradation analysis, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, is required for these storm water discharges. The Regional Board finds that the pollutant loading rates to the receiving waters will be reduced with the implementation of the requirements in this order.

As a result, the quality of storm water discharges and receiving waters will be improved. Since this order will not result in a lowering of water quality, a complete antidegradation analysis is not necessary, consistent with the federal and state antidegradation requirements.

XII. PUBLIC WORKSHOP

The Regional Board recognizes the significance of Orange County's Storm Water/Urban Runoff Management Program and will conduct, participate, and/or assist with any workshop during the term of this order to promote and discuss the progress of the storm water management program. The details of the workshops will be posted on the Regional Board's website, published in local newspapers and/or mailed to interested parties. Persons wishing to be included in the mailing list for any of the items related to this order may register their e-mail address and/or mailing address with the Regional Board office at the address given below.

XIII. PUBLIC HEARING

A public hearing to consider adoption of this order will be scheduled during the early part of 2009.

XIV. INFORMATION AND COPYING

Persons wishing further information may write to the address given below or call Marc Brown at (951) 321-4584 or email at: mbrown@waterboards.ca.gov. Copies of the application, proposed waste discharge requirements, and other related documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday (excluding holidays).

XV. REGISTER OF INTERESTED PERSONS

Any person interested in a particular application or group of applications may leave his/her e-mail and/or mailing address and phone number as part of the file for an application. Copies of tentative waste discharge requirements will be mailed to all interested parties.

Mailing address:

Marc Brown

Regional Water Quality Control Board

3737 Main Street, Suite 500

Riverside, CA 92501-3348

Email registration:

http://www.waterboards.ca.gov/resources/email_subscriptions/req8_subscribe.shtml

In addition to the permittees, comments were solicited from the following agencies and/or persons:

U. S. Environmental Protection Agency – John Kemmerer/Eugene Bromley (W-5-1)
US Army District, Los Angeles, Corps of Engineers - Permits Section
NOAA, National Marine Fisheries Service
US Fish and Wildlife Service - Carlsbad
State Water Resources Control Board – David Rice, Office of the Chief Counsel
State Water Resources Control Board – Bruce Fujimoto, Division of Water Quality
State Department of Water Resources - Glendale
California Regional Water Quality Control Board, North Coast Region (1)
California Regional Water Quality Control Board, San Francisco Bay Region (2)
California Regional Water Quality Control Board, Central Coast Region (3)
California Regional Water Quality Control Board, Los Angeles Region (4)
California Regional Water Quality Control Board, Central Valley Region (5S)
California Regional Water Quality Control Board, Central Valley Region (5R)
California Regional Water Quality Control Board, Central Valley Region (5F)
California Regional Water Quality Control Board, Lahontan Region (6SLT)
California Regional Water Quality Control Board, Lahontan Region (6V)
California Regional Water Quality Control Board, Colorado River Basin Region (7)
California Regional Water Quality Control Board, San Diego Region (9)
State Department of Fish and Game - Long Beach
State Department of Health Services - Santa Ana
State Department of Parks and Recreation
Orange County Health Care Agency
South Coast Air Quality Management District, Diamond Bar
Caltrans, District 12, Santa Ana
Southern Pacific Railroad
Atchison, Topeka & Santa Fe Railway Company
Seal Beach Naval Weapons Station
Seal Beach Naval Reserve Center, Los Alamitos
National Forest Service
URS/Greiner - Bob Collacott
The Irvine Company - Sat Tamaribuchi
Building Industry Association –Mark Grey
Latham & Watkins – Paul Singarella
Best, Best, and Krieger
Southern California Association of Governments, Los Angeles

Universities and Colleges (Chancellor)

University of California, Irvine
California State University, Fullerton
Chapman College
Coastline College
Cypress College
Fullerton College
Irvine Valley College

Golden West College
Orange Coast College
Rancho Santiago College

School Districts (Superintendent)

Anaheim Elementary School District
Anaheim Union High School District
Brea-Olinda Unified School District
Buena Park Joint Union High School District
Centralia Elementary School District
Cypress Elementary School District
Fountain Valley Union High School District
Fullerton Elementary School District
Fullerton Joint Union High School District
Garden Grove Unified School District
Huntington Beach Elementary School District
Huntington Beach Union High School District
Irvine Unified Union High School District
La Habra Joint Union High School District
Los Alamitos Unified School District
Lowell Joint Union High School District
Magnolia Elementary School District
Newport-Mesa Unified School District
Ocean View Union High School District
Orange Unified School District
Placentia Unified School District
Santa Ana Unified School District
Savanna Union High School District
Tustin Unified School District
Westminster Union High School District
Yorba Linda Joint Union High School District

Hospitals (Administrator)

Anaheim General Hospital
Brea Community Hospital
Chapman General Hospital, Orange
Children's Hospital of Orange County, Orange
Coastal Communities Hospital, Santa Ana
Fairview Hospital
FHP Hospital, Fountain Valley
Fountain Valley Regional Hospital and Medical Center
Hoag Hospital, Newport Beach
Kaiser Foundation Hospital, Anaheim
Orange County Community Hospital, Buena Park
Pacifica Community Hospital, Huntington Beach
Placentia Linda Community Hospital
Santa Ana Hospital and Medical Center
St. Joseph's Hospital, Orange
U.C. Irvine Medical Center

Vencor Hospital of Orange County, Westminster
Whittier Hospital and Medical Center, Buena Park

Environmental Organizations

Lawyers for Clean Water – Daniel Cooper
Orange County Coastkeeper – Garry Brown
Defend the Bay – Bob Caustin
Sierra Club, Orange County Chapter
Sierra Club, Los Angeles Chapter
Natural Resources Defense Council (NRDC) – David Beckman/Michelle Mehta
Cousteau Society
Amigos De Bolsa Chica
Audobon Sea & Sage Chapter
Huntington Beach Wetlands Conservancy
Surfrider Foundation

Newspapers

Orange County Register – Pat Brennan
Los Angeles Times
Press Enterprise
Daily Pilot

Major Water/Wastewater Agencies

Santa Ana Watershed Project Authority – Celeste Cantu
Irvine Ranch Water District – General Manager
Los Alisos Water District - General Manager
El Toro Water District - General Manager
San Bernardino County Flood Control District – Matt Yeager
Riverside County Flood Control & Water Conservation District – Jason Uhley
L.A. County Department of Public Works
Orange County Sanitation Districts – Robert Ghirelli
Orange County Water District
Metropolitan Water District