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WATERKEEPER

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of NRDC, Los Angeles Waterkeeper, and Heal the Bay, for Review of Action by the California Regional Water Quality Control Board, Los Angeles Region, in Adopting the City of Long Beach Municipal Separate Stormwater National Pollutant Discharge Elimination System (NPDES) Permit; Order No. R4-2014-XXXX; NPDES Permit No. CAS004003	PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ACTION OF ADOPTING ORDER NO. R4-2014-XXXX

In accordance with Section 13320 of the California Water Code and Section 2050 of Title 23 of the California Code of Regulations, the Natural Resources Defense Council ("NRDC"), Los Angeles Waterkeeper, and Heal the Bay (collectively "Petitioners") hereby petition the State Water Resources Control Board ("State Board") to review the final decision of the California Regional Water Quality Control Board for the Los Angeles Region ("Regional Board") in adopting the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges from the City of Long Beach; Order No. R4-2014-XXXX; NPDES Permit No. CAS004003 ("LB MS4 Permit"). The Regional Board adopted the final order in this matter on February 6, 2014.

The LB MS4 Permit regulates stormwater discharges from the municipal separate storm sewer system ("MS4") and other designated stormwater discharges within the City of Long Beach. The City of Long Beach is the sole Permittee.

The Permittee occupies an area of approximately 47.7 square miles, including approximately 180 linear miles of MS4. The Long Beach MS4 discharges flow into surface waters located in the Los Angeles River Watershed, Dominguez Channel and Great Los Angeles/Long Beach Harbors Watershed Management Area, Los Cerritos Channel and Alamitos Bay Watershed Management Area, and San Gabriel River Watershed.

In June 1999, the Regional Board adopted Order No. 99-060, which granted a National Pollutant Discharge Elimination System ("NPDES") municipal stormwater permit for urban runoff discharges from the City of Long Beach. Order 99-060 expired in 2004. In December 2003, the City of Long Beach submitted a Report of Waste Discharge and has continued to discharge from its MS4 under the expired Order until the adoption of Order R4-2014-XXXX.

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1. NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE PETITIONERS:

Natural Resources Defense Council, Inc.
1314 Second Street
Santa Monica, CA 90401
Attention: Noah Garrison, Esq. (ngarrison@nrdc.org)
(310) 434-2300

Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401
Attention: Liz Crosson (liz@lawaterkeeper.org)
Tatiana Gaur (tgaur@lawaterkeeper.org)
(310) 394-6162

Heal the Bay
1444 9th Street
Santa Monica, CA 90401
Attention: Kirsten James (kjames@healthebay.org)
(310) 451-1500

2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS REQUESTED TO REVIEW AND A COPY OF ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD WHICH IS REFERRED TO IN THE PETITION:

Petitioners seek review of the Regional Board's February 6, 2014 adoption of the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges From the City of Long Beach, Order No. R4-2014-XXXX, NPDES Permit No. CAS004003. A copy of the Order is attached as Exhibit A.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:

February 6, 2014.

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4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

In approving the Permit, the Regional Board failed to act in accordance with relevant governing law, acted arbitrarily and capriciously, without substantial evidence, and without adequate findings. Specifically, but without limitation, the Regional Board:

A. Failed to make sufficient findings "to bridge the analytical gap between the raw evidence and ultimate decision"—approval of the Permit. (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) The Board acted arbitrarily and capriciously because the ultimate decision of adopting the Permit is not supported by the findings and the findings are not supported by the weight of the evidence in the administrative record, thus resulting in an abuse of discretion. (Cal. Code Civ. Proc. § 1094.5.)

B. Failed to adequately respond to factually and legally specific comments from public interest organizations concerning significant matters at issue, such as the Permit's incorporation of safe harbor provisions and its noncompliance with state and federal anti-backsliding regulations, antidegradation requirements, and TMDL requirements.

C. Improperly adopted safe harbor provisions that excuse compliance with the 1999 Permit's Receiving Water Limitations provisions in some circumstances, in violation of federal anti-backsliding regulations under 33 U.S.C. § 402(o) and 40 C.F.R. § 122.44(l).

D. Improperly adopted safe harbor provisions that excuse compliance with the 1999 Permit's Receiving Water Limitations provisions in some circumstances, in violation of state and federal antidegradation requirements, including 40 C.F.R. § 131.12(a)(1) and State Board Resolution No. 68-16.

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E. Failed to adequately require in the Permit that certain interim and final Waste Load Allocations ("WLAs") established by applicable Total Maximum Daily Loads ("TMDLs") are enforceable permit effluent limitations. (40 C.F.R. § 122.44(d)(1)(vii)(B).)

5. THE MANNER IN WHICH THE PETITIONERS ARE AGGRIEVED:

Petitioners are non-profit, environmental organizations that have a direct interest in protecting, *inter alia*, the quality of Los Angeles County's aquatic resources, including the Los Angeles River, Long Beach Harbor, San Pedro Bay, and other Los Angeles area waters, as well as the health of beachgoers and other users. NRDC is a non-profit organization whose purpose is to safeguard the Earth: its people, its plants and animals and the natural systems on which all life depends. NRDC represents approximately 65,000 members in California, approximately 12,600 of whom reside in Los Angeles County. Los Angeles Waterkeeper is a non-profit organization dedicated to the preservation, protection, and defense of the rivers, creeks and coastal waters of Los Angeles County from all sources of pollution and degradation. Waterkeeper represents approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Heal the Bay is a non-profit organization whose mission is making southern California's coastal waters and watersheds safe, healthy and clean. Heal the Bay represents approximately 13,000 members in Los Angeles County.

Petitioners' members recreate in and around the waters to which the LB MS4 Permit regulates discharges of stormwater runoff and are impacted by pollution in stormwater runoff and its resulting health impacts, and by beach closures which restrict the ability of residents and visitors in Los Angeles County to use the beach and local waters for recreation and other purposes. In particular, Petitioners' members directly benefit from Los Angeles County waters in the form of recreational swimming, surfing, diving, photography, birdwatching, fishing, and boating. Petitioners' members are aggrieved by the LB MS4 Permit's inadequacy to control polluted urban stormwater runoff or support the beneficial uses of the receiving waters in accordance with the Clean Water Act.

The Regional Board's failure to adequately control urban stormwater runoff through the LB MS4 Permit, or to assure that the LB MS4 Permit's provisions meet the requirements of the Clean Water Act and assure that pollution in stormwater discharges will not degrade the region's waters, has enormous consequences for Los Angeles County residents and Petitioners' members. Urban stormwater runoff is one of the largest sources of pollution to the coastal and other receiving waters of the nation, and is a particularly severe problem in the Los Angeles region, including the City of Long Beach. Waters discharged from municipal storm drains carry bacteria, metals, and other pollutants at unsafe levels to rivers, lakes, and beaches in the City of Long Beach. This pollution has damaging effects on both human health and aquatic ecosystems, causing increased rates of human illness and resulting in an economic loss of tens to hundreds of millions of dollars every year from public health impacts alone. The pollutants also adversely impact aquatic animals and plant life in receiving waters.

Receiving waters in the Permittee's jurisdiction continue to be impaired for a variety of pollutants, and monitoring data show that stormwater discharges continue to contain pollutants at levels that can cause or contribute to these impairments.

Urban development increases impervious land cover and exacerbates problems of stormwater volume, rate, and pollutant loading. Consequently, the City of Long Beach's high rate of urbanization and persistent water quality problems demand that the most effective stormwater management tools be required. The LB MS4 Permit, however, often lacks clear, enforceable standards, and weakens provisions that were required by the previous 1999 Long Beach MS4 permit, which prohibit discharges of stormwater from causing or contributing to violations of water quality standards. The LB MS4 permit further fails to properly incorporate certain interim and final WLAs for TMDLs adopted in the region to restore impaired waters.

All of these documented facts demonstrate the considerable negative impact on Petitioners' members and the environment that continues today as a result of the Regional Board's inadequate efforts to control stormwater pollution through the LB MS4 Permit.

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6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH PETITIONER REQUESTS:

Petitioners seek an Order by the State Board that:

> Overturns the illegal provisions of the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges from the City of Long Beach MS4, Order No. R4-2014-XXXX, NPDES Permit No. CAS004003.
>
> Or, alternatively, remands the matter to the Regional Board with specific direction to the Board to remedy each of its violations of law as further described herein.

7. A STATEMENT IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION:

See Section 5 above. Petitioners respectfully request that this Petition be held in abeyance pending resolution of Petitioners' similar Petition for Review of the Regional Board's adoption of Order No. R4-2012-0175, the Los Angeles County Municipal Separate Storm Sewer System Permit (State Board/OCC File No. A-2236(m)) (a copy of Petitioners' Memorandum of Points and Authorities in Support of Petition For Review of Los Angeles Regional Water Quality Control Board Action of Adopting Order No. R4-2012-0175 is attached here as Exhibit B for the convenience of the State Board). Petitioners reserve the right to supplement the legal arguments and authorities in support of this Petition in the event the Petition should be taken out of abeyance and activated for review by the State Board.

8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL BOARD AND TO THE DISCHARGERS, IF NOT THE PETITIONER:

A true and correct copy of this petition was delivered by electronic mail to the Regional Board on March 7, 2014. A true and correct copy of this petition was also mailed via First Class mail on March 7, 2014 to the Regional Board and the Permittee.

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9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD, OR AN EXPLANATION OF WHY THE PETITIONER WAS NOT REQUIRED OR WAS UNABLE TO RAISE THESE SUBSTANTIVE ISSUES OR OBJECTIONS BEFORE THE REGIONAL BOARD.

All of the substantive issues and objections raised herein were presented to the Regional Board during the period for public comment on the draft Permit. Petitioners submitted written comments on January 10, 2014. Petitioners presented testimony before the Regional Board during public hearings on December 5, 2013 and February 6, 2014.

Respectfully submitted via electronic mail and U.S. Mail,

Dated: March 7, 2014

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Noah Garrison
Attorney for NATURAL RESOURCES DEFENSE COUNCIL, INC. & HEAL THE BAY

Dated: March 7, 2014

LOS ANGELES WATERKEEPER

Elizabeth Crosson
Tatiana Gaur
Attorneys for LOS ANGELES WATERKEEPER & HEAL THE BAY

Dated: March 7, 2014

HEAL THE BAY

Kirsten James
Director of Water Quality, HEAL THE BAY

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 120 Broadway Suite 105, Santa Monica, California 90401.

On March 7, 2014 I served the within document described as REQUEST FOR OFFICIAL NOTICE RE: PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ACTION OF ADOPTING ORDER NO. R4-2014-XXXX on the following interested parties in said action by placing a true copy thereof in the United States mail enclosed in a sealed envelope with postage prepaid, addressed as follows:

State Water Resources Control Board
Office of Chief Counsel
Jeannette L. Bashaw, Legal Analyst
P.O. Box 100
Sacramento, CA 95812-0100

Regional Water Quality Control Board, Los Angeles Region
Sam Unger, Executive Officer
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

City of Long Beach
Pat West, City Manager
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802

City of Long Beach
Anthony Arevalo, Storm Water/Environmental Compliance Officer
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 7, 2014, at Santa Monica, California.

Lara Meeker

EXHIBIT A

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

320 West 4th Street, Suite 200, Los Angeles, CA 90013
Phone (213) 576-6600 - Fax (213) 576-6686
http://www.waterboards.ca.gov/losangeles

ORDER NO. R4-2014-xxxx
NPDES PERMIT NO. CAS004003

WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES FROM THE CITY OF LONG BEACH

The City of Long Beach is subject to waste discharge requirements for its municipal separate storm sewer system (MS4) discharges originating within its jurisdictional boundaries composed of storm water and non-storm water as set forth in this Order:

I. FACILITY INFORMATION

Table 1. Discharge Information

Discharger	City of Long Beach
Facility Name	Municipal Separate Storm Sewer System owned and operated by the City of Long Beach
The U.S. Environmental Protection Agency (US EPA) and the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) have classified the City of Long Beach MS4 as part of the Greater Los Angeles County MS4 and as a large MS4 pursuant to 40 CFR section 122.26(b)(4) and a major facility pursuant to 40 CFR Section 122.2.	

Table 2. Facility Information

Permittee (WDID)		**Contact Information**
City of Long Beach (4B190105032)	Mailing Address	333 West Ocean Blvd. 9th Floor Long Beach, CA 90802
	Facility Contact	Storm Water/ Environmental Compliance Officer

Table 3. MS4 Discharge Locations[1]

Major Outfall Locations	Outfall Size	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Alamitos Bay / Basin No. 3	39" Discharge	33.753	-118.109	Alamitos Bay
Alamitos Bay /Basin No. 3	36" Discharge	33.756	-118.112	Alamitos Bay
36th Pl/Ocean Blvd	54" Discharge	33.76	-118.151	Beach
39th Pl / Allin St	39" Discharge	33.759	-118.148	Beach
9th Pl / Ocean Blvd	36" Discharge	33.764	-118.174	Beach

[1] Table 3 identifies the major outfall locations based on the best available information at the time of permit adoption and may not be an complete inventory of all the major outfalls.

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Ocean Blvd/Molino Ave	51" Discharge	33.762	-118.162	Beach
~~2901 Orange Avenue~~	~~108" Discharge~~	~~33.808~~	~~-118.177~~	~~California Bowl Reservoir~~
1231 Pier B 1400 8Th St	54" Discharge	33.777	-118.21	Channel #2 POLB
1722 8Th St	54" Discharge	33.774	-118.216	Channel #2 POLB
850 Edison Avenue	42" Discharge	33.773	-118.219	Channel #2 POLB
6th St/Alley E/O Park Ave	63" Discharge	33.773	-118.136	Colorado Lagoon
6th St/Nieto Ave	54" Discharge	33.773	-118.133	Colorado Lagoon
Monrovia Ave/4th St	48" Discharge	33.772	-118.132	Colorado Lagoon
~~Park Ave/4th St~~	~~48" Discharge~~	~~33.772~~	~~-118.137~~	~~Colorado Lagoon~~
7380 Willow St	60" Discharge	33.803	-118.085	Coyote Creek
8194 Timor St	48" Discharge	33.819	-118.068	Coyote Creek
Coyote Creek / Fenley Dr	Unk (OC Rossmoor Pump Station Discharge)	33.815	-118.071	Coyote Creek
Coyote Creek / N/O Junction San Gabriel River	Unk (OC Rossmoor Pump Station Discharge)	33.796	-118.089	Coyote Creek
~~Coyote Creek / N/O Junction San Gabriel River~~	~~Unk (County Sanitation Water Reclamation Plant Discharge)~~	~~33.798~~	~~-118.088~~	~~Coyote Creek~~
Coyote Creek / S/O 226th St	3-36" Discharge (Claretta Drain Pump Station)	33.823	-118.066	Coyote Creek
710 Fwy / 27TH St	36" Discharge	33.806	-118.206	Los Angeles River
710 Fwy / Cowles St	3-36" & 1-8" Discharge	33.784	-118.206	Los Angeles River
710 Fwy / Hughes Way	24" Discharge	33.829	-118.205	Los Angeles River
710 Fwy / Long Beach Blvd	3-36" Discharge	33.863	-118.197	Los Angeles River
710 Fwy / Taper St	36" Discharge	33.819	-118.206	Los Angeles River
Los Angeles River / 17th St	204" Discharge	33.788	-118.204	Los Angeles River
Los Angeles River / 34th St	78" Discharge	33.819	-118.205	Los Angeles River
Los Angeles River / 3rd St	96" Discharge	33.771	-118.205	Los Angeles River
Los Angeles River / 405 Fwy	72" Discharge	33.825	-118.205	Los Angeles River
Los Angeles River / 7th St	30" & 21" Discharge	33.775	-118.204	Los Angeles River
Los Angeles River / Artesia Blvd	3-48" & 3-36" & 1-8" Discharge	33.874	-118.189	Los Angeles River
Los Angeles River / Loma Vista Dr	4-78" Discharge	33.779	-118.205	Los Angeles River
Los Angeles River / Loma Vista Dr	2-42" & 1-10" Discharge	33.779	-118.204	Los Angeles River
Los Angeles River / S/O Ocean Blvd	4-36" Discharge	33.765	-118.204	Los Angeles River
Los Angeles River / S/O Ocean Blvd	12" Discharge	33.766	-118.206	Los Angeles River
Los Angeles River / Virginia Vista	2-54" Discharge	33.832	-118.204	Los Angeles River

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Los Angeles River/ 25th St	54" Discharge	33.802	-118.205	Los Angeles River
Los Angeles River/ 405 Fwy	60" Discharge	33.827	-118.206	Los Angeles River
Los Angeles River/ Wardlow Rd	54" Discharge	33.82	-118.205	Los Angeles River
Los Angeles River/ Willow St	48" Discharge	33.805	-118.205	Los Angeles River
Los Angeles River/Hill St	42" Discharge	33.797	-118.204	Los Angeles River
Los Angeles River/S/O 47th St	9-10" Discharge	33.84	-118.203	Los Angeles River
Market St / Los Angeles River	180 " Discharge	33.854	-118.2	Los Angeles River
1800 Knoxville Ave	3-30" Discharge	33.789	-118.104	Los Cerritos Channel
1809 Vuelta Grande Ave	42" Discharge	33.789	-118.103	Los Cerritos Channel
2040 Knoxville Ave	48" Discharge	33.793	-118.104	Los Cerritos Channel
2201 Vuelta Grande Ave	48" Discharge	33.796	-118.103	Los Cerritos Channel
2372 Knoxville Ave	38" Discharge	33.8	-118.105	Los Cerritos Channel
4600 Spring St	30" Discharge	33.813	-118.14	Los Cerritos Channel
5517 China Pt	36" Discharge	33.767	-118.125	Los Cerritos Channel
5950 Waterfront Pl	39" Discharge	33.766	-118.122	Los Cerritos Channel
6138 Corsica Circle	42" Discharge	33.765	-118.12	Los Cerritos Channel
6220 Willow St	48" Discharge	33.803	-118.109	Los Cerritos Channel
6264 Pacific Coast Highway	42" Discharge	33.763	-118.115	Los Cerritos Channel
6400 Willow St	42" Discharge	33.802	-118.108	Los Cerritos Channel
6491 Bixby Hill Rd	42" Discharge	33.778	-118.104	Los Cerritos Channel
Clark Ave / Spring St	480" Discharge	33.81	-118.133	Los Cerritos Channel
~~Clark Ave /Spring St~~	~~480" Discharge~~	~~33.81~~	~~-118.134~~	~~Los Cerritos Channel~~
Lakewood Blvd / Spring St	108" Discharge	33.813	-118.141	Los Cerritos Channel
Lakewood Blvd / Spring St	120" Discharge	33.812	-118.142	Los Cerritos Channel
Lakewood Blvd / Spring St	39" Discharge	33.813	-118.139	Los Cerritos Channel
Los Cerritos Channel / 7th St	39" Discharge	33.775	-118.104	Los Cerritos Channel
Los Cerritos Channel / Costa del Sol	64" Discharge	33.763	-118.116	Los Cerritos Channel
Los Cerritos Channel FC/Loynes Dr	60" Discharge	33.768	-118.105	Los Cerritos Channel
Los Cerritos Channel/ 7th St	48" Discharge	33.775	-118.103	Los Cerritos Channel
Spinnaker Bay Dr/Eliot St	60" Discharge	33.768	-118.125	Los Cerritos Channel
Spring St / San Anseline Ave	66" Discharge	33.81	-118.121	Los Cerritos Channel
Studebaker Rd / 9th St	36" Discharge	33.78	-118.103	Los Cerritos Channel
Studebaker Rd / Anaheim Rd	81" Discharge	33.781	-118.103	Los Cerritos Channel
Paoli Way / Marina Park Ln	72" Discharge	33.768	-118.13	Marine Stadium
Paoli Way/ Marina Park Ln	108" Discharge	33.768	-118.13	Marine Stadium
~~49Th St / S/O Del Amo Blvd~~	~~126" Discharge~~	~~33.844~~	~~-118.187~~	~~North Long Beach Ditch~~
6930 Septimo St	48" Discharge	33.775	-118.098	San Gabriel River
Across 3678 Stevely Ave	96" Discharge	33.825	-118.092	San Gabriel River
Across 3694 Stevely Ave	96" Discharge	33.825	-118.092	San Gabriel River
San Gabriel River/Carson St	48" Discharge	33.831	-118.093	San Gabriel River
San Gabriel River/Spring St	7-42" Discharge	33.81	-118.091	San Gabriel River

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Table 4. Administrative Information

~~St Pancratius Pl / Downey Ave~~	~~156" Discharge~~	~~33.858~~	~~-118.15~~	~~Wes Dra~~

This Order was adopted by the California Regional Water Quality Control Board, Los Angeles Region on:	[Insert date of Regional Board adoption]
This Order becomes effective on:	[Insert date 50 calendar days after adoption]
This Order expires on:	[Insert date 5 years after effective date]
According to Title 23, Division 3, Chapter 9 of the California Code of Regulations and to Title 40, Part 122 of the Code of Federal Regulation, the City of Long Beach shall file a Report of Waste Discharge as application for new waste discharge requirements no later than:	180 days prior to the expiration date of this Order
According to Section 2235.4 of Title 23 of the California Code of Regulations, the terms and conditions of an expired permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on continuation of the expired permit are complied with. Accordingly, if a new Order is not adopted by the expiration date above, then the City of Long Beach shall continue to implement the requirements of this Order until a new one is adopted.	

I, Samuel Unger, Executive Officer, do hereby certify that this Order with all its attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on [insert date of Board adoption].

_____

Samuel Unger, Executive Officer

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II. FINDINGS

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Water Board) finds:

A. Nature of MS4 Discharges and Sources of Pollutants

The City of Long Beach owns and/or operates a large municipal separate storm sewer system (MS4) that conveys and ultimately discharges storm and non-storm water into surface waters under the jurisdiction of the Los Angeles Regional Board. These discharges originate as surface runoff from the various land uses within the City of Long Beach's political boundary; untreated, these discharges contain pollutants with the potential to impair or contribute to the impairment of the beneficial uses in surface waters. Since 1999, the City of Long Beach's monitoring data and analyses in support of TMDL development have identified pollutants of concern in discharges from the MS4. These pollutants of concern vary by receiving water. They generally include but are not limited to copper, lead, zinc, cadmium, PCBs, PAHs, pyrethroid pesticides, organophosphate pesticides, fecal indicator bacteria, and trash.

Impaired water quality has myriad impacts to beneficial uses of surface waters: beach postings and closures, fish consumption advisories, localized and global ecosystem and aesthetic impacts from trash and debris, and reduced habitat for wildlife such as threatened and endangered species, among others. Federal law requires states to address impaired water bodies by developing total maximum daily loads (TMDLs). The Regional Water Board and USEPA have established 9 TMDLs that identify MS4 discharges from the City of Long Beach as one of the pollutant sources causing or contributing to these water quality impairments.

B. Regulatory History and Municipal Separate Storm Sewer System Requirements

The 1972 Clean Water Act[2] established the NPDES Program to regulate the discharge of pollutants from point sources to waters of the United States. However, pollution from storm water and dry-weather urban runoff was largely unabated for over a decade. In response to the 1987 Amendments to the Clean Water Act, US EPA developed Phase I of the NPDES Storm Water Permitting Program in 1990, which established a framework for regulating municipal and industrial discharges of storm water and non-storm water. The Phase I program addressed sources of storm water and dry-weather urban runoff that had the greatest potential to negatively impact water quality. In particular, under Phase I, US EPA required NPDES Permit coverage for discharges from medium and large MS4 with populations of 100,000 or more.[3] Operators of MS4s regulated under the Phase I NPDES Storm Water Program were required to obtain permit coverage for municipal discharges of storm water and non-storm water to waters of the United States.

Early in the history of the MS4 program in the Los Angeles Region, the Regional Water Board designated the MS4s owned and/or operated by the incorporated cities, including the City of Long Beach, and Los Angeles County unincorporated areas within the Coastal Watersheds of Los Angeles County as a large MS4 due to the total population

[2] Federal Water Pollution Control Act; 33 U.S.C. § 1251 et seq., which, as amended in 1977, is commonly known as the Clean Water Act.

[3] Large MS4s are those that serve a population of at least 250,000 and medium MS4s are those that serve a population between 100,000 and 250,000.

of Los Angeles County, including that of unincorporated and incorporated areas, and the interrelationship between the Permittees' MS4s, pursuant to 40 CFR section 122.26(b)(4). In 1990, the City of Long Beach's population alone was 429,433.

The Regional Water Board regulated discharges from the City of Long Beach's MS4 from 1990 through 1999 under the Los Angeles countywide waste discharge requirements (WDR) contained in Order No. 90-079 and in Order No. 96-054 adopted on June 18, 1990, and on July 15, 1996, respectively. In addition to being WDRs, these orders were NPDES permits for the discharges from the MS4 serving the entire Los Angeles County area including those within the City of Long Beach.

In 1999, the Los Angeles Regional Board decided to issue a separate MS4 Permit, Order No. 99-60 to the City of Long Beach. Order No. 99-060 expired in June 2004 but has been administratively extended in accordance with federal regulation. Order No. 99-60 remains in effect until the Los Angeles Regional Board adopts a new permit.

Currently the City of Long Beach's MS4 serves a population of approximately 465,576. Additionally, the City of Long Beach's MS4 is interconnected with portions of the MS4 serving the greater Los Angeles County area.

This Order implements the federal Phase I NPDES storm water regulations and includes three fundamental elements: (i) a requirement to effectively prohibit non-storm water discharges that are a source of pollutants through the MS4, (ii) requirements to implement controls to reduce the discharge of pollutants in storm water to the maximum extent practicable, and (iii) other provisions the Regional Water Board determines appropriate for the control of pollutants discharged from the MS4.

C. Geographic Coverage

The permitted area, approximately 47.7 square miles, includes approximately 180 linear miles of MS4. This drainage area consists of approximately 39.28% residential, 5.35% commercial, 20.42% industrial, 5.98% parks, 5.28% planned development, 13.18% roads, and 4.64% unzoned land uses.

The MS4 discharges flow into surface waters located in the Los Angeles River Watershed, Dominguez Channel and Greater Los Angeles/Long Beach Harbors Watershed Management Area, Los Cerritos Channel and Alamitos Bay Watershed Management Area, and San Gabriel River Watershed.

This Order defines Watershed Management Areas (WMAs) consistent with the delineations used in the Los Angeles Regional Board's Watershed Management Initiative. Attachment B includes a map depicting each WMA and the major receiving waters therein that overlap with the City of Long Beach's jurisdictional area.

Federal, state, regional or local entities not named as a Permittee in this Order may operate MS4 facilities and/or discharge to the MS4 and water bodies covered by this Order. Pursuant to 40 CFR sections 122.26(d)(1)(ii) and 122.26(d)(2)(iv), this Order requires the City of Long Beach to maintain the necessary legal authority to control the contribution of pollutants to its MS4 and include in its storm water management program a comprehensive planning process that includes intergovernmental coordination, where necessary to address discharges from facilities outside of the City of Long Beach's

jurisdiction or within the City of Long Beach's jurisdiction but not owned or operated by the City of Long Beach (e.g. California Department of Transportation, Caltrans).

D. Permit Scope

This Order regulates storm water and non-storm water MS4 discharges from the City of Long Beach into surface waters within the jurisdiction of the Regional Water Board. Section 122.26(b)(8) of Title 40 of the Code of Federal Regulations (CFR) defines an MS4 as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) [o]wned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) [d]esigned or used for collecting or conveying storm water; (iii) [w]hich is not a combined sewer; and (iv) [w]hich is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

Storm water discharges consist of those discharges that originate from precipitation events. Federal regulations define "storm water" as "storm water runoff, snow melt runoff, and surface runoff and drainage." (40 CFR § 122.26(b)(13).) While "surface runoff and drainage" is not defined in federal law, USEPA's preamble to its final storm water regulations demonstrates that the term is related to precipitation events such as rain and/or snowmelt. (55 *Fed. Reg.* 47990, 47995-96 (Nov. 16, 1990)).

Non-Storm water discharges consist of all discharges through an MS4 that do not originate from precipitation events. non-storm water discharges through an MS4 are prohibited unless authorized under a separate NPDES permit; authorized by USEPA pursuant to Sections 104(a) or 104(b) of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); composed of natural flows; the result of emergency fire-fighting activities; or conditionally exempted by this Order.

E. Legal Authorities

This Order is issued pursuant to CWA Section 402 and implementing regulations adopted by the US EPA and Chapter 5.5, Division 7 of the California Water Code (commencing with Section 13370). This Order serves as an NPDES permit for MS4 discharges from the City of Long Beach to surface waters. This Order also serves as waste discharge requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the California Water Code (commencing with Section 13260).

F. Background and Rationale for Requirements

The Regional Water Board developed the requirements in this Order based on information from the City of Long Beach's ROWD, monitoring and reporting data, program audits, and other available information. This Order is consistent with the CWA, the CWC and regulations adopted thereunder.

In accordance with federal regulations at 40 CFR section 124.8, the Fact Sheet (Attachment F) has been prepared to explain the principal facts and the significant

factual, legal, methodological, and policy questions considered in preparing this Order. The Fact Sheet is hereby incorporated into this Order and also constitutes part of the Findings of the Regional Water Board for this Order. Attachments A through E and G through I are also incorporated into this Order.

G. Water Quality Control Plans

The CWA requires the Regional Water Board to establish water quality standards for each water body in its region. Water quality standards include beneficial uses, water quality objectives and criteria that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to prevent degrading waters unless specific circumstances apply. The Regional Water Board adopted a *Water Quality Control Plan - Los Angeles Region* (hereinafter Basin Plan) on June 13, 1994 and has amended it on multiple occasions since 1994. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Los Angeles Region. Pursuant to CWC Section 13263(a), the requirements of this Order implement the Basin Plan. The beneficial uses applicable to the surface water bodies that receive discharges from the City of Long Beach's MS4 generally include those listed in Table 5 below.

~~Receiving Water Name~~	~~Beneficial Uses~~
~~Los Angeles River~~	~~Water contact (REC1) and non-contact water recreation (REC2); ground water recharge (GWR); warm fresh water habitat (WARM); wildlife habitat (WILD); industrial process supply (PROC)~~
Receiving Water Name	**Beneficial Uses**
Los Angeles River	Water contact (REC1) and non-contact water recreation (REC2); ground water recharge (GWR); warm fresh water habitat (WARM); wildlife habitat (WILD); industrial process supply (PROC)
Los Cerritos Channel	~~(EST); marine habitat (MAR), wildlife habitat (WILD); rare, threatened or endangered species habitat (RARE); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development habitat (SPWN); shellfish harvesting (SHELL)~~ Industrial service supply (IND); navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); estuarine habitat (EST); marine habitat (MAR); wildlife habitat (WILD); rare, threatened or endangered species habitat (RARE); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development habitat (SPWN); shellfish harvesting (SHELL)
~~Coyote Creek~~	~~Rare, threatened or endangered species habitat (RARE); municipal and domestic supply (MUN); industrial process supply (PROC); water contact (REC1) and non-contact water~~
Coyote Creek	Rare, threatened or endangered species habitat (RARE); municipal and domestic supply (MUN); industrial process supply (PROC); water contact (REC1) and non-contact water recreation (REC2); warm fresh water habitat (WARM); wildlife habitat (WILD)
Colorado Lagoon	~~water habitat (WARM); spawning, reproduction, and/or early development habitat (SPWN); shellfish harvesting (SHELL)~~ Water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); warm freshwater habitat (WARM); spawning, reproduction and/or early development habitat (SPWN); shellfish harvesting (SHELL)
~~San Gabriel River~~	~~Industrial process supply (PROC); agricultural supply (AGR); ground water recharge (GWR); water contact (REC1) and~~
San Gabriel River	Industrial process supply (PROC), agricultural supply (AGR); ground water recharge (GWR); water contact (REC1) and non-contact water recreation (REC2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); wildlife habitat (WILD); rare, threatened or endangered species habitat (RARE)

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H. Ocean Plan

In 1972, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Plan for Ocean Waters of California, (Ocean Plan). The State Water Board adopted the most recent amended Ocean Plan on September 15, 2009. The Office of Administrative Law approved it on March 10, 2010. On October 8, 2010, US EPA approved the 2009 Ocean Plan. The Ocean Plan is applicable, in its entirety, to the ocean waters of the State. In order to protect beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Pursuant to California Water Code section 13263(a), the requirements of this Order implement the Ocean Plan. The Ocean Plan identifies beneficial uses of ocean waters of the State to be protected as summarized in Table 6 below.

Table 6. Designated Beneficial Uses identified in the Ocean Plan

Receiving Water Name	Beneficial Uses
Pacific Ocean	Industrial Service Supply (IND); Water Contact (REC-1) and Non-Contact Recreation (REC-2), including aesthetic enjoyment; Navigation (NAV); Commercial and Sport Fishing (COMM); Mariculture, Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS); Rare and Endangered Species (RARE); Marine Habitat (MAR); Fish Migration (MIGR); Fish Spawning (SPWN) and Shellfish Harvesting (SHELL)
Los Alamitos Bay	Industrial service supply (IND); navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing; estuarine habitat (COMM); marine habitat (MAR); wildlife habitat (WILD); rare, threatened or endangered species (RARE); shellfish harvesting (SHELL); wetland habitat (WET)
Marine Stadium	Water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); marine habitat (MAR); rare, threatened, or endangered species (RARE); wetland habitat (WET)
Long Beach Harbor	Navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sportfishing (COMM); marine habitat (MAR); wildlife habitat (WILD); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development (SPWN); shellfish harvesting (SHELL)

I. Antidegradation Policy

Section 131.12 of 40 CFR requires state water quality standards to include an antidegradation policy consistent with the federal antidegradation policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining the Quality of the Waters of the State"). Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of Section 131.12 and State Water Board Resolution No. 68-16 as described in more detail in the Fact Sheet.

J. Anti-Backsliding Requirements

Section 402(o)(2) of the CWA and federal regulations at 40 CFR Section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. The previous permit did not include any numeric water quality based effluent limitations. The federal technology based limitation requiring controls to reduce the discharge of pollutants in storm water to the maximum extent practicable was carried over from the previous permit. As such, all effluent limitations in this Order are at least as stringent as those in the previous permit.

K. Total Maximum Daily Loads

Section 303(d)(1) of the CWA requires each state to identify the waters within its boundaries that do not meet water quality standards. Water bodies that do not meet water quality standards are considered impaired and are placed on the state's CWA Section 303(d) List. For each listed water body, the state is required to establish a TMDL of each pollutant impairing the water quality standards in that water body. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollutant sources and in-stream water quality conditions. The TMDL establishes the allowable pollutant loadings for a water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollutant reduction necessary for a water body to meet water quality standards. A TMDL is the sum of the allowable pollutant loads of a single pollutant from all contributing point sources (the waste load allocations or WLAs) and non-point sources (load allocations or LAs), plus the contribution from background sources and a margin of safety (40 CFR § 130.2(i)). MS4 discharges are considered point source discharges.

Numerous receiving waters within Los Angeles County do not meet water quality standards or fully support beneficial uses and therefore have been classified as impaired on the State's 303(d) List. The Regional Water Board and US EPA have each established TMDLs to address many of these water quality impairments. Pursuant to CWA section 402(p)(B)(3)(iii) and 40 CFR section 122.44(d)(1)(vii)(B), this Order includes requirements that are consistent with and implement WLAs that are assigned to MS4 discharges from the City of Long Beach from 9 State-adopted and US EPA established TMDLs. This Order requires the City of Long Beach to comply with the TMDL Provisions in Part VIII, which are consistent with the assumptions and requirements of the WLAs assigned to the City of Long Beach.

The WLAs in these TMDLs are expressed in several ways depending on the nature of the pollutant and its impacts on receiving waters and beneficial uses. Bacteria WLAs assigned to MS4 discharges are expressed as the number of allowable exceedance days that a water body may exceed the Basin Plan water quality objectives for protection of the REC-1 beneficial use. Since the TMDLs and the WLAs contained therein are expressed as receiving water conditions, receiving water limitations have been included in this Order that are consistent with and implement the allowable exceedance day WLAs. Water quality-based effluent limitations are also included equivalent to the Basin Plan water quality objectives to allow the opportunity for the City of Long Beach to individually demonstrate compliance at an outfall or jurisdictional

boundary, thus isolating the City of Long Beach's pollutant contributions from those of other entities and from other pollutant sources to the receiving water.

The WLAs for trash are expressed as progressively decreasing allowable amounts of trash discharges from the City of Long Beach's jurisdictional area within the drainage area to the impaired water body. Trash TMDLs require the City of Long Beach to make annual reductions of its discharges of trash over a set period, until the numeric target of zero trash discharged from the MS4 is achieved. The Trash TMDLs specify a specific formula for calculating and allocating annual reductions in trash discharges from each jurisdictional area within a watershed. The formula results in specified annual amounts of trash that may be discharged from each jurisdiction into the receiving waters. Translation of the WLAs or compliance points described in the TMDLs into jurisdiction-specific load reductions from the baseline levels, as specified in the TMDL, logically results in the articulation of an annual limitation on the amount of a pollutant that may be discharged. The specification of allowable annual trash discharge amounts meets the definition of an "effluent limitation", as that term is defined in subdivision (c) of section 13385.1 of the California Water Code. Specifically, the trash discharge limitations constitute a "numeric restriction … on the quantity [or] discharge rate … of a pollutant or pollutants that may be discharged from an authorized location."

The WLAs for other pollutants (e.g. metals and toxics) are expressed as a concentration and/or mass and water quality-based effluent limitations have been specified consistent with the expression of the WLA, including any applicable averaging periods. Some TMDLs specify that, if certain receiving water conditions are achieved, such achievement constitutes attainment of the WLA. In these cases, receiving water limitations and/or provisions outlining these alternate means of demonstrating compliance are included in the TMDL provisions of this Order.

The inclusion of water quality-based effluent limitations and receiving water limitations to implement applicable WLAs provides a clear means of identifying required water quality outcomes within the permit and ensures accountability by the City of Long Beach to implement actions necessary to achieve the limitations.

A number of the TMDLs for bacteria, metals, and toxics establish WLAs that are assigned jointly to a group of Dischargers whose storm water and/or non-storm water discharges are or may be commingled in the MS4 prior to discharge to the receiving water subject to the TMDL. The TMDLs address commingled MS4 discharges by assigning a WLA to a group of MS4 Dischargers based on co-location within the same subwatershed. Dischargers with commingled MS4 discharges are jointly responsible for meeting the water quality-based effluent limitations and receiving water limitations assigned to MS4 discharges in this Order. "Joint responsibility" means the City of Long Beach is responsible for implementing programs in its jurisdiction, or within the MS4 for which it is an owner and/or operator, to meet the water quality-based effluent limitations and/or receiving water limitations assigned to such commingled MS4 discharges. In these cases, federal regulations state that dischargers need only comply with permit conditions relating to discharges from the MS4 for which they are owners or operators (40 CFR Section 122.26(a)(3)(vi)). Individual dischargers are only responsible for their contributions to the commingled MS4 discharge. This Order does not require the City of Long Beach to individually ensure that a commingled MS4 discharge meets the

applicable water quality-based effluent limitations included in this Order, unless the City of Long Beach is shown to be solely responsible for any exceedances.

This Order also allows the City of Long Beach to clarify and distinguish its contribution and demonstrate that the MS4 discharge from its jurisdiction did not cause or contribute to exceedances of applicable water quality-based effluent limitations and/or receiving water limitations. If such a demonstration is made, though the City of Long Beach's discharge may commingle with that of other Dischargers, the City of Long Beach would not be held jointly responsible for the exceedance of the water quality-based effluent limitation or receiving water limitation.

Given the interconnected nature of the MS4s in general, the Regional Water Board expects the City of Long Beach to work cooperatively to control the contribution of pollutants from one portion of the MS4 to another portion of the system through inter-agency agreements or other formal arrangements.

L. Endangered Species Act

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2115.5) or the Federal Endangered Species Act (16 U.S.C.A., §§ 1531 to 1544). This Order requires compliance with requirements to protect the beneficial uses of waters of the United States. The City of Long Beach is responsible for meeting all requirements of the applicable Endangered Species Act.

M. Monitoring and Reporting

Section 308(a) of the federal Clean Water Act, and 40 CFR sections 122.41(h), (j)-(l), 122.41(i), and 122.48, require that all NPDES permits specify monitoring and reporting requirements. Federal regulations applicable to large and medium MS4s also specify additional monitoring and reporting requirements. (40 C.F.R. §§ 122.26(d)(2)(i)(F) & (d)(2)(iii)(D), 122.42(c).) California Water Code Section 13383 authorizes the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program in this Order requires monitoring, reporting, and recordkeeping requirements that implement the federal and state laws and/or regulations. This Monitoring and Reporting Program is provided in Attachment E.

N. Standard and Special Provisions

The standard provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. The City of Long Beach must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR section 122.42 provided in Attachment D. The Regional Water Board has also included various special provisions applicable to the City of Long Beach in Part VII of this Order. The rationale for the special provisions contained in this Order is provided in the Fact Sheet (Attachment F).

O. State Mandates

Article XIII B, section 6(a) of the California Constitution provides that whenever "any state agency mandates a new program or higher level of service on any local

government, the state shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service." The requirements of this Order do not constitute state mandates that are subject to a subvention of funds for several reasons as described in detail in the attached Fact Sheet (Attachment F).

P. California Water Code Section 13241

The California Supreme Court has ruled that although California Water Code section 13263 requires the State and Regional Water Boards (collectively, Water Boards) to consider the factors set forth in California Water Code section 13241 when issuing an NPDES permit, the Water Boards may not consider the factors to justify imposing pollutant restriction that are less stringent than the applicable federal regulations require. (*City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 618, 626-627). However, when the pollutant restrictions in an NPDES permit are more stringent than federal law requires, California Water Code section 13263 requires that the Water Boards consider the factors described in section 13241 as they apply to those specific restrictions. As noted in the preceding finding, the Regional Water Board finds that the requirements in this permit are not more stringent than the minimum federal requirements. Therefore, a 13241 analysis is not required for permit requirements that implement the effective prohibition on the discharge of non-storm water discharges into the MS4, or for controls to reduce the discharge of pollutants in storm water to the maximum extent practicable, or other provisions that the Regional Water Board has determined appropriate to control such pollutants, as those requirements are mandated by federal law. Notwithstanding the above, the Regional Water Board has developed an economic analysis of the permit's requirements, consistent with California Water Code section 13241. That analysis is provided in the Fact Sheet (Attachment F of this Order).

Q. California Environmental Quality Act

The action to adopt an NPDES Permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21100, et seq.) pursuant to California Water Code section 13389. (*County of Los Angeles v. Cal. Water Boards* (2006) 143 Cal.App.4th 985.)

R. Notification of Interested Parties

In accordance with State and federal laws and regulations, the Regional Water Board notified the City of Long Beach and interested agencies and persons of its intent to prescribe WDRs for the discharges authorized by this Order and provided them with opportunities to provide written and oral comments. The Fact Sheet contains the details on notifications, meetings, and workshops held during the drafting and consideration of this Order.

S. Consideration of Public Comment

The Regional Water Board, in a public meeting, heard and considered all oral and written comments pertaining to the discharges authorized by this Order and the requirements contained herein. The Regional Water Board prepared written responses to all timely comments, and these responses are incorporated by reference as part of this Order.

T. NPDES Permit

This Order serves as an NPDES permit pursuant to CWA section 402 or amendments thereto, and becomes effective fifty (50) days after the date of its adoption, provided the US EPA Region IX Regional Administrator expresses no objections.

U. Previous Order Superseded

This Order supersedes Order No. 99-060 except for enforcement purposes.

V. Review by the State Water Resources Control Board

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must ***receive*** the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with Section 13000), and regulations, plans, and policies adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the City of Long Beach shall comply with the following requirements in this Order.

III. DISCHARGER RESPONSIBILITIES

A. The City of Long Beach is required to comply with the requirements of this Order applicable to discharges within its boundaries. The City shall do the following:

1. Comply with the provisions in this Order including attachments and any modifications thereto.
2. Inform the Regional Water Board of instances of non-compliance pursuant to the MRP.
3. Submit complete and timely reports including but not limited to non-compliance reporting, annual reports, monitoring reports, and the report of waste discharge.
4. Coordinate among its internal departments and agencies, as necessary, to facilitate the implementation of the requirements of this Order in an efficient and cost-effective manner.
5. Participate in intra-agency coordination (e.g. Planning Department, Fire Department, Building and Safety, Code Enforcement, Public Health, Parks and Recreation, and others) and inter-agency coordination (e.g. other dischargers) necessary to successfully implement the provisions of this Order.

IV. DISCHARGE PROHIBITIONS

A. Toxic Substances

Any discharge from the MS4 into surface waters in concentrations acutely or chronically toxic to animal or plant life is prohibited.

B. Non-Storm Water Discharges

1. **Prohibition of Non-Storm Water Discharges.** The City of Long Beach shall prohibit non-storm water discharges through the MS4 to receiving waters except where such discharges are either:
   - **a.** Authorized non-storm water discharges separately regulated by an individual or general NPDES permit;
   - **b.** Temporary non-storm water discharges authorized by US EPA[4] pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that either: (i) will comply with water quality standards as applicable or relevant and appropriate requirements ("ARARs") under section 121(d)(2) of CERCLA; or (ii) are subject to either (a) a written waiver of ARARs by US EPA pursuant to section 121(d)(4) of CERCLA or (b) a written determination by US EPA that compliance with ARARs is not practicable considering the exigencies of the situation pursuant to 40 CFR section 300.415(j);
   - **c.** Authorized non-storm water discharges from emergency fire-fighting activities (i.e., flows necessary for the protection of life or property)[5];
   - **d.** Conditionally exempt non storm water discharges in accordance with Part IV.B.2 of this Order; or
   - **e.** Natural flows, including:
     - **i.** Natural springs;

[4] These typically include short-term, high volume discharges resulting from the development or redevelopment of groundwater extraction wells, or US EPA or state-required compliance testing of potable water treatment plants, as part of a US EPA authorized groundwater remediation action under CERCLA.

[5] Discharges from vehicle washing, building fire suppression system maintenance and testing (e.g., sprinkler line flushing), fire hydrant maintenance and testing, and other routine maintenance activities are not considered emergency fire-fighting activities.

ii. Flows from riparian habitats and wetlands;
iii. Diverted stream flows, authorized by the State or Regional Water Board;
iv. Uncontaminated ground water infiltration[6];
v. Rising ground waters, where ground water seepage is not otherwise covered by a NPDES permit[7].

2. Conditional Exemptions from Non-Storm Water Discharge Prohibition

The following categories of non-storm water discharges are conditionally exempt from the non-storm water discharge prohibition, provided they meet all required conditions specified below, or as otherwise approved by the Regional Water Board Executive Officer, in all areas regulated by this Order.

a. Conditionally Exempt Essential Non-Storm Water Discharges: These consist of those discharges that fall within one of the categories below, meet all required best management practices (BMPs) as specified in Part IV.B.2.i and ii including those enumerated in the referenced BMP manuals, are essential public services discharge activities, and are directly or indirectly required by other state or federal statute and/or regulation.

i. Discharges from essential non-emergency fire-fighting activities provided appropriate BMPs are implemented based on the CAL FIRE, Office of the State Fire Marshal's Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011) for water-based fire protection system discharges, and based on Riverside County's Best Management Practices Plan for Urban Runoff Management (May 1, 2004) or equivalent BMP manual for fire training activities and post-emergency fire-fighting activities;

ii. Discharges from drinking water supplier distribution systems, not otherwise regulated by an individual or general NPDES permit , provided appropriate BMPs are implemented based on the American Water Works Association (California-Nevada Section) Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases (2005) or equivalent industry standard BMP manual. Additionally, the City of Long Beach shall work with drinking water suppliers that may discharge to the MS4 to ensure for all discharges greater than 100,000 gallons: (1) notification at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge; (2) monitoring of any pollutants of concern in the drinking water supplier distribution system release; and (3) record keeping by the drinking water supplier. The City of Long Beach shall require that the following information is maintained by the drinking water supplier(s) for all discharges to the MS4 (planned and unplanned) greater than 100,000 gallons: name of discharger, date and time of notification (for planned discharges), method of notification, location of discharge, discharge pathway, receiving water, date of discharge, time of the beginning and end of the discharge, duration of the discharge, flow rate or velocity, total

[6] Uncontaminated ground water infiltration is water other than waste water that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (See 40 CFR § 35.2005(20).)

[7] A NPDES permit for discharges associated with ground water dewatering is required within the Los Angeles Region.

number of gallons discharged, type of dechlorination equipment used, type of dechlorination chemicals used, concentration of residual chlorine, type(s) of sediment controls used, pH of discharge, type(s) of volumetric and velocity controls used, and field and laboratory monitoring data. Records shall be retained for five years and made available upon request by the City of Long Beach or Regional Water Board.

b. Those discharges that fall within one of the categories below, provided that the discharge itself is not a source of pollutants and meets all required conditions specified in Table 7 or as otherwise specified or approved by the Regional Water Board Executive Officer:

- **i.** Lake dewatering ;
- **ii.** Landscape irrigation;
- **iii.** Dechlorinated/debrominated swimming pool/spa discharges , where not otherwise regulated by a separate NPDES permit;
- **iv.** Dewatering of decorative fountains ;
- **v.** Non-commercial car washing by residents or by non-profit organizations;
- **vi.** Street/sidewalk wash water ;
- **vii.** Short-term releases of potable water with no additives or dyes for filming purposes;
- **viii.** Potable wash water used to clean reservoir covers.

3. Permittee Requirements

a. The City of Long Beach shall develop and implement procedures to ensure that a discharger fulfills the following for non-storm water discharges to the MS4:

- **i.** Notifies the City of Long Beach of the planned discharge in advance, consistent with requirements in Table 7 or recommendations pursuant to the applicable BMP manual;
- **ii.** Obtains any local permits required by the City of Long Beach;
- **iii.** Provides documentation to the City of Long Beach that it has obtained any other necessary permits or water quality certifications[8] for the discharge;
- **iv.** Conducts monitoring of the discharge, if required by the City of Long Beach;
- **v.** Implements BMPs and/or control measures as specified in Table 7 or in the applicable BMP manual(s) as a condition of the approval to discharge into the MS4; and
- **vi.** Maintains records of its discharge to the MS4, consistent with requirements in Table 7 or recommendations pursuant to the applicable BMP manual. For lake dewatering, the City of Long Beach shall require the lake owner / operator to maintain the following information: name of discharger, date and time of notification, method of notification, location of discharge, discharge pathway, receiving water, date of discharge, time of the beginning and end of the discharge, duration of the discharge, flow rate or velocity, total number of gallons discharged, type(s) of sediment controls used, pH of discharge, type(s) of volumetric and velocity controls used, and field and laboratory monitoring data. These records shall be

[8] Requirement of the Clean Water Act Section 401.

made available upon request to the City of Long Beach or the Regional Water Board.

b. The City of Long Beach shall organize and maintain records of all non-storm water discharges greater than 100,000 gallons, notifications, and local permits in an electronic database.

c. The City of Long Beach shall develop and implement procedures that minimize the discharge of landscape irrigation water into the MS4 by promoting conservation programs as follows:

i. The City of Long Beach shall coordinate with the local water purveyor(s), where applicable, to promote landscape water use efficiency requirements for existing landscaping, use of drought tolerant, native vegetation, and the use of less toxic options for pest control and landscape management.

ii. The City of Long Beach shall develop and implement a coordinated outreach and education program to minimize the discharge of irrigation water and pollutants associated with irrigation water consistent with Part VII.G.3 (Public Information and Participation Program).

d. The City of Long Beach shall evaluate monitoring data collected pursuant to the Monitoring and Reporting Program (MRP) of this Order (Attachment E), and any other associated data or information, and determine whether any of the authorized or conditionally exempt non-storm water discharges identified in Part IV.B.1 above are a source of pollutants that may be causing or contributing to an exceedance of applicable receiving water limitations in Part VI.A and/or water quality-based effluent limitations in Part VIII. To evaluate monitoring data, the City of Long Beach shall either use applicable interim or final water quality-based effluent limitations for the pollutant or, if there are no applicable interim or final water quality-based effluent limitations for the pollutant, use applicable action levels provided in Attachment G. Based on non-storm water outfall-based monitoring as implemented through the MRP, if monitoring data show exceedances of applicable water quality-based effluent limitations or action levels, the City of Long Beach shall take further action to determine whether the discharge is causing or contributing to exceedances of receiving water limitations in Part VI.A.

e. If the City of Long Beach determines that any of the conditionally exempt non-storm water discharges identified in Part IV.B.1 above is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, the City of Long Beach shall report its findings to the Regional Water Board in its annual report. Based on this determination, the City of Long Beach shall also either:

i. Effectively prohibit[9] the non-storm water discharge to the MS4; or

ii. Impose conditions in addition to those in Table 7, subject to approval by the Regional Water Board Executive Officer, on the non-storm water discharge such that it will not be a source of pollutants; or

[9] To "effectively prohibit" means to not allow the non-storm water discharge through the MS4 unless the discharger obtains coverage under a separate NPDES permit prior to discharge to the MS4.

iii. Require diversion of the non-storm water discharge to the sanitary sewer; or

iv. Require treatment of the non-storm water discharge prior to discharge to the receiving water.

f. If the City of Long Beach determines that any of the authorized or conditionally exempt essential non-storm water discharges identified in Parts IV.B.1.a-c or IV.B.2.a.i or ii above is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, the City of Long Beach shall notify the Regional Water Board within 30 days if the non-storm water discharge is an authorized discharge with coverage under a separate NPDES permit or authorized by USEPA under CERCLA in the manner provided in Part IV.B.1.a-b above, or a conditionally exempt essential non-storm water discharge or emergency non-storm water discharge.

g. If the City of Long Beach prohibits the discharge from the MS4, as per Part IV.B.3.e.i, then the City of Long Beach shall implement procedures developed under Part VII.M (Illicit Connections and Illicit Discharges Elimination Program) in order to eliminate the discharge to the MS4.

h. If the City of Long Beach demonstrates that the water quality characteristics of a specific authorized or conditionally exempt essential non-storm water discharge resulted in an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations during a specific sampling event, the City of Long Beach shall not be found in violation of applicable receiving water limitations and/or water quality-based effluent limitations for that specific sampling event. Such demonstration must be based on source specific water quality monitoring data from the authorized or conditionally exempt essential non-storm water discharge or other relevant information documenting the characteristics of the specific non-storm water discharge as identified in Table 7.

i. Notwithstanding the above, the Regional Water Board Executive Officer, based on an evaluation of monitoring data and other relevant information for specific categories of non-storm water discharges, may modify a category or remove categories of conditionally exempt non-storm water discharges from Part IV.B.1 above if the Executive Officer determines that a discharge category is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, or may require that a discharger obtain coverage under a separate individual or general State or Regional Water Board permit for a non-storm water discharge.

Table 7. Required Conditions for Conditionally Exempt Non-storm Water Discharges

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
All Discharge Categories	See discharge specific conditions below.	Ensure conditionally exempt non-storm water discharges avoid potential sources of pollutants in the flow path to prevent introduction of pollutants to the MS4 and receiving water. Whenever there is a discharge of 100,000 gallons or more into the MS4, the City of Long Beach shall require notification in advance.
Lake Dewatering	Discharge allowed only if all necessary permits/water quality certifications for dredge and fill activities, including water diversions, are obtained prior to discharge.	Ensure procedures for advanced notification by the lake owner / operator to the City of Long Beach no less than 72 hours prior to the planned discharge. Immediately prior to discharge, visible trash on the shoreline or on the surface of the lake shall be removed and disposed of in a legal manner. Immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed shall be inspected and cleaned out. Discharges shall be volumetrically and velocity controlled to minimize sediment re-suspension. Measures shall be taken to stabilize lake bottom sediments. Ensure procedures for water quality monitoring for pollutants of concern[10] in the lake. Ensure record-keeping of lake dewatering by the lake owner / operator.

[10] Pollutants of concern include, at a minimum, trash and debris, including organic matter, TSS, and any pollutant for which there is a water quality-based effluent limitation in Part VIII for the lake and/or receiving water.

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
Landscape irrigation using potable water	Discharge allowed if runoff due to potable landscape irrigation is minimized through the implementation of an ordinance specifying water efficient landscaping standards, as well as an outreach and education program focusing on water conservation and landscape water use efficiency.	Implement BMPs to minimize runoff and prevent introduction of pollutants to the MS4 and receiving water. Implement water conservation programs to minimize discharge by using less water.
Landscape irrigation using reclaimed or recycled water	Discharge of reclaimed or recycled water runoff from landscape irrigation is allowed if the discharge is in compliance with the producer and distributor operations and management (O&M) plan, and all relevant portions thereof, including the Irrigation Management Plan.	Discharges must comply with applicable O&M Plans, and all relevant portions thereof, including the Irrigation Management Plan.
Dechlorinated/ debrominated swimming pool/spa discharges	Discharges allowed after implementation of specified BMPs. Pool or spa water containing copper-based algaecides is not allowed to be discharged to the MS4.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Swimming pool water must be de-chlorinated or de-brominated using holding time, aeration, and/or sodium thiosulfate. Chlorine residual in the discharge shall not exceed 0.1 mg/L. Swimming pool water shall not contain any detergents, wastes, or algaecides, or any other chemicals including salts from pools commonly referred to as “salt water pools” in excess of applicable water quality objectives.[11]

[11] Applicable mineral water quality objectives for surface waters are contained in Chapter 3 of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties.

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
	Discharges of cleaning waste water and filter backwash allowed only if authorized by a separate NPDES permit.	Swimming pool discharges are to be pH adjusted, if necessary, and be within the range of 6.5 and 8.5 standard units. Swimming pool discharges shall be volumetrically and velocity controlled to promote evaporation and/or infiltration. Ensure procedures for advanced notification by the pool owner to the City of Long Beach(s) at least 72 hours prior to planned discharge for discharges of 100,000 gallons or more. For discharges of 100,000 gallons or more, immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.
Dewatering of decorative fountains	Discharges allowed after implementation of specified BMPs. Fountain water containing copper-based algaecides may not be discharged to the MS4. Fountain water containing dyes my not be discharged to the MS4.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Fountain water must be de-chlorinated or de-brominated using holding time, aeration, and/or sodium thiosulfate. Chlorine residual in the discharge shall not exceed 0.1 mg/L. Fountain discharges are to be pH adjusted, if necessary, and be within the range of 6.5 and 8.5 standard units. Fountain discharges shall be volumetrically and velocity controlled to promote evaporation and/or infiltration. Ensure procedures for advanced notification by the fountain owner to the City of Long Beach(s) at least 72 hours prior to planned discharge for discharges of 100,000 gallons or more. For discharges of 100,000 gallons or more, immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.
Non-commercial car washing by residents or by non-profit organizations	Discharges allowed after implementation of specified BMPs.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Minimize the amount of water used by employing water conservation practices such as turning off nozzles or kinking the hose when not spraying a car, and using a low volume pressure washer. Encourage use of biodegradable, phosphate free detergents and non-toxic cleaning products. Where possible, wash cars on a permeable surface where wash water can percolate into the ground (e.g. gravel or grassy areas).

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
		Empty buckets of soapy or rinse water into the sanitary sewer system (e.g., sinks or toilets).
Street/sidewalk wash water	Discharges allowed after implementation of specified BMPs.	Sweeping should be used as an alternate BMP whenever possible and sweepings should be disposed of in the trash. BMPs shall be in accordance with Regional Water Board Resolution No. 98-08 that requires: 1) removal of trash, debris, and free standing oil/grease spills/leaks (use absorbent material if necessary) from the area before washing and 2) use of high pressure, low volume spray washing using only potable water with no cleaning agents at an average usage of 0.006 gallons per square feet of sidewalk area. In areas of unsanitary conditions (e.g., areas where the congregation of transient populations can reasonably be expected to result in a significant threat to water quality), whenever practicable, the City of Long Beach shall collect and divert street and alley wash water from street and sidewalk cleaning public agency activities to the sanitary sewer.
Potable water discharges for filming activities		Prior to discharging the water, the storm drain to the receiving water where the discharge will occur as well as the area in the immediate vicinity of the outlet to the receiving water, and the adjacent downstream portion of the channel that will be influenced by the discharge must be cleaned of all pre-existing trash and debris, and kept free of trash and debris during filming. No trash or debris from the filming activities shall be allowed to remain in the storm drain or channel. Each day, prior to water discharge for the movie scenes, a walk-through of the filming area (including the targeted storm drain and receiving water) will be conducted by a City of Long Beach Public Works representative to assure that all trash and debris has been removed and no illicit discharges are observed. The source of the water that will be discharged will be de-ionized, chlorine free water. In receiving waters where scour of the channel is a concern, the water must be discharged at a steady, low velocity to minimize scour. Upon the completion of the discharges and associated filming, the City of Long Beach shall visually inspect the storm drain and channel downstream of the storm drain outlet to remove any possible trash or debris related to the discharge and filming activities.
Potable wash water discharges associated with reservoir cover cleaning	Per the Operations and Maintenance Plan approved by the CDPH	Create a list of the total number of reservoir covers that must be cleaned to comply with CDPH operations and maintenance requirements for reservoir covers; the list should also include the annual cleaning frequency, the address where the reservoirs are located; and the type and size (surface area) of the reservoir covers. The cleaning of the reservoirs shall be done in such a way that minimizes the amount of water used to clean

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
		the cover; Waste water from the cleaning of the reservoir covers shall be discharged to a sanitary sewer or allowed to percolate into the ground; and the discharge shall not cause or contribute to erosion in the area where it will be percolation; If Waste water from the cleaning of the reservoir covers is percolated into the ground, the wash water shall not contain solvents, or other contaminants that might migrate into and contaminate the groundwater supplies.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Technology Based Effluent Limitations

The City of Long Beach shall reduce pollutants in storm water discharges from the MS4 to the MEP.

2. Water Quality-Based Effluent Limitations

The City of Long Beach shall comply with applicable water quality based effluent limitations (WQBELs) as set forth in Part VIII of this Order, pursuant to applicable compliance schedules. The WQBELs in this Order are consistent with the assumptions and requirements of the TMDL waste load allocations assigned to discharges from the MS4.[12]

B. Land Discharge Specifications – Not Applicable

C. Reclamation Specifications – Not Applicable

VI. RECEIVING WATER LIMITATIONS

A. Receiving Water Limitations

1. Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.

2. Discharges from the MS4 of storm water, or non-storm water, for which the City of Long Beach is responsible[13], shall not cause or contribute to a condition of nuisance.

3. The City of Long Beach shall comply with Parts VI.A.1 and VI.A.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the storm water management program and its components and other requirements of this Order including any modifications. The storm water management program and its components shall be designed to achieve compliance with receiving water limitations. If exceedances of receiving water limitations persist, notwithstanding implementation of the storm water management program and its components and other requirements of this Order, the City of Long Beach shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:

a. Upon a determination by either the City of Long Beach or the Regional Water Board that discharges from the MS4 are causing or contributing to an exceedance of an applicable receiving water limitation, the City of Long Beach shall promptly notify and thereafter submit an Integrated Monitoring Compliance Report (as described in the Program Reporting Requirements, Part XVIII.A.5 of the Monitoring and Reporting

[12] According to 40 CFR § 130.2, wasteload allocations constitute a type of water quality based effluent limitation. Pursuant to 40 CFR § 122.2, effluent limitation means any restriction imposed by the permitting authority on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources. The Regional Water Board generally uses the term “effluent limitation” in the context of permits and has done so here; however, the two terms, “water quality based effluent limitation” and “wasteload allocation” when used in the context of a NPDES permit can be interchangeable.

[13] Pursuant to 40 CFR § 122.26(a)(3)(vi), the Discharger is only responsible for discharges of storm water and non-storm water from the MS4 for which it is an owner or operator.

Program) to the Regional Water Board for approval. The Integrated Monitoring Compliance Report shall describe the BMPs that are currently being implemented by the the City of Long Beach and additional BMPs, including modifications to current BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedances of receiving water limitations. The Integrated Monitoring Compliance Report shall include an implementation schedule. This Integrated Monitoring Compliance Report shall be incorporated in the City of Long Beach's annual storm water report unless the Regional Water Board directs an earlier submittal. The Regional Water Board may require modifications to the Integrated Monitoring Compliance Report.

b. The City of Long Beach shall submit any modifications to the Integrated Monitoring Compliance Report required by the Regional Water Board within 30 days of notification.

c. Within 30 days following the Regional Water Board Executive Officer's approval of the Integrated Monitoring Compliance Report, the City of Long Beach shall revise the storm water management program and its components and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, an implementation schedule, and any additional monitoring required.

d. The City of Long Beach shall implement the revised storm water management program and its components and monitoring program according to the approved implementation schedule.

4. So long as the City of Long Beach has complied with the procedures set forth in Part VI.A.3. above and is implementing the revised storm water management program and its components, the City of Long Beach does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to modify current BMPs or develop additional BMPs.

B. Ground Water Limitations – Not Applicable

VII. Provisions

A. Standard Provisions

1. Federal Standard Provisions. The City of Long Beach shall comply with all Standard Provisions included in Attachment D of this Order, in accordance with 40 CFR sections 122.41 and 122.42.

2. Legal Authority

a. The City of Long Beach must establish and maintain adequate legal authority, within its respective jurisdiction, to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize or enable the City to:

i. Control the contribution of pollutants to the MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.

ii. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part IV.B;

iii. Prohibit and eliminate illicit discharges and illicit connections to the MS4;

iv. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

v. Require compliance with conditions in City ordinances, permits, contracts or orders (i.e., hold dischargers to the MS4 accountable for their contributions of pollutants and flows);

vi. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders;

vii. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among other owners/operators of a MS4, including but not limited to permittees covered under the Los Angeles County MS4 Permit (Order No. R4-2012-0175) and the California Department of Transportation;

viii. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the City of Long Beach must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into the MS4;

ix. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations;

x. Require that structural BMPs are properly operated and maintained; and

xi. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.

b. The City of Long Beach must submit a statement certified by its chief legal counsel that it has the legal authority within its jurisdiction to implement and enforce each of the requirements contained in 40 CFR section 122.26(d)(2)(i)(A-F) and this Order. The City of Long Beach shall submit this certification annually as part of its Annual Report beginning with the first Annual Report required under this Order. These statements must include:

i. Citation of applicable municipal ordinances or other appropriate legal authorities and their relationship to the requirements of 40 CFR section 122.26(d)(2)(i)(A)-(F) and of this Order; and

ii. Identification of the local administrative and legal procedures available to mandate compliance with applicable municipal ordinances identified in subsection (i) above and therefore with the conditions of this Order, and a statement as to whether enforcement actions can be completed administratively or whether they must be commenced and completed in the judicial system.

3. Fiscal Resources

a. The City of Long Beach shall conduct a fiscal analysis of the annual capital and operation and maintenance expenditures necessary to implement the requirements of this Order.

b. The City of Long Beach shall also enumerate and describe in its Annual Report the source(s) of funds used in the past year, and proposed for the coming year, to meet necessary expenditures on the City's storm water management program.

4. Public Review

All documents submitted to the Regional Water Board in compliance with the terms and conditions of this Order shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. § 552 (as amended)) and the Public Records Act (Cal. Government Code § 6250 et seq.). All documents submitted to the Regional Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.

5. Regional Water Board Review

Any formal determination or approval made by the Regional Water Board Executive Officer pursuant to the provisions of this Order may be reviewed by the Regional Water Board. The City of Long Beach or a member of the public may request such review upon petition within 30 days of the effective date of the notification of such decision to the City of Long Beach and interested parties on file at the Regional Water Board.

6. Re-opener and Modification

a. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. Causes for taking such actions include, but are not limited to:

i. Endangerment to human health or the environment resulting from the permitted activity, including information that the discharge(s) regulated by this Order may have the potential to cause or contribute to adverse impacts on water quality and/or beneficial uses;

ii. Acquisition of newly-obtained information that would have justified the application of different conditions if known at the time of Order adoption;

iii. To address changed conditions identified in required reports or other sources deemed significant by the Regional Water Board;

iv. To incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL, including the program of implementation. Within 18 months of the effective date of a revised TMDL or as soon as practicable thereafter, where the revisions warrant a change to the provisions of this Order, the Regional Water Board may modify this Order consistent with the assumptions and requirements of the revised WLA(s), including the program of implementation;

v. To incorporate provisions as a result of new or amended statewide water quality control plans or policies adopted by the State Water Board, or in consideration of any State Water Board action regarding the precedential language of State Water Board Order WQ 99-05;

vi. To incorporate provisions as a result of the promulgation of new or amended federal or state laws or regulations, USEPA guidance concerning regulated activities, or judicial decisions that becomes effective after adoption of this Order.

vii. To incorporate effluent limitations for toxic constituents determined to be present in significant amount in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the reasonable potential analysis;

viii. In accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach or to include new Minimum Levels (MLs); and/or

ix. To include provisions or modifications to WQBELs in Part VIII in this Order prior to the final compliance deadlines, if practicable, that would allow an action-based, BMP compliance demonstration approach with regard to final WQBELs for storm water discharges. Such modifications shall be based on the Regional Water Board's evaluation of whether Watershed Management Programs in Part VII.C have resulted in attainment of interim WQBELs for storm water and review of relevant research, including but not limited to data and information provided by the City of Long Beach, other MS4 Permittees and other stakeholders, on storm water quality and the

efficacy and reliability of storm water control technologies. Provisions or modifications to WQBELs in Part VIII shall only be included in this Order where there is evidence that storm water control technologies can reliably achieve final WQBELs.

b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
  i. Violation of any term or condition contained in this Order;
  ii. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; or
  iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The filing of a request by the City of Long Beach for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

d. This Order may be modified to make corrections or allowances for changes in the permitted activity, following the procedures at 40 CFR section 122.63, if processed as a minor modification. Minor modifications may only:
  i. Correct typographical errors; or
  ii. Require more frequent monitoring or reporting by the City of Long Beach.

7. Any discharge of waste to any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of this Order.

8. A copy of this Order shall be maintained by the City of Long Beach so as to be available during normal business hours to City employees responsible for implementation of the provisions of this Order and members of the public.

9. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States, is prohibited, unless specifically authorized elsewhere in this Order or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

10. Oil or oily material, chemicals, refuse, or other pollution causing materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.

11. If there is any storage of hazardous or toxic materials or hydrocarbons at a facility owned and/or operated by the City of Long Beach and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

12. Enforcement

a. Violation of any of the provisions of this Order may subject the City of Long Beach to any of the penalties described herein or in Attachment D of this Order, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

b. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges through the MS4 to receiving waters, may subject the City of Long Beach to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the City of Long Beach to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

c. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to $5,000 per day, $10,000 per day, or $25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to $10 per gallon per day or $25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

d. California Water Code Section 13385(h)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each serious violation. Pursuant to California Water Code Section 13385(h)(2), a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of 40 CFR section 123.45 specifies the Group I and II pollutants. Pursuant to California Water Code Section 13385.1(a)(1), a "serious violation" is also defined as "a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations."

e. California Water Code Section 13385(i) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each violation whenever a person violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.

f. Pursuant to California Water Code Section 13385.1(d), for the purposes of Section 13385.1 and Subdivisions (h), (i), and (j) of Section 13385, "effluent limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be

final or interim, and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.

g. Unlike Subdivision (c) of California Water Code Section 13385, where violations of effluent limitations may be assessed administrative civil liability on a per day basis, the mandatory minimum penalties provisions identified above require the Regional Water Board to assess mandatory minimum penalties for "each violation" of an effluent limitation. Some water quality-based effluent limitations in this Order (e.g., trash, as described immediately below) are expressed as annual effluent limitations. Therefore, for such limitations, there can be no more than one violation of each interim or final effluent limitation per year.

h. Trash TMDLS

i. Consistent with the 2009 amendments to Order No. 01-182 to incorporate the Los Angeles River Trash TMDL, the water quality-based effluent limitations in Part VIII of this Order for trash are expressed as annual effluent limitations. Therefore, for such limitations, there can be no more than one violation of each interim or final effluent limitation per year. Trash is considered a Group I pollutant, as specified in Appendix A to 40 CFR section 123.45. Therefore, each annual violation of a trash effluent limitation in Part VIII of this Order by forty percent or more would be considered a "serious violation" under California Water Code section 13385(h). With respect to the final effluent limitation of zero trash, any detectable discharge of trash necessarily is a serious violation, in accordance with the State Water Board's Enforcement Policy. Violations of the effluent limitations in Part VIII of this Order would not constitute "chronic" violations that would give rise to mandatory liability under California Water Code section 13385(i) because four or more violations of the effluent limitations subject to a mandatory penalty cannot occur in a period of six consecutive months.

ii. For the purposes of enforcement under California Water Code section 13385, subdivisions (a), (b), and (c), not every storm event may result in trash discharges. In trash TMDLs adopted by the Regional Water Board, the Regional Water Board states that improperly deposited trash is mobilized during storm events of greater than 0.25 inches of precipitation. Therefore, violations of the effluent limitations are limited to the days of a storm event of greater than 0.25 inches. Once the City of Long Beach has violated the annual effluent limitation, any subsequent discharges of trash during any day of a storm event of greater than 0.25 inches during the same storm year constitutes an additional "day in which the violation [of the effluent limitation] occurs".

13. .This Order does not exempt the City of Long Beach from compliance with any other laws, regulations, or ordinances that maybe applicable.

14. The provisions of this Order are severable. If any provisions of this Order or the application of any provision of this Order to any circumstance is held

invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected.

B. Monitoring and Reporting Program Requirements

The City of Long Beach shall comply with the monitoring and reporting requirements (MRP) and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VII.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A. of Attachment E and includes the elements set forth in Part II.E. of Attachment E.

C. Watershed Management Programs

1. General

a. The purpose of this Part VII.C is to allow the City of Long Beach the flexibility to develop Watershed Management Programs to implement the requirements of this Order on a watershed scale through customized strategies, control measures, and BMPs.

b. Participation in a Watershed Management Program is voluntary and allows the City of Long Beach to address the highest watershed priorities, including complying with the requirements of Part VI.A. (Receiving Water Limitations) and Part VIII (Total Maximum Daily Load Provisions), by customizing the control measures in Parts IV (Discharge Prohibitions) and VII.D (Minimum Control Measures).

c. The City of Long Beach shall implement customized strategies, control measures, and BMPs on a watershed basis, where applicable, through the City of Long Beach's storm water management program and/or collectively if collaborating with other entities through a Watershed Management Program.

d. The Watershed Management Programs shall ensure that discharges from the MS4: (i) achieve applicable water quality-based effluent limitations in Parts V.A.2 and VIII, pursuant to the corresponding compliance schedules, (ii) do not cause or contribute to exceedances of receiving water limitations in Parts VI.A and VIII, and (iii) do not include non-storm water discharges that are effectively prohibited pursuant to Part IV.B. The programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the MEP pursuant to Part V.A.1.

e. Watershed Management Programs shall be developed either collaboratively or individually using the Regional Water Board's Watershed Management Areas (WMAs). Where appropriate, WMAs may be separated into subwatersheds to focus water quality prioritization and implementation efforts by receiving water.

f. Each Watershed Management Program shall be consistent with the Program Development provisions of this Part VII.C and shall:

i. Prioritize water quality issues resulting from storm water and non-storm water discharges from the MS4 to receiving waters within each WMA,

ii. Identify and implement strategies, control measures, and BMPs to achieve the outcomes specified in Part VII.C.1.d,

iii. Execute an integrated monitoring and assessment program pursuant to Attachment E – MRP, Part IV to determine progress towards

achieving applicable limitations and/or action levels in Attachment G, and

iv. Modify strategies, control measures, and BMPs as necessary based on analysis of monitoring data collected pursuant to the MRP to ensure that applicable water quality-based effluent limitations and receiving water limitations and other milestones set forth in the Watershed Management Program are achieved in the required timeframes.

v. Provide appropriate opportunity for meaningful stakeholder input in the development of the Watershed Management Programs and enhanced Watershed Management Programs. Compliance with this provision may be satisfied by the continued participation of the City of Long Beach in the TAC formed under the LA County MS4 Permit (Order R4-2012-0175).

g. The City of Long Beach may elect to collaborate with other MS4 permittees on the development of an enhanced watershed management program (EWMP). An EWMP is one that comprehensively evaluates opportunities, within the City of Long Beach's and other participating permittees' collective jurisdictional area in a Watershed Management Area, for collaboration with partners on multi-benefit regional projects that, wherever feasible, retain (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event for the drainage areas tributary to the projects, while also achieving other benefits including flood control and water supply, among others. In drainage areas within the EWMP area where retention of the 85th percentile, 24-hour storm event is not feasible, the EWMP shall include a Reasonable Assurance Analysis to demonstrate that applicable water quality based effluent limitations and receiving water limitations shall be achieved through implementation of other watershed control measures. An EWMP shall:

i. Be consistent with all applicable provisions in Part VII.C (Watershed Management Programs);

ii. Incorporate applicable State agency input on priority setting and other key implementation issues;

iii. Demonstrate that it will result in meeting water quality standards and other CWA obligations by utilizing provisions in the CWA and its implementing regulations, policies and guidance;

iv. Include multi-benefit regional projects to ensure that MS4 discharges achieve compliance with all final WQBELs set forth in Part VIII and do not cause or contribute to exceedances of receiving water limitations in Part VI.A by retaining through infiltration or capture and reuse the storm water volume from the 85th percentile, 24-hour storm for the drainage areas tributary to the multi-benefit regional projects;

v. In drainage areas where retention of the storm water volume from the 85th percentile, 24-hour event is not technically feasible, include other watershed control measures to ensure that MS4 discharges achieve compliance with all interim and final WQBELs set forth in Part VIII with compliance deadlines occurring after approval of a EWMP and to ensure that MS4 discharges do not cause or contribute to exceedances of receiving water limitations in Part VI.A;

vi. Maximize the effectiveness of funds through analysis of alternatives and the selection and sequencing of actions needed to address human health and water quality related challenges and non-compliance;
vii. Incorporate effective innovative technologies, approaches and practices, including green infrastructure;
viii. Ensure that existing requirements to comply with technology-based effluent limitations and core requirements (e.g., including elimination of non-storm water discharges of pollutants through the MS4, and controls to reduce the discharge of pollutants in storm water to the maximum extent practicable) are not delayed;
ix. Ensure that a financial strategy is in place.

2. **Compliance with Receiving Water Limitations Not Otherwise Addressed by a TMDL through a WMP or EWMP**

a. For receiving water limitations in Part VI.A associated with water body-pollutant combinations not addressed through a TMDL, but which the City of Long Beach elects to address through a WMP or EWMP as set forth in this Part VII.C (Watershed Management Programs), the City of Long Beach shall comply as follows:

b. For pollutants that are in the same class[14] as those addressed in a TMDL for the watershed and for which the water body is identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:

i. The City of Long Beach shall demonstrate that the watershed control measures to achieve the applicable TMDL provisions identified pursuant to Part VII.C.5.h.iii (TMDL Control Measures) will also adequately address contributions of the pollutant(s) within the same class from MS4 discharges to receiving waters, consistent with the assumptions and requirements of the corresponding TMDL provisions, including interim and final requirements and deadlines for their achievement, such that the MS4 discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.
ii. The City of Long Beach shall include the water body-pollutant combination(s) in the Reasonable Assurance Analysis in Part VII.C.5.h.v.
iii. The City of Long Beach shall identify milestones and dates for their achievement consistent with those in the corresponding TMDL.

c. For pollutants that are not in the same class as those addressed in a TMDL for the watershed, but for which the water body is identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:

i. The City of Long Beach shall assess contributions of the pollutant(s) from MS4 discharges to the receiving waters and

[14] Pollutants are considered in a similar class if they have similar fate and transport mechanisms, can be addressed via the same types of control measures, and within the same timeline already contemplated as part of the Watershed Management Program for the TMDL.

sources of the pollutant(s) within the drainage area of the MS4 pursuant to Part VII.C.5.d (Source Assessment).

ii. The City of Long Beach shall identify Watershed Control Measures pursuant to Part VII.C.5.f (Selection of Watershed Control Measures) that will adequately address contributions of the pollutant(s) from MS4 discharges to receiving waters such that the MS4 discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.

iii. The City of Long Beach shall include the water body-pollutant in the Reasonable Assurance Analysis in Part VII.C.5.h.v.

iv. The City of Long Beach shall identify enforceable requirements and milestones and dates for their achievement to control MS4 discharges such that they do not cause or contribute to exceedances of receiving water limitations within a timeframe(s) that is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary. The time between dates shall not exceed one year. Milestones shall relate to a specific water quality endpoint (e.g., x% of the MS4 drainage area is meeting the receiving water limitations) and dates shall relate either to taking a specific action or meeting a milestone.

v. Where the final date(s) in (4) is beyond the term of this Order, the following conditions shall apply:

(a) For an EWMP, in drainage areas where retention of (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event will be achieved, the City of Long Beach shall continue to target implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges that are a source of pollutants to receiving waters.

(b) For a WMP and in areas of a EWMP where retention of the volume in (a) is technically infeasible and where the Regional Water Board determines that MS4 discharges cause or contribute to the water quality impairment, the City of Long Beach may initiate development of a stakeholder-proposed TMDL upon approval of the Watershed Management Program or EWMP. For MS4 discharges from these drainage areas to the receiving waters, any extension of this compliance mechanism beyond the term of this Order shall be consistent with the implementation schedule in a TMDL for the waterbody pollutant combination(s) adopted by the Regional Water Board.

d. For pollutants for which there are exceedances of receiving water limitations in Part VIII, but for which the water body is not identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:

i. Upon an exceedance of a receiving water limitation, based on data collected pursuant to the MRP and approved IMPs and CIMPs, the City of Long Beach shall assess contributions of the pollutant(s) from MS4 discharges to the receiving waters and sources of the pollutant(s) within the drainage area of the MS4 pursuant to Part VI.A.3.

ii. If MS4 discharges are identified as a source of the pollutant(s) that has caused or contributed to, or has the potential to cause or contribute to, the exceedance(s) of receiving water limitations in Part VI.A, the City of Long Beach shall address contributions of the pollutant(s) from MS4 discharges through modifications to the WMP or EWMP pursuant to Part VII.C.8.

iii. In a modified WMP or EWMP, the City of Long Beach shall identify watershed control measures pursuant to Part VII.C.5.f that will adequately address contributions of the pollutant(s) from MS4 discharges to receiving waters such that the MS4 discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.

iv. The City of Long Beach shall modify the Reasonable Assurance Analysis pursuant to Part VII.C.5.~~i~~h.v to address the pollutant(s).

v. The City of Long Beach shall identify enforceable requirements and milestones and dates for their achievement to control MS4 discharges such that they do not cause or contribute to exceedances of receiving water limitations within a timeframe(s) that is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary. The time between dates shall not exceed one year. Milestones shall relate to a specific water quality endpoint (e.g., x% of the MS4 drainage area is meeting the receiving water limitations) and dates shall relate either to taking a specific action or meeting a milestone.

vi. Where the final date(s) in (5) is beyond the term of this Order, the following conditions shall apply:

(a) For an EWMP, in drainage areas where retention of (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event will be achieved, the City of Long Beach shall continue to target implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges that are a source of pollutants to receiving waters.

(b) For a WMP and in areas of a EWMP where retention of the volume in (a) is technically infeasible, for newly identified exceedances of receiving water limitations, the City of Long Beach may request that the Regional Water Board approve a modification to its WMP or EWMP to include these additional water body-pollutant combinations.

e. The City of Long Beach's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or

EWMP shall constitute its compliance with the receiving water limitations provisions in Part VI.A of this Order for the specific water body-pollutant combinations addressed by an approved Watershed Management Program or EWMP.

f. If the City of Long Beach fails to meet any requirement or date for its achievement in an approved Watershed Management Program or EWMP, the City of Long Beach shall be subject to the provisions of Part VI.A for the waterbody-pollutant combination(s) that were to be addressed by the requirement.

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g. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with the receiving water limitations provisions in Part VI.A not otherwise addressed by a TMDL, if all the following requirements are met:

   i. Provides timely notice of its intent to develop a WMP or EWMP,
   ii. Meets all interim and final deadlines for development of a WMP or EWMP,
   iii. For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to exceedances of receiving water limitations, and
   iv. Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8.

3. **Compliance with Receiving Water Limitations Addressed by a TMDL through a WMP or EWMP**

   a. The City of Long Beach's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute the City of Long Beach's compliance with provisions pertaining to applicable interim water quality based effluent limitations and interim receiving water limitations in Part VIII for the pollutant(s) addressed by the approved Watershed Management Program or EWMP.

   b. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with the receiving water limitations provisions in Part VI.A if all the following requirements are met:

      i. Provides timely notice of its intent to develop a WMP or EWMP,
      ii. Meets all interim and final deadlines for development of a WMP or EWMP,
      iii. For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to

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receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to exceedances of receiving water limitations, and

iv. Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8.

c. Subdivision b above does not apply to receiving water limitations corresponding to final compliance deadlines pursuant to TMDL provisions in Part VIII that have passed or will occur prior to approval of a WMP or EWMP.

4. Process

a. Timelines for Implementation

Implementation of the following requirements shall occur per the schedule specified in Table 8.

Table 8. Watershed Management Program Implementation Requirements

Part	Provision	Due Date
VII C.4.b	Notify Regional Water Board of intent to develop WMP or EWMP and request submittal date for draft program plan	3 months after Order effective date
VII.C.4.c	If electing to develop WMP with other Los Angeles County MS4 Permittees, submit draft plan to Los Angeles Regional Board	June 28, 2014
VII.C	If electing to develop an individual WMP, submit draft plan to Los Angeles Regional Board	1 year after Order effective date
VII.C	If electing to collaborate on an enhanced WMP that meets the requirements of Part VII.C.3.viii, submit draft plan to Los Angeles Regional Board	By June 28, 2014 provide final work plan for development of enhanced WMP By June 28, 2015 submit draft plan
VII.C	Comments provided to Discharger by Regional Water Board	4 months after submittal of draft plan
VII.C	Submit final plan to Regional Water Board	3 months after receipt of Regional Water Board comments on draft plan
VII.C	Approval or denial of final plan by Regional Water Board or by the Executive Officer on behalf of the Regional Water Board	3 months after submittal of final plan
VII.C	Begin implementation of Watershed Management Program or EWMP	Upon approval of final plan
VII.C	Comprehensive evaluation of Watershed Management Program or EWMP and submittal of modifications to plan	Every two years from date of approval

b. The City of Long Beach must notify the Regional Water Board no later than three months after the effective date of this Order of the decision to develop a WMP or EWMP.

i. Such notification shall specify if the City of Long Beach is requesting a June 28, 2014 submittal date for the draft WMP~~, per Part VII.C.9.vi and vii,~~ or if the City of Long Beach is requesting a June 28, 2014/June 28, 2015 submittal date for the draft EWMP ~~per Part VII.C.4.c~~.

ii. As part of the notice of intent to develop a WMP or EWMP, the City of Long Beach shall identify all applicable interim and final WQBELs and receiving water limitations pursuant to Part VIII with compliance deadlines occurring prior to approval of a WMP or EWMP. The City of Long Beach shall identify watershed control measures from existing TMDL implementation plans where such plans have been developed, that will be implemented concurrently with the development of a WMP or EWMP to ensure that MS4 discharges achieve compliance with applicable interim and final trash WQBELs and all other final WQBELs and receiving water limitations set forth in Part VIII.F and the applicable attachment(s) by the applicable compliance deadlines occurring prior to approval of a WMP or EWMP.

iii. As part of the notification, the City of Long Beach, if electing to develop an EWMP, shall submit the following in addition to the requirements of Part VII.C.4.b.i-ii:

(1) Plan concept and geographical scope,

(2) Cost estimate for plan development,

(3) Executed MOU/agreement among participating Permittees to fund plan development~~, or final draft MOU among participating Permittees along with a signed letter of intent from each participating City Manager or head of agency. If a final draft MOU is submitted, the MOU shall be fully executed by the City of Long Beach and all participating Permittees no later than December 28, 2013~~.

(4) Interim milestones for plan development and deadlines for their achievement,

(5) Identification of, and commitment to fully implement one structural BMP or a suite of BMPs at a scale that provides meaningful water quality improvement within each watershed covered by the plan no later than June 28, 2015 in addition to watershed control measures to be implemented pursuant to Part VII.C.4.~~c~~e. The structural BMP or suite of BMPs shall be subject to approval by the Regional Water Board Executive Officer, and

(6) ~~Demonstration~~ Documentation that the requirements in Part VII.C.4.d~~.i-ii~~ have been met.

c. If the City of Long Beach elects to develop a WMP, the City of Long Beach must submit a draft of such plan to the Regional Water Board as follows:

i. If the City of Long Beach elects to collaborate with other Permittees on the development of a WMP, the City of Long Beach shall submit the draft WMP no later than June 28, 2014.

ii. If the City of Long Beach elects to develop an individual WMP, the City of Long Beach shall submit the draft WMP no later than 12 months after the effective date of this Order.

d. If the City of Long Beach elects to collaborate on the development of an EWMP, the City of Long Beach shall submit the work plan for development of the EWMP no later than June 28, 2014, and shall submit the draft program no later than June 28, 2015 if the following conditions are met in greater than 50% of the land area in the watershed:

i. Demonstrate there are low impact development (LID) ordinances in place and/or draft LID ordinance(s) prepared, which meet the requirements of this Order's Planning and Land Development Program. Draft LID ordinances must be adopted no later than June 28, 2015, and

ii. Demonstrate there are green streets policies in place and/or draft policy(ies) prepared, which specify the use of green street strategies for transportation corridors. Draft green streets policies must be adopted no later than June 28, 2015.

iii. Submit the draft and/or effective LID ordinances and green streets policies with the notification of intent to develop an EWMP and submit all final effective LID ordinances and green streets policies with the draft EWMP as demonstration that Parts VII.C.4.d.i-ii have been met in greater than 50% of the watershed area covered by the EWMP.

e. Until the Regional Water Board or the Executive Officer on behalf of the Regional Water Board approves the WMP or EWMP, the City of Long Beach, if electing to develop a WMP or EWMP shall:

i. Continue to implement watershed control measures in the existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR section 122.26(d)(2)(iv),

ii. Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with CWA section 402(p)(3)(B)(ii), and

iii. Implement watershed control measures from existing TMDL implementation plans, where such plans have been developed, to ensure that MS4 discharges achieve compliance with interim and final trash WQBELs and all other final WQBELs and receiving water limitations pursuant to Part VIII by the applicable compliance deadlines occurring prior to approval of a WMP or EWMP.

f. If the City of Long Beach does not elect to develop a WMP or EWMP, or does not have an approved WMP or EWMP within the applicable timeframe specified in Table 8, the City shall be subject to the baseline requirements in Part VII.~~C~~D-M and shall demonstrate compliance with receiving water limitations pursuant to Part VI.A and with applicable interim water quality-based effluent limitations in Part VIII.E.

5. Program Development

a. Water Quality Characterization - Each plan shall include an evaluation of existing water quality conditions, including characterization of storm water and non-storm water discharges from the MS4 and receiving water quality, to support identification and prioritization/sequencing of management actions.

b. Identification of Water Quality Priorities - The City of Long Beach shall identify the water quality priorities within each WMA that will be addressed

by the Watershed Management Program. At a minimum, these priorities shall include achieving applicable water quality-based effluent limitations and/or receiving water limitations established pursuant to TMDLs, as set forth in Part VIII of this Order.

c. Water Body-Pollutant Classification - On the basis of the evaluation of existing water quality conditions, water body-pollutant combinations shall be classified into one of the following three categories:

i. Category 1 (Highest Priority): Water body-pollutant combinations for which water quality-based effluent limitations and/or receiving water limitations are established in Parts VI and VIII. of this Order.

ii. Category 2 (High Priority): Pollutants for which data indicate water quality impairment in the receiving water according to the State's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (State Listing Policy) and for which MS4 discharges may be causing or contributing to the impairment.

iii. Category 3 (Medium Priority): Pollutants for which there are insufficient data to indicate water quality impairment in the receiving water according to the State's Listing Policy, but which exceed applicable receiving water limitations contained in this Order and for which MS4 discharges may be causing or contributing to the exceedance.

d. Source Assessment - Utilizing existing information, potential sources within the watershed for the water body-pollutant combinations in Categories 1 - 3 shall be identified.

i. The City of Long Beach shall identify known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the water quality priorities. The identification of known and suspected sources of the highest water quality priorities shall consider the following:

(1) Review of available data, including but not limited to:

(a) Findings from the City of Long Beach's Illicit Connections and Illicit Discharge Elimination Programs;

(b) Findings from the City of Long Beach's Industrial/Commercial Facilities Programs;

(c) Findings from the City of Long Beach's Development Construction Programs;

(d) Findings from the City of Long Beach's Public Agency Activities Programs;

(2) TMDL source investigations;

(3) Watershed model results;

(4) Findings from the City of Long Beach's monitoring programs, including but not limited to TMDL compliance monitoring and receiving water monitoring; and

(5) Any other pertinent data, information, or studies related to pollutant sources and conditions that contribute to the highest water quality priorities.

ii. Locations of the City of Long Beach's MS4, including, at a minimum, all MS4 major outfalls and major structural controls for storm water and non-storm water that discharge to receiving waters.

iii. Other known and suspected sources of pollutants in non-storm water or storm water discharges from the MS4 to receiving waters within the WMA.

e. Prioritization - Based on the findings of the source assessment, the issues within each watershed shall be prioritized and sequenced. Watershed priorities shall include:

i. TMDLs

(1) Controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term, or TMDL compliance deadlines that have already passed and limitations have not been achieved.

(2) Controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the term of this Order.

(3) Progress toward controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines beyond the term of this Order.

ii. Other Receiving Water Considerations

(1) Controlling pollutants for which data indicate impairment pursuant to the State's Listing Policy and the findings from the source assessment implicates discharges from the MS4.

(2) Controlling pollutants for which data indicate exceedances of receiving water limitations in the receiving water within the last five years and the findings from the source assessment implicates discharges from the MS4.

f. Selection of Watershed Control Measures - The City of Long Beach shall identify strategies, control measures, and BMPs to implement through their individual storm water management programs, and collectively on a watershed scale, with the goal of creating an efficient program to focus individual and collective resources on watershed priorities. The objectives of the Watershed Control Measures shall include:

i. Prevent or eliminate non-storm water discharges to the MS4 that are a source of pollutants from the MS4 to receiving waters.

ii. Implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations pursuant to corresponding compliance schedules.

iii. Ensure that discharges from the MS4 do not cause or contribute to exceedances of receiving water limitations.

g. Watershed Control Measures may include:

i. Structural and/or non-structural controls and operation and maintenance procedures that are designed to achieve applicable water quality-based effluent limitations and receiving water limitations in Part VIII;

ii. Retrofitting areas of existing development known or suspected to contribute to the highest water quality priorities with regional or sub-regional controls or management measures; and

iii. Stream and/or habitat rehabilitation or restoration projects where stream and/or habitat rehabilitation or restoration are necessary for, or will contribute to demonstrable improvements in the physical, chemical, and biological receiving water conditions and restoration and/or protection of water quality standards in receiving waters.

h. Watershed Management Program Provisions - The following provisions of this Order shall be incorporated as part of the Watershed Management Program:

i. Minimum Control Measures - The City of Long Beach shall assess the minimum control measures (MCMs) as defined in Part VII.D of this Order to identify opportunities for focusing resources on the high priority issues in each watershed. For each of the following minimum control measures, the City of Long Beach shall identify potential modifications that will address watershed priorities:

- Development Construction Program
- Industrial/Commercial Facilities Program
- Illicit Connection and Illicit Discharges Detection and Elimination Program
- Public Agency Activities Program
- Public Information and Participation Program

(1) At a minimum, the Watershed Management Program shall include management programs consistent with 40 CFR Section 122.26(d)(2)(iv)(A)-(D)

(2) If the City of Long Beach(s) elects to eliminate a control measure identified in Part VII.D because that specific control measure is not applicable to the City of Long Beach, the City of Long Beach shall provide a justification for its elimination. The Planning and Land Development Program is not eligible for modification or elimination, except thorugh the "Local Ordinance Equivalence" provisions of Part VII.J.5.

(3) Such customized actions, once approved as part of the Watershed Management Program, shall replace in part or in whole the requirements in Part VII.D.

ii. Non-Storm Water Control Measures - Where the City of Long Beach identifies non-storm water discharges from the MS4 as a source of pollutants that cause or contribute to exceedance of receiving water limitations, the Watershed Control Measures shall include strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts IV.B. and VII.L. These may include measures to prohibit the non-storm water discharge to the MS4, additional BMPs to reduce pollutants in the non-storm water discharge or conveyed by the non-storm water discharge, diversion to a sanitary sewer for treatment, or strategies to require the non-storm water discharge to be separately regulated under a general NPDES permit.

iii. TMDL Control Measures - The City of Long Beach shall compile control measures that have been identified in TMDLs and corresponding implementation plans. The City of Long Beach shall identify those control measures to be modified, if any, to most effectively address TMDL requirements within the watershed. If not

sufficiently identified in previous documents, or if implementation plans have not yet been developed (e.g., USEPA established TMDLs), the City of Long Beach shall evaluate and identify control measures to achieve water quality-based effluent limitations and/or receiving water limitations established in this Order pursuant to these TMDLs.

(1) TMDL control measures shall include where necessary control measures to address both storm water and non-storm water discharges from the MS4.

(2) TMDL control measures may include baseline or customized activities covered under the general MCM categories in Part VII.D as well as BMPs and other control measures covered under the non-storm water discharge provisions of Parts IV.B of this Order.

(3) The WMP shall include, at a minimum, those actions that will be implemented during the permit term to achieve interim and/or final water quality-based effluent limitations and/or receiving water limitations with compliance deadlines within the permit term.

iv. Each plan shall include the following components:

(1) Identification of specific structural controls and non-structural best management practices, including operational source control and pollution prevention, and any other actions or programs to achieve all water quality-based effluent limitations and receiving water limitations contained in Part VIII to which the City of Long Beach(s) is subject;

(2) For each structural control and non-structural best management practice, the number, type, and location(s) and/or frequency of implementation;

(3) For any pollution prevention measures, the nature, scope, and timing of implementation;

(4) For each structural control and non-structural best management practice, interim milestones and dates for achievement to ensure that TMDL compliance deadlines will be met; and

(5) The plan shall clearly identify the responsibilities of the City of Long Beach for implementation of watershed control measures.

v. Reasonable Assurance Analysis - The City of Long Beach shall conduct a Reasonable Assurance Analysis for each water body-pollutant combination addressed by the Watershed Management Program. A Reasonable Assurance Analysis (RAA) shall be quantitative and performed using a peer-reviewed model in the public domain. Models to be considered for the RAA, without exclusion, are the Watershed Management Modeling System (WMMS) and the Structural BMP Prioritization and Analysis Tool (SBPAT). The RAA shall commence with assembly of all available, relevant subwatershed data collected within the last 10 years, including land use and pollutant loading data, establishment of quality assurance/quality control (QA/QC) criteria, QA/QC checks of the data, and identification of the data set meeting the criteria for use in the analysis. Data on performance of watershed control measures needed as model input shall be drawn only from peer-reviewed sources. These data shall be statistically analyzed to determine the best estimate of performance and the confidence limits on that estimate for the pollutants to be

evaluated. The objective of the RAA shall be to demonstrate the ability of Watershed Management Programs and EWMPs to ensure the City of Long Beach's MS4 discharges achieve applicable water quality based effluent limitations and do not cause or contribute to exceedances of receiving water limitations.

(1) The City of Long Beach shall demonstrate using the RAA that the activities and control measures identified in the Watershed Control Measures will achieve applicable water quality-based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term.

(2) Where the TMDL Provisions in Part VIII do not include interim or final water quality-based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term, the City of Long Beach shall identify interim milestones and dates for their achievement to ensure adequate progress toward achieving interim and final water quality-based effluent limitations and/or receiving water limitations with deadlines beyond the permit term.

(3) For water body-pollutant combinations not addressed by TMDLs, the City of Long Beach shall demonstrate using the RAA that the activities and control measures identified in the Watershed Control Measures will achieve applicable receiving water limitations as soon as possible.

vi. Legal Authority - The City of Long Beach shall demonstrate the necessary legal authority to implement the Watershed Control Measures identified in the plan, or that other legal authority exists to compel implementation of the Watershed Control Measures.

vii. Compliance Schedules - The City of Long Beach shall incorporate compliance schedules in Part VIII into the plan and, where necessary develop interim milestones and dates for their achievement. Compliance schedules and interim milestones and dates for their achievement shall be used to measure progress towards addressing the highest water quality priorities and achieving applicable water quality-based effluent limitations and/or receiving water limitations.

(1) Schedules must be adequate for measuring progress on a watershed scale once every two years.

(2) Schedules must be developed for both the strategies, control measures and BMPs implemented by the City of Long Beach within its jurisdiction and for those that will be implemented by multiple entities on a watershed scale.

(3) Schedules shall incorporate the following:

(a) Compliance deadlines occurring within the permit term for all applicable interim and/or final water quality-based effluent limitations and/or receiving water limitations in Parts VI and VIII of this Order,

(b) Interim milestones and dates for their achievement within the permit term for any applicable final water quality-based effluent limitation and/or receiving water limitation in Parts VI and VIII, where deadlines within the permit term are not otherwise specified.

(c) For watershed priorities related to addressing exceedances of receiving water limitations in Part VI.A and not otherwise addressed by Part VIII:

- **a.** Milestones based on measureable criteria or indicators, to be achieved in the receiving waters and/or MS4 discharges,
- **b.** A schedule with dates for achieving the milestones, and
- **c.** A final date for achieving the receiving water limitations as soon as possible.
- **d.** The milestones and implementation schedule in (a)-(c) fulfill the requirements in Part VI.A.3.a to prepare an Integrated Monitoring Compliance Report.

6. Watershed Management Program Implementation

The City of Long Beach shall begin implementing the Watershed Management Program or EWMP immediately upon approval of the plan by the Regional Water Board or the Executive Officer on behalf of the Regional Water Board.

The City of Long Beach may request an extension of only the deadlines for achieving interim milestones in Part VII.C.5.h.vii.(3)(b)-(c) of this Order. The City of Long Beach shall provide a written request at least 90 days prior to the deadline and shall include the justification for the extension. Extensions shall be subject to approval by the Regional Water Board Executive Officer.

7. Integrated Watershed Monitoring and Assessment

The City of Long Beach shall develop an integrated monitoring program as set forth in Part IV of the MRP (Attachment E) or implement a customized monitoring program with the primary objective of allowing for the customization of the outfall monitoring program (Parts VIII and IX) in conjunction with an approved Watershed Management Program or EWMP, as defined below. Each monitoring program shall assess progress toward achieving the water quality-based effluent limitations and/or receiving water limitations per the compliance schedules, and progress toward addressing the water quality priorities for each WMA. The customized monitoring program shall be submitted as part of the Watershed Management Program, or where the City of Long Beach elects to develop an EWMP, shall be submitted by June 28, 2014. If pursuing a customized monitoring program, the City of Long Beach shall provide sufficient justification for each element of the program that differs from the monitoring program requirements as set forth in Attachment E. Monitoring programs shall be subject to approval by the Executive Officer following a public comment period. The customized monitoring program shall be designed to address the Primary Objectives detailed in Attachment E, Part II.A and shall include the following program elements:

- **a.** Receiving Water Monitoring
- **b.** Storm Water Outfall Monitoring
- **c.** Non-Storm Water Outfall Monitoring
- **d.** New Development/Re-Development Effectiveness Tracking
- **e.** Regional Studies

8. **Adaptive Management Process**

a. Watershed Management Program Adaptive Management Process
In Each WMA affected, the City of Long Beach shall implement an adaptive management process, every two years from the date of program approval, adapting the Watershed Management Program or EWMP to become more effective, based on, but not limited to a consideration of the following:

i. Progress toward achieving interim and/or final water quality-based effluent limitations and/or receiving water limitations in Part VIII, according to established compliance schedules;

ii. Progress toward achieving improved water quality in MS4 discharges and achieving receiving water limitations through implementation of the watershed control measures based on an evaluation of outfall-based monitoring data and receiving water monitoring data;

iii. Achievement of interim milestones;

iv. Re-evaluation of the water quality priorities identified for the WMA based on more recent water quality data for discharges from the MS4 and the receiving water(s) and a reassessment of sources of pollutants in MS4 discharges;

v. Availability of new information and data from sources other than the City of Long Beach' monitoring program(s) within the WMA that informs the effectiveness of the actions implemented by the City of Long Beach;

vi. Regional Water Board recommendations; and

vii. Recommendations for modifications to the Watershed Management Program solicited through a public participation process.

b. Based on the results of the adaptive management process, the City of Long Beach shall report any modifications, including where appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions.

i. The adaptive management process fulfills the requirements in Part VI.A.4 to address continuing exceedances of receiving water limitations.

c. The City of Long Beach shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections.

D. Storm Water Management Program Minimum Control Measures

1. General Requirements

i. The City of Long Beach shall implement the requirements in Parts VII.F-~~L~~M below, or may in lieu of the requirements in Parts VII.F-~~L~~M (with the exception of Part VII.J) implement customized actions within each of these general categories of control measures as set

forth in an approved Watershed Management Program per Part VII.C. Implementation shall be consistent with the requirements of 40 CFR section 122.26(d)(2)(iv).

ii. Timelines for Implementation
Unless otherwise noted in Part VII.C, if the City of Long Beach does not elect to develop a Watershed Management Program or EWMP per Part VII.C, then the City of Long Beach shall implement the requirements contained in Part VII.~~D~~F-M within 6 months after the effective date of this Order in the areas not addressed by a WMP/EWMP. In the interim, the City of Long Beach shall continue to implement its existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR Section 122.26(d)(2)(iv).

iii. If the City of Long Beach elects to develop a Watershed Management Program or EWMP, the City of Long Beach shall continue to implement its existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR Section 122.26(d)(2)(iv) until the Watershed Management Program or EWMP is approved by the Los Angeles Regional Board Executive Officer.

2. Progressive Enforcement and Interagency Coordination

i. The City of Long Beach shall develop and implement a Progressive Enforcement Policy to ensure that (1) regulated Industrial/Commercial facilities, (2) construction sites, (3) development and redevelopment sites with post-construction controls, and (4) illicit discharges are each brought into compliance with all storm water and non-storm water requirements within a reasonable time period as specified below:

(1) Follow-up Inspections

In the event that the City of Long Beach determines, based on an inspection or illicit discharge investigation conducted, that a facility or site operator has failed to adequately implement all necessary BMPs, the City of Long Beach shall take progressive enforcement actions which, at a minimum, shall include a follow-up inspection within 4 weeks from the date of the initial inspection and/or investigation.

(2) Enforcement Action

In the event that the City of Long Beach determines that a facility or site operator has failed to adequately implement BMPs after a follow-up inspection, the City of Long Beach shall take enforcement action as established through authority in its municipal code and ordinances, through the judicial system, or refer the case to the Regional Water Board, per the Interagency Coordination provisions below.

(3) Records Retention

The City of Long Beach shall maintain records, per their existing record retention policies, and make them available on request to the Regional Water Board, including inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating a good faith effort to bring facilities into compliance.

(4) Referral of Violations of Municipal Ordinances and California Water Code § 13260

The City of Long Beach may refer a violation(s) of its municipal storm water ordinances and/or California Water Code Section 13260 by Industrial and Commercial facilities and construction site operators to the Regional Water Board provided that the City of Long Beach has made a good faith effort of applying its Progressive Enforcement Policy to achieve compliance with its own ordinances. At a minimum, the City of Long Beach's good faith effort must be documented with:

(a) Two follow-up inspections, and
(b) Two warning letters or notices of violation.
(c) Referral of Violations of the Industrial and Construction General Permits, including Requirements to File a Notice of Intent or No Exposure Certification

For those facilities or site operators in violation of municipal storm water ordinances and subject to the Industrial and/or Construction General Permits, the City of Long Beach may escalate referral of such violations to the Regional Water Board (promptly via telephone or electronically) after one inspection and one written notice of violation (copied to the Regional Water Board) to the facility or site operator regarding the violation. In making such referrals, the City of Long Beach shall include, at a minimum, the following documentation:

(a) Name of the facility or site,
(b) Operator of the facility or site,
(c) Owner of the facility or site,
(d) WDID Number (if applicable),
(e) Records of communication with the facility/site operator regarding the violation, which shall include at least one inspection report,
(f) The written notice of violation (copied to the Regional Water Board),
(g) For industrial sites, the industrial activity being conducted at the facility that is subject to the Industrial General Permit, and
(h) For construction sites the documentation shall include site acreage and risk factor rating.

ii. Investigation of Complaints Transmitted by the Regional Water Board Staff

The City of Long Beach shall initiate, within one business day,[15] investigation of complaints from facilities within its jurisdiction. The initial investigation shall include, at a minimum, a limited inspection of the facility to confirm validity of the complaint and to determine if the facility is in compliance with municipal storm water ordinances and, if necessary, to oversee corrective action.

(1) Assistance with Regional Water Board Enforcement Actions

As directed by the Regional Water Board Executive Officer, the City of Long Beach shall assist Regional Water Board enforcement actions by:

(a) Assisting in identification of current owners, operators, and lessees of properties and sites.

(b) Providing staff, when available, for joint inspections with Regional Water Board inspectors.

(c) Appearing to testify as witnesses in Regional Water Board enforcement hearings.

(d) Providing copies of inspection reports and documentation demonstrating application of its Progressive Enforcement Policy.

E. Modifications/Revisions

1. The City of Long Beach shall modify its storm water management programs, protocols, practices, and municipal codes to make them consistent with the requirements in this Order.

F. Public Information and Participation Program

1. General

The City of Long Beach shall develop and implement a public information and participation program (PIPP) with the following the objectives:

i. To measurably increase the knowledge of the target audiences about the MS4, the adverse impacts of storm water pollution on receiving waters and potential solutions to mitigate the impacts.

ii. To measurably change the waste disposal and storm water pollution generation behavior of target audiences by developing and encouraging the implementation of appropriate alternatives.

iii. To involve and engage a diversity of socio-economic groups and ethnic communities in its jurisdiction to participate in mitigating the impacts of storm water pollution.

2. PIPP Implementation - The City of Long Beach shall develop and implement the PIPP using one or more of the following approaches:

i. By participating in a County-wide PIPP,

[15] The Discharger may comply with the Permit by taking initial steps (such as logging, prioritizing, and tasking) to "initiate" the investigation within that one business day. However, the Los Angeles Regional Board would expect the initial investigation, including a site visit, would occur within four business days.

ii. By participating in one or more Watershed Group sponsored PIPPs, and/or

iii. Or individually within its jurisdiction.

iv. If the City of Long Beach participates in a County-wide or Watershed Group PIPP, the City of Long Beach shall provide the contact information for their appropriate staff responsible for storm water public education activities to the designated PIPP coordinator and contact information changes no later than 30 days after a change occurs.

3. Public Participation

i. The City of Long Beach, whether participating in a County-wide or watershed group sponsored PIPP, or acting individually, shall provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels, and general storm water and non-storm water pollution prevention information.

(1) The City of Long Beach shall continue to operate the Storm Water Pollution Prevention Hotline and Reporting of Illegal Dumping to Storm Drains: (562) 570-DUMP and the website www.lbstormwater.org

(2) The City of Long Beach shall include the reporting information, updated when necessary, in public information, and the government pages of the telephone book, as they are developed or published.

(3) The City of Long Beach shall identify staff or departments who will serve as the contact person(s) and shall make this information available on its website.

(4) The City of Long Beach is responsible for providing current, updated hotline contact information to the general public within its jurisdiction.

ii. The City of Long Beach shall organize events targeted to residents and population subgroups to educate and involve the community in storm water and non-storm water pollution prevention and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).

4. Residential Outreach Program

i. Working in conjunction with a County-wide or Watershed Group sponsored PIPP or individually, the City of Long Beach shall implement the following activities:

(1) Conduct storm water pollution prevention public service announcements and advertising campaigns

(2) Public education materials shall include but are not limited to information on the proper handling (i.e., disposal, storage and/or use) of:

(a) Vehicle waste fluids

(b) Household waste materials (i.e., trash and household hazardous waste, including personal care products and pharmaceuticals)

(c) Construction waste materials

(d) Pesticides and fertilizers (including integrated pest management practices [IPM] to promote reduced use of pesticides)

(e) Green waste (including lawn clippings and leaves)

(f) Animal wastes

(3) Distribute activity specific storm water pollution prevention public education materials at, but not limited to, the following points of purchase:

(a) Automotive parts stores

(b) Home improvement centers / lumber yards / hardware stores/paint stores

(c) Landscaping / gardening centers

(d) Pet shops / feed stores

(4) Maintain storm water websites or provide links to storm water websites via the City of Long Beach's website, which shall include educational material and opportunities for the public to participate in storm water pollution prevention and clean-up activities listed in Part VII.G.4.

(5) Provide independent, parochial, and public schools within in the City of Long Beach's jurisdiction with materials to educate school children (K-12) on storm water pollution. Material may include videos, live presentations, and other information. The City of Long Beach is encouraged to work with, or leverage, materials produced by other statewide agencies and associations such as the State Water Board's "Erase the Waste" educational program and the California Environmental Education Interagency Network (CEEIN) to implement this requirement.

(6) When implementing activities in Part VII.F.4.i.(1)-(5), the City of Long Beach shall use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.

G. Industrial/Commercial Facilities Program

1. General

The City of Long Beach shall implement an Industrial / Commercial Facilities Program that meets the requirements of this Part VII G. The Industrial / Commercial Facilities Program shall be designed to prevent illicit discharges into the MS4 and receiving waters, reduce industrial / commercial discharges of storm water to the MEP, and prevent industrial / commercial discharges from the MS4 from causing or contributing to a violation of receiving water limitations. At a minimum, the Industrial / Commercial Facilities Program shall be implemented in accordance with

the requirements listed in this Part VII.G, or as approved in a Watershed Management Program per Part VII.C. The minimum program components shall include the following:

i. Track

ii. Educate

iii. Inspect

iv. Ensure compliance with municipal ordinances at industrial and commercial facilities that are critical sources of pollutants in storm water.

2. Tracking Critical Industrial/Commercial Sources

i. The City of Long Beach shall maintain an updated watershed-based inventory or database containing the latitude / longitude coordinates of all industrial and commercial facilities within its jurisdiction that are critical sources of storm water pollution. The inventory or database shall be maintained in electronic format and incorporation of facility information into a Geographical Information System (GIS) is recommended. Critical Sources to be tracked are summarized below:

(1) Commercial Facilities

(a) Restaurants

(b) Automotive service facilities (including those located at automotive dealerships)

(c) Retail Gasoline Outlets

(d) Nurseries and Nursery Centers (Merchant Wholesalers, Nondurable Goods, and Retail Trade)

(2) USEPA "Phase I" Facilities [as specified in 40 CFR §122.26(b)(14)(i)-(xi)]

(3) Other federally-mandated facilities [as specified in 40 CFR §122.26(d)(2)(iv)(C)]

(a) Municipal landfills

(b) Hazardous waste treatment, disposal, and recovery facilities

(c) Industrial facilities subject to section 313 "Toxic Release Inventory" reporting requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) [42 U.S.C. § 11023]

(4) All other commercial or industrial facilities that the City of Long Beach determines may contribute a substantial pollutant load to the MS4.

ii. The City of Long Beach shall include the following minimum fields of information for each critical source industrial and commercial facility identified in its watershed-based inventory or database:

(1) Name of facility

(2) Name of owner/ operator and contact information

(3) Address of facility (physical and mailing)

(4) North American Industry Classification System (NAICS) code

(5) Standard Industrial Classification (SIC) code

(6) A narrative description of the activities performed and/or principal products produced

(7) Status of exposure of materials to storm water

(8) Name of receiving water

(9) Identification of whether the facility is tributary to a CWA § 303(d) listed water body segment or water body segment subject to a TMDL, where the facility generates pollutants for which the water body segment is impaired.

(10) Ability to denote if the facility is known to maintain coverage under the State Water Board's General NPDES Permit for the Discharge of Stormwater Associated with Industrial Activities (Industrial General Permit) or other individual or general NPDES permits or any applicable waiver issued by the Regional or State Water Board pertaining to storm water discharges.

(11) Ability to denote if the facility has filed a No Exposure Certification with the State Water Board.

iii. The City of Long Beach shall update its inventory of critical sources at least annually. The update shall be accomplished through collection of new information obtained through field activities or through other readily available inter- and intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer connection permits, and similar information).

3.Educate Industrial / Commercial Sources

i. At least once during the five-year period of this Order, the City of Long Beach shall notify the owner/operator of each of its inventoried commercial and industrial sites identified in Part VII.G.2 of the BMP requirements applicable to the site/source.

ii. Business Assistance Program

(1) The City of Long Beach shall implement a Business Assistance Program to provide technical information to businesses to facilitate their efforts to reduce the discharge of pollutants in storm water. Assistance shall be targeted to select business sectors or small businesses upon a determination that their activities may be contributing substantial pollutant loads to the MS4 or receiving water. Assistance may include technical guidance and provision of educational materials. The Program may include:

(a) On-site technical assistance, telephone, or e-mail consultation regarding the responsibilities of business to reduce the discharge of pollutants, procedural requirements, and available guidance documents.

(b) Distribution of storm water pollution prevention educational materials to operators of auto repair shops; car wash facilities; restaurants and mobile sources including automobile/equipment repair, washing, or detailing; power washing services; mobile carpet, drape, or upholstery cleaning services; swimming pool, water softener, and spa services; portable sanitary services; and commercial applicators and distributors of pesticides, herbicides and fertilizers, if present.

4.Inspect Critical Commercial Sources

i. Frequency of Mandatory Commercial Facility Inspections

The City of Long Beach shall inspect all commercial facilities identified in Part VII.G.2 twice during the 5-year term of the Order, provided that the first mandatory compliance inspection occurs no later than 2 years after the effective date of this Order. A minimum interval of 6 months between the first and the second mandatory compliance inspection is required. In addition, the City of Long Beach shall implement the activities outlined in the following subparts.

ii. Scope of Mandatory Commercial Facility Inspections

The City of Long Beach shall inspect all commercial facilities to confirm that storm water and non-storm water BMPs are being effectively implemented in compliance with municipal ordinances. At each facility, inspectors shall verify that the operator is implementing effective source control BMPs for each corresponding activity. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a significant ecological area (SEA), a water body subject to TMDL provisions in Part VIII, or a CWA § 303(d) listed impaired water body. Likewise, for those BMPs that are not adequately protective of water quality standards, the City of Long Beach may require additional site-specific controls.

5.Inspect Critical Industrial Sources

The City of Long Beach shall conduct industrial facility compliance inspections as specified below.

i. Frequency of Mandatory Industrial Facility Compliance Inspections

(1) Minimum Inspection Frequency

The City of Long Beach shall perform an initial mandatory compliance inspection at all industrial facilities identified in Part VII.G.2 no later than 2 years after the effective date of this Order. After the initial inspection, all facilities that have not filed a No Exposure Certification with the State Water Board are subject to a second mandatory compliance inspection. A minimum interval of 6 months between the first and the second mandatory compliance inspection is required. A facility need not be inspected more than twice during the term of the Order unless subject to an enforcement action as specified in Part VII.I below.

(2) Exclusion of Facilities Previously Inspected by the Regional Water Board.

The City of Long Beach shall review the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) database[16] at defined intervals to determine if an industrial facility has recently been inspected by the Regional Water Board. The first interval shall occur approximately 2 years after the effective date of the Order. The City of Long Beach does not need to inspect the facility if it is determined that the Regional Water Board conducted an inspection of the facility within the prior 24 month period. The second interval shall occur approximately 4 years after the effective date of the Order. Likewise, the City of Long Beach does not need to inspect the facility if it is determined that the Regional Water Board conducted an inspection of the facility within the prior 24 month period.

(3) No Exposure Verification

As a component of the first mandatory inspection, the City of Long Beach shall identify those facilities that have filed a No Exposure Certification with the State Water Board. Approximately 3 to 4 years after the effective date of the Order, the City of Long Beach shall evaluate its inventory of industrial facilities and perform a second mandatory compliance inspection at a minimum of 25% of the facilities identified to have filed a No Exposure Certification. The purpose of this inspection is to verify the continuity of the no exposure status.

(4) Exclusion Based on Watershed Management Program

The City of Long Beach is exempt from the mandatory inspection frequencies listed above if it is implementing industrial inspections in accordance with an approved Watershed Management Program per Part VII.~~D~~C.

ii. Scope of Mandatory Industrial Facility Inspections

The City of Long Beach shall confirm that each industrial facility:

(1) Has a current Waste Discharge Identification (WDID) number for coverage under the Industrial General Permit, and that a Storm Water Pollution Prevention Plan (SWPPP) is available on-site; *or*

(2) Has applied for, and has received a current No Exposure Certification for facilities subject to this requirement;

(3) Is effectively implementing BMPs in compliance with municipal ordinances. Facilities must implement the source control BMPs identified in Table 9, unless the pollutant generating activity does not occur. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a water body subject to TMDL Provisions in Part VIII, or a CWA § 303(d) listed impaired water body. Likewise, if the specified BMPs are not adequately protective of water quality standards, the City of Long Beach may require additional site-specific controls. For

[16] SMARTS is accessible at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp

critical sources that discharge to MS4s that discharge to SEAs, the City of Long Beach shall require operators to implement additional pollutant-specific controls to reduce pollutants in storm water runoff that are causing or contributing to exceedances of water quality standards.

(4) Applicable industrial facilities identified as not having either a current WDID or No Exposure Certification shall be notified that they must obtain coverage under the Industrial General Permit and shall be referred to the Regional Water Board per the progressive enforcement policy procedures identified in Part VII.D.2

6.Source Control BMPs for Commercial and Industrial Facilities

Effective source control BMPs for the activities listed in Table 9 shall be implemented at commercial and industrial facilities, unless the pollutant generating activity does not occur:

Table 9. Source Control BMPs at Commercial and Industrial Facilities

Pollutant-Generating Activity	**BMP Narrative Description**
Unauthorized Non-Storm water Discharges	Effective elimination of non-storm water discharges
Accidental Spills/ Leaks	Implementation of effective spills/ leaks prevention and response procedures
Vehicle/ Equipment Fueling	Implementation of effective fueling source control devices and practices
Vehicle/ Equipment Cleaning	Implementation of effective equipment/ vehicle cleaning practices and appropriate wash water management practices
Vehicle/ Equipment Repair	Implementation of effective vehicle/ equipment repair practices and source control devices
Outdoor Liquid Storage	Implementation of effective outdoor liquid storage source controls and practices
Outdoor Equipment Operations	Implementation of effective outdoor equipment source control devices and practices
Outdoor Storage of Raw Materials	Implementation of effective source control practices and structural devices
Storage and Handling of Solid Waste	Implementation of effective solid waste storage/ handling practices and appropriate control measures
Building and Grounds Maintenance	Implementation of effective facility maintenance practices
Parking/ Storage Area Maintenance	Implementation of effective parking/ storage area designs and housekeeping/ maintenance practices
Storm water Conveyance System Maintenance Practices	Implementation of proper conveyance system operation and maintenance protocols
Pollutant-Generating Activity	BMP Narrative Description from Regional Water Board Resolution No. 98-08
Sidewalk Washing	Remove trash, debris, and free standing oil/grease spills/leaks (use

Pollutant-Generating Activity	BMP Narrative Description
	absorbent material, if necessary) from the area before washing; and Use high pressure, low volume spray washing using only potable water with no cleaning agents at an average usage of 0.006 gallons per square feet of sidewalk area.
Street Washing	Collect and divert wash water to the sanitary sewer – publically owned treatment works (POTW). Note: POTW approval may be needed.

H. Significant Ecological Areas (SEAs)
See VII.G.5.ii.(3).

I. Progressive Enforcement
The City of Long Beach shall implement its progressive enforcement policy to ensure that Industrial / Commercial facilities are brought into compliance with all storm water requirements within a reasonable time period. See Part VII.D.2 ~~and Part VII.J~~ for requirements for the development and implementation of a progressive enforcement policy.

J. Planning and Land Development Program

1. **Purpose -** The City of Long Beach shall implement a planning and land development program pursuant to this Part VII.J~~.2~~ for all new development and redevelopment projects subject to this Order to:

   i. Lessen the water quality impacts of development by using smart growth practices such as compact development, directing development towards existing communities via infill or redevelopment, and safeguarding of environmentally sensitive areas.

   ii. Minimize the adverse impacts from storm water runoff on the biological integrity of Natural Drainage Systems and the beneficial uses of water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21000 et seq.).

   iii. Minimize the percentage of impervious surfaces on land developments by minimizing soil compaction during construction, designing projects to minimize the impervious area footprint, and employing Low Impact Development (LID) design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use.

   iv. Maintain existing riparian buffers and enhance riparian buffers when possible.

   v. Minimize pollutant loadings from impervious surfaces such as roof tops, parking lots, and roadways through the use of properly designed, technically appropriate BMPs (including Source Control BMPs such as good housekeeping practices), LID Strategies, and Treatment Control BMPs.

   vi. Properly select, design and maintain LID and Hydromodification Control BMPs to address pollutants that are likely to be generated,

reduce changes to pre-development hydrology, assure long-term function, and avoid the breeding of vectors[17].

vii. Prioritize the selection of BMPs to remove storm water pollutants, reduce storm water runoff volume, and beneficially use storm water to support an integrated approach to protecting water quality and managing water resources in the following order of preference:

(a) On-site infiltration, bioretention and/or rainfall harvest and use.

(b) On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

2. New Development Projects

i. New Development projects subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

~~**(1)** All development projects equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area~~

~~(2)~~(1)Industrial parks 10,000 square feet or more of surface area

~~(3)~~(2)Commercial malls 10,000 square feet or more surface area

~~(4)~~(3)Retail gasoline outlets 5,000 square feet or more of surface area

(4) Restaurants (SIC 5812) 5,000 square feet or more of surface area

~~**(5)**~~

~~(6)~~(5)Parking lots 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces

~~(7)~~(6)Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets[18] (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

~~**(8)** *Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.*~~

~~(9)~~(7)~~Redevelopment projects in subject categories that meet Redevelopment thresholds identified in Part VII.J.3.i (Redevelopment Projects) below~~

~~(10)~~(8)Projects located in or directly adjacent to, or discharging directly to an Ecological Significant Area (ESA), where the development will:

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[17] Treatment BMPs when designed to drain within 96 hours of the end of rainfall minimize the potential for the breeding of vectors. See California Department of Public Health *Best Management Practices for Mosquito Control in California* (2012) at http://www.westnile.ca.gov/resources.php

[18] http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm

(a) Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and

(b) Create 2,500 square feet or more of impervious surface area

~~(11)~~(9) Single-family hillside homes. To the extent that the City of Long Beach may lawfully impose conditions, mitigation measures or other requirements on the development or construction of a single-family home in a hillside area as defined in the City's Code and Ordinances, the City of Long Beach shall require that during the construction of a single-family hillside home, the following measures are implemented:

(a) Conserve natural areas

(b) Protect slopes and channels

(c) Provide storm drain system stenciling and signage

(d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability

(e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

~~(12)~~ All development projects equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area. ~~Redevelopment projects in subject categories that meet Redevelopment thresholds identified in Part VII.J.3.i (Redevelopment Projects) below~~

(10)

(11) Redevelopment projects in subject categories that meet Redevelopment thresholds identified in Part VII.J.3.i (Redevelopment Projects) below.

~~**(e)**~~

3. Redevelopment Projects

i. Redevelopment projects subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

(1) Land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site ~~on~~ for development categories/project thresholds identified in Part VII.J.~~4~~2 (New Development Projects/~~Redevelopment Performance Criteria~~).

~~**(1)**~~ **Special Conditions for Redevelopment Projects**

~~**(2)**~~**(a)** Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, the entire project must be mitigated.

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~~(3)~~(b)Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

~~(4)~~(c)Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

~~(5)~~(d)Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

~~(6)~~ii. In this section, ~~Existing~~ New Development or Redevelopment projects shall mean all discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Part VII.J.4. For the City's projects the effective date shall be the date the governing body or their designee approves initiation of the project design.

4. New Development/ Redevelopment Project Performance Criteria

i. Integrated Water Quality/Flow Reduction/Resources Management Criteria

(1) The City of Long Beach shall require all new development and redevelopment projects, referred to hereinafter as new projects, identified in Part VII.J.2-3 to control pollutants, pollutant loads, and runoff volume emanating from the project site by: (1) minimizing the impervious surface area and (2) controlling runoff from impervious surfaces through infiltration, bioretention and/or rainfall harvest and use.

(2) Except as provided in Part VII.J.4.ii (Technical Infeasibility or Opportunity for Regional Ground Water Replenishment) or Part VII.J.5 (Local Ordinance Equivalence), below, the City of Long Beach shall require the project to retain on-site the stormwater quality design volume (SWQDv) defined as the runoff from:

(a) The 0.75-inch, 24-hour rain event or

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(b) The 85th percentile, 24-hour rain event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, *whichever is greater*.

(3) Bioretention and biofiltration systems shall meet the design specifications provided in Attachment H to this Order unless otherwise approved by the Regional Water Board Executive Officer.

(4) When evaluating the potential for on-site retention, the City of Long Beach shall consider the maximum potential for evapotranspiration from green roofs and rainfall harvest and use.

ii. Alternative Compliance for Technical Infeasibility or Opportunity for Regional Ground Water Replenishment

(1) In instances of technical infeasibility or where a project has been determined to provide an opportunity to replenish regional ground water supplies at an offsite location, the City of Long Beach may allow projects to comply with this Order through the alternative compliance measures as described in Part VII.J.4.iii.

(2) To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

(a) The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on-site.

(b) Locations where seasonal high ground water is within 5 to 10 feet of the surface,

(c) Locations within 100 feet of a ground water well used for drinking water,

(d) Brownfield development sites where infiltration poses a risk of causing pollutant mobilization,

(e) Other locations where pollutant mobilization is a documented concern[19],

(f) Locations with potential geotechnical hazards, or

(g) Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant

[19] Pollutant mobilization is considered a documented concern at or near properties that are contaminated or store hazardous substances underground.

difficulty for compliance with the on-site volume retention requirement.

(3) To utilize alternative compliance measures to replenish ground water at an offsite location, the project applicant shall demonstrate (i) why it is not advantageous to replenish ground water at the project site, (ii) that ground water can be used for beneficial purposes at the offsite location, and (iii) that the alternative measures shall also provide equal or greater water quality benefits to the receiving surface water than the Water Quality/Flow Reduction/Resource Management Criteria in Part VII.J.4.i.

iii. Alternative Compliance Measures - When the City of Long Beach determines a project applicant has demonstrated that it is technically infeasible to retain 100 percent of the SWQDv on-site, or is proposing an alternative offsite project to replenish regional ground water supplies, the City of Long Beach shall require one of the following mitigation options:

(1) On-site Biofiltration

(a) If using biofiltration due to demonstrated technical infeasibility, then the new project must biofiltrate 1.5 times the portion of the SWQDv that is not reliably retained on-site, as calculated by Equation 1 below.

Equation 1:

$$Bv = 1.5 * [SWQDv - Rv]$$

Where:
Bv = biofiltration volume

SWQDv = the storm water runoff from a 0.75 inch, 24-hour storm or the 85th percentile storm, *whichever is greater*.
Rv = volume reliably retained on-site

(b) Conditions for On-site Biofiltration

(i) Biofiltration systems shall meet the design specifications provided in Attachment H to this Order unless otherwise approved by the Regional Water Board Executive Officer.

(ii) Biofiltration systems discharging to a receiving water that is included on the Clean Water Act Section 303(d) list of impaired water quality-limited water bodies due to nitrogen compounds or related effects shall be designed and maintained to achieve enhanced nitrogen removal capability. See Attachment H for design criteria for underdrain placement to achieve enhanced nitrogen removal.

(2) Offsite Infiltration

(a) Use infiltration or bioretention BMPs to intercept a volume of storm water runoff equal to the SWQDv, less the volume of storm water runoff reliably retained on-site, at an approved offsite project, and

(b) Provide pollutant reduction (treatment) of the storm water runoff discharged from the project site in accordance with the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(c) The required offsite mitigation volume shall be calculated by Equation 2 below and equal to:

Equation 2:

$$Mv = 1.0 * [SWQDv - Rv]$$

Where:
Mv = mitigation volume
SWQDv = runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, *whichever is greater*
Rv = the volume of storm water runoff reliably retained on-site.

(3) Ground Water Replenishment Projects

The City of Long Beach may propose, in their Watershed Management Program or EWMP, regional projects to replenish regional ground water supplies at offsite locations, provided the groundwater supply has a designated beneficial use in the Basin Plan.

(a) Regional groundwater replenishment projects must use infiltration, ground water replenishment, or bioretention BMPs to intercept a volume of storm water runoff equal to the SWQDv for new development and redevelopment projects, subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls, within the approved project area, and

(b) Provide pollutant reduction (treatment) of the storm water runoff discharged from development projects, within the project area, subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution in accordance with the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(c) Where the City of Long Beach elects to implement a regional ground water replenishment project in lieu of onsite controls, it shall ensure the volume of runoff captured by the project shall be equal to:

Equation 2:

$$Mv = 1.0 * [SWQDv - Rv]$$

Where:
Mv = mitigation volume
SWQDv = runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, whichever is greater
Rv = the volume of storm water runoff reliably retained on-site.

(d) Regional groundwater replenishment projects shall be located in the same sub-watershed (defined as draining to the same HUC-12 hydrologic area in the Basin Plan, or HUC-12 equivalent area) as the new development or redevelopment projects which did not implement on site retention BMPs . The City of Long

Beach may consider locations outside of the HUC-12 but within the HUC-10 subwatershed area if there are no opportunities within the HUC-12 subwatershed or if greater pollutant reductions and/or ground water replenishment can be achieved at a location within the expanded HUC-10 subwatershed. The use of a mitigation, ground water replenishment, or retrofit project outside of the HUC-12 subwatershed is subject to the approval of the Executive Officer of the Regional Water Board.

(4) Offsite Project - Retrofit Existing Development

Use infiltration, bioretention, rainfall harvest and use and/or biofiltration BMPs to retrofit an existing development, with similar land uses as the new development or land uses associated with comparable or higher storm water runoff event mean concentrations (EMCs) than the new development. Comparison of EMCs for different land uses shall be based on published data from studies performed in southern California. The retrofit plan shall be designed and constructed to:

(a) Intercept a volume of storm water runoff equal to the mitigation volume (Mv) as described above in Equation 2, except biofiltration BMPs shall be designed to meet the biofiltration volume as described in Equation 1 and

(b) Provide pollutant reduction (treatment) of the storm water runoff from the project site as described in the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(5) Conditions for Offsite Projects

(a) Project applicants seeking to utilize these alternative compliance provisions may propose other offsite projects, which the City of Long Beach may approve if they meet the requirements of this subpart.

(b) Location of offsite projects. Offsite projects shall be located in the same sub-watershed (defined as draining to the same HUC-12 hydrologic area in the Basin Plan) as the new development or redevelopment project. The City of Long Beach may consider locations outside of the HUC-12 but within the HUC-10 subwatershed area if there are no opportunities within the HUC-12 subwatershed or if greater pollutant reductions and/or ground water replenishment can be achieved at a location within the expanded HUC-10 subwatershed. The use of a mitigation, ground water replenishment, or retrofit project outside of the HUC-12 subwatershed is subject to the approval of the Executive Officer of the Regional Water Board.

(c) Project applicant must demonstrate that equal benefits to ground water recharge cannot be met on the project site.

(d) The City of Long Beach shall develop a prioritized list of offsite mitigation, ground water replenishment and/or retrofit projects, and when feasible, the mitigation must be directed to the

highest priority project within the same HUC-12 or if approved by the Regional Water Board Executive Officer, the HUC-10 drainage area, as the new development project.

(e) Infiltration/bioretention shall be the preferred LID BMP for offsite mitigation or ground water replenishment projects. Offsite retrofit projects may include green streets, parking lot retrofits, green roofs, and rainfall harvest and use. Biofiltration BMPs may be considered for retrofit projects when infiltration, bioretention or rainfall harvest and use is technically infeasible.

(f) The City of Long Beach shall develop a schedule for the completion of offsite projects, including milestone dates to identify, fund, design, and construct the projects. Offsite projects shall be completed as soon as possible, and at the latest, within 4 years of the certificate of occupancy for the first project that contributed funds toward the construction of the offsite project, unless a longer period is otherwise authorized by the Executive Officer of the Regional Water Board. For public offsite projects, the City of Long Beach must provide in their annual reports a summary of total offsite project funds raised to date and a description (including location, general design concept, volume of water expected to be retained, and total estimated budget) of all pending public offsite projects. Funding sufficient to address the offsite volume must be transferred to the City of Long Beach (for public offsite mitigation projects) or to an escrow account (for private offsite mitigation projects) within one year of the initiation of construction.

(g) Offsite projects must be approved by the City of Long Beach and may be subject to approval by the Regional Water Board Executive Officer, if a third-party petitions the Executive Officer to review the project. Offsite projects will be publicly noticed on the Regional Water Board's website for 30 days prior to approval.

(h) The project applicant must perform the offsite projects as approved by either the City of Long Beach or the Regional Water Board Executive Officer or provide sufficient funding for public or private offsite projects to achieve the equivalent mitigation storm water volume.

(6) Regional Storm Water Mitigation Program

The City of Long Beach may apply to the Regional Water Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly for New and Redevelopment requirements for the area covered by the regional or sub-regional storm water mitigation program. Upon review and a determination by the Regional Water Board Executive Officer that the proposal is technically valid and appropriate, the Regional Water Board may consider for approval such a program if its implementation meets all of the following requirements:

(a) Retains the runoff from the 85th percentile, 24-hour rain event or the 0.75 inch, 24-hour rain event, whichever is greater;
(b) Results in improved storm water quality;
(c) Protects stream habitat;
(d) Promotes cooperative problem solving by diverse interests;
(e) Is fiscally sustainable and has secure funding; and
(f) Is completed in five years including the construction and start-up of treatment facilities.
(g) Nothing in this provision shall be construed as to delay the implementation of requirements for new and redevelopment, as approved in this Order.

(7) Water Quality Mitigation Criteria

(a) The City of Long Beach shall require all new development and redevelopment projects that have been approved for offsite mitigation or ground water replenishment projects as defined in Part VII.J.4.ii-iii to also provide treatment of storm water runoff from the project site. The City of Long Beach shall require these projects to design and implement post-construction storm water BMPs and control measures to reduce pollutant loading as necessary to:

(i) Meet the pollutant specific benchmarks listed in Table 10 at the treatment systems outlet or prior to the discharge to the MS4, and

(ii) Ensure that the discharge does not cause or contribute to an exceedance of water quality standards at the City of Long Beach's downstream MS4 outfall.

(b) The City of Long Beach may allow the project proponent to install flow-through modular treatment systems including sand filters, or other proprietary BMP treatment systems with a demonstrated efficiency at least equivalent to a sand filter. The sizing of the flow through treatment device shall be based on a rainfall intensity of:

(i) 0.2 inches per hour, or

(ii) The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, *whichever is greater*.

(c) In addition to the requirements for controlling pollutant discharges as described in Part VII.J.4.iii and the treatment benchmarks described above, the City of Long Beach shall ensure that the new development or redevelopment will not cause or contribute to an exceedance of applicable water quality-based effluent limitations established in Part VIII pursuant to Total Maximum Daily Loads (TMDLs).

Table 10. Benchmarks Applicable to New Development Treatment BMPs[20]

Conventional Pollutants	Effluent Concentration (mg/l)
Suspended Solids	14
Total P	0.13
Total N	1.28
TKN	1.09
Metals	
Total Cd	0.3
Total Cu	6
Total Cr	2.8
Total Pb	2.5
Total Zn	23

iv. Watershed Equivalence

Regardless of the methods through which Discharger allow project applicants to implement alternative compliance measures, the subwatershed-wide (defined as draining to the same HUC-12 hydrologic area in the Basin Plan, or HUC-12 equivalent) result of all development must be at least the same level of water quality protection as would have been achieved if all projects utilizing these alternative compliance provisions had complied with Part VII.J.4.i (Integrated Water Quality/Flow Reduction/Resource Management Criteria).

v. Reporting

The City of Long Beach shall provide in their annual report to the Regional Water Board a list of mitigation project descriptions and estimated pollutant and flow reduction analyses (compiled from design specifications submitted by project applicants and approved by the City of Long Beach). Within 4 years of Order adoption, the City of Long Beach must submit in their annual report, a comparison of the expected

[20] The treatment control BMP performance benchmarks were developed from the median effluent water quality values of the six highest performing BMPs, per pollutant, in the storm water BMP database (http://www.bmpdatabase.org/, last visited September 25, 2012).

aggregate results of alternative compliance projects to the results that would otherwise have been achieved by retaining on site the SWQDv.

5. Implementation

i. Local Ordinance Equivalence On November 16, 2010, the City of Long Beach adopted LID regulations under Ordinance No. ORD-10-0035~~.~~;amended on November 12, 2013 by ORD-13-0024. The Ordinance expanded the category of projects subject to post-construction BMPs to include ~~all development and redevelopment projects that create, add, or replace 500 square feet or more of~~any new development or redevelopment that results in the replacement of more than fifty (50%) of an existing building structure, or impervious cover. The Ordinance requires all projects, with the exception of small scale residential development projects to utilize stormwater management techniques that must be properly sized, at a minimum, to infiltrate, evapotranspire, store for use, without any stormwater runoff leaving the site to the maximum extent feasible, for at least the volume of water produced by the water quality design storm event. Provided the City of Long Beach condition projects in Part VII.J.2 and Part VII.J.3 to include a retention requirement numerically equal to the 0.75-inch, 24-hour rain event or the 85th percentile, 24-hour rain event, whichever is greater, the City of Long Beach may submit documentation to the Regional Water Board that the alternative requirements in the local ordinance will provide equal or greater reduction in storm water discharge pollutant loading and volume as would have been obtained through strict conformance with Part VII.J.4.i (Integrated Water Quality/Flow Reduction Resources Management Criteria) or Part VII.J.4.ii (Alternative Compliance Measures for Technical Infeasibility or Opportunity for Regional Ground water Replenishment) of this Order and request that the City of Long Beach be allowed to implement Ordinance no. ORD-10-0035, as amended on November 12, 2013 by ORD-13-0024 in lieu of requirements in Part VII.J.

(1) Documentation shall be submitted within 60 days after the effective date of this Order.

(2) The Regional Water Board shall provide public notice of the proposed equivalency determination and a minimum 30-day period for public comment. After review and consideration of public comments, the Regional Water Board Executive Officer will determine whether implementation of the local ordinance provides equivalent pollutant control to the applicable provisions of this Order. Local ordinances that do not strictly conform to the provisions of this Order must be approved by the Regional Water Board Executive Officer as being "equivalent" in effect to the applicable provisions of this Order in order to substitute for the requirements in Part VII.J.~~4.i and, where applicable, Part VII.J.4.iv.~~

(3) Where the Regional Water Board Executive Officer determines that a the City of Long Beach's local LID ordinance does not provide equivalent pollutant control, the City of Long Beach shall either

(a) Require conformance with Part VII.J.4~~.i and where applicable, Part VII.J.4.iv~~, or

(b) Update its local ordinance to conform to the requirements herein within one year of the effective date of this Order.

ii. Project Coordination

(1) The City of Long Beach shall facilitate a process for effective approval of post-construction storm water control measures. The process shall include:

(a) Detailed LID site design and BMP review including BMP sizing calculations, BMP pollutant removal performance, and municipal approval; and

(b) An established structure for communication and delineated authority between and among municipal departments that have jurisdiction over project review, plan approval, and project construction through memoranda of understanding or an equivalent agreement.

iii. Maintenance Agreement and Transfer

(1) Prior to issuing approval for final occupancy, the City of Long Beach shall require that all new development and redevelopment projects subject to post-construction BMP requirements, with the exception of simple LID BMPs implemented on single family residences, provide an operation and maintenance plan, monitoring plan, where required, and verification of ongoing maintenance provisions for LID practices and Treatment Control BMPs, including but not limited to: final map conditions, legal agreements, covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/ or other legally binding maintenance agreements. The City of Long Beach shall require

maintenance records be kept on site for treatment BMPs implemented on single family residences.

(a) Verification at a minimum shall include the developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either:

(i) A signed statement from the public entity assuming responsibility for BMP maintenance; or

(ii) Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for BMP maintenance and conduct a maintenance inspection at least once a year; or

(iii) Written text in project covenants, conditions, and restrictions (CCRs) for residential properties assigning BMP maintenance responsibilities to the Home Owners Association; or

(iv) Any other legally enforceable agreement or mechanism that assigns responsibility for the maintenance of BMPs.

(b) The City of Long Beach shall require all development projects subject to post-construction BMP requirements to provide a plan for the operation and maintenance of all structural and treatment controls. The plan shall be submitted for examination of relevance to keeping the BMPs in proper working order. Where BMPs are transferred to the City for ownership and maintenance, the plan shall also include all relevant costs for upkeep of BMPs in the transfer. Operation and Maintenance plans for private BMPs shall be kept on-site for periodic review by City or Regional Water Board inspectors.

iv. Tracking, Inspection, and Enforcement of Post-Construction BMPs

(1) The City of Long Beach shall implement a tracking system and an inspection and enforcement program for new development and redevelopment post-construction storm water no later than 60 days after Order adoption date.

(a) Implement a GIS or other electronic system for tracking projects that have been conditioned for post-construction BMPs. The electronic system, at a minimum, should contain the following information:

(i) Municipal Project ID

(ii) State WDID No.

(iii) Project Acreage

(iv) BMP Type and Description

(v) BMP Location (coordinates)

(vi) Date of Acceptance

(vii) Date of Maintenance Agreement

(viii) Maintenance Records

(ix) Inspection Date and Summary

(x) Corrective Action

(xi) Date Certificate of Occupancy Issued

(xii) Replacement or Repair Date

(b) Inspect all development sites upon completion of construction and prior to the issuance of occupancy certificates to ensure proper installation of LID measures, structural BMPs and treatment control BMPs. The inspection may be combined with other inspections provided it is conducted by trained personnel.

(c) Verify proper maintenance and operation of post-construction BMPs previously approved for new development and redevelopment and operated by the City of Long Beach. The post-construction BMP maintenance inspection program shall incorporate the following elements:

(i) The development of a Post-construction BMP Maintenance Inspection checklist

(ii) Inspection at least once every 2 years after project completion, of post-construction BMPs to assess operation conditions with particular attention to criteria and procedures for post-construction treatment control BMP repair, replacement, or re-vegetation.

(d) For post-construction BMPs operated and maintained by parties other than the City of Long Beach, the City of Long Beach shall require the other parties to document proper maintenance and operations.

(e) Undertake enforcement action per the established Progressive Enforcement Policy as appropriate based on the results of the inspection. See Part VII.D.2 for requirements for the development and implementation of a Progressive Enforcement Policy.

K. Construction Program

1. The City of Long Beach shall develop and implement an enforceable erosion and sediment control program including establishing ordinances for all construction sites that disturb soil that:

i. Prevents illicit construction-related discharges of pollutants into the MS4 and receiving waters.

ii. Implements and maintains structural and non-structural BMPs to reduce pollutants in storm water runoff from construction sites.

iii. Reduces construction site discharges of pollutants to the MS4 to the MEP.

iv. Prevents construction site discharges to the MS4 from causing or contributing to a violation of water quality standards.

v. Construction Program Applicability

The provisions contained in Part VII.~~J~~K.6.vi below apply exclusively to construction sites less than 1 acre. Provisions contained in Part VII.~~J~~K.6.vii-xii apply exclusively to construction sites 1 acre or greater. The requirements contained in this part apply to all activities involving soil disturbance with the exception of agricultural activities. Activities covered by this permit include but are not limited to grading, vegetation clearing, soil compaction, paving, re-paving and linear underground/overhead projects (LUPs).

vi. Requirements for Construction Sites Less than One Acre

(1) Through the use of the City of Long Beach's erosion and sediment control ordinance or and/or building permit, require the implementation of an effective combination of erosion and sediment control BMPs from Table 11 to prevent erosion and sediment loss, and the discharge of construction wastes.

Table 11. Applicable Set of BMPs for All Construction Sites

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Site Entrance/Exit
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

(2) Possess the ability to identify all construction sites with soil disturbing activities that require a permit, regardless of size, and shall be able to provide a list of permitted sites upon request of the Regional Water Board. The City of Long Beach may use existing

permit databases or other tracking systems to comply with these requirements.

(3) Inspect construction sites on as needed based on the evaluation of the factors that are a threat to water quality. In evaluating the threat to water quality, the following factors shall be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and any water quality issues relevant to the particular MS4.

(4) Implement the City of Long Beach's Progressive Enforcement Policy to ensure that construction sites are brought into compliance with the erosion and sediment control ordinance within a reasonable time period. See Part VII.D.2 for requirements for the development and implementation of a Progressive Enforcement Policy.

vii. The City of Long Beach shall require operators of public and private construction sites within its jurisdiction to select, install, implement, and maintain BMPs that comply with its erosion and sediment control ordinance.

viii. The requirements contained in this part apply to all activities involving soil disturbance with the exception of agricultural activities. Activities covered by this permit include but are not limited to grading, vegetation clearing, soil compaction, paving, re-paving and linear underground/overhead projects (LUPs).

ix. Construction Site Inventory / Electronic Tracking System

(1) The City of Long Beach shall use an electronic system to inventory grading permits, encroachment permits, demolition permits, building permits, or construction permits (and any other municipal authorization to move soil and/ or construct or destruct that involves land disturbance) issued by the City of Long Beach. To satisfy this requirement, the use of a database or GIS system is recommended.

(2) The City of Long Beach shall complete an inventory and continuously update as new sites are permitted and sites are completed. The inventory / tracking system shall contain, at a minimum:

(a) Relevant contact information for each project (e.g., name, address, phone, email, etc. for the owner and contractor.

(b) The basic site information including location, status, size of the project and area of disturbance.

(c) The proximity all water bodies, water bodies listed as impaired by sediment-related pollutants, and water bodies for which a sediment-related TMDL has been adopted and approved by USEPA.

(d) Significant threat to water quality status, based on consideration of factors listed in Appendix 1 to the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit).

(e) Current construction phase where feasible.

(f) The required inspection frequency.

(g) The project start date and anticipated completion date.

(h) Whether the project has submitted a Notice of Intent and obtained coverage under the Construction General Permit.

(i) The date the City of Long Beach approved the erosion and sediment control plan (ESCP).

(j) Post-construction structural BMPs subject to operation and maintenance Requirements.

x. Construction Plan Review and Approval Procedures

(1) The City of Long Beach shall develop procedures to review and approve relevant construction plan documents.

(2) The review procedures shall be developed and implemented such that the following minimum requirements are met:

(a) Prior to issuing a grading or building permit, the City of Long Beach shall require each operator of a construction activity within its jurisdiction to prepare and submit an ESCP prior to the disturbance of land for the City of Long Beach's review and written approval. The construction site operator shall be prohibited from commencing construction activity prior to receipt of written approval by the City of Long Beach. The City of Long Beach shall not approve any ESCP unless it contains appropriate site-specific construction site BMPs that meet the minimum requirements of the City's erosion and sediment control ordinance.

(b) ESCPs must include the elements of a Storm Water Pollution Prevention Plan (SWPPP). SWPPPs prepared in accordance with the requirements of the Construction General Permit can be accepted as ESCPs.

(c) At a minimum, the ESCP must address the following elements:

(i) Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside of the disturbed area.

(ii) Methods used to protect native vegetation and trees.

(iii) Sediment/Erosion Control.

(iv) Controls to prevent tracking on and off the site.

(v) Non-storm water controls (e.g., vehicle washing, dewatering, etc.).

(vi) Materials Management (delivery and storage).

(vii) Spill Prevention and Control.

(viii) Waste Management (e.g., concrete washout/waste management; sanitary waste management).

(ix) Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.

(d) The ESCP must include the rationale for the selection and design of the proposed BMPs, including quantifying the expected soil loss from different BMPs.

(e) The City of Long Beach shall require that the ESCP is developed and certified by a Qualified SWPPP Developer (QSD).

(f) The City of Long Beach shall require that all structural BMPs be designed by a licensed California Engineer.

(g) The City of Long Beach shall require that for all sites, the landowner or the landowner's agent sign a statement on the ESCP as follows:

(i) "I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/ or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/ or adequately implement the ESCP may result in revocation of grading and/ or other permits or other sanctions provided by law."

(3) Prior to issuing a grading or building permit, the City of Long Beach must verify that the construction site operators have existing coverage under applicable permits, including, but not limited to the State Water Board's Construction General Permit, and State Water Board 401 Water Quality Certification.

(4) The City of Long Beach shall develop and implement a checklist to be used to conduct and document review of each ESCP.

xi. BMP Implementation Level

(1) The City of Long Beach shall implement technical standards for the selection, installation and maintenance of construction BMPs for all construction sites within its jurisdiction.

(2) The BMP technical standards shall require:

(a) The use of BMPs that are tailored to the risks posed by the project. Sites are to be ranked from Low Risk (Risk 1) to High Risk (Risk 3). Project risks are to be calculated based on the potential for erosion from the site and the sensitivity of the receiving water body. Receiving water bodies that are listed on the Clean Water Act (CWA) Section 303(d) list for sediment or siltation are considered High Risk. Likewise, water bodies with designated beneficial uses of SPWN, COLD, and MIGR are also considered to be High Risk. The combined (sediment/receiving water) site risk shall be calculated using the methods provided in Appendix 1 of the Construction General Permit. At a minimum, the BMP technical standards shall include requirements for High Risk sites as defined in Table 1~~2~~4.

(b) The use of BMPs for all construction sites, sites equal or greater to 1 acre, and for paving projects per Tables 13 and 15 of this Order.

(c) Detailed installation designs and cut sheets for use within ESCPs.

(d) Maintenance expectations for each BMP, or category of BMPs, as appropriate.

(3) The City of Long Beach is encouraged to adopt respective BMPs from latest versions of the *California BMP Handbook, Construction* or *Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices (BMPs) Manual* and addenda. Alternatively, the City is authorized to develop or adopt equivalent BMP standards consistent for Southern California and for the range of activities presented below in Tables 12 through 15.

(4) The local BMP technical standards shall be readily available to the development community and shall be clearly referenced within the City of Long Beach's storm water or development services website, ordinance, permit approval process and/or ESCP review forms. The local BMP technical standards shall also be readily available to the Regional Water Board upon request.

(5) Local BMP technical standards shall be available for the following:

Table 12. Minimum BMPs for All Construction Sites

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
~~Erosion Controls~~	~~Sand Bag Barrier~~
	~~Stabilized Construction Exit/Entrance~~
~~Sediment Controls~~ Management	~~Water Conservation~~ Practices
	~~Dewatering Operations~~
Waste Management	~~Material Delivery and Storage~~
~~Non-Storm water Management~~	~~Water Conservation Practices~~
	~~Spill Prevention and Control~~
~~Waste Management~~	~~Material Delivery and Storage~~
	~~Stockpile Management~~
	~~Spill Prevention and Control~~
	~~Solid Waste Management~~
	~~Sanitary/Septic Waste Management~~

Table 13. Additional BMPs for Construction Sites Disturbing ≥ 1 Acre

Erosion Controls	Hydraulic Mulch
	Hydroseeding
	Soil Binders
	Straw Mulch
	Geotextiles and Mats
	Wood Mulching
Sediment Controls	Fiber Rolls
	Gravel Bag Berm
	Street Sweeping and/ or Vacuum
	Storm Drain Inlet Protection
	Scheduling
	Check Dam
Additional Controls	Wind Erosion Controls
	Stabilized Construction Entrance/ Exit
	Stabilized Construction Roadway
	Entrance/ Exit Tire Wash
Non-Storm water Management	Vehicle and Equipment Washing
	Vehicle and Equipment Fueling
	Vehicle and Equipment Maintenance
Waste Management	Material Delivery and Storage
	Spill Prevention and Control

~~(5)~~

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Table 14. Additional BMPs for High Risk Sites

Erosion Controls	Hydraulic Mulch
	Hydroseeding
	Soil Binders
	Straw Mulch
	Geotextiles and Mats
	Wood Mulching
	Slope Drains
Sediment Controls	Silt Fence
	Fiber Rolls
	Sediment Basin
	Check Dam
	Gravel Bag Berm
	Street Sweeping and/or Vacuum
	Sand Bag Barrier
	Storm Drain Inlet Protection
Additional Controls	Wind Erosion Controls
	Stabilized Construction Entrance/Exit
	Stabilized Construction Roadway
	Entrance/Exit Tire Wash
	Advanced Treatment Systems (applies to public roadway projects)
Non-Storm water Management	Water Conservation Practices
	Dewatering Operations (Ground water dewatering only under NPDES Permit No. CAG994004)
	Vehicle and Equipment Washing
	Vehicle and Equipment Fueling
	Vehicle and Equipment Maintenance
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management

Table 15. Minimum BMPs for Roadway Paving or Repair Operation (Private or Public Projects

Restrict paving and repaving activity to exclude periods of rainfall or predicted rainfall unless required by emergency conditions.
Install gravel bags and filter fabric or other equivalent inlet protection at all susceptible storm drain inlets and at manholes to prevent spills of paving products and tack coat.
Prevent the discharge of release agents including soybean oil, other oils, or diesel to the storm water drainage system or receiving waters.
Minimize non storm water runoff from water use for the roller and for evaporative cooling of the asphalt.
Clean equipment over absorbent pads, drip pans, plastic sheeting or other material to capture all spillage and dispose of properly.
Collect liquid waste in a container, with a secure lid, for transport to a maintenance facility to be reused, recycled or disposed of properly.
Collect solid waste by vacuuming or sweeping and securing in an appropriate container for transport to a maintenance facility to be reused, recycled or disposed of properly.
Cover the “cold-mix” asphalt (i.e., pre-mixed aggregate and asphalt binder) with protective sheeting during a rainstorm.
Cover loads with tarp before haul-off to a storage site, and do not overload trucks.
Minimize airborne dust by using water spray or other approved dust suppressant during grinding.
Avoid stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near storm water drainage system or receiving waters.
Protect stockpiles with a cover or sediment barriers during a rain.

xii. Construction Site Inspection

1. The City of Long Beach shall use its legal authority to implement procedures for inspecting public and private construction sites.

2. The inspection procedures shall be implemented as follows:

(1) Inspect the public and private construction sites as specified in Table 16 below:

Table 16. Inspection Frequencies for Sites ≥1 Acre

Site	Inspection Frequency Shall Occur
All sites 1 acre or larger that discharge to a tributary listed by the state as an impaired water for sediment or turbidity under the CWA Section 303(d)	(1) when two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA[21], (2) within 48 hours of a ½-inch rain event and at (3) least once every two weeks
Other sites 1 acre or more determined to be a significant threat to water quality[22]	
All other construction sites with 1 acre or more of soil disturbance not meeting the criteria above	At least monthly

(2) The City of Long Beach shall inspect all phases of construction as follows:

(a) Prior to Land Disturbance

Prior to allowing an operator to commence land disturbance, the City of Long Beach shall perform an inspection to ensure all necessary erosion and sediment structural and non-structural BMP materials and procedures are available per the erosion and sediment control plan.

(b) During Active Construction, including Land Development[23] and Vertical Construction[24]

In accordance with the frequencies specified in Part VII.J.6.xii and Table 10 of this Order, the City of Long Beach shall perform an inspection to ensure all necessary erosion and sediment structural and non-structural BMP materials and procedures are available per the erosion and sediment control plan throughout the construction process.

(c) Final Landscaping / Site Stabilization[25]

At the conclusion of the project and as a condition of approving and/or issuing a Certificate of Occupancy, the City of Long

[21] www.srh.noaa.gov/forecast

[22] In evaluating the threat to water quality, the following factors shall be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and any water quality issues relevant to the particular MS4.

[23] Activities include cuts and fills, rough and finished grading; alluvium removals; canyon cleanouts; rock undercuts; keyway excavations; stockpiling of select material for capping operations; and excavation and street paving, lot grading, curbs, gutters and sidewalks, public utilities, public water facilities including fire hydrants, public sanitary sewer systems, storm sewer system and/or other drainage improvement.

[24] The build out of structures from foundations to roofing, including rough landscaping.

[25] All soil disturbing activities at each individual parcel within the site have been completed.

Beach shall inspect the constructed site to ensure that all graded areas have reached final stabilization and that all trash, debris, and construction materials, and temporary erosion and sediment BMPs are removed.

(d) Based on the required frequencies above, each construction project shall be inspected a minimum of three times.

(e) Inspection Standard Operating Procedures
The City of Long Beach shall develop, implement, and revise as necessary, standard operating procedures that identify the inspection procedures the City of Long Beach will follow. Inspections of construction sites, and the standard operating procedures, shall include, but are not limited to:

(i) Verification of active coverage under the Construction General Permit for sites disturbing 1 acre or more, or that are part of a planned development that will disturb 1 acre or more and a process for referring non-filers to the Regional Water Board.

(ii) Review of the applicable ESCP and inspection of the construction site to determine whether all BMPs have been selected, installed, implemented, and maintained according to the approved plan and subsequent approved revisions.

(iii) Assessment of the appropriateness of the planned and installed BMPs and their effectiveness.

(iv) Visual observation and record keeping of non-storm water discharges, potential illicit discharges and connections, and potential discharge of pollutants in storm water runoff.

(v) Development of a written or electronic inspection report generated from an inspection checklist used in the field.

(vi) Tracking of the number of inspections for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at the minimum frequencies required in Table 16 of this Order.

xiii. Enforcement

The City of Long Beach shall implement its Progressive Enforcement Policy to ensure that construction sites are brought into compliance with all storm water requirements within a reasonable time period. See Part VII.D.2 for requirements for the development and implementation of a progressive enforcement policy.

xiv. Staff Training

(1) The City of Long Beach shall ensure that all staff whose primary job duties are related to implementing the construction storm water program are adequately trained.

(2) The City of Long Beach may conduct in-house training or contract with consultants. Training shall be provided to the following staff positions of the MS4:

(a) Plan Reviewers and Permitting Staff

Ensure staff and consultants are trained as qualified individuals, knowledgeable in the technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program. The City of Long Beach may provide internal training to staff or require staff to obtain QSD certification.

(b) Erosion Sediment Control/Storm Water Inspectors

The City of Long Beach shall ensure that its inspectors are knowledgeable in inspection procedures consistent with the State Water Board sponsored program QSD or a Qualified SWPPP Practitioner (QSP) or that a designated person on staff who has been trained in the key objectives of the QSD/QSP programs supervises inspection operations. The City of Long Beach may provide internal training to staff or require staff to obtain QSD/QSP certification. Each inspector must be knowledgeable of the local BMP technical standards and ESCP requirements.

(c) Third-Party Plan Reviewers, Permitting Staff, and Inspectors

If the City of Long Beach utilizes outside parties to conduct inspections and/or review plans, the City of Long Beach shall ensure these staff are trained per the requirements listed above. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

L. Public Agency Activities Program

1. The City of Long Beach shall implement a Public Agency Activities Program to minimize storm water pollution impacts from City-owned or operated facilities and activities and to identify opportunities to reduce storm water pollution impacts from areas of existing development. Requirements for Public Agency Facilities and Activities consist of the following components:

i. Public Construction Activities Management

ii. Public Facility Inventory

iii. Inventory of Existing Development for Retrofitting Opportunities

iv. Public Facility and Activity Management

v. Vehicle and Equipment Wash Areas

vi. Landscape, Park, and Recreational Facilities Management

vii. Storm Drain Operation and Maintenance

viii. Streets, Roads, and Parking Facilities Maintenance

ix. Emergency Procedures

x. Municipal Employee and Contractor Training

2. Public Construction Activities Management

i. The City of Long Beach shall implement and comply with the Planning and Land Development Program requirements in Part VII.J of this Order at City-owned or operated (i.e., public or City sponsored) construction projects that are categorized under the project types identified in Part VII.J.2-3 of this Order.

ii. The City of Long Beach shall implement and comply with the appropriate Development Construction Program requirements in Part VII.~~J.6.xii~~K of this Order at City-owned or operated construction projects as applicable.

iii. For City-owned or operated projects (including those under a capital improvement project plan) that disturb less than one acre of soil, the City of Long Beach shall require an effective combination of erosion and sediment control BMPs from Table 12 (see Construction Development Program, minimum BMPs).

iv. The City of Long Beach shall obtain separate coverage under the Construction General Permit for all City-owned or operated construction sites that require coverage.

3. Public Facility Inventory

i. The City of Long Beach shall maintain an updated inventory of all City-owned or operated (i.e., public) facilities within its jurisdiction that are potential sources of storm water pollution. The incorporation of facility information into a GIS is recommended. Sources to be tracked include but are not limited to the following:

(1) Animal control facilities

(2) Chemical storage facilities

(3) Composting facilities

(4) Equipment storage and maintenance facilities (including landscape maintenance-related operations)

(5) Fueling or fuel storage facilities (including municipal airports)

(6) Hazardous waste disposal facilities

(7) Hazardous waste handling and transfer facilities

(8) Incinerators

(9) Landfills

(10) Materials storage yards

(11) Pesticide storage facilities

(12) Fire stations

(13) Public restrooms

(14) Public parking lots

(15) Public golf courses

(16) Public swimming pools

(17) Public parks

(18) Public works yards

(19) Public marinas

(20) Recycling facilities

(21) Solid waste handling and transfer facilities

(22) Vehicle storage and maintenance yards

(23) Storm water management facilities (e.g., detention basins)

(24) All other City-owned or operated facilities or activities that the City of Long Beach determines may contribute a substantial pollutant load to the MS4.

ii. The City of Long Beach shall include the following minimum fields of information for the City of Long Beach-owned or operated facility in its inventory.

(1) Name of facility

(2) Name of facility manager and contact information

(3) Address of facility (physical and mailing)

(4) A narrative description of activities performed and potential pollution sources.

(5) Coverage under the Industrial General Permit or other individual or general NPDES permits or any applicable waiver issued by the Regional or State Water Board pertaining to storm water discharges.

iii. The City of Long Beach shall update its inventory at least once during the 5-year term of the Order. The update shall be accomplished through collection of new information obtained through field activities or through other readily available inter and intra-agency informational databases (e.g., property management, land-use approvals, accounting and depreciation ledger account, and similar information).

4. Inventory of Existing Development for Retrofitting Opportunities

i. The City of Long Beach shall develop an inventory of retrofitting opportunities that meets the requirements of this Part VII.~~K~~L.4. Retrofit opportunities shall be identified within the public right-of-way or in coordination with a TMDL implementation plan(s). The goals of the existing development retrofitting inventory are to address the impacts of existing development through regional or sub-regional retrofit projects that reduce the discharges of storm water pollutants into the MS4 and prevent discharges from the MS4 from causing or contributing to a violation of water quality standards as defined in Part VI (Receiving Water Limitations).

ii. The City of Long Beach shall screen existing areas of development to identify candidate areas for retrofitting using watershed models or other screening level tools.

iii. The City of Long Beach shall evaluate and rank the areas of existing development identified in the screening to prioritize retrofitting candidates. Criteria for evaluation may include but are not limited to:

(1) Feasibility, including general private and public land availability;

(2) Cost effectiveness;

(3) Pollutant removal effectiveness;

(4) Tributary area potentially treated;

(5) Maintenance requirements;

(6) Landowner cooperation;

(7) Neighborhood acceptance;

(8) Aesthetic qualities;

(9) Efficacy at addressing concern; and

(10) Potential improvements to public health and safety.

iv. The City of Long Beach shall consider the results of the evaluation in the following programs:

(1) The City of Long Beach's storm water management program: Highly feasible projects expected to benefit water quality should be given a high priority to implement source control and treatment control BMPs in the City's SWMP.

(2) Off-site mitigation for New Development and Redevelopment: The City of Long Beach shall consider high priority retrofit projects as candidates for off-site mitigation projects per part VII.J.4.iii(4).

(3) Where feasible, at the discretion of the City of Long Beach, the existing development retrofitting program may be coordinated with flood control projects and other infrastructure improvement programs per Part VII.~~K~~L.5.ii(2) below.

v. The City of Long Beach shall cooperate with private landowners to encourage site specific retrofitting projects. The City of Long Beach shall consider the following practices in cooperating with private landowners to retrofit existing development:

(1) Demonstration retrofit projects;

(2) Retrofits on public land and easements that treat runoff from private developments;

(3) Education and outreach;

(4) Subsidies for retrofit projects;

(5) Requiring retrofit projects as enforcement, mitigation or ordinance compliance;

(6) Public and private partnerships;

(7) Fees for existing discharges to the MS4 and reduction of fees for retrofit implementation.

5. Public Agency Facility and Activity Management

i. The City of Long Beach shall obtain separate coverage under the Industrial General Permit for all City-owned or operated facilities where industrial activities are conducted that require coverage under the Industrial General Permit.

ii. The City of Long Beach shall implement the following measures for City- owned and operated flood management projects:

(1) Develop procedures to assess the impacts of flood management projects on the water quality of receiving water bodies; and

(2) Evaluate existing structural flood control facilities to determine if retrofitting the facility to provide additional pollutant removal from storm water is feasible.

iii. The City of Long Beach shall ensure the implementation and maintenance of activity specific BMPs listed in Table 17 (BMPs for Public Agency Facilities and Activities) or an equivalent set of BMPs when such activities occur at City-owned or operated facilities and field activities (e.g., project sites) including but not limited to the facility types listed in Part VII.~~K~~L.3 above, and at any area that includes the activities described in Table 1~~1~~7, or that have the potential to discharge pollutants in storm water.

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iv. Any contractors hired by the City of Long Beach to conduct Public Agency Activities including, but not limited to, storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair shall be contractually required to implement and maintain the activity specific BMPs listed in Table 1~~1~~7. The City of Long Beach shall conduct oversight of contractor activities to ensure these BMPs are implemented and maintained.

v. City-owned or operated facilities that have obtained coverage under the Industrial General Permit shall implement and maintain BMPs consistent with the associated SWPPP and are therefore not required to implement and maintain the activity specific BMPs listed in Table 1~~1~~7.

vi. Effective source control BMPs for the activities listed in Table 1~~1~~7 shall be implemented at City-owned or operated facilities, unless the pollutant generating activity does not occur. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a significant ecological area (SEA, see Attachment A for definition), a water body subject to TMDL provisions in Part VIII, or a CWA Section 303(d) listed water body (see Part VIII below). Likewise, for those BMPs that are not adequately protective of water quality standards, the City may require additional site-specific controls.

Table 17. BMPs for Public Agency Facilities and Activities

General and Activity Specific BMPs	
General BMPs	Scheduling and Planning
	Spill Prevention and Control
	Sanitary/Septic Waste Management
	Material Use
	Safer Alternative Products
	Vehicle/Equipment Cleaning, Fueling and Maintenance
	Illicit Connection Detection, Reporting and Removal
	Illegal Spill Discharge Control
	Maintenance Facility Housekeeping Practices
Flexible Pavement	Asphalt Cement Crack and Joint Grinding/ Sealing
	Asphalt Paving
	Structural Pavement Failure (Digouts) Pavement Grinding and Paving
	Emergency Pothole Repairs
	Sealing Operations
Rigid Pavement	Portland Cement Crack and Joint Sealing
	Mudjacking and Drilling
	Concrete Slab and Spall Repair
Slope/ Drains/ Vegetation	Shoulder Grading
	Non-landscaped Chemical Vegetation Control
	Non-landscaped Mechanical Vegetation Control/ Mowing
	Non-landscaped Tree and Shrub Pruning, Brush Chipping, Tree and Shrub Removal
	Fence Repair
	Drainage Ditch and Channel Maintenance
	Drain and Culvert Maintenance

General and Activity Specific BMPs	
	Curb and Sidewalk Repair
Litter/ Debris/ Graffiti	Sweeping Operations
	Litter and Debris Removal
	Emergency Response and Cleanup Practices
	Graffiti Removal
Landscaping	Chemical Vegetation Control
	Manual Vegetation Control
	Landscaped Mechanical Vegetation Control/ Mowing
	Landscaped Tree and Shrub Pruning, Brush Chipping, Tree and Shrub Removal
	Irrigation Line Repairs
	Irrigation (Watering), Potable and Non-potable
Environmental	Storm Drain Stenciling
	Roadside Slope Inspection
	Roadside Stabilization
	Stormwater Treatment Devices
	Traction Sand Trap Devices
Bridges	Welding and Grinding
	Sandblasting, Wet Blast with Sand Injection and Hydroblasting
	Painting
	Bridge Repairs
Other Structures	Pump Station Cleaning
	Tube and Tunnel Maintenance and Repair
	Tow Truck Operations
	Toll Booth Lane Scrubbing Operations
Electrical	Sawcutting for Loop Installation

General and Activity Specific BMPs	
Traffic Guidance	Thermoplastic Striping and Marking
	Paint Striping and Marking
	Raised/ Recessed Pavement Marker Application and Removal
	Sign Repair and Maintenance
	Median Barrier and Guard Rail Repair
	Emergency Vehicle Energy Attenuation Repair
Storm Maintenance	Minor Slides and Slipouts Cleanup/ Repair
Management and Support	Building and Grounds Maintenance
	Storage of Hazardous Materials (Working Stock)
	Material Storage Control (Hazardous Waste)
	Outdoor Storage of Raw Materials
	Vehicle and Equipment Fueling
	Vehicle and Equipment Cleaning
	Vehicle and Equipment Maintenance and Repair
	Aboveground and Underground Tank Leak and Spill Control

6. Vehicle and Equipment Washing

i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 1~~1~~7 (BMPs for Public Agency Facilities and Activities) for all fixed vehicle and equipment washing except for ~~, including~~ fire-fighting ~~and emergency response~~ vehicles.

ii. The City of Long Beach shall prevent discharges of wash waters from vehicle and equipment washing to the MS4 by implementing any of the following measures at existing facilities with vehicle or equipment wash areas (with the exception of fire stations):

(1) Self-contain, and haul off for disposal; or

(2) Equip with a clarifier or an alternative pre-treatment device and plumb to the sanitary sewer in accordance with applicable waste water provider regulations.

iii. The City of Long Beach shall ensure that any municipal facilities constructed, redeveloped, or replaced shall not discharge wastewater from vehicle and equipment wash areas to the MS4 by plumbing all areas to the sanitary sewer in accordance with applicable waste water

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provider regulations, or self-containing all waste water/ wash water and hauling to a point of legal disposal (excluding ~~including~~ fire stations).

7. **Landscape, Park, and Recreational Facilities Management**

   i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 1~~1~~7 for all public right-of-ways, flood control facilities and open channels, lakes and reservoirs, and landscape, park, and recreational facilities and activities.

   ii. The City of Long Beach shall implement an IPM program that includes the following:

   (1) Pesticides are used only if monitoring indicates they are needed, and pesticides are applied according to applicable permits and established guidelines.

   (2) Treatments are made with the goal of removing only the target organism.

   (3) Pest controls are selected and applied in a manner that minimizes risks to human health, beneficial non-target organisms, and the environment.

   (4) The use of pesticides, including organophosphates and pyrethroids, does not threaten water quality.

   (5) Partner with other agencies and organizations to encourage the use of IPM.

   (6) Adopt and verifiably implement policies, procedures, and/ or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques (including beneficial insects) for Public Agency Facilities and Activities.

   (7) Policies, procedures, and ordinances shall include commitments and a schedule to reduce the use of pesticides that cause impairment of surface waters by implementing the following procedures:

   (a) Prepare and annually update an inventory of pesticides used by all internal departments, divisions, and other operational units.

   (b) Quantify pesticide use by staff and hired contractors.

   (c) Demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

   iii. The City of Long Beach shall implement the following requirements:

   (1) Use a standardized protocol for the routine and non-routine application of pesticides (including pre-emergents), and fertilizers.

   (2) Ensure there is no application of pesticides or fertilizers (1) when two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA[26], (2) within 48 hours of a ½-inch rain event, or (3) when water is flowing off the area where the

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[26] www.srh.noaa.gov/forecast

application is to occur. ~~This requirement does not apply to the application of aquatic pesticides described in Part VII.K.7.iii above or pesticides which require water for activation~~The requirements in Part VII.L.7.iii.2 do not apply to the application of aquatic pesticides or pesticides which require water for activation.

(3) Ensure that no banned or unregistered pesticides are stored or applied.

(4) Ensure that all staff applying pesticides are certified in the appropriate category by the California Department of Pesticide Regulation, or are under the direct supervision of a pesticide applicator certified in the appropriate category.

(5) Implement procedures to encourage the retention and planting of native vegetation to reduce water, pesticide and fertilizer needs; and

(6) Store pesticides and fertilizers indoors or under cover on paved surfaces, or use secondary containment.

(a) Reduce the use, storage, and handling of hazardous materials to reduce the potential for spills.

(b) Regularly inspect storage areas.

8. Storm Drain Operation and Maintenance

i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 1~~8~~7 for storm drain operation and maintenance.

ii. Ensure that all material removed from the MS4 does not reenter the system. Solid material shall be dewatered in a contained area and liquid material shall be disposed in accordance with any of the following measures:

(1) Self-contain, and haul off for legal disposal; or

(2) Applied to the land without runoff; or

(3) Equip with a clarifier or an alternative pre-treatment device; and plumb to the sanitary sewer in accordance with applicable waste water provider regulations.

iii. Catch Basin Cleaning

(1) In areas that are not subject to a trash TMDL, the City of Long Beach shall determine priority areas and shall update its map or list of Catch Basins with their GPS coordinates and priority:

Priority A: Catch basins that are designated as consistently generating the highest volumes of trash and/or debris.

Priority B: Catch basins that are designated as consistently generating moderate volumes of trash and/or debris.

Priority C: Catch basins that are designated as generating low volumes of trash and/or debris.

The map or list shall contain the rationale or data to support priority designations.

(2) In areas that are not subject to a trash TMDL, the City of Long Beach shall inspect catch basins according to the following schedule:

Priority A: A minimum of 3 times during the wet season (October 1 through April 15) and once during the dry season every year.

Priority B: A minimum of once during the wet season and once during the dry season every year.

Priority C: A minimum of once per year.

Catch basins shall be cleaned as necessary on the basis of inspections. At a minimum, the City shall ensure that any catch basin that is determined to be at least 25% full of trash shall be cleaned out. the City shall maintain inspection and cleaning records for Regional Water Board review.

(3) In areas that are subject to a trash TMDL, the City of Long Beach shall implement the applicable provisions in Part VIII.

iv. Trash Management at Public Events

(1) The City of Long Beach shall require the following measures for any event in the public right of way or wherever it is foreseeable that substantial quantities of trash and litter may be generated, including events located in areas that are subject to a trash TMDL:

(a) Proper management of trash and litter generated; and

(b) Arrangement for temporary screens to be placed on catch basins; or

(c) Provide clean out of catch basins, trash receptacles, and grounds in the event area within one business day subsequent to the event.

v. Trash Receptacles

(1) The City of Long Beach shall ensure trash receptacles, or equivalent trash capturing devices, are covered in areas newly identified as high trash generation areas within its jurisdiction.

(2) The City of Long Beach shall ensure that all trash receptacles are cleaned out and maintained as necessary to prevent trash overflow.

vi. Catch Basin Labels and Open Channel Signage

(1) The City of Long Beach shall label all storm drain inlets that they own with a legible “no dumping” message.

(2) The City of Long Beach shall inspect the legibility of the stencil or label nearest each inlet prior to the wet season every year.

(3) The City of Long Beach shall record all catch basins with legible stencils and re-stencil or re-label within 180 days of inspection.

(4) The City of Long Beach shall post signs, referencing local code(s) that prohibit littering and illegal dumping, at designated public access points to open channels, creeks, urban lakes, and other relevant water bodies.

vii. Additional Trash Management Practices

(1) In areas that are not subject to a trash TMDL, the City of Long Beach shall install trash excluders, or equivalent devices, on or in catch basins or outfalls to prevent the discharge of trash to the MS4 or receiving water no later than four years after the effective date of this Order in areas defined as Priority A, Part VII.~~K~~L.8.iii(1), except at sites where the application of such BMP(s) alone will cause flooding. Lack of maintenance that causes flooding is not an acceptable exception to the requirement to install BMPs. Alternatively, the City of Long Beach may implement alternative or enhanced BMPs beyond the provisions of this Order (such as but not limited to increased street sweeping, adding trash cans near trash generation sites, prompt enforcement of trash accumulation, increased trash collection on public property, increased litter prevention messages or trash nets within the MS4) that provide substantially equivalent removal of trash. The City of Long Beach shall demonstrate that BMPs, which substituted for trash excluders, provide equivalent trash removal performance as excluders. When outfall trash capture is provided, revision of the schedule for inspection and cleanout of catch basins in Part VII.~~K~~L.8.iii(2) shall be reported in the next year's annual report.

viii. Storm Drain Maintenance

The City of Long Beach shall implement a program for Storm Drain Maintenance that includes the following:

(1) Visual monitoring of open channels and other drainage structures with City boundaries for trash and debris at least annually.

(2) Removal of trash and debris from open channels a minimum of once per year before the wet season.

(3) Elimination of the discharge of contaminants during MS4 maintenance and clean outs.

(4) Proper disposal of debris and trash removed during storm drain maintenance.

ix. Infiltration from Sanitary Sewer to MS4/Preventive Maintenance

(1) The City of Long Beach shall implement controls and measures to prevent and eliminate infiltration of seepage from sanitary sewers to MS4s through thorough, routine preventive maintenance of the MS4.

(2) The City of Long Beach that operates both a municipal sanitary sewer system and a MS4 must implement controls and measures to prevent and eliminate infiltration of seepage from the sanitary sewers to the MS4s that must include overall sanitary sewer and

MS4 surveys and thorough, routine preventive maintenance of both. Implementation of a Sewer System Management Plan in accordance with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, may be used to fulfill this requirement.

(3) The City of Long Beach shall implement controls to limit infiltration of seepage from sanitary sewers to the MS4 where necessary. Such controls must include:

(a) Adequate plan checking for construction and new development;

(b) Incident response training for its municipal employees that identify sanitary sewer spills;

(c) Code enforcement inspections;

(d) MS4 maintenance and inspections;

(e) Interagency coordination with sewer agencies; and

(f) Proper education of its municipal staff and contractors conducting field operations on the MS4 or its municipal sanitary sewer (if applicable).

x. Discharger Owned Treatment Control BMPs

(1) The City of Long Beach shall implement an inspection and maintenance program for all Discharger owned treatment control BMPs, including post-construction treatment control BMPs.

(2) The City of Long Beach shall ensure proper operation of all treatment control BMPs and maintain them as necessary for proper operation, including all post-construction treatment control BMPs.

(3) Any residual water[27] produced by a treatment control BMP and not being internal to the BMP performance when being maintained shall be:

(a) Hauled away and legally disposed of; or

(b) Applied to the land without runoff; or

(c) Discharged to the sanitary sewer system (with permits or authorization); or

(d) Treated or filtered to remove bacteria, sediments, nutrients, and meet the limitations set in Table 18 (Discharge Limitations for Dewatering Treatment BMPs), prior to discharge to the MS4.

Table 18. Discharge Limitations for Dewatering Treatment BMPs [27]

Parameter	Units	Limitation
Total Suspended Solids	mg/L	100
Turbidity	NTU	50
Oil and Grease	mg/L	10

[27] See Attachment A.

9. Streets, Roads, and Parking Facilities Maintenance

i. The City of Long Beach shall designate streets and/or street segments within its jurisdiction as one of the following:

Priority A: Streets and/or street segments that are designated as consistently generating the highest volumes of trash and/or debris.

Priority B: Streets and/or street segments that are designated as consistently generating moderate volumes of trash and/or debris.

Priority C: Streets and/or street segments that are designated as generating low volumes of trash and/or debris.

ii. The City of Long Beach shall perform street sweeping of curbed streets according to the following schedule:

Priority A: Streets and/or street segments that are designated as Priority A shall be swept at least two times per month.

Priority B: Streets and/or street segments that are designated as Priority B shall be swept at least once per month.

Priority C: Streets and/or street segments that are designated as Priority C shall be swept as necessary but in no case less than once per year.

iii. Road Reconstruction

The City of Long Beach shall require for each and any project that includes roadbed or street paving, repaving, patching, dig-outs, or roadbed resurfacing, the following BMPs be implemented:

(1) Restrict paving and repaving activity to exclude periods of rainfall or predicted rainfall[28] unless required by emergency conditions.

(2) Install sand bags or gravel bags and filter fabric at all susceptible storm drain inlets and at manholes to prevent spills of paving products and tack coat;

(3) Prevent the discharge of release agents including soybean oil, other oils, or diesel into the MS4 or receiving waters.

(4) Prevent non-storm water runoff from water use for the roller and for evaporative cooling of the asphalt.

(5) Clean equipment over absorbent pads, drip pans, plastic sheeting or other material to capture all spillage and dispose of properly.

(6) Collect liquid waste in a container, with a secure lid, for transport to a maintenance facility to be reused, recycled or disposed of properly.

(7) Collect solid waste by vacuuming or sweeping and securing in an appropriate container for transport to a maintenance facility to be reused, recycled or disposed of properly.

[28] A probability of precipitation (POP) of 50% is required.

(8) Cover the "cold-mix" asphalt (i.e., stockpiled, pre-mixed aggregate and asphalt binder) with protective sheeting during a rainstorm.

(9) Cover loads with tarp before haul-off to a storage site, and do not overload trucks.

(10) Minimize airborne dust by using water spray during grinding.

(11) Avoid stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near MS4 or receiving waters.

(12) Protect stockpiles with a cover or sediment barriers during a rain.

iv. Parking Facilities Maintenance

(1) City-owned parking lots exposed to storm water shall be kept clear of debris and excessive oil buildup and cleaned no less than 2 times per month and/or inspected no less than 2 times per month to determine if cleaning is necessary. In no case shall a City-owned parking lot be cleaned less than once a month.

10. Emergency Procedures

i. The City of Long Beach may conduct repairs of essential public service systems and infrastructure in emergency situations with a self-waiver of the provisions of this Order as follows:

(1) The City of Long Beach shall abide by all other regulatory requirements, including notification to other agencies as appropriate.

(2) Where the self-waiver has been invoked, the City of Long Beach shall submit to the Regional Water Board Executive Officer a statement of the occurrence of the emergency, an explanation of the circumstances, and the measures that were implemented to reduce the threat to water quality, no later than 30 business days after the situation of emergency has passed.

(3) Minor repairs of essential public service systems and infrastructure in emergency situations (that can be completed in less than one week) are not subject to the notification provisions. Appropriate BMPs to reduce the threat to water quality shall be implemented.

11. Municipal Employee and Contractor Training

i. The City of Long Beach shall, no later than 1 year after Order adoption and annually thereafter before June 30, train all of their employees in targeted positions (whose interactions, jobs, and activities affect storm water quality) on the requirements of the overall storm water management program, or shall ensure contractors performing privatized/contracted municipal services are appropriately trained to:

(1) Promote a clear understanding of the potential for activities to pollute storm water.

(2) Identify opportunities to require, implement, and maintain appropriate BMPs in their line of work.

Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

ii. The City of Long Beach shall, no later than 1 year after Order adoption and annually thereafter before June 30, train all of their employees and contractors who use or have the potential to use pesticides or fertilizers (whether or not they normally apply these as part of their work). Training programs shall address:

(1) The potential for pesticide-related surface water toxicity.

(2) Proper use, handling, and disposal of pesticides.

(3) Least toxic methods of pest prevention and control, including IPM.

(4) Reduction of pesticide use.

iii. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

M. Illicit Connections and Illicit Discharges Elimination Program

1. General

i. The City of Long Beach shall continue to implement an Illicit Connection and Illicit Discharge Elimination (IC/ID) Program to detect, investigate, and eliminate IC/IDs to the MS4. The IC/ID Program must be implemented in accordance with the requirements and performance measures specified in this Order.

ii. As stated in Part VII.B of this Order, the City of Long Beach must have adequate legal authority to prohibit IC/IDs to the MS4 and enable enforcement capabilities to eliminate the source of IC/IDs.

iii. The City of Long Beach's IC/ID Program shall consist of at least the following major program components:

(1) Procedures for conducting source investigations for IC/IDs

(2) Procedures for eliminating the source of IC/IDs

(3) Procedures for public reporting of illicit discharges

(4) Spill response plan

(5) IC/IDs education and training for City staff

2. Illicit Discharge Source Investigation and Elimination

i. The City of Long Beach shall develop written procedures for conducting investigations to identify the source of all suspected illicit discharges, including procedures to eliminate the discharge once the source is located.

ii. At a minimum, the City of Long Beach shall initiate an investigation(s) to identify and locate the source within 72 hours of becoming aware of the illicit discharge.

iii. When conducting investigations, the City of Long Beach shall comply with the following:

(1) Illicit discharges suspected of being sanitary sewage and/or significantly contaminated shall be investigated first.

(2) The City of Long Beach shall track all investigations to document at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

(3) The City of Long Beach shall investigate the source of all observed illicit discharges.

iv. When taking corrective action to eliminate illicit discharges, the City of Long Beach shall comply with the following:

(1) If the source of the illicit discharge has been determined to originate within the City of Long Beach's jurisdiction, the City of Long Beach shall immediately notify the responsible party/parties of the problem, and require the responsible party to initiate all necessary corrective actions to eliminate the illicit discharge. Upon being notified that the discharge has been eliminated, the City of Long Beach shall conduct a follow-up investigation to verify that the discharge has been eliminated and cleaned-up to the satisfaction of the City of Long Beach. The City of Long Beach shall document its follow-up investigation. The City of Long Beach may seek recovery and remediation costs from responsible parties or require compensation for the cost of all inspection, investigation, cleanup and oversight activities. Resulting enforcement actions shall follow the program's Progressive Enforcement Policy, per Part VII.D.2.

(2) If the source of the illicit discharge has been determined to originate within an upstream jurisdiction, the City of Long Beach shall notify the upstream jurisdiction and the Regional Water Board within 30 days of such determination and provide all of the information collected regarding efforts to identify its source. The City of Long Beach may seek recovery and remediation costs from responsible parties or require compensation for the cost of all inspection, investigation, cleanup and oversight activities. Resulting enforcement actions shall follow the program's Progressive Enforcement Policy, per Part VII.D.2.

(3) If the source of the illicit discharge cannot be traced to a suspected responsible party, the City shall implement its spill response plan and then initiate a permanent solution as described in Part VII.~~L~~M.2.v below.

v. In the event the City of Long Beach is unable to eliminate an ongoing illicit discharge following full execution of its legal authority and in accordance with its Progressive Enforcement Policy, or other circumstances prevent the full elimination of an ongoing illicit discharge, including the inability to find the responsible party/parties, the City of Long Beach shall provide for diversion of the entire flow to the sanitary sewer or provide treatment. In either instance, the City of Long Beach shall notify the Regional Water Board in writing within 30 days of such determination and shall provide a written plan for review

and comment that describes the efforts that have been undertaken to eliminate the illicit discharge, a description of the actions to be undertaken, anticipated costs, and a schedule for completion.

3. Identification and Response to Illicit Connections

i. Investigation

The City of Long Beach, upon discovery or upon receiving a report of a suspected illicit connection, shall initiate an investigation within 21 days, to determine the following: (1) source of the connection, (2) nature and volume of discharge through the connection, and (3) responsible party for the connection.

ii. Elimination

The City of Long Beach, upon confirmation of an illicit MS4 connection, shall ensure that the connection is:

(1) Permitted or documented, provided the connection will only discharge storm water and non-storm water allowed under this Order or other individual or general NPDES Permits/WDRs, or

(2) Eliminated within 180 days of completion of the investigation, using its formal enforcement authority, if necessary, to eliminate the illicit connection.

iii. Documentation

Formal records must be maintained for all illicit connection investigations and the formal enforcement taken to eliminate illicit connections.

4. Public Reporting of Non-Storm Water Discharges and Spills

i. The City of Long Beach shall promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers and an internet site for complaints and spill reporting. The City of Long Beach shall also provide the reporting hotline to City staff to leverage the field staff that has direct contact with the MS4 in detecting and eliminating illicit discharges.

ii. The City of Long Beach shall implement the central point of contact and reporting hotline requirements listed in this part in one or more of the following methods:

(1) By participating in a County-wide sponsored hotline

(2) By participating in one or more Watershed Group sponsored hotlines

(3) Or individually within its own jurisdiction

(4) The City of Long Beach shall continue to maintain the 562-570-DUMP hotline to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s.

iii. The City of Long Beach shall ensure that signage adjacent to open channels, as required in Part VII.L.8.vi, includes information regarding dumping prohibitions and public reporting of illicit discharges.

iv. The City of Long Beach shall develop and maintain written procedures that document how complaint calls are received, documented, and tracked to ensure that all complaints are adequately addressed. The procedures shall be evaluated to determine whether changes or updates are needed to ensure that the procedures accurately document the methods employed by the City of Long Beach. Any identified changes shall be made to the procedures subsequent to the evaluation.

v. The City of Long Beach shall maintain documentation of the complaint calls and record the location of the reported spill or IC/ ID and the actions undertaken in response to all IC/ID complaints, including referrals to other agencies.

5. Spill Response Plan

i. The City of Long Beach shall implement a spill response plan for all sewage and other spills that may discharge into its MS4. The spill response plan shall clearly identify agencies responsible for spill response and cleanup, telephone numbers and e-mail address for contacts, and shall contain at a minimum the following requirements:

(1) Coordination with spill response teams throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.

(2) Initiate investigation of all public and employee spill complaints within one business day of receiving the complaint to assess validity.

(3) Response to spills for containment within 4 hours of becoming aware of the spill, except where such spills occur on private property, in which case the response should be within 2 hours of gaining legal access to the property.

(4) Spills that may endanger health or the environment shall be reported to appropriate public health agencies and the Office of Emergency Services (OES).

6. Illicit Connection and Illicit Discharge Education and Training

i. The City of Long Beach must continue to implement a training program regarding the identification of IC/IDs for all municipal field staff, who, as part of their normal job responsibilities (e.g., street sweeping, storm drain maintenance, collection system maintenance, road maintenance), may come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. Contact information, including the procedure for reporting an illicit discharge, must be readily available to field staff. Training program documents must be available for review by the permitting authority.

ii. The City of Long Beach shall ensure contractors performing privatized/contracted municipal services such as, but not limited to,

storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair are trained regarding IC/ID identification and reporting. The City may provide training or include contractual requirements for IC/ID identification and reporting training. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

iii. The City of Long Beach's training program should address, at a minimum, the following:

(1) IC/ID identification, including definitions and examples,

(2) investigation,

(3) elimination,

(4) cleanup,

(5) reporting, and

(6) documentation.

iv. The City of Long Beach must create a list of applicable positions and contractors which require IC/ID training and ensure that training is provided at least twice during the term of the Order. The City of Long Beach must maintain documentation of the training activities.

v. New City of Long Beach staff members must be provided with IC/ID training within 180 days of starting employment.

VIII. Total Maximum Daily Loads

A. General

1. The provisions of this Part implement and are consistent with the assumptions and requirements of all available waste load allocations (WLAs) assigned to MS4 discharges established in TMDLs that are wholly or in part the responsibility of the City of Long Beach.

2. The provisions in this Part are designed to ensure the City of Long Beach will achieve WLAs and meet other requirements of TMDLs covering receiving waters impacted by MS4 discharges from the City of Long Beach.

3. The City of Long Beach shall comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in this Part, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR §122.44(d)(1)(vii)(B); Cal. Wat. Code §13263(a)).

4. The City of Long Beach may comply with water quality-based effluent limitations and receiving water limitations using any lawful means.

B. Compliance Determination

1. The City of Long Beach shall demonstrate compliance at compliance monitoring points established in each TMDL or, if not specified in the TMDL, at locations identified in an approved TMDL monitoring plan or in accordance with an

approved integrated monitoring program per Attachment E, Part IX.D.16 (Integrated Watershed Monitoring and Assessment).

2. Compliance with water quality-based effluent limitations shall be determined as described in Part VIII.E-F or as otherwise set forth in TMDL specific provisions in this Part.

3. Pursuant to Part VII.C the City of Long Beach may, individually or as part of a watershed-based group, develop and submit for approval by the Regional Water Board Executive Officer a Watershed Management Program that addresses all water quality-based effluent limitations and receiving water limitations to which the City of Long Beach is subject pursuant to established TMDLs.

C. Commingled Discharges

1. A number of the TMDLs establish WLAs that are assigned jointly to a group of Permittees whose storm water and/or non-storm water discharges are or may be commingled in the MS4 prior to discharge to the receiving water subject to the TMDL.

2. In these cases, pursuant to 40 CFR section 122.26(a)(3)(vi), the City of Long Beach is only responsible for discharges from the MS4 it owns and/or operates.

3. Where the City of Long Beach has commingled discharges to the receiving water, compliance at the outfall to the receiving water or in the receiving water shall be determined for the group of Permittees as a whole unless the City of Long Beach demonstrates that its discharge did not cause or contribute to the exceedance, pursuant to Part VIII.C.5 below.

4. For purposes of compliance determination, the City of Long Beach is responsible for demonstrating that its discharge did not cause or contribute to an exceedance of an applicable water quality-based effluent limitation(s) at the outfall or receiving water limitation(s) in the target receiving water.

5. The City of Long Beach may demonstrate that its discharge did not cause or contribute to an exceedance of an applicable water quality-based effluent limitation or receiving water limitation in any of the following ways:

a. Demonstrate that there is no discharge from the City of Long Beach's MS4 into the applicable receiving water during the time period subject to the water quality-based effluent limitation and/or receiving water limitation; or

b. Demonstrate that the discharge from the City of Long Beach's MS4 is controlled to a level that does not exceed the applicable water quality-based effluent limitation; or

c. For exceedances of bacteria receiving water limitations or water quality-based effluent limitations, demonstrate through a source investigation pursuant to protocols established under California Water Code Section 13178 or for exceedances of other receiving water limitations or water quality-based effluent limitations, demonstrate using other accepted source identification protocols, that pollutant sources within the jurisdiction of the City of Long

Beach or the City of Long Beach's MS4 have not caused or contributed to the exceedance of the receiving water limitation(s).

D. Receiving Water Limitations Addressed by a TMDL

1. For receiving water limitations in Part VI.A associated with water body-pollutant combinations addressed in a TMDL, the City of Long Beach shall achieve compliance with the receiving water limitations in Part VI.A as outlined in this Part VIII of this Order.

2. The City of Long Beach's full compliance with the applicable TMDL requirement(s), including compliance schedules, of this Part VIII constitutes compliance with Part VI.A of this Order for the specific pollutant addressed in the TMDL.

3. As long as the City of Long Beach is in compliance with the applicable TMDL requirements in a time schedule order (TSO) issued by the Regional Water Board pursuant to California Water Code Sections 13300 and 13385(j)(3), it is not the Regional Water Board's intention to take an enforcement action for violations of Part VI.A of this Order for the specific pollutant(s) addressed in the TSO.

E. Interim Water Quality-Based Effluent Limitations and Receiving Water Limitations

1. The City of Long Beach shall be considered in compliance with an applicable interim water quality-based effluent limitation and interim receiving water limitation for a pollutant associated with a specific TMDL if any of the following is demonstrated:

a. There are no violations of the interim water quality-based effluent limitation for the pollutant associated with a specific TMDL at the City of Long Beach's applicable MS4 outfall(s),[29] including an outfall to the receiving water that collects discharges from multiple Dischargers' jurisdictions;

b. There are no exceedances of the applicable receiving water limitation for the pollutant associated with a specific TMDL in the receiving water(s) at, or downstream of, the City of Long Beach's outfall(s);

c. There is no direct or indirect discharge from the City of Long Beach's MS4 to the receiving water during the time period subject to the water quality-based effluent limitation and/or receiving water limitation for the pollutant associated with a specific TMDL; or

d. The City of Long Beach has submitted and is fully implementing an approved WMP or EWMP pursuant to Part VII.C.

i. To be considered fully implementing an approved WMP or EWMP, the City of Long Beach must be implementing all actions consistent with the approved program and applicable compliance schedules, including structural BMPs.

ii. Structural storm water BMPs or systems of BMPs should be designed and maintained to treat storm water runoff from the 85th percentile, 24-

[29] An outfall may include a manhole or other point of access to the MS4 at the Permittee's jurisdictional boundary.

hour storm, where feasible and necessary to achieve applicable WQBELs and receiving water limitations, and maintenance records must be up-to-date and available for inspection by the Regional Water Board.

iii. If the City of Long Beach does not implement the WMP in accordance with the milestones and compliance schedules, the City shall demonstrate compliance with its interim water quality-based effluent limitations and/or receiving water limitations pursuant to Part VIII.E.1.a-c above.

iv. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with provisions pertaining to interim WQBELs with compliance deadlines occurring prior to approval of a WMP or EWMP. This subdivision d shall not apply to interim trash WQBELs.

(1) Provides timely notice of its intent to develop a WMP or EWMP,

(2) Meets all interim and final deadlines for development of a WMP or EWMP,

(3) For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to the impairment(s) addressed by the TMDL(s), and

(4) Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8, respectively.

F. Final Water Quality-based Effluent Limitations and/or Receiving Water Limitations

1. The City of Long Beach shall be deemed in compliance with an applicable final water quality-based effluent limitation and final receiving water limitation for the pollutant(s) associated with a specific TMDL if any of the following is demonstrated:

a. There are no violations of the final water quality-based effluent limitation for the specific pollutant at the City of Long Beach's applicable MS4 outfall(s)[30];

b. There are no exceedances of applicable receiving water limitation for the specific pollutant in the receiving water(s) at, or downstream of, the City of Long Beach's outfall(s);

c. There is no direct or indirect discharge from the City of Long Beach's MS4 to the receiving water during the time period subject to the water quality-based

[30] Ibid.

effluent limitation and/or receiving water limitation for the pollutant(s) associated with a specific TMDL; or

d. In drainage areas where the City is implementing an EWMP, (i) all non-storm water and (ii) all storm water runoff up to and including the volume equivalent to the 85th percentile, 24-hour event is retained for the drainage area tributary to the project. This provision (iv) shall not apply to final trash WQBELs.

G. US EPA Established TMDLs

1. TMDLs established by the US EPA, to which the City of Long Beach is subject, do not contain an implementation plan adopted pursuant to California Water Code Section 13242. However, US EPA has included implementation recommendations as part of these TMDLs. In lieu of inclusion of numeric water quality based effluent limitations at this time, this Order requires the City of Long Beach, where subject to WLAs in US EPA established TMDLs, to propose and implement best management practices (BMPs) that will be effective in achieving compliance with US EPA established numeric WLAs. The Regional Water Board may, at its discretion, revisit this decision within the term of this Order or in a future permit, as more information is developed to support the inclusion of numeric water quality based effluent limitations.

a. The City of Long Beach shall propose BMPs to achieve the WLAs contained in the applicable US EPA established TMDL(s), and a schedule for implementing the BMPs that is as short as possible, in a WMP or EWMP.

b. The City of Long Beach may either individually submit a WMP, or may jointly submit a WMP or EWMP with other Permittees subject to the WLAs contained in the US EPA established TMDL.

c. At a minimum, the City of Long Beach shall include the following information in its Watershed Management Program or EWMP, relevant to each applicable US EPA established TMDL:

i. Available data demonstrating the current quality of the City of Long Beach's MS4 discharge(s) in terms of concentration and/or load of the target pollutant(s) to the receiving waters subject to the TMDL;

ii. A detailed description of BMPs that have been implemented, and/or are currently being implemented by the City of Long Beach to achieve the WLA(s), if any;

iii. A detailed time schedule of specific actions the City of Long Beach will take in order to achieve compliance with the applicable WLA(s);

iv. A demonstration that the time schedule requested is as short as possible, taking into account the time since US EPA establishment of the TMDL, and technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the WLA(s);

(1) For the Long Beach City Beaches Bacteria TMDL established by US EPA in 2012, for all locations with the exception of the Los Angeles River Estuary, in no case shall the time schedule to achieve the final numeric WLAs during dry weather exceed five years from the effective date of this Order; and

v. If the requested time schedule exceeds one year, the proposed schedule shall include interim requirements and numeric milestones and the date(s) for their achievement.

d. For the TMDLs established by US EPA, the City of Long Beach shall submit a draft of a WMP or EWMP to the Regional Water Board Executive Officer for approval per the schedule in Table 8.

e. If the City of Long Beach does not submit a WMP, or the plan is determined to be inadequate by the Regional Water Board Executive Officer and the City of Long Beach does not make the necessary revisions within 90 days of written notification that plan is inadequate, the City of Long Beach shall be required to demonstrate compliance with the numeric WLAs immediately based on monitoring data collected under the MRP (Attachment E) for this Order.

H. State Adopted TMDLs where Final Compliance Deadlines have Passed

1. The City of Long Beach shall comply immediately with water quality-based effluent limitations and/or receiving water limitations to implement WLAs in state-adopted TMDLs for which final compliance deadlines have passed pursuant to the TMDL implementation schedule.

2. If the City of Long Beach believes that additional time to comply with the final water quality-based effluent limitations and/or receiving water limitations is necessary, the City of Long Beach may request a time schedule order pursuant to California Water Code section 13300 for the Regional Water Board's consideration.

3. The City of Long Beach may either individually request a TSO, or may jointly request a TSO with all other Permittees subject to the water quality-based effluent limitations and/or receiving water limitations, to implement the WLAs in the state-adopted TMDL.

4. At a minimum, a request for a time schedule order shall include the following:

i. Data demonstrating the current quality of the MS4 discharge(s) in terms of concentration and/or load of the target pollutant(s) to the receiving waters subject to the TMDL;

ii. A detailed description and chronology of structural controls and source control efforts, since the effective date of the TMDL, to reduce the pollutant load in the MS4 discharges to the receiving waters subject to the TMDL;

iii. Justification of the need for additional time to achieve the water quality-based effluent limitations and/or receiving water limitations;

iv. A detailed time schedule of specific actions the City of Long Beach will take in order to achieve the water quality-based effluent limitations and/or receiving water limitations;

v. A demonstration that the time schedule requested is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation(s); and

vi. If the requested time schedule exceeds one year, the proposed schedule shall include interim requirements and the date(s) for their achievement. The interim requirements shall include both of the following:

(1) Effluent limitation(s) for the pollutant(s) of concern; and

(2) Actions and milestones leading to compliance with the effluent limitation(s).

I. Colorado Lagoon OC Pesticides, PAHs, PCBs, Metals and Sediment Toxicity TMDL

1. The City of Long Beach shall comply with the following interim water quality-based effluent limitations as of the effective date of this Order, for sediments within Colorado Lagoon:

Table 19. Colorado Lagoon Interim Water Quality-based Effluent Limitations

Constituent	Interim Concentration-based Effluent Limitations Monthly Average (µg/dry kg)
Chlordane	129.65
Dieldrin	26.20
Lead	399,500
Zinc	565,000
PAHs	4,022
PCBs	89.90
DDT	149.80

2. The City of Long Beach shall comply with the following final water quality-based effluent limitations no later than July 28, 2018, for sediments within Colorado Lagoon:

Table 20. Colorado Lagoon Final Water Quality-based Effluent Limitations

Constituent	Final Concentration Based Effluent Limitations Monthly Average (µg/dry kg)
Chlordane	0.50
Dieldrin	0.02
Lead	46,700
Zinc	150,000
PAHs	4,022
PCBs	22.70
DDT	1.58

3. The mass-based water quality-based effluent limitations are shared by MS4 Permittees, which includes the City of Long Beach along with LACFCD and Caltrans. The City of Long Beach shall comply with the following grouped final water quality-based effluent limitations no later than July 28, 2018, expressed as an annual discharge of sediment to Colorado Lagoon:

4. Compliance with the concentration-based water quality-based effluent limitations shall be determined by pollutant concentrations in the sediment in Colorado Lagoon at points in the West Arm, North Arm and Central Arm that represent the cumulative inputs from the MS4 drainage to the lagoon.

Table 21. Colorado Lagoon Annual Mass-based Effluent Limitations

Constituent	Annual Mass-based Effluent Limitations (mg/yr)				
	Project 452	Line I	Termino Ave	Line K	Line M
Chlordane	5.10	3.65	12.15	1.94	0.73
Dieldrin	0.20	0.15	0.49	0.08	0.03
Lead	476,646.68	340,455.99	1,134,867.12	181,573.76	68,116.09
Zinc	1,530,985.05	1,093,541.72	3,645,183.47	583,213.37	218,788.29
PAHs	41,050.81	29,321.50	97,739.52	15,637.89	5,866.44
PCBs	231.69	165.49	551.64	88.26	33.11
DDT	16.13	11.52	38.40	6.14	2.30

J. Los Cerritos Channel Metals TMDL (USEPA established)

1. The City of Long Beach shall comply with the following dry weather[31] WLAs, expressed as total recoverable metals discharged to Los Cerritos Channel, per the provisions in Part VIII.G:

Table 22. Los Cerritos Channel Dry Weather Waste Load Allocations

Constituent	WLA Daily Maximum (g/day)
Copper	41.4

2. The City of Long Beach shall comply with the following wet weather[32] WLA, expressed as total recoverable metals discharged to Los Cerritos Channel, per the provisions in Part VIII.G:

Table 23. Los Cerritos Channel Wet Weather Waste Load Allocations

Constituent	WLA Daily Maximum (g/day)
Copper	**2.904×10^{-6} x daily storm volume (L)**
Lead	**16.560×10^{-6} x daily storm volume (L)**
Zinc	**28.385×10^{-6} x daily storm volume (L)**

K. Long Beach City Beaches and Los Angeles River Estuary TMDLs for Indicator Bacteria (USEPA established)

1. The City of Long Beach shall comply with the following final WLAs per the provisions in Part VIII.G:

Table 24.Long Beach City Beaches and Los Angeles River Estuary Final Waste Load Allocations

Constituent	WLA (MPN or cfu)	
	Daily Maximum	Geometric Mean
Total coliform*	10,000/100 mL	1,000/100 mL
Fecal coliform	400/100 mL	200/100 mL
Enterococcus	104/100 mL	35/100 mL

* Total coliform density shall not exceed a daily maximum of 1,000/100 mL, if the ratio of fecal-to-total coliform exceeds 0.1.

2. Receiving Water Limitations

The City of Long Beach shall comply with the following geometric mean receiving water limitations for all compliance monitoring locations per the provisions in Part VIII.G:

[31] Dry weather is defined as any day when the maximum daily flow in Los Cerritos Channel is less than 23 cubic feet per second (cfs) measured at Stearns Street Monitoring Station.

[32] Wet weather is defined as any day when the maximum daily flow in Los Cerritos Channel is equal to or greater than 23 cfs measured at Stearns Street Monitoring Station.

Table 25. Long Beach City Beaches and Los Angeles River Estuary Geometric Mean Receiving Water Limitations

Constituent	Geometric Mean (MPN or cfu)
Total coliform	1,000/100 mL
Fecal coliform	200/100 mL
Enterococcus	35/100 mL

The City of Long Beach shall comply with the following final single sample bacteria WLAs per the provisions of Part VIII.G:

Table 26. Allowable Exceedance Days of the Single Sample Maximum for Daily and Weekly Sampling

Site Id	Monitoring Location	Summer Dry*		Winter Dry*		Wet	
		Daily	Weekly	Daily	Weekly	Daily	Weekly
LARE	LA River Estuary	0	0	9	2	17	3
B63	Long Beach City Beach 3rd Place	0	0	9	2	17	3
B5	Long Beach City Beach Projection of 5th Place	0	0	9	2	17	3
B56	Long Beach City Beach projection of 10th Place	0	0	9	2	17	3
B6	Long Beach City Beach projection of 16th Place	0	0	9	2	17	3
B60	Long Beach City Beach Projection of Molino Ave	0	0	9	2	17	3
B7	Long Beach City Beach Projection of Coronado Ave	0	0	9	2	17	3
B62	Long Beach City Beach Projection of 36th Place	0	0	9	2	17	3
B8	LBCB – W/side of Belmont Pier	0	0	9	2	17	3
B3	LBCB – E/side of Belmont Pier	0	0	9	2	17	3
B9	Long Beach City Beach Projection of Prospect Ave	0	0	9	2	17	3

Site Id	Monitoring Location	Summer Dry*		Winter Dry*		Wet	
		Daily	Weekly	Daily	Weekly	Daily	Weekly
B64	Long Beach City Beach Projection of Granada Ave	0	0	7	1	17	3
B65	Long Beach City Beach Projection of 54th Place	0	0	6	1	17	3
B10	Long Beach City Beach Projection of 55th Place	0	0	5	1	17	3
B66	Long Beach City Beach Projection of 62nd Place	0	0	7	1	17	3
B11	Long Beach City Beach Projection of 72nd Place	0	0	9	2	17	3

L. Los Angeles River Metals TMDL

1. Final Water Quality-Based Effluent Limitations

a. The watershed is divided into five jurisdictional groups based on the subwatersheds of the tributaries that drain to each reach of the river. Each jurisdictional group shall achieve compliance in prescribed percentages of its subwatershed(s). Jurisdictional groups can be reorganized or subdivided upon approval by the Regional Water Board Executive Officer.

b. The City of Long Beach shall comply with the following grouped[33] dry weather[34] water quality-based effluent limitations no later than January 11, 2024, expressed as total recoverable metals.[35]

Table 27. Los Angeles River Grouped Dry Weather Water Quality-based Effluent Limitations

Waterbody	Effluent Limitations Daily Maximum (kg/day)		
	Copper	Lead	Zinc
LA River Reach 2	WER[1] x 0.13	WER[1] x 0.07	---
LA River Reach 1	WER[1] x 0.14	WER[1] x 0.07	---
Compton Creek	WER[1] x 0.04	WER[1] x 0.02	---

[33]The dry weather water quality-based effluent limitations are grouped-based and shared by the MS4 Permittees that are located within the drainage area.
[34]Dry weather is defined as any day when the maximum daily flow in the Los Angeles River is less than 500 cfs measured at the Wardlow gage station.
[35]Dry weather effluent limitations are equal to storm drain flows (critical flows minus median POTW flows minus median open space flows) multiplied by reach specific numeric targets, minus the contribution from direct air deposition.

WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

c. In lieu of calculating loads, the City of Long Beach may demonstrate compliance with the following concentration-based water quality-based effluent limitations during dry weather no later than January 11, 2024, expressed as total recoverable metals:

Table 28. Los Angeles River Concentration-based Water Quality-based Effluent Limitations

Waterbody	Effluent Limitations Daily Maximum (µg total recoverable metals/L)		
	Copper	Lead	Zinc
LA River Reach 2	WER[1] x 22	WER[1] x 11	---
LA River Reach 1	WER[1] x 23	WER[1] x 12	---
Compton Creek	WER[1] x 19	WER[1] x 8.9	---

[1]

WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

d. The City of Long Beach shall comply with the following grouped[36] wet weather[37] water quality-based effluent limitations no later than January 11, 2028, expressed as total recoverable metals discharged to all reaches of the Los Angeles River and its tributaries.

Table 29. Los Angeles River Metals TMDL Grouped Wet Weather Water Quality-based Effluent Limitations

Constituent	Effluent Limitation Daily Maximum (kg/day)
Cadmium	WER[1] x 2.8×10^{-9} x daily volume (L) – 1.8
Copper	WER[1] x 1.5×10^{-8} x daily volume (L) – 9.5
Lead	WER[1] x 5.6×10^{-8} x daily volume (L) – 3.85
Zinc	WER[1] x 1.4×10^{-7} x daily volume (L) – 83

[1] WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

e. The City of Long Beach shall comply with interim and final water quality-based effluent limitations for metals discharged to the Los Angeles River and its tributaries, per the schedule below:

Table 30. Los Angeles River Metals TMDL Interim and Final Water Quality-based Effluent Limitations Schedule

Deadline	Total Drainage Area Served by the MS4 required to meet water quality-based effluent limitations (%)

[36] The wet weather water quality-based effluent limitations are grouped-based and shared among all MS4 Permittees located within the drainage area.

[37] Wet weather is defined as any day when the maximum daily flow in the Los Angeles River is equal to or greater than 500 cfs measured at the Wardlow gage station.

	Dry weather	Wet weather
January 11, 2012	50	25
January 11, 2020	75	--
January 11, 2024	100	50
January 11, 2028	100	100

M. Los Angeles River Nitrogen TMDL

1. The City of Long Beach shall comply with the following water quality-based effluent limitations as of the effective date of this Order:

Table 31. Los Angeles River Nitrogen TMDL Water Quality-based Effluent Limitations

Water Body	NH_3-N (mg/L)		NO_3-N (mg/L)	NO_2-N (mg/L)	NO_3-N+NO_2-N (mg/L)
	One-hour Average	Thirty-day Average	Thirty-day Average	Thirty-day Average	Thirty-day Average
Los Angeles River below LA-Glendale WRP	8.7	2.4	8.0	1.0	8.0
Los Angeles Tributaries	10.1	2.3	8.0	1.0	8.0

N. Los Angeles River Bacteria TMDL

1. The City of Long Beach shall comply with the following final water quality-based effluent limitations for discharges to the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

Table 32. Los Angeles River Bacteria TMDL Final Water Quality-based Effluent Limitations

Constituent	**Effluent Limitation (MPN or cfu per 100 mL)**	
	Daily Maximum	Geometric Mean
E.coli	235	126

2. The City of Long Beach shall comply with the following grouped[38] interim dry weather single sample bacteria water quality-based effluent limitations for specific river segments and tributaries as listed in the table, below, according to the schedule in Table 36:

Table 33: Los Angeles River Bacteria TMDL Grouped Interim Dry Weather Single Sample Bacteria Water Quality-based Effluent Limitations

River Segment or Tributary	Daily Maximum E. coli Load(10^9 MPN/Day)
Los Angeles River Segment A (Willow to Rosecrans)	301
Compton Creek	7

   a. Unexpectedly high-loading outfalls may be excluded from interim compliance calculations under the following circumstances: If an outfall which was 1) loading E. coli at a rate less than the 25th percentile of outfalls during the monitoring events used to develop the "MS4 Load Reduction Strategy" (LRS), but, at the time of compliance monitoring, is 2) loading E. coli at a rate greater than the 90th percentile of outfalls, and 3) actions are taken prior to the end of the first phase (i.e. 10 years after the beginning of the segment or tributary specific phase) such that the outfall is returned to a loading less than the 50th percentile of the outfalls at compliance monitoring, then the 90th percentile data from the outfall can be excluded from the compliance loading calculations.

   b. Likewise, if an outfall which was 1) the subject of a dry weather diversion is found, at the time of compliance monitoring, to be 2) contributing greater than the 90th percentile loading rate, and 3) actions are taken such that the outfall is returned to a loading less than the 50th percentile of the outfalls at compliance monitoring, and a maintenance schedule for the diversion is submitted with the compliance report, then the 90th percentile data from the outfall can be excluded from the compliance loading calculations.

3. **Receiving Water Limitations**
   a. The City of Long Beach shall comply with the following grouped[39] final single sample bacteria receiving water limitations for discharges to the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

[38]The interim dry weather water quality-based effluent limitations are group-based and shared among all MS4 Permittees located within the drainage area. However, the interim dry weather water quality-based effluent limitations may be distributed based on proportional drainage area, upon approval of the Regional Water Board Executive Officer.

[39]The final receiving water limitations are group-based and shared among all MS4 Permittees, which includes applicable Permittees covered under the LA County MS4 Permit as well as the City of Long Beach and Caltrans.

Table 34. Los Angeles River Bacteria TMDL Grouped Final Single Sample Bacteria Receiving Water Limitations

Time Period	Annual Allowable Exceedance Days of the Single Sample Objective	
	Daily Sampling	Weekly Sampling
Dry Weather	5	1
Non-HFS[40] Waterbodies Wet Weather	15	2
HFS Waterbodies Wet Weather	10 (not including HFS days)	2 (not including HFS days)

b. The City of Long Beach shall comply with the following geometric mean receiving water limitation for discharges to the segments of the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

Table 35. Los Angeles River Bacteria TMDL Geometric Mean Receiving Water Limitation

Constituent	Geometric Mean (MPN or cfu)	Allowable Exceedances
E. coli	126/100 mL	0

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[40] HFS stands for high flow suspension as defined in Chapter 2 of the Basin Plan.

Table 36. Los Angeles River Bacteria Implementation Schedule for Dry Weather

Implementation Action	Responsible Parties	Deadline
SEGMENT A (lower Reach 2 and Reach 1 – Rosecrans Avenue to Willow Street)		
First phase – Segment A		
Submit a Load Reduction Strategy (LRS) for Segment A (or submit an alternative compliance plan)	MS4 Permittees discharging to Segment A	September 23, 2016
Complete implementation of LRS	MS4 Permittees discharging to Segment A, if using LRS	March 23, 2021
Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Water Board	MS4 Permittees discharging to Segment A, if using LRS	March 23, 2024
Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A, if using alternative compliance plan	March 23, 2024
Second phase, if necessary – Segment A for LRS approach only		
Submit a new LRS	MS4 Permittees discharging to Segment A	March 23, 2025
Complete implementation of LRS	MS4 Permittees discharging to Segment A, if using LRS	September 23, 2029
Achieve final water quality-based effluent limitations in Segment A or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A, if using LRS	September 23, 2031
SEGMENT A TRIBUTARY (Compton Creek)		
First phase – Segment A Tributary		
Submit a Load Reduction Strategy (LRS) for Segment A tributary (or submit an alternative compliance plan)	MS4 Permittees discharging to Segment A tributary	March 23, 2018
Complete implementation of LRS	MS4 Permittees discharging to Segment A tributary if using LRS	September 23, 2022
Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary if using LRS	September 23, 2025
Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary, if using alternative compliance plan	September 23, 2025
Second phase, if necessary – Segment A Tributary for LRS approach only		
Submit a new LRS	MS4 Permittees discharging to Segment A tributary	September 23, 2026
Complete implementation of LRS	MS4 Permittees discharging to Segment A tributary, if using LRS	March 23, 2030
Achieve final water quality-based effluent limitations in Segment A tributary or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary, if using LRS	March 23, 2032

4. Compliance

a. The City of Long Beach may demonstrate compliance with the final dry weather limitations by demonstrating that final receiving water limitations are met in the receiving waters or by demonstrating one of the following conditions at outfalls to the receiving waters:

i. Flow-weighted concentration of *E. coli* in MS4 discharges during dry weather is less than or equal to 235 MPN/100mL, based on a weighted-average using flow rates from all measured outfalls; or

ii. Zero discharge during dry weather.

b. In addition, the City of Long Beach may differentiate their dry weather discharges from other dischargers or upstream contributions by demonstrating one of the following conditions at outfalls to the receiving waters or at segment, tributary or jurisdictional boundaries:

i. The flow-weighted concentration of E. coli in the City's individual discharge or in a group of Permittees' collective discharge during dry weather is less than or equal to 235 MPN/100mL, based on a weighted-average using flow rates from all measured outfalls; or

ii. Zero discharge from the City's individual outfall(s) or from a group of Permittees' outfall(s) during dry weather; or

iii. Demonstration that the MS4 loading of E. coli to the segment or tributary during dry weather is less than or equal to the calculated loading rate that would not cause or contribute to exceedances based on the loading capacity representative of conditions in the River at the time of compliance.

c. The interim dry weather water quality-based effluent limitations are group-based, shared among all MS4 Permittees that drain to a segment or tributary. However, the interim dry weather water quality-based effluent limitations may be distributed based on proportional drainage area, upon approval of the Regional Water Board Executive Officer.

O. Los Angeles River Trash TMDL

1. The City of Long Beach shall comply with the final water quality-based effluent limitation of zero trash discharged to the Los Angeles River no later than September 30, 2016 and every year thereafter.

2. The City of Long Beach shall comply with interim and final water quality-based effluent limitations for trash discharged to the Los Angeles River, per the schedule below:

Table 37. Los Angeles River Watershed Trash Effluent Limitations[40] per Storm Year[41] (gallons of uncompressed Trash

	Baseline	2013 (20%)	2014 (10%)	2015 (3.3%)	2016[41] (0%)
Long Beach	87135	17427	8713.5	2875.46	0

Table 38. Los Angeles River Watershed Trash Effluent Limitations[3] per Storm Year[4] (pounds of drip-dry trash)

	Baseline	2013 (20%)	2014 (10%)	2015 (3.3%)	2016[42] (0%)
Long Beach	149759	29951.8	14975.9	4942.05	0

a. Effluent Limitations

The City of Long Beach shall comply with the interim and final WQBELs for trash as follows:

b. Compliance

Pursuant to CWC Section 13360(a), the City of Long Beach may comply with the trash effluent limitations using any lawful means. Such compliance options are broadly classified as *full capture*, *partial capture, institutional controls,* or *minimum frequency of assessment and collection,* as described below, and any combination of these may be employed to achieve compliance:

(1) Full Capture Systems:

(a) The Basin Plan authorizes the Los Angeles Regional Board Executive Officer to certify *full capture systems*, which are systems that meet the operating and performance requirements as described in this Order, and the procedures identified in "Procedures and Requirements for Certification of a Best Management Practice for Trash Control as a Full Capture System."[43]

[41] Permittees shall achieve their final effluent limitation of zero trash discharge for the 2015-2016 storm year and every year thereafter.

[42] Permittees shall achieve their final effluent limitation of zero trash discharge for the 2015-2016 storm year and every year thereafter.

[43] The Regional Water Board currently recognizes eight *full capture systems*. These are: Vortex Separation Systems (VSS) and seven other Executive Officer certified *full capture systems*, including specific types or designs of trash nets; two gross solids removal devices (GSRDs); catch basin brush inserts and mesh screens; vertical and horizontal trash capture screen inserts; and a connector pipe screen device. See August 3, 2004 Los Angeles Regional Water Quality Control Board

(b) The City of Long Beach is authorized to comply with the effluent limitations through certified *full capture systems* provided the requirements of paragraph (c), immediately below, and any conditions in the certification, continue to be met.

(c) The City of Long Beach may comply with the effluent limitations through progressive installation of *full capture systems* throughout their jurisdictional areas until all areas draining to the Los Angeles River system are addressed. For purposes of this Order, attainment of the effluent limitations shall be conclusively presumed for any drainage area to the Los Angeles River (and its tributaries), where certified *full capture systems* treat all drainage from the area, provided that the *full capture systems* are adequately sized and maintained, and that maintenance records are up-to-date and available for inspection by the Los Angeles Regional Board.

(d) The City of Long Beach shall be deemed in compliance with its final effluent limitation if the City of Long Beach demonstrates that all drainage areas under its jurisdiction and/or authority are serviced by appropriate certified *full capture systems* as described in paragraph (1)(c)~~2.i(3)~~.

(e) The City of Long Beach shall be deemed in compliance with its interim effluent limitations, where applicable:

(i) By demonstrating that *full capture systems* treat the percentage of drainage areas in the watershed that corresponds to the required trash abatement.

(ii) Alternatively, the City of Long Beach may propose a schedule for installation of *full capture systems* in areas under its jurisdiction and/or authority within a given watershed, targeting first the areas of greatest trash generation, for the Los Angeles Regional Board Executive Officer's approval. The Los Angeles Regional Board Executive Officer shall not approve any such schedule that does not result in timely compliance with the final effluent limitations, consistent with the established TMDL implementation schedule and applicable State policies. The City of Long Beach shall be deemed in compliance with its interim effluent limitations provided it is fully in compliance with any such approved schedule.

(2) Partial Capture Devices and Institutional Controls: The City of Long Beach may comply with the interim and final effluent limitations through the installation of *partial capture devices* and the application of *institutional controls*.[44]

(a) Trash discharges from areas serviced solely by *partial capture devices* may be estimated based on demonstrated performance of the

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Memorandum titled "Procedures and Requirements for Certification of a Best Management Practice for Trash Control as a Full Capture System.

[44] While interim effluent limitations may be complied with using *partial capture devices*, compliance with final effluent limitations cannot be achieved with the exclusive use of *partial capture devices*.

device(s) in the implementing area.[45] That is, trash reduction is equivalent to the *partial capture devices'* trash removal efficiency multiplied by the percentage of drainage area serviced by the devices.

(b) Except as provided in subdivision (c), immediately below, trash discharges from areas addressed by *institutional controls* and/or *partial capture devices* (where site-specific performance data is not available) shall be calculated using a mass balance approach, based on the daily generation rate (DGR) for a representative area.[46] The DGR shall be determined from direct measurement of trash deposited in the drainage area during any thirty-day period between June 22nd and September 22nd exclusive of rain events[47], and shall be re-calculated every year thereafter unless a less frequent period for recalculation is approved by the Regional Water Board Executive Officer. The DGR shall be calculated as the total amount of trash collected during this period divided by the length of the collection period.

DGR = (Amount of trash collected during a 30-day collection period[48] / (30 days)

The DGR for the applicable area under the City of Long Beach's jurisdiction and/or authority shall be extrapolated from that of the representative drainage area(s). A mass balance equation shall be used to estimate the amount of trash discharged during a storm event.[49] The *Storm Event Trash Discharge* for a given rain event in the City of Long Beach's drainage area shall be calculated by multiplying the number of days since the last street sweeping by the DGR and subtracting the amount of any trash recovered in the catch basins.[50] For each day of a storm event that generates precipitation greater than 0.25 inch, the City of Long Beach shall calculate a *Storm Event Trash Discharge*.

Storm Event Trash Discharge = [(Days since last street sweeping*DGR)] – [Amount of trash recovered from catch basins][51]

The sum of the *Storm Event Trash Discharges* for the storm year shall be the City of Long Beach's calculated annual trash discharge.

Total Storm Year Trash Discharge = ∑Storm Event Trash Discharges from Drainage Area

[45] Performance shall be demonstrated under different conditions (e.g. low to high trash loading).
[46] The area(s) should be representative of the land uses and activities within the Permittee's authority and shall be approved by the Executive Officer prior to the 30-day collection period.
[47] Provided no special events are scheduled that may affect the representative nature of that collection period.
[48] Between June 22nd and September 22nd
[49] Amount of trash shall refer to the uncompressed volume (in gallons) or drip-dry weight (in pounds) of trash collected.
[50] Any negative values shall be considered to represent a zero discharge.
[51] When more than one storm event occurs prior to the next street sweeping the discharge shall be calculated from the date of the last assessment.

(c) The Executive Officer may approve alternative compliance monitoring approaches for calculating total storm year trash discharge, upon finding that the program will provide a scientifically-based estimate of the amount of trash discharged from the City of Long Beach's MS4.

(3) Combined Compliance Approaches:

The City of Long Beach may comply with their interim and final effluent limitations through a combination of *full capture systems*, *partial capture devices*, and *institutional controls*. Where the City of Long Beach relies on a combination of approaches, it shall demonstrate compliance with the interim and final effluent limitations as specified in Part O.2.b(1)~~2.i.(3)~~ in areas where *full capture systems* are installed and as specified in Part O.2.b(2)~~2.ii(1) or 2.ii((2),~~ as appropriate, in areas where *partial capture devices* and *institutional controls* are applied.

(4) Minimum Frequency of Assessment and Collection Approach:

If allowed in a trash TMDL and approved by the Executive Officer, the City of Long Beach may alternatively comply with its final effluent limitations by implementing a program for *minimum frequency of assessment and collection* (MFAC) in conjunction with BMPs. To the satisfaction of the Executive Officer, the MFAC/BMP program must meet the following criteria:

(a) The MFAC/BMP Program includes an initial minimum frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs. The MFAC/BMP program shall include collection and disposal of all trash found in the receiving water and shoreline. Discharger shall implement an initial suite of BMPs based on current trash management practices in land areas that are found to be sources of trash to the water body. The initial minimum frequency of trash assessment and collection shall be set as specified in the Machado Lake Trash TMDL

(b) The MFAC/BMP Program includes reasonable assurances that it will be implemented by the responsible Discharger.

(c) MFAC protocols may be based on SWAMP protocols for rapid trash assessment, or alternative protocols proposed by Discharger and approved by the Regional Water Board Executive Officer.

(d) Implementation of the MFAC/BMP program should include a Health and Safety Program to protect personnel. The MFAC/BMP program shall not require Discharger to access and collect trash from areas where personnel are prohibited.

(e) The Los Angeles Regional Board Executive Officer may approve or require a revised assessment and collection frequency and definition of the critical conditions under the MFAC:

(i) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections;

(ii) To reflect the results of trash assessment and collection;

(iii) If the amount of trash collected does not show a decreasing trend, where necessary, such that a shorter interval between collections is warranted; or

(iv) If the amount of trash collected is decreasing such that a longer interval between collections is warranted.

(f) At the end of the implementation period, a revised MFAC/BMP program may be required if the Los Angeles Regional Board Executive Officer determines that the amount of trash accumulating between collections is causing nuisance or otherwise adversely affecting beneficial uses.

(g) With regard to (4)~~2.iv.~~(e)(i), (4)(e)(ii), or (4)(e)(iii), above, the Los Angeles Regional Board Executive Officer is authorized to allow the City of Long Beach to implement additional structural or non-structural BMPs in lieu of modifying the monitoring frequency.

(h) If the City of Long Beach is not in compliance with its applicable interim and/or final trash effluent limitation ~~as identified in Attachments L through R,~~ then it shall be in violation of this Order.

(i) If the City of Long Beach relying on *partial capture devices* and/or *institutional controls* has violated its interim and/or final effluent limitation(s), the City of Long Beach shall be presumed to have violated the applicable limitation for each day of each storm event that generated precipitation greater than 0.25 inch during the applicable storm year, except those storm days on which it establishes that its cumulative Storm Event Trash Discharges has not exceeded the applicable effluent limitation.

(j) If the City of Long Beach relying on *full capture systems* has failed to demonstrate that the *full capture systems* for any drainage area are adequately sized and maintained, and that maintenance records are up-to-date and available for inspection by the Regional Water Board, and that it is in compliance with any conditions of its certification, shall be presumed to have discharged trash in an amount that corresponds to the percentage of the baseline waste load allocation represented by the drainage area in question.

(k) The City of Long Beach may overcome this presumption by demonstrating (using any of the methods authorized in Part VIII.O.2.b(2)~~5.b)~~ that the actual or calculated discharge for that drainage area is in compliance with the applicable interim or final effluent limitation.

(l) The City of Long Beach shall be held liable for violations of the effluent limitations assigned to their area. If the City of Long Beach's compliance strategy includes *full* or *partial capture devices* and it chooses to install a full or partial capture device in the MS4 physical infrastructure of another public entity, it is responsible for obtaining all necessary permits to do so. If the City of Long Beach believes it is unable to obtain the permits needed to install a full capture or partial capture device within another Discharger's MS4 physical infrastructure, either Discharger may request the Executive Officer to hold a conference between the City and the other discharger~~with the City of Long Beach~~. Nothing in this Order shall affect the right of that public

entity or a Discharger to seek indemnity or other recourse from the other as they deem appropriate. Nothing in this subsection shall be construed as relieving a Discharger of any liability that the City of Long Beach would otherwise have under this Order.

c. Monitoring and Reporting Requirements (pursuant to California Water Code Section 13383)

i. The City of Long Beach shall submit a TMDL Compliance Report as part of its Annual Report detailing compliance with the applicable interim and/or final effluent limitations. Reporting shall include the information specified below. The report shall be submitted on the reporting form specified by the Los Angeles Regional Water Board Executive Officer. The report shall be signed under penalty of perjury by the City of Long Beach's principal executive officer or ranking elected official or duly authorized representative of the officer, consistent with Part V.B of Attachment D (Standard Provisions), who is responsible for ensuring compliance with this Order. The City of Long Beach shall be charged with and shall demonstrate compliance with its applicable effluent limitations beginning with its December 15, 201~~3~~4, TMDL Compliance Report.

(1) Reporting Compliance based on Full Capture Systems: Discharger shall provide information on the number and location of full capture installations, the sizing of each full capture installation, the drainage areas addressed by these installations, and compliance with the applicable interim or final effluent limitation, in its TMDL Compliance Report. The Los Angeles Water Board will periodically audit sizing, performance, and other data to validate that a system satisfies the criteria established for a *full capture system* and any conditions established by the Regional Water Board Executive Officer in the certification.

(2) Reporting Compliance based on Partial Capture Systems and/or Institutional Controls:

(a) Using Performance Data Specific to the City of Long Beach's Area: In its TMDL Compliance Report, a Discharger shall provide: (i) site-specific performance data for the applicable device(s); (ii) information on the number and location of such installations, and the drainage areas addressed by these installations; and (iii) calculated compliance with the applicable effluent limitations.

(b) Using Direct Measurement of Trash Discharge: Discharger shall provide an accounting of DGR and trash removal via street sweeping, catch basin clean outs, etc., in a database to facilitate the calculation of discharge for each rain event. The database shall be maintained and provided to the Regional Water Board for inspection upon request. In its TMDL Compliance Report, a Discharger shall provide information on its annual DGR, calculated storm year discharge, and compliance with the applicable effluent limitation.

(3) Reporting Compliance based on Combined Compliance Approaches:

Discharger shall provide the information specified in Part VIII.5.c.i(1) for areas where *full capture systems* are installed and that are specified in

Part VIII.5.c.i(2)(a) or (b), as appropriate, for areas where *partial capture devices* and *institutional controls* are applied. In its TMDL Compliance Report, a Discharger shall also provide information on compliance with the applicable effluent limitation based on the combined compliance approaches.

(4) Reporting Compliance based on an MFAC/BMP Approach:

The MFAC/BMP Program includes a Trash Monitoring and Reporting Plan, and a requirement that the responsible Discharger will self-report any non-compliance with its provisions. The results and report of the Trash Monitoring and Reporting Plan must be submitted to Regional Water Board with the City of Long Beach's Annual Report.

ii. Violation of the reporting requirements of this Part shall be punishable pursuant to, inter alia, CWC Section 13385, Subdivisions (a)(3) and (h)(1), and/or Section 13385.1.

P. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL

1. The City of Long Beach shall comply with the interim water quality-based effluent limitations listed below, as of the effective date of this Order:

a. The City of Long Beach shall comply with the following interim water quality-based effluent limitations for discharges to Dominguez Channel freshwater during wet weather:

i. The freshwater toxicity interim water quality-based effluent limitation is 2 TUc. The freshwater interim effluent limitation shall be implemented as a trigger requiring initiation and implementation of the TRE/TIE process as outlined in US EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000).

ii. The City of Long Beach shall comply with the following interim metals water quality-based effluent limitations for discharges to the Dominguez Channel freshwater during wet weather:

Table 39. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Interim Metals Water Quality-based Effluent Limitations

Metals	Interim Effluent Limitation Daily Maximum (µg/L)
Total Copper	207.51
Total Lead	122.88
Total Zinc	898.87

b. The City of Long Beach shall comply with the following interim concentration-based water quality-based effluent limitations for pollutant concentrations in the sediment discharged to the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters:

Table 40. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Interim Concentration-based Water Quality-based Effluent Limitations

Water Body	Interim Effluent Limitations Daily Maximum (mg/kg sediment)					
	Copper	Lead	Zinc	DDT	PAHs	PCBs
Dominguez Channel Estuary (below Vermont Avenue)	220.0	510.0	789.0	1.727	31.60	1.490
Long Beach Inner Harbor	142.3	50.4	240.6	0.070	4.58	0.060
Long Beach Outer Harbor (inside breakwater)	67.3	46.7	150	0.075	4.022	0.248
Los Angeles River Estuary	53.0	46.7	183.5	0.254	4.36	0.683
San Pedro Bay Near/Off Shore Zones	76.9	66.6	263.1	0.057	4.022	0.193

2. The City of Long Beach shall comply with the final water quality-based effluent limitations as listed below no later than March 23, 2032, and every year thereafter:

a. Dominguez Channel Freshwater – Wet Weather

i. Freshwater Toxicity Effluent Limitation shall not exceed the monthly median of 1 TUc.

ii. The City of Long Beach shall comply with the following final metals water quality-based effluent limitations for discharges to Dominguez Channel and all upstream reaches and tributaries of Dominguez Channel above Vermont Avenue:

Table 41. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Metals Water Quality-based Effluent Limitations

Metals	Water Column Mass-Based Final Effluent Limitation Daily Maximum[52] (g/day)
Total Copper	1,300.3
Total Lead	5,733.7
Total Zinc	9,355.5

[52] Effluent limitations are based on a hardness of 50 mg/L, and 90th percentile of annual flow rates (62.7 cfs) in Dominguez Channel. Recalculated mass-based effluent limitations using ambient hardness and flow rate at the time of sampling are consistent with the assumptions and requirements of the TMDL. In addition to the effluent limitations above, samples collected during flow conditions less than the 90th percentile of annual flow rates must demonstrate that the acute and chronic hardness dependent water quality criteria provided in the California Toxics Rule (CTR) are achieved.

b. Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters

i. The City of Long Beach shall comply with the following final mass-based water quality-based effluent limitations, expressed as an annual loading of pollutants in the sediment deposited to Dominguez Channel Estuary, Los Angeles River Estuary, and the Greater Los Angeles and Long Beach Harbor Waters:

Table 42. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Mass-based Water Quality-based Effluent Limitations

Water Body	Final Effluent Limitations Annual (kg/yr)			
	Total Cu	Total Pb	Total Zn	Total PAHs
Dominguez Channel Estuary	~~22.4~~0.6	~~54.2~~1.52	~~271.8~~7.6	0.~~134~~0038
Inner Harbor	~~1.70~~.463	~~34.0~~9.31	~~115.9~~31.71	0.~~088~~024
Outer Harbor	~~0.91~~0.63	~~26.1~~18.1	~~81.5~~56.4	0.~~105~~073
San Pedro Bay	~~20.3~~137.9	~~54.7~~372.2	~~213.1~~1449.7	~~1.76~~12.0
LA River Estuary	~~35.3~~375.8	~~65.7~~698.9	~~242.0~~2572.7	~~2.31~~24.56

ii. The City of Long Beach shall comply with the following final concentration-based water quality-based effluent limitations for pollutant concentrations in the sediments discharged to the Dominguez Channel Estuary:

Table 43. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Concentration-based Water Quality-based Effluent Limitations

Water Body	Effluent Limitations Daily Maximum (mg/kg dry sediment)		
	Cadmium	Chromium	Mercury
Dominguez Channel Estuary	1.2	--	--

c. The City of Long Beach shall comply with the following final mass-based water quality-based effluent limitations, expressed as an annual loading of total DDT and total PCBs in the sediment deposited to Dominguez Channel Estuary, Los Angeles River Estuary, and the Greater Los Angeles and Long Beach Harbor Waters:

Table 44. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Mass-based Water Quality-based Effluent Limitations

Water Body	Final Effluent Limitations Annual (g/yr)	
	Total DDTs	Total PCBs
Dominguez Channel Estuary	~~0.250~~0.007	~~0.207~~0.006
Inner Harbor	~~0.051~~0.014	~~0.059~~0.016
Outer Harbor	~~0.005~~0.004	~~0.020~~0.014
San Pedro Bay	~~0.049~~0.333	~~0.44~~3.01
LA River Estuary	~~0.100~~1.067	~~0.324~~3.441

3. Compliance Determination

a. The City of Long Beach shall be deemed in compliance with the interim concentration-based water quality-based effluent limitations for pollutant concentrations in the sediment as listed above by meeting any one of the following methods:

i. Demonstrate that the sediment quality condition of *Unimpacted* or *Likely Unimpacted* via the interpretation and integration of multiple lines of evidence as defined in the Sediment Quality Objectives (SQO) Part 1, is met; or

ii. Meet the interim water quality-based effluent limitations in bed sediment over a three-year averaging period; or

iii. Meet the interim water quality-based effluent limitations in the discharge over a three-year averaging period.

b. The City of Long Beach shall be deemed in compliance with the final fresh water metals water quality-based effluent limitations for discharges to Dominguez Channel as listed above by meeting any one of the following methods:

i. Final metals water quality-based effluent limitations are met; or

ii. CTR total metals criteria are met instream; or

iii. CTR total metals criteria are met in the discharge.

c. The City of Long Beach shall be deemed in compliance with the final water quality-based effluent limitations for pollutants in the sediment as listed above by meeting any one of the following methods:

i. Final water quality-based effluent limitations for pollutants in the sediment are met; or

ii. The qualitative sediment condition of *Unimpacted* or *Likely Unimpacted* via the interpretation and integration of multiple lines of evidence as defined in the SQO Part 1, is met, with the exception of chromium, which is not included in the SQO Part 1; or

iii. Sediment numeric targets are met in bed sediments over a three-year averaging period.

d. The City of Long Beach shall be deemed in compliance with the final water quality-based effluent limitations for total DDT and total PCBs in the sediment as listed above in ~~p~~Part VIII.P.2.c~~E.3.d~~ by meeting any one of the following methods:

i. Fish tissue targets are met in species resident to the specified water bodies[53]; or

ii. Final water quality-based effluent limitations for pollutants in the sediment are met; or

iii. Sediment numeric targets to protect fish tissue are met in bed sediments over a three-year averaging period; or

iv. Demonstrate that the sediment quality condition protective of fish tissue is achieved per the State Water Board's Statewide Enclosed Bays and Estuaries Plan.

Q. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL (USEPA established)

1. The City of Long Beach shall comply with the following grouped[54] wet weather[55] WLAs, expressed as total recoverable metals discharged to all upstream reaches and tributaries of the San Gabriel River Reach 2 and Coyote Creek per the provisions in Part VIII.G:

Table 45. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL Grouped Wet Weather Waste Load Allocations

Water Body	WLA Daily Maximum (kg/day)		
	Copper	Lead	Zinc
San Gabriel Reach 2	---	81.34 µg/L x daily storm volume (L)	---
Coyote Creek	24.71 µg/L x daily storm volume (L)	96.99 µg/L x daily storm volume (L)	144.57 µg/L x daily storm volume (L)

2. The City of Long Beach shall comply with the following grouped[1] dry weather WLAs, expressed as total recoverable metals discharged to San Gabriel River Reach 1, Coyote Creek, and San Gabriel River Estuary per the provisions in Part VIII. G:

[53] A site-specific study to determine resident species shall be submitted to the Regional Water Board Executive Officer for approval.

[54] The wet weather and dry weather water WLAs are group-based and shared among all MS4 Permittees, which includes LA County MS4 Permittees, the City of Long Beach, and Orange County MS4 Permittees located within the drainage area and Caltrans.

[55] In San Gabriel River Reach 2, wet weather TMDLs apply when the maximum daily flow of the river is equal to or greater than 260 cfs as measured at USGS station 11085000, located at the bottom of Reach 3 just above the Whittier Narrows Dam. In Coyote Creek, wet weather TMDLs apply when the maximum daily flow in the creek is equal to or greater than 156 cfs as measured at LACDPW flow gauge station F354-R, located at the bottom of the creek, just above the Long Beach WRP.

Table 46. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL Grouped Dry Weather Waste Load Allocations

Water Body	WLA Daily Maximum	
	Copper	Selenium
San Gabriel Reach 1	18 µg/L	---
Coyote Creek	0.941 kg/day*	---
San Gabriel River Estuary	3.7 µg/L	---

*Calculated based upon the median flow at LACDPW Station F354-R of 19 cfs multiplied by the numeric target of 20 µg/L, minus direct air deposition of 0.002 kg/d.

3. The City of Long Beach may convert the grouped mass-based WLAs into individual WLAs based on the percentage of the watershed and land uses within the City of Long Beach's jurisdiction, upon approval of the Regional Water Board Executive Officer.

EXHIBIT B

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of NRDC, Los Angeles Waterkeeper, and Heal the Bay, for Review of Action by the California Regional Water Quality Control Board, Los Angeles Region, in Adopting the Los Angeles County Municipal Separate Stormwater National Pollutant Discharge Elimination System (NPDES) Permit; Order No. R4-2012-0175; NPDES Permit No. CAS004001	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ACTION OF ADOPTING ORDER NO. R4-2012-0175

I. INTRODUCTION

This petition seeks review of a pollution discharge permit that is both unlawful and inadequate to protect the region's waters or the public health. The Los Angeles Regional Water Quality Control Board's ("Regional Board" or "Board") permit for Los Angeles County municipal separate storm sewer systems ("MS4s")[1] is the unfortunate result of six years of delay in renewing the previous permit, and of largely ignoring the crucial need to address the region's ongoing legacy of water pollution. The 2012 Permit, and the process the Regional Board followed in adopting it, were both deeply flawed, and impermissibly weaken or "backslide" from the requirements of the previous, 2001 MS4 permit.[2] The critical—but by no means only—flaw of the 2012 Permit is that it often abandons requirements to comply with both narrative and numeric water quality standards in receiving waters as a means of protecting water quality. For the reasons discussed below, Petitioners respectfully request that the State Water Resources Control Board ("State Board") overturn these unlawful provisions of the 2012 Permit, or remand the matter to the Regional Board with specific direction to remedy the provisions of the 2012 Permit that violate state and federal law.

The 2012 Permit is unlawful due to its inclusion of safe harbors from provisions, required by the 2001 Permit, that require that discharges comply with Water Quality Standards. The safe harbors—provisions that excuse compliance with Water Quality Standards in the Permit's Receiving Water Limitations section, are illegal for four principal reasons: 1) the safe harbors violate federal anti-backsliding requirements; 2) the safe harbors violate state and federal antidegradation requirements; 3) the safe harbors violate requirements for incorporation of TMDLs

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[1] Regional Board, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From the City of Long Beach, Order No. R4-2012-0175, NPDES Permit No CAS004001 (Nov. 8, 2012) ("2012 Permit" or "Permit").

[2] Regional Board, Waste Discharge Requirements for Municipal Separate Storm Sewer and Urban Runoff Discharges Within the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach, Order No. 01-182, NPDES Permit No. CAS004001 (Dec. 13, 2001) ("2001 Permit").

into National Pollutant Discharge Elimination System permits; and, 4) the Regional Board failed to make sufficient findings or provide evidence in the record to support the inclusion of the safe harbors in the 2012 Permit.

These violations of law present compelling reasons for the State Board to exercise its statutory duty to correct the unlawful actions of the Regional Board. These corrections are seriously needed to protect the waters of Los Angeles County and the public health.

A. Factual Background

1. Monitoring Demonstrates That the Los Angeles County MS4s Discharge Pollution to Receiving Waters

The stormwater systems regulated by the 2012 Permit discharge bacteria, metals, and other pollutants at unsafe levels to rivers, lakes, and beaches in Los Angeles County. This pollution causes increased rates of human illness, harm to the environment, and an economic loss of tens to hundreds of millions of dollars every year from public health impacts alone. As the Regional Board itself acknowledges:

> Discharges of storm water and non-storm water from the . . . Los Angeles County [MS4s] convey pollutants to surface waters throughout the Los Angeles Region. . . . the primary pollutants of concern in these discharges . . . are indicator bacteria, total aluminum, copper, lead, zinc, diazanon, and cyanide. Aquatic toxicity, particularly during wet weather, is also a concern. . .
>
> Pollutants in storm water and non-storm water have damaging effects on both human health and aquatic ecosystems. Water quality assessments conducted by the Regional Water Board have identified impairment of beneficial uses of water bodies in the Los Angeles Region caused or contributed to by pollutant loading from municipal storm water and non-storm water discharges.

(2012 Permit, at p. 13, Finding A.)[3,4]

[3] This comports with the findings of the U.S. Environmental Protection Agency ("EPA"), which considers urban runoff to be "one of the most significant reasons that water quality standards are not being met nationwide." (U.S. General Accounting Office (June 2001) Water Quality: Better Data and Evaluation of Urban Runoff Programs Needed to Assess Effectiveness, Report No. GAO-01-679, at 37.)

The pollutants that impair the region's waters come in large part from the MS4s subject to the permit at issue. Monitoring data from mass emission stations in area streams and rivers demonstrate that the MS4s persistently contribute to violations of Water Quality Standards and cleanup targets (total maximum daily loads or "TMDLs") in Los Angeles area water bodies. Monitoring revealed 1,105 violations since 2003 of water quality limits for fecal bacteria, various heavy metals, ammonia, pH, and cyanide, among other constituents, in Ballona Creek, Malibu Creek, the Los Angeles River, Santa Clara River, Dominguez Channel, and Coyote Creek.[5]

Monitoring conducted by non-profit organizations confirms that MS4s in Los Angeles County pollute in the region. Data collected by these organizations show:

- Malibu Creek routinely exceeded limits for nitrogen, ammonia, phosphate, E.coli, and enterococcus bacteria during wet and dry weather.[6]
- Compton Creek commonly exceeded applicable pollution limits; the highest magnitude of exceedances occurred during storm events at storm drain outfalls.[7]
- 13 of 22 sites sampled in the Los Angeles River watershed during 2005 received an F grade for failing water quality standards for PH, temperature, dissolved solids, nutrients, dissolved oxygen, and turbidity.[8]
- Dry weather discharges from 18 storm drains flowing into Ballona Creek, which is impaired by fecal bacteria, had consistently high levels of bacteria.[9]

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[4] Unless otherwise noted, all references to documents in this brief are to documents that were timely submitted to the Regional Board and are part of the record in this matter. We include documents originally submitted by Petitioners here for the convenience of the State Water Resources Control Board ("State Board").

[5] Los Angeles County, Dept. of Public Works, Stormwater Monitoring Reports for *2003-2004* (Aug. 15, 2004), *2005-2006* (Aug. 22, 2006), *2006-2007* (Sept. 4, 2007), *2007-2008* (Aug. 20, 2008), *2008-2009* (Aug. 25, 2009), *2009-2010* (Aug. 12, 2010), *2010-2011* (Aug. 11, 2011), (selected data tables attached and full documents available at http://dpw.lacounty.gov/wmd/NPDES/report_directory.cfm, last visited July 19, 2012).

[6] See Exhibit A1: Heal the Bay, Water Quality in Malibu Creek Watershed and Surrounding Reference Sites; Exhibit A2: Heal the Bay, Malibu Watershed Exceedances, Raw Data (1998-2010).

[7] See Exhibit B1: Heal the Bay, Monitoring Plan for Compton Creek; Exhibit B2: Heal the Bay, Sediment Data Analysis – Compton Creek (2006-2011); Exhibit B3: Heal the Bay, Water Data Analysis – Compton Creek (2006-2011).

[8] Friends of the Los Angeles River (2005) The First State of the Los Angeles River Report, at 3.

[9] See Exhibit C: Los Angeles Waterkeeper, Ballona Creek Data (2011-2012).

Receiving water sampling conducted in Ballona Creek, together with dry weather storm drain sampling, as well as monitoring from the City of Malibu, demonstrate a link between polluted storm drain discharges and exceedances of water quality standards, and that the MS4 system is a significant source of this pollution to receiving waters.[10]

Finally, California Ocean Plan standards and fecal bacteria TMDL limits established to protect the health of beachgoers have been exceeded on thousands of occasions. Monitoring identified 3,369 exceedances of beach bacteria TMDL limits at 65 Los Angeles County beach monitoring locations during the April – October dry weather season from 2006 through 2011, exposing the public to various well-documented health risks associated with recreating in polluted water.[11]

2. Stormwater Pollution Threatens Public Health

Polluted urban runoff increases bacteria levels and illness rates among swimmers.[12] Contact with waters contaminated by stormwater runoff can lead to fever, chills, ear infections and discharge, coughing and respiratory ailments, vomiting, diarrhea and other gastrointestinal illness, and skin rashes.[13] Scientists reviewing 22 epidemiological studies found that 19 of them showed that adverse health effects were significantly related to fecal indicator bacteria or bacterial pathogens.[14] One local analysis investigated health risks of people exposed to storm drain runoff

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[10] *Id.*; Exhibit D: Los Angeles Waterkeeper, Malibu 2011-2012 Storm Water Monitoring.

[11] See, Exhibit F: Heal the Bay, Santa Monica Bay Bacteria TMDL Tally; see also Exhibit G: Los Angeles Waterkeeper, Area of Special Biological Significance [ASBS] Malibu Data Revised March 27, 2012; Exhibit H: Los Angeles Waterkeeper, Non-ASBS and Malibu Creek Data Revised March 27, 2012.

[12] Curriero et al. (August 2001) *The Association Between Extreme Precipitation and Waterborne Disease Outbreaks in the United States, 1949-1994,* American Journal of Public Health, 91:8 1194-1199. See also, Letter from Dr. Jennifer Jay to Mr. Sam Unger, Executive Officer and Members of the Board, Regional Board re: MS4 Permit for Los Angeles County, July 23, 2012.

[13] See, e.g., Haile, et al. (1999) *The Health Effects of Swimming in Ocean Water Contaminated by Storm Drain Runoff,* Epidemiology 10(4): 355-63; Haile, R. W. et al (1996) *An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay,* Santa Monica Bay Restoration Project, 70 pp.

[14] Pruss, A. (1998) *Review of epidemiological studies on health effects from exposure to recreational waters,* International Journal of Epidemiology 27:1-9.

while swimming in Santa Monica Bay and found that swimmers exposed directly in front of a storm drain experienced increased health risks of approximately 50-100 percent compared with people swimming more than 400 yards away from the drain.[15]

The Regional Board itself has acknowledged that the harm to the public from exceeding bacteria standards "is dramatic both in terms of health impacts to exposed beachgoers, and the economic cost to the region associated with related illnesses." (2001 Permit (as amended by Order R4-2009-0130), at p. 16, Finding E.32.) These health impacts come at tremendous cost—one study demonstrated that swimming at polluted beaches in Los Angeles County caused between 427,800 and 993,000 excess cases of gastroenteritis per year, resulting in annual health costs of between $14 and $35 million, or $120 and $278 million per year (depending on whether only market costs or both market and non-market costs, such as willingness-to-pay not to get sick, were considered).[16]

3. Controlling stormwater pollution provides numerous economic benefits, while stormwater pollution creates many economic harms

Controlling pollution from MS4 systems has far-reaching economic and social benefits for the region. According to a report to California's Resources Agency, "California has the largest Ocean Economy in the United States, ranking number one overall for both employment and gross state product. . . ."[17] One study estimated that local beach goers in California spend as much as $9.5 billion annually and the non-market values associated with beach going in California may be as high as $5.8 billion annually.[18]

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[15] Haile, R. W. et al (1996) *An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay,* Santa Monica Bay Restoration Project, at 54; see also, Haile, et al. (1999) *The Health Effects of Swimming in Ocean Water Contaminated by Storm Drain Runoff*, Epidemiology 10(4): 355-63.

[16] Given, S., et al. (2006) *Regional Public Health Cost Estimates of Contaminated Coastal Waters: A Case Study of Gastroenteritis at Southern California Beaches*, Environmental Science & Technology 40(16): 4851-4858, at 4856.

[17] Kildow, J. and Colgan, C.S. (2005) National Ocean Economics Program, California's Ocean Economy: A Report to the Resources Agency, State of California, at 1.

[18] Pendleton, L. (July 2004) *Harvesting Ocean Observing Technologies to Improve Beach Management: Estimating the Regional Economic Benefits of Improvements in the California*

Unfortunately, stormwater runoff in Los Angeles County's coastal waters causes or contributes to an enormous number of beach closures or advisories each year.[19] Beach closures and advisories result in direct and indirect negative effects on the coastal economy, such as lost revenue.[20] One study estimated that a hypothetical beach closure of Huntington Beach for one day would result in a loss of 1200 beach visits and associated economic losses of $100,000.[21] Conversely, the National Oceanic and Atmospheric Association found that improving water quality in Long Beach from a C grade to the healthier standards of Huntington City Beach (a B grade) would create $8.8 million in economic benefits over a 10-year period.[22]

Moreover, the economic and social benefits of stormwater regulation, such as those achievable through this Permit, far outweigh the costs of implementation. For example, the staff report for the Metals TMDL for the Los Angeles River and its tributaries found that removing metals from the waterways would have benefits of as much as $18 billion (if structural systems were used), in comparison to costs of between $5.7 and $7.4 billion.[23] This would be in addition to "[u]nquantifiable health benefits" associated with implementation.[24]

Coastal Ocean Observing System Arlington, VA: Ocean. Unnumbered Report. July; see also, Chapman, D. and Hanemann, M. (2001) *Environmental Damages in Court: the American Trader Case*, in The Law and Economics of the Environment, (Heyes, edit.), pp. 319-367 (estimating a "consumer surplus" of $8.16 to $60.79 per visit for each beachgoer).

[19] NRDC (2012) Testing the Waters: A Guide to Water Quality at Vacation Beaches, at California Chapter Summary. Los Angeles County reported 2,430 total closing or advisory days in 2011 from all sources. Reported closing or advisory days are for events lasting six consecutive weeks or less. Available at http://www.nrdc.org/water/oceans/ttw/ca.asp.

[20] See, Leeworthy, V.R. and Wiley, P.C. (2000) Southern California Beach Valuation Project: Economic Value and Impact of Water Quality Change for Long Beach in Southern California, National Oceanic and Atmospheric Administration, at 4.

[21] Hanemann, M., et al. (November 2005) Welfare Estimates for Five Scenarios of Water Quality Change in Southern California: A Report from the Southern California Beach Valuation Project, at 7-8.

[22] Leeworthy, V.R. and Wiley, P.C. (2000) Southern California Beach Valuation Project: Economic Value and Impact of Water Quality Change for Long Beach in Southern California, National Oceanic and Atmospheric Administration, at 9, 15.

[23] Regional Board and U.S. EPA Region 9 (June 2, 2005) Total Maximum Daily Loads for Metals Los Angeles River and Tributaries, at 77.

[24] *Id.*; See 2012 Permit, Attachment F ("Fact Sheet"), at 76-77.

B. Legal Background

In 1972, Congress enacted the Clean Water Act ("CWA") to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a); see also, *NRDC v. U.S.E.P.A.*, 859 F.2d 156, 198 (D.C. Cir. 1988); *NRDC v. Costle*, 568 F.2d 1369, 1373 (D.C. Cir. 1977); *American Frozen Foods Inst. v. Train*, 539 F. 2d 107, 124 (D.C. Cir. 1976).) The Act sought to eliminate the discharge of pollutants into navigable waters by 1985, and to achieve fishable and swimmable conditions, wherever possible, by 1983. (33 U.S.C. § 1251(a)(1)-(2).) Courts have consistently recognized that the CWA is a tough law—"strong medicine." (*Texas Municipal Power Agency v. U.S. EPA* (5th Cir. 1988) 836 F.2d 1482, 1488.)[25]

Overall, the Act prohibits the discharge of any pollutant from a point source into a water of the United States except as in compliance with the Act. (33 U.S.C. §§ 1311(a), 1342.) "Point source" is defined to mean any discrete "conveyance," such as a pipe or channel, (33 U.S.C. § 1362(14)), and thus includes MS4s, which are elaborate networks of such conveyances. (33 U.S.C. §§ 1342(p), 1362(14).)[26] A point source, such as an MS4, can comply with the CWA by obtaining a discharge permit under the National Pollutant Discharge Elimination System ("NPDES") program. (33 U.S.C. § 1342(b), (p).)

The CWA requires each state to adopt Water Quality Standards ("WQSs") for all waters within its boundaries and submit them to the U.S. Environmental Protection Agency ("EPA") for approval. (33 U.S.C. §§ 1311(b)(1)(C), 1313.) WQSs include maximum permissible pollutant levels that must be sufficiently stringent to protect public health and enhance water quality, consistent with the uses for which the water bodies have been designated. (33 U.S.C. §

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[25] "The [Clean Water Act] is strong medicine. . . . Congress explicitly recognized that reduction of the amount of effluents—not merely their dilution or dispersion—is the goal of the [Act]." (*Texas Municipal Power Agency*, 836 F.2d at 1488.)

[26] The discharge of pollutants from an MS4, often called "polluted runoff" or "urban runoff," is a two-part problem. It includes what is often referred to as non-stormwater discharges—typically, landscape irrigation flows, washwater, and other flows not related to precipitation carrying herbicides, bacteria, metals, used motor oil, and other pollutants. And it includes urban stormwater—which is basically what it sounds like—storm flows that contain pollutants from the urban environment. (*See* 33 U.S.C. § 1342(p)(3)(B)(ii)-(iii).)

1313(c)(2)(A).) WQSs provide the reference point "to prevent water quality from falling below acceptable levels." (*PUD No. 1 of Jefferson County v. Washington Dep't of Ecology* (1994) 511 U.S. 700, 704 [quotation omitted].) States also must identify as impaired any water bodies that fail to meet water quality standards. (33 U.S.C. § 1313(d).)

For impaired waters, states must establish TMDLs, which set a daily limit on the discharge of each pollutant necessary to achieve water quality standards. (*Id.* § 1313(d)(1).) The TMDL "assigns a ***waste load allocation (WLA)*** to each point source, which is that portion of the TMDL's total pollutant load, which is allocated to a point source for which a NPDES permit is required." (*Communities for a Better Env't v. State Water Res. Control Bd.* (2005) 132 Cal.App.4th 1313, 1321 (emphasis in original).) Critically, federal law requires that "once a TMDL is developed, effluent limitations in NPDES permits must be consistent with the WLA's in the TMDL." (*Id.*, at 1322 (citing 40 C.F.R. § 122.44(d)(1)(vii)(B).) According to EPA, which overseas implementation of the CWA, "[w]here the TMDL includes WLAs for stormwater sources that provide numeric pollutant load . . . the WLA should, where feasible, be translated into numeric [water quality-based effluent limitations] in the applicable stormwater permits." [27]

Like other NPDES permits, MS4 permits must ensure that discharges from storm sewers do not cause or contribute to a violation of water quality standards. (33 U.S.C. § 1311(a); 1313; 1341(a); 1342(p).)[28] Renewal permits—like the 2012 Permit, at issue—may not contain weaker

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[27] Memorandum from James A. Hanlon and Denise Keehner, U.S. EPA, to Water Management Division Directors, Regions 1 – 10, re: Revisions to the November 22, 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs, November 12, 2010, ("EPA Hanlon Memo") at 3. (Attached as Request for Notice ("RN") "Exhibit A".)

[28] See, e.g., State Board Order No. WQ 99-05, *Own Motion to Review the Petition of Environmental Health Coalition to Review Waste Discharge Requirements Order No. 96-03*; In addition, permits for discharges from municipal storm sewers "shall require controls to reduce the discharge of pollutants to the maximum extent practicable . . . and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. (33 U.S.C. § 1342(p)(3)(B)(iii).) This language in section 1342(p) has been held by California courts to grant "the EPA (and/or a state approved to issue the NPDES permit) . . . the discretion to impose 'appropriate' water pollution controls in addition to those that come within the definition of 'maximum extent practicable.'" (*Building Industry Ass'n of San Diego County v. State Water*

standards than those contained in the previous permit, except under limited circumstances. (33 U.S.C. § 1342(o); 40 C.F.R. § 122.44(l).) Federal and state law additionally require implementation of an antidegradation policy, that mandates that existing water quality in navigable waters be maintained unless degradation is justified by specific findings. (See, 40 C.F.R. § 131.12(a)(1).)

1. The 2001 Los Angeles County MS4 Permit

In 2001, the Regional Board adopted an NPDES permit for MS4s in Los Angeles County,[29] which was intended to address the harm caused by pollutants conveyed via storm drains to surface waters in the Los Angeles area. The permit regulated Los Angeles County, the Los Angeles County Flood Control District, and 84 incorporated cities within the County.

Importantly, the 2001 Permit contained Receiving Water Limitations ("RWLs"), which required that "discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives are prohibited." (2001 Permit, at Part 2.1.)[30] The Permittees were directed to begin remedial measures immediately if discharges violate water quality standards. (*Id*., at Part 2.3.) If exceedances of water quality standards persisted, notwithstanding control measures, the Permittees "shall assure compliance" by preparing a compliance report that identifies the violations and adopting more stringent pollution control measures to correct them. (*Id*.)

Complying with the 2001 Permit's iterative process assisted Permittees in meeting water quality goals, but did not excuse violations of water quality standards. An earlier MS4 permit for Orange County, approved by the State Board, had included language stating "the permittees will

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Resources Control Bd. (2004) 124 Cal.App.4th 866, 883 (citing *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159, at 1165–1167).)

[29] This was the third such permit issued by the Regional Board to Los Angeles County and local municipalities. Prior permits were adopted in 1990 and 1996. (2001 Permit, p. 1, Finding A.)

[30] "Water Quality Standards and Water Quality Objectives" are defined in the 2001 Permit to mean "water quality criteria contained in the Basin Plan, the California Ocean Plan, . . . the California Toxics Rule, and other state or federally approved surface water quality plans." (2001 Permit, at Part 5, p. 70.)

not be in violation of [receiving water limitations] so long as they are in compliance with [the iterative process set forth in the permit]."[31] EPA objected to that provision, (which MS4 permits for Vallejo and Riverside County had additionally adopted), as a "safe harbor," meaning the provision deemed the permittees in compliance with the permit regardless of whether Water Quality Standards were then met. In response, the State Board directed the Regional Boards to include receiving water limitations language devised by EPA, without a safe harbor provision, into all future MS4 permits.[32]

The Regional Board followed this clear directive in the 2001 Permit. Indeed, when the County and 43 cities challenged the permit in state court, the court ruled that the Regional Board "included Parts 2.1 and 2.2 in the Permit without a 'safe harbor.'" (*Id.*)[33] The Regional Board supports this interpretation: "the plain meaning of these provisions is clear: they prohibit discharges that cause or contribute to a 'violation of Water Quality Standards' [or water quality objectives] or to a condition of nuisance." Put simply, "[t]he Regional Board's position . . . is that the Permit cannot be read to excuse exceedances of water quality standards."[34] Finally, the Ninth Circuit confirmed the state court's interpretation of the 2001 Permit's Receiving Water Limitations, holding that "no such 'safe harbor' is present in this Permit. . . . [there is] no textual

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[31] See, State Board Order No. WQ 98-01, *Own Motion to Review the Petition of Environmental Health Coalition to Review Waste Discharge Requirements Order No. 96-03,* at 6-7.

[32] See, State Board WQ Order 99-05.

[33] *See, In re L.A. County Mun. Storm Water Permit Litigation.*, No. BS 080548 at 4-7 (L.A. Super. Ct. Mar. 24, 2005) ("*L.A. County Mun. Stormwater*"). The court noted that, "the Regional Board acted within its authority when it included Parts 2.1 and 2.2 in the Permit without a 'safe harbor,' whether or not compliance therewith requires efforts that exceed the 'MEP' standard." (*In re L.A. County Mun. Stormwater,* at 7.) But regardless of this authority, as described above, the Court found that "the terms of the Permit taken, as a whole, constitute the Regional Board's definition of MEP, including, but not limited to, the challenged Permit Provisions." (*Id.* at 7-8.)

[34] Brief of Amicus Curiae California Regional Water Quality Control Board, Los Angeles Region, in *Santa Monica Baykeeper v. City of Malibu* No. CV 08-1465-AHM (PLAx) (C.D. Cal.) (filed Feb. 5, 2010), at 9; *see also,id.* at 4.

support for the proposition that compliance with certain provisions shall forgive non-compliance with the discharge prohibitions."[35]

2. The 2012 Permit

On November 8, 2012, the Regional Board adopted a new MS4 permit for Los Angeles County. Like the prior 2001 Permit, the 2012 Permit states that, "Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited." (2012 Permit, at Part V.A.1.)[36] Rather than maintaining the 2001 Permit's strict prohibition against discharges that cause or contribute to an exceedance of Water Quality Standards, however, the Permit instead incorporates several safe harbors that create broad exemptions to the RWLs section, rendering the limitations inoperative in certain circumstances.

Under the 2012 Permit, Permittees have several different compliance options, two of which trigger application of a safe harbor. In particular, dischargers may elect to develop or participate in a Watershed Management Program ("WMP"), or Enhanced Watershed Management Program ("EWMP"). (2012 Permit, at Part VI.C.) These programs in many aspects allow a permittee to draft their own permit requirements, conditions, and schedules for compliance. Under a WMP, a permittee is required to identify water quality priorities (*id*. at VI.C.5.a), select watershed control measures to be implemented, (*id*. at VI.C.5.b), and establish compliance schedules for addressing water quality priorities. (*Id*. at VI.C.5.c.) For an EWMP, a permittee must, where feasible within a given watershed, retain all storm water runoff from the 85th percentile, 24-hour storm event for the drainage areas tributary to the projects. (*Id.* at VI.C.1.g.) Under both options, Permittees must conduct a "reasonable assurance" analysis to assess whether the programs will result in discharges

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[35] *Natural Resources Defense Council v. County of Los Angeles* (2011) 673 F.3d 880, 897. This portion of the 9th Circuit Court's Opinion is not subject to further review.

[36] The Permit defines "Receiving Water Limitation" as: "Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38." (Permit, at Attachment A, A-17.)

that achieve water quality based effluent limitations and RWLs in the 2012 Permit. (*Id.* at VI.C.1.g; VI.C.5.b.iv(5).)

Although it is a goal of these programs to ensure that stormwater discharges do not cause or contribute to exceedances of RWLs, (see, e.g., *id*. at VI.C.5.b.ii), and that TMDL WLAs are achieved, it is not a requirement that the programs achieve these results in fact. Permittees are instead given a safe harbor from the prohibition on violations of RWLs, or, in some cases of TMDL limits, if they participate in a WMP or an EWMP. The safe harbors include relief from RWL compliance: 1) during the development of a WMP or an EWMP, before the plan is approved; 2) after a plan is submitted to and approved by the Regional Board; and, 3) when the specific RWL (or combination of water quality standard and waterbody) at issue is already addressed by a TMDL.[37]

More specifically, in the first instance, a safe harbor applies to discharges by a permittee upon notification of its intent to develop a WMP or an EWMP to the Regional Board. During the period of plan development and review (up to 28 months from the 2012 Permit adoption date for a WMP or 40 months from the 2012 Permit adoption date for an EWMP before it may be approved (*Id*. at VI.C.4.a.)), the permittee is excused for violations of the Permit's RWLs:

- "Upon notification of a Permittee's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, a Permittee's full compliance with all of the following requirements shall constitute a Permittee's compliance with the receiving water limitations provisions in Part V.A. not otherwise addressed by a TMDL . . . ."[38]

(2012 Permit, at Part VI.C.2.d.)[39] Second, after approval of a Permittee's WMP or EWMP by the Regional Board or the Board's Executive Officer, a safe harbor removes liability for

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[37] In this last case, in some circumstances the 2012 Permit provides a safe harbor for compliance with either interim or final TMDL limits, or both.

[38] We note that the Regional Board lacks authority to exempt state law requirements prohibiting the causation of a condition of nuisance under Part V.A.2.

[39] The Permittee is required to: "i. Provide[] timely notice of its intent to develop a WMP or EWMP, ii. Meet[] all interim and final deadlines for development of a WMP or EWMP, iii. For the area to be covered by the WMP or EWMP, target[] implementation of watershed control measures in its existing storm water management program . . . and iv. Receive[] final approval of

a violation of all RWLs if the WMP or EWMP addresses that pollutant/waterbody combination, regardless of whether or not compliance with the RWL is actually achieved:

- "A Permittee's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute a Permittee's compliance with the receiving water limitations provisions in Part V.A. of this Order for the specific water body-pollutant combinations addressed by an approved Watershed Management Program or EWMP."

(*Id*. at VI.C.2.b.) Third, the 2012 Permit provides a safe harbor from certain TMDL requirements. Specifically, the 2012 Permit provides a safe harbor for interim TMDL WLAs for permittees indicating their intent to develop a WMP or an EWMP:

- "Upon notification of a Permittee's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, a Permittee's full compliance with all of the following requirements[40] shall constitute a Permittee's compliance with provisions pertaining to interim WQBELs with compliance deadlines occurring prior to approval of a WMP or EWMP."

(*Id*. at VI.E.2.d.i(4)(d).) And, for permittees implementing an EWMP, the 2012 Permit provides a safe harbor for all TMDL final limits other than for Trash TMDLs:

- "A Permittee shall be deemed in compliance with an applicable final water quality-based effluent limitation and final receiving water limitation for the pollutant(s) associated with a specific TMDL if. . . . In drainage areas where Permittees are implementing an EWMP, (i) all non-storm water and (ii) all storm water runoff up to and including the volume equivalent to the 85th percentile, 24-hour event is retained for the drainage area tributary to the applicable receiving water."

(*Id*. at VI.E.2.e.i(4).) By allowing these safe harbors, the 2012 Permit excuses compliance with TMDL WLAs, and with its RWLs where the 2001 Permit mandated compliance.

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its WMP or EWMP within 28 or 40 months, respectively." (Permit, at Part VI.C.3.b.i-iv.) The safe harbor does not apply to interim Trash TMDL limits.

[40] The Permittee is required to to: "i. Provide[] timely notice of its intent to develop a WMP or EWMP, ii. Meet[] all interim and final deadlines for development of a WMP or EWMP, iii. For the area to be covered by the WMP or EWMP, target[] implementation of watershed control measures in its existing storm water management program . . . and iv. Receive[] final approval of its WMP or EWMP within 28 or 40 months, respectively." (2012 Permit, at Parts VI.E.2.d.i(4)(d)(1)-(4).)

II. STANDARD OF REVIEW

The State Board must exercise its independent judgment as to whether a Regional Board action is reasonable. (See, *Stinnes-Western Chemical Corp.*, State Board WQ Order No. 86-16 (1986).) Specifically, the State Board's review is equivalent to the standard a reviewing court would apply under California Code of Civil Procedure Section 1094.5, (*id*.), which states "[a]buse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." (Cal. Civ. Proc. Code § 1094.5(b); see also, *Zuniga v. Los Angeles County Civil Serv. Comm'n* (2006) 137 Cal.App.4th 1255, 1258 (applying same statutory standard).) "Where it is claimed that the findings are not supported by the evidence, . . . abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence." (Cal. Civ. Proc. Code § 1094.5(c).)

The administrative decision must be accompanied by findings that allow the court reviewing the order or decision to "bridge the analytic gap between the raw evidence and ultimate decision or order." (*Topanga Ass'n for a Scenic Cmty. v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) This requirement "serves to conduce the administrative body to draw legally relevant sub-conclusions supportive of its ultimate decision . . . to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions." (*Id.* at 516.) "Absent such roadsigns, a reviewing court would be forced into unguided and resource-consuming explorations; it would have to grope through the record to determine whether some combination of credible evidentiary items which supported some line of factual and legal conclusions supported the ultimate order or decision of the agency." (*Id.* at 516, n.15.)

III. ARGUMENT

A. The Permit Creates Illegal Safe Harbors in Violation of Federal Anti-Backsliding and Antidegradation Requirements

1. The 2012 Permit Creates Safe Harbors that Exempt Compliance with Receiving Water Limitations in Some Circumstances

Rather than maintaining the 2001 Permit's prohibition against discharges that cause or contribute to an exceedance of water quality standards, the 2012 Permit creates safe harbors that exempt compliance with the Receiving Water Limitations for Permittees that elect to participate in a WMP or an EWMP. These safe harbor provisions violate multiple provisions of the CWA and other federal and state regulations, and render the 2012 Permit unlawful.

The 2012 Permit creates safe harbors by deeming a Permittee to be in compliance with the Permit's RWLs (which was required by the 2001 Permit), both once a WMP or an EWMP has been approved by the Regional Board and during plan development.[41] The Ninth Circuit defined a "safe harbor" as "the proposition that compliance with certain provisions shall forgive non-compliance with the discharge prohibitions." (*Natural Resources Defense Council, Inc. v. County of Los Angeles* (9th Cir. 2011) 673 F.3d 880, 897 (cert. granted on other grounds).) Unfortunately, the new Permit establishes just such a program. If a Permittee meets the program requirements for a WMP or an EWMP, it *legally* complies with the 2012 Permit's RWLs, regardless of whether the RWLs are *actually* achieved.

During the 2012 Permit adoption hearing,[42] the Regional Board's Executive Officer admitted that these provisions provide a safe harbor from liability for RWL violations. While attempting to define each provision as only a "compliance mechanism," Mr. Sam Unger stated, "at best, it's a conditional safe harbor."[43] Similarly, Mr. Unger stated: "Permittees have to be in

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[41] We note that the 2012 Permit's approach is nonsensical in this regard, as it creates a safe harbor from compliance with Receiving Water Limitations (and for interim TMDL limits) prior to approval of a WMP or an EWMP, while the safe harbor is ultimately expressly conditioned on the approval of the TMDL.

[42] Regional Board, In the Matter of the Regional Board Public Meeting/Hearing, Thursday, November 8, 2012. ("November 8 Hearing.")

[43] Mr. Sam Unger, Executive Officer, Regional Board, November 8 Hearing, at 346:25.

compliance with the milestones and the activities set out in developing the plan for the watershed management program. And if they're not, then the operative part of the permit that would take place is these receiving water limitation[s]."[44] Precisely—the effect of this scheme is that if a Permittee is in compliance with the requirements of a WMP or an EWMP, the Receiving Water Limitations are *not* operative. There is simply no defensible argument that these provisions constitute anything other than safe harbors, which violate federal and state law.

2. The 2012 Permit's Safe Harbors Violate Federal Anti-Backsliding Requirements

Clean Water Act and federal regulations prohibit backsliding, or weakening of permit terms, from the previous permit. Section 402(o)(1) of the Clean Water Act requires that, for effluent limitations based on a state standard, "a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit," except in circumstances not present here. (33 U.S.C. § 1342(o)(1).) Similarly, federal regulations require that "when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit. . . ." (40 C.F.R. § 122.44(l)(1).) By providing a safe harbor waiving requirements to meet Water Quality Standards, the 2012 Permit flatly violates these federal requirements.

a. The Safe Harbors Render the RWLs Less Stringent Than in the Previous Permit

The Permit allows a Permittee participating in a WMP or an EWMP to comply with Receiving Water Limitations, even if a Permittee's discharges actually cause or contribute to an exceedance of the Receiving Water Limitations, including violations of Water Quality Standards. By contrast, the 2001 Permit required compliance with WQSs. Thus, the 2012 Permit excuses discharges of pollution and violations of WQSs that the previous permit prohibited.

[44] Mr. Sam Unger, Executive Officer, Regional Board, November 8 Hearing, at 324:8-12.

b. The Receiving Water Limitations Cannot be Weakened Unless Consistent With 1313(d)(4) or 402(o)

Section 402(o) of the Clean Water Act (33 U.S.C. § 1342(o)), generally prohibits relaxation of, among other things, an effluent limitation "necessary to meet water quality standards . . . schedules of compliance, established pursuant to any State law or regulations . . . or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to" the CWA. (See, 33 U.S.C. § 1342(o)(1); 33 U.S.C. § 1311(b)(1)(C).)[45] Although a permit may contain less stringent requirements if the change is consistent with the requirements of 33 U.S.C. § 1313(d)(4) or the enumerated exceptions in section 402(o)(2).[46] The safe harbors in the 2012 Permit satisfy none of these conditions.

i. The Receiving Water Limitations Are Covered by Anti-Backsliding Requirements as "Effluent Limitations" and "Standards or Conditions" of the 2001 Permit

The Clean Water Act defines the term "effluent limitation" broadly, as "any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources. . . ." (33 U.S.C. § 1362(11).) By prohibiting the "discharge" of any pollutant in quantities sufficient to cause or contribute to an exceedance of Receiving Water Limitations, the RWLs easily fit within this sweeping definition. (*See also, NRDC v. U.S.E.P.A.* (D.C. Cir. 1981) 656 F.2d 768, 775-76 (as a practical matter the limitation restricted the discharge of pollution and consequently was an effluent limitation), *NRDC v. U.S.E.P.A.* (D.C. Cir. 1982) 673 F.2d 400, 403 (33 U.S.C. § 502(11) "defines 'effluent limitation' as 'any restriction', not just numeric limitations").)

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[45] We note that EPA has recognized that providing additional time for compliance for a provision required by the previous permit violates anti-backsliding requirements. (Letter from Jon M. Capacasa, Director Water Protection Division, EPA Region III to Jay Sakai, Maryland Department of the Environment, re: Specific Objection to Prince George's County Phase I Municipal Separate Storm Sewer System (MS4) Permit MD0068284, at 3 (Attached as RN "Exhibit B").) The additional time allotted by the new Permit to achieve compliance with RWLs, required in the 2001 Permit, for Permittees developing a WMP or an EWMP constitutes a less stringent limitation.

[46] See also, U.S. EPA (September 2010) NPDES Permit Writers' Manual ("NPDES Manual), at 7-1 to 7-3. (Attached as RN "Exhibit C".)

In addition, the RWLs constitute "standards" or "conditions" protected by anti-backsliding requirements under 40 C.F.R. § 122.44(l). Board staff have attempted to avoid the plain implications of section 402(o) by saying that the CWA "talks about [anti-backsliding] in terms of effluent limits. And we're talking about receiving water limitations."[47] Yet, even if this were the case, the safe harbors would still be unlawful. EPA's anti-backsliding regulations require that "effluent limitations, *standards or conditions* must be at least as stringent as the final effluent limitations, *standards, or conditions* in the previous permit. . . ." (40 C.F.R. § 122.44(l)(1) (emphasis added).) Thus these requirements "apply to questions regarding non-water quality-based effluent limits," including "backsliding questions regarding permit conditions, (rather than permit limitations) even where the conditions in question are based on water quality considerations."[48] Regional Board staff confirmed at the November 8 Hearing that, at a minimum, the "receiving water limits would be considered a condition[] [of the] permit."[49] As a result, even if section 402(o) were inapplicable, which it is not, the prohibition on anti-backsliding contained in 40 CFR 122.44(l) applies to the RWLs as conditions. Because in either case the 2012 Permit weakens the Receiving Water Limitations as compared with the 2001 Permit, it violates anti-

[47] Ms. Deborah Smith, Regional Board, November 8 Hearing at 313:5-7.

[48] EPA (1989) Memorandum on Interim Guidance on Implementation of Section 402(o) Anti-Backsliding Rules For Water Quality-Based Permits, from James R. Elder, Director, Office of Water Enforcement and Permits to Water Management Division Directors, Regions I-X, NPDES State Directors, at 2. (Attached as RN "Exhibit D".) ("Section 402(o) is silent on the issue of permit conditions, and only addresses backsliding from permit limitations"); See also, EPA (Sept. 2010) NPDES Permit Writers' Manual, EPA 833-K-10-001, at 7-4. ("NPDES Manual")

[49] Ms. Deborah Smith, Regional Board, November 8 Hearing, at 314:6-7. Earlier draft versions of the Permit had previously acknowledged the application of anti-backsliding requirements in this context, but, inexplicably, staff edited the October 18, 2012 draft of the 2012 Permit to remove reference to "conditions" in its explanation of anti-backsliding requirements. Referring to 40 C.F.R. § 122.44(l), the sentence "anti-backsliding provisions require effluent limitations or other conditions in a reissued permit to be as stringent as those in the previous permit," was revised to read "anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit. . . ." (2012 Permit, at p. 25, Finding N.) Thus, the Permit only incompletely states the requirements of federal anti-backsliding regulations it then proceeds to violate.

backsliding requirements. In addition, as discussed below, the exemptions to anti-backsliding do not apply here.

ii. The Safe Harbors do not Qualify Under Section 1313(d)(4) as Exceptions to the Anti-Backsliding Rule

Section 1313(d)(4) restricts what effluent limitations may be revised in a renewal permit. First, where water quality standards are not being attained (see 33 U.S.C. § 1313(d)(4)(A)), a less stringent effluent limitation based on a TMDL or other WLA is allowed in a renewal permit only if "the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard," or if the designated use is removed. (33. U.S.C. § 1313(d)(4)(A).)[50] Second, for waters that are meeting applicable water quality standards, (under 33 U.S.C. § 1313(d)(4)(B)), a limitation based on a TMDL or Water Quality Standard may only be weakened if it is consistent with the applicable state antidegradation policy. (33 U.S.C. § 1342(o)(1).)[51]

Neither of these conditions has been met. First, for waters that are failing to meet WQSs, the 2012 Permit fails to demonstrate that the revised standards will assure WQSs will be attained. Second, where waters are currently attaining WQSs, the Permit fails to provide required analysis consistent with the state's antidegradation policy. These allowances violate the anti-backsliding requirements both during WMP or EWMP development, before the plan is approved by the Regional Board, and after WMP or EWMP approval, during the plan's implementation.

iii. The Safe Harbors do not Qualify Under Section 402(o)(2) as Exceptions to the Anti-Backsliding Rule

Although section 402(o)(2) lists a series of exceptions to the otherwise applicable anti-backsliding requirements, none applies to this permit. The law's exemptions include:

[50] See also, EPA, NPDES Permit Writer's Manual, at 7-3.
[51] See also, EPA, NPDES Manual, at 7-2; Exhibit 7-2. For further discussion of antidegradation issues raised by the 2012 Permit, see section III.A.3, below.

> (A) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation; (B)(i) information is available which was not available at the time of permit issuance . . . and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or (ii) the Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under section (a)(1)(B) of this section; (C) a less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy; (D) the permittee has received a permit modification under [various other sections] of this title; or (E) the permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations. . .

(33 U.S.C. § 1342(o)(2).) None of these exceptions apply to the adoption of the 2012 Permit. Other than an unsupported and insufficient statement by Board counsel at the November 8 Hearing that "Had in 2001 there been 33 [new] TMDLs [incorporated into the Permit] it's possible the Board might have done something very different than what they did" in adopting the 2001 Permit, the Regional Board offered no evidence that these exceptions apply.[52] As a result, the anti-backsliding requirements of section 402(o) prohibit the adoption of safe harbors in the 2012 Permit.

iv. The Safe Harbors Violate Section 402(o)(3)'s Prohibition Against Changes that Would Result in a Violation of Applicable Water Quality Standards

Even if the 2012 Permit's safe harbors complied with the above anti-backsliding requirements, which they do not, they would still be unlawful under section 402(o)(3), which serves as a "*safety clause* that provides an absolute limitation on backsliding."[53] Section 402(o)(3) requires that in no event shall a permit "be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard" under 33 U.S.C. § 1313. (33 U.S.C. § 1342(o)(3).) Thus, as EPA explains, "even if one or more of the backsliding exceptions outlined in the statute is applicable and met, CWA section 402(o)(3) acts as a floor and restricts the extent to which effluent

[52] Ms. Jennifer Fordyce, Regional Board Counsel, November 8 Hearing at 317:11-13.
[53] See EPA, NPDES Manual at 7-4.

limitations may be relaxed."[54] The 2012 Permit, by explicitly excusing violations of Receiving Water Limitations which prohibit discharges that cause or contribute to a violation of WQSs, fails to meet this federally mandated minimum level of protection.

3. The 2012 Permit's Safe Harbor Provisions Violate State and Federal Antidegradation Requirements

The overall goal of the Clean Water Act is the complete elimination of the discharge of pollutants into waters of the United States. (33 U.S.C. § 1251(a)(1).) To help meet this goal, states must implement an antidegradation policy. As discussed below, the permit does not comply with applicable antidegradation requirements.

a. The Safe Harbors Violate Antidegradation Requirements that Prohibit Actions that Would Lead to Lower Water Quality

The federal antidegradation policy contains a three "Tier" test for determining when increases in pollutant loadings or adverse changes to water quality may be allowed. (40 C.F.R. § 131.12.) While Tier II and Tier III apply only to high quality waters and "outstanding National resource waters," respectively, Tier I antidegradation analysis applies to *all* waters of the United States, including waters that do not exceed the CWA section 101(a) goals.[55] "Tier One classification applies a minimum level of protection to all waters, which protects even seriously degraded water bodies, by prohibiting any additional pollution that would affect existing uses."[56]

California has established a state antidegradation policy, which incorporates the federal antidegradation policy and establishes additional requirements.[57] NPDES permit renewals or modifications such as the 2001 and 2012 Los Angeles County MS4 Permits are subject to both

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[54] See EPA, NPDES Manual at 7-4.

[55] (64 Fed. Reg. 46058, 46063, *Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy in Support of Revisions to the Water Quality Planning and Management Regulation*.

[56] Brawer, J.M., "Antidegradation Policy and Outstanding Natural Resource Waters in the Northern Rocky Mountain States," 20 Pub. Land & Resources L. Rev. 13, 18 (1999).

[57] See, State Board Resolution 68-16; *see also In the Matter of the Petition of Rimmon C. Fay*, State Board Order No. WQ 86-17 at 16-19 (November 20. 1986).

state and federal antidegradation requirements.[58] The State antidegradation policy specifically addresses only "high quality" waters, or waters of better quality than required by water quality standards for a particular beneficial use (or conversely, those waters not designated as "impaired"). However, the State policy applies to all waters, including surface and groundwater, to changes in water quality since 1968, and to all uses, including existing and potential uses.[59]

Together, state and federal anti-degradation requirements mandate that existing water quality in navigable waters be maintained, unless degradation is justified based on specific findings. In no case may water quality be lowered to a level that would interfere with existing or designated uses. Thus any action by a Regional Board, including permit issuance, that would result in lower water quality—either in high quality or impaired waters—must be analyzed to ensure consistency with state and federal antidegradation policy. Further, because a receiving water can be considered high quality for one beneficial use, and impaired for others, the analysis must be conducted pollutant by pollutant, and beneficial use by beneficial use. (*See, Associacion de Gente Unida for El Agua v. Central Valley Regional Board* (2012) (210 Cal.App.4th 1255) [149 Cal.Rptr.3d 132, 142; 144] (citing "St. Water Res. Control Bd., Guidance Memorandum (Feb. 16, 1995); 40 CFR 131.12(a)(1).)

Accordingly, the Regional Board was required to conduct a Tier I analysis for all waters impacted by the Los Angeles County MS4 systems, and a Tier II analysis for higher quality Los Angeles waters (taking account of water quality for specific pollutant and beneficial use considerations). In past instances when the Regional Board has failed to provide adequate findings to verify that beneficial uses or high-quality waters will be maintained, the State Board has remanded the orders to the Regional Board for further proceedings.[60] The same should be done here.

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[58] *See*, SWRCB Order No. WQ 86-17; EPA, Region IX, *Guidance on Implementing the Antidegradation Provisions of 40 C.F.R. § 131.12*, at 2-4 (June 3, 1987) ("EPA Antidegradation Guidance"). (Attached as RN "Exhibit E".)

[59] State Board Resolution 68-16.

[60] See e.g., State Board Order WQ 86-17, at 28 (State Board remanded Regional Board order due to the Regional Board's failure to make appropriate findings as to whether an increase in

b. The Regional Board did not Conduct Any Required Antidegradation Analysis

As noted in section III.A.1. above, the safe harbor provisions in the 2012 Permit weaken the Receiving Water Limitations compared with the 2001 Permit requirements.[61] However, despite the 2012 Permit's explicit weakening of the prior permit's limits, and the resulting continued degradation of receiving waters, the Regional Board conducted *no* antidegradation analysis. The 2012 Permit's reference to antidegradation is limited to a cursory summary of the legal requirements, and a conclusion that "[t]he permitted discharge is consistent with the anti-degradation provision of [40 CFR] section 131.12 and State Water Board Resolution No. 68-16." (2012 Permit, at p. 25, Finding J.) Simply claiming that no degradation will occur does not satisfy the requirements of the Clean Water Act. (*Associacion de Gente Unida*, 149 Cal.Rptr., at 136.; see also, *American Funeral Concepts-American Cremation Soc'y v. Board of Funeral Directors and Embalmers* (1982) 136 Cal.App.3d 303, 309.)

Even assuming, as the Regional Board claims, that the new Receiving Water Limitations are as stringent as those in the previous Permit, allowing a permit regime that degrades receiving waters to continue triggers antidegradation analysis. At a minimum, the 2012 Permit maintains the existing failed program implementation for 18 or 30 months during WMP or EWMP development and a potentially additional 10 months during Regional Board review of the plans. Such an approach is inconsistent with antidegradation requirements. As the Third Appellate District

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suspended solids and bacteria would violate antidegradation requirements in an area used for body-contact sports.); see also, *Topanga Ass'n for a Scenic Cmty.*, 11 Cal.3d at 515

[61] Board counsel indicated that anti-degradation is not a concern during the planning phase for either WMP or EWMPs, before the plans are either approved or adopted, because "they still have to implement their existing MS4 program. So they're going to keep doing what they're doing right now . . . the water quality is not going to get worse." (Ms. Jennifer Fordyce, Regional Board counsel, November 8 Hearing, at 318:3-7; see also Ms. Renee Purdy, Regional Board, November 8 Hearing, at 318:12-18.) Yet as discussed earlier, under the existing program, monitoring shows persistent violations of water quality standards, including in waters not yet listed as impaired under CWA section 303(d).

pointedly stated in rejecting the Regional Board's argument that because a new dairy permit was no worse than the last:

> Our problem with the Regional Board's reliance on the assertion that no groundwater degradation is allowed is twofold. First, as the order itself recognizes, the groundwater quality has degraded, and dairy operations are partly responsible. To the extent that the Order allows historic practices to continue without change, degradation will continue.

(*Associacion de Gente Unida*, 149 Cal.Rptr., at 145.)

There is no meaningful debate that urban runoff continues to degrade receiving waters in the Los Angeles area, and that the stormwater programs implemented under the prior permit failed to control that degradation. Therefore, because an antidegradation analysis is required, and the 2012 Permit fails to conduct that analysis, the 2012 Permit violates State and Federal Law.

B. The Permit Unlawfully Fails to Incorporate Waste-Load Allocations Consistent With Applicable TMDLs

The Clean Water Act relies on TMDLs to restore water bodies that fail to meet water quality standards. TMDLs establish a clear and scientifically-driven pathway towards protecting beneficial issues for public health and aquatic life. The CWA and its implementing regulations require that NPDES permits are consistent with the assumptions and requirements of TMDL WLAs. (40 C.F.R.§ 122.44(d)(1)(vii)(B).)[62]

Consistent with EPA regulations, the MS4-related WLAs for TMDLs adopted in the Los Angeles Region must be properly reflected in the MS4 Permit. The Permit itself states:

> The Permittees shall comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR §122.44(d)(1)(vii)(B); Cal.Wat. Code §13263(a)).

(2012 Permit, at Part VI.E.1.c.) However, the Permit fails to properly incorporate the very limitations it acknowledges are necessary. During this renewal, 33 TMDLs were newly incorporated into the 2012 Permit. In violation of the federal requirements, the 2012 Permit fails

[62] See, EPA Hanlon Memo.

to ensure compliance with all interim and final WLAs for these TMDLs and incorporates illegal compliance schedules as permit terms.

1. The 2012 Permit Illegally Exempts Dischargers from Complying with Interim and Final Numeric Waste Load Allocations Established in TMDLs

Although all permit terms must be consistent with the assumptions and requirements of WLAs established in TMDLs, (40 C.F.R. § 122.44(d)(1)(vii)(B)), the 2012 Permit inexplicably excuses compliance with interim WLAs[63] and eliminates final WLAs in at least two instances.

First, the 2012 Permit specifies that where a Permittee is implementing an EWMP and runoff is retained up to the 85th percentile storm, the Permittee is deemed in compliance with final TMDL WLAs. (2012 Permit, at Part VI.E.2.e.i(4).) The Permit states:

> A Permittee shall be deemed in compliance with an applicable final water quality-based effluent limitation and final receiving water limitation for the pollutant(s) associated with a specific TMDL if… (4)In drainage areas where Permittees are implementing an EWMP, (i) all non-storm water and (ii) all storm water runoff up to and including the volume equivalent to the 85th percentile, 24-hour event is retained for the drainage area tributary to the applicable receiving water.

(*Id*. at Part VI.E.2.e.i.) By providing this alternative means of demonstrating compliance, the Regional Board thus creates a safe harbor from final TMDL requirements and incorporates a provision that is inconsistent with the WLAs. Under this regime, there is no assurance that actual final TMDL limits, established to achieve WQSs and protect beneficial uses, will ever be met in waterbodies throughout Los Angeles County.[64]

Second, for EPA-approved TMDLs, the 2012 Permit removes compliance obligations, again excusing Permittees from complying with final WLAs. Section VI.E.3 provides:

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[63] Where a Permittee engages in either type of watershed management program, the Permit unlawfully eliminates the need to comply with interim WQBELs and RWLs. Indeed, the Permit includes a safe harbor for violations of interim limits that occur during and after WMP or EWMP development rather than actually achieving the interim limits defined in the TMDL. (2012 Permit, at Parts VI.C.3.a, VI.E.2.d.i(4), (4)(d); see also, Section I.B.2., above.)

[64] See discussion on evidence in the record in section III.C., below.

> TMDLs established by the USEPA, to which Permittees are subject, do not contain an implementation plan adopted pursuant to California Water code section 13424. However, USEPA has included implementation *recommendations* as part of these TMDLs. *In lieu of* inclusion of numeric water quality based effluent limitations at this time, this Order requires Permittees subject to WLAs in USEPA established TMDLs to propose and implement best management practices (BMPs) that will be effective in achieving compliance with USEPA established numeric WLAs.

(2012 Permit, at Part VI.E.3 (emphasis added).) This provision is not consistent with existing, applicable WLAs. (40 C.F.R. § 122.44(d)(1)(vii)(B).) Because TMDLs established by EPA include numeric WLAs, the 2012 Permit must include numeric WQBELs consistent with those WLAs.[65] For example, the San Gabriel River Metals and Selenium TMDL, which has been in effect since 2007, sets numeric WLAs based on the California Toxics Rule ("CTR") (40 C.F.R. 131.36(d)(10)) criteria. The MS4 Permit must incorporate the numeric WLAs set forth in the EPA San Gabriel River Metals and Selenium TMDL and other EPA TMDLs to comply with the Clean Water Act. Yet, the safe harbor provisions do not require compliance with these numeric limits, in violation of federal requirements.

2. The Permit Incorporates Illegal Compliance Schedules In Violation of 40 C.F.R. § 122.47

NPDES permits may only include schedules for achieving compliance with permit limits as permit terms when schedules for achieving compliance are authorized, appropriate, and satisfy specific requirements. (*See In the Matter of Star-Kist Caribe, Inc.* (E.A.B. 1989) 1989 EPA App. LEXIS 38, at *7; 33 U.S.C. § 1313(e)(3)(F); 40 C.F.R. § 122.47.)

Any compliance schedules incorporated into the MS4 Permit must lead to compliance "as soon as possible," (40 C.F.R. § 122.47(a)(1)), and must comply with specific requirements including:

> 1) if the compliance schedule exceeds one year, it must include interim compliance deadlines; 2) interim deadlines must be no more than one year apart; and, 3) if the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

[65] EPA Hanlon Memo

(40 C.F.R. § 122.47(a)(3).) Further, WLAs and compliance schedules in the 2012 Permit must also be consistent with other state water quality control plans and statutory deadlines; a compliance schedule may only be included in an NPDES permit as a permit term when such compliance schedules are authorized. (See *In the Matter of Star-Kist Caribe, Inc.*, 1989 EPA App. LEXIS, at *7; 33 U.S.C. § 1313(e)(3)(F).)

Section IV.A.2.a. of the 2012 Permit does not comply with these federal regulations. It provides that "[e]ach Permittee shall comply with applicable WQBELs as set forth in Part VI.E [TMDL section] of this Order, *pursuant to applicable compliance schedules*." (Emphasis added). The 2012 Permit also references TMDL implementation schedules in several other sections.[66] However, the implementation schedules set out in several of the applicable TMDLs do not satisfy federal laws governing NPDES permit compliance schedules, and therefore cannot be incorporated into the 2012 Permit.

Specifically, any implementation schedule set forth in an applicable TMDL that allows for more than one year to achieve compliance, but lacks interim deadlines, cannot be incorporated into the 2012 Permit as an NPDES compliance schedule. Because the implementation schedules set out in the Malibu Creek Bacteria TMDL, the Santa Monica Bay Beaches Bacteria TMDLs, and the Los Angeles River Indicator Bacteria TMDL do not have such deadlines, the 2012 Permit may not incorporate them without a detailed schedule. The Permit contains no such schedule.

Moreover, WLAs in metals TMDLs in Los Angeles are based on the CTR criteria, and compliance schedules for CTR-based limits are authorized through the Inland Surface Water Plan ("ISWP"). But the ISWP only authorized compliance schedules for a maximum of 10 years from the time CTR criteria were first promulgated and states that no discharger can be given a compliance schedule to meet CTR criteria after May 18, 2010.[67] As a result, any compliance schedules set out in TMDLs implementing the CTR are not authorized.

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[66] See, e.g., Permit, at Parts VI.C.3.c.; VI.E.1.; VI.E.c.ii.; and, VI.e.2.d.i.

[67] State Board Resolution No. 2000-15, *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, at 19; see also October 23, 2006 EPA Letter re: California SIP, Compliance Schedule Provisions; State Board Memo dated

C. The Decision to Adopt the 2012 Permit, Including its Safe Harbor Provisions, is not Supported by the Findings or the Evidence in the Administrative Record

The Regional Board's approval of the 2012 Permit violates long-established requirements for agency decision-making. The Regional Board's findings fail to show the Board's mode of analysis to "bridge the analytic gap between the raw evidence and [the] ultimate decision or order." (*See, Topanga Ass'n for a Scenic Cmty*, 11 Cal.3d at 515.) Moreover, in critical aspects the Regional Board's final decision lacks evidentiary support in the record. The absence of adequate findings or evidence renders the Regional Board's decision unlawful. (*See*, Cal. Civ. Proc. Code § 1094.5(b); *see also, Zuniga*, 137 Cal. App. 4th at 1258.)

The 2012 Permit's discussion of anti-backsliding requirements exemplifies the Regional Board's lack of sufficient analysis.[68] Environmental Groups raised significant legal and factual argument before the Regional Board to demonstrate that the safe harbors incorporated in the 2012 Permit violate federal anti-backsliding requirements.[69] In response, the 2012 Permit merely repeats (incompletely) the legal requirements for anti-backsliding, then leaps to the conclusory statement that, "All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous permit." (2012 Permit, at p. 25, Finding N.) However, bare conclusions are impermissible. (*See*, *American Funeral Concepts-American Cremation Soc'y*, 136 Cal.App.3d at 309 ("administrative findings set forth solely in the language of the applicable legislation are insufficient").)

Similarly, there is insufficient evidence to support the Regional Board's decision to adopt the safe harbor provisions allowed for Permittees under an EWMP. Participation in an EWMP

September 15, 2006 Re: CTR Compliance Schedules; State Board Resolution No. 2008-0025 at 4; Final Staff Report, State Board Resolution No. 2008-0025 at 10; Final Response to Written Comments, State Board Resolution No. 2008-0025 at 6, 9, 10, 18-19, 26.

[68] As is discussed in section III.A.3.b., the 2012 Permit's discussion of antidegradation requirements is another stark example of the lack of sufficient findings and evidentiary support.

[69] See Letter from NRDC, Los Angeles Waterkeeper, and Heal the Bay to Regional Board re: Comments on Tentative Order R4-2012-XXXX, Los Angeles County MS4 Permit, June 6, 2012 Draft, July 23, 2012; NRDC, Los Angeles Waterkeeper and Heal the Bay also presented on this issue at the October 4-5 and November 8 Regional Board Hearings on the 2012 Permit.

requires retention of runoff from the 85th percentile, 24-hour storm in exchange for safe harbors. (Permit, at Part VI.E.2.e.i.(4).) Yet there is no evidence in the record for the 2012 Permit's adoption to demonstrate that retention of the 85th percentile storm event will, in fact, achieve compliance with either Water Quality Standards required under the Receiving Water Limitations, or with the numerous TMDL WLAs required to be met in the 2012 Permit. At the November 8, 2012 Hearing, EPA specifically questioned the adequacy of the record on this point:

> [T]he EPA guidance on incorporating TMDLs into . . . MS4 permits that has been around since 2002 talks about when you come up with a BMP-based approach for incorporating a TMDL into a permit—so basically this is a BMP-based approach. You would be retaining the 85th percentile storm—you have to have in the record for the permit the justification for how that gets to those specific wasteload allocations. . . .[70]
>
> We've been very involved with the county's modeling and . . . we don't have that rigorous analysis that's been—that's required by the EPA guidance for saying and showing that that specific retention is going to achieve the numeric wasteload allocation. . . . I haven't seen the support in the administrative record, the fact sheet or otherwise.[71]

Following EPA's observation, the Regional Board Chair asked staff directly if the evidence requested by EPA was in the record.[72] The Board's Executive Officer, Mr. Unger replied:

> Yes. Yes. It was discussed when the county first presented at the last hearing, the enhanced management approach, they discussed their—the watershed modeling system that they would be using to demonstrate a reasonable assurance.[73]

However, the record, including watershed modeling discussed by Los Angeles County, does not anywhere demonstrate that retention of the 85th percentile storm will protect water quality standards or achieve TMDL WLAs as required by the Clean Water Act or EPA guidance.

In fact, the County's presentation demonstrates only that, in its view, the 85th percentile storm represents a cost-effective or "appropriate design storm [size] for use in BMP planning and design" for treatment of stormwater runoff,[74] not, as Regional Board staff appear to indicate, that

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[70] Mr. John Kemmerer, EPA, November 8 Hearing, at 365:24-25 to 366:1-7.
[71] Mr. John Kemmerer, EPA, November 8 Hearing, at 366:10-18; 367:6-8.
[72] See, Ms. Maria Mehranian, Regional Board Chair, November 8 Hearing, at 368:13-14 (stating "So—I'm sorry . . . it is in the record?").
[73] Mr. Sam Unger, at 368:15-19.
[74] Mr. Gary Hildebrand, November 8 Hearing, at 220: 18-19.

retention of the 85th percentile storm will achieve required WLAs for all TMDLs in all watersheds covered by the permit. At both the October 4-5 Hearing and November 8 Hearing, the County discussed the decision to select the 85th percentile storm and acknowledged it was based on cost and treatment considerations:

> This concept involves the identification of a storm of specific size, the intensity, and/or duration for use in design stormwater controls to achieve water quality standards that balances cost with pollutant removal efficiency. . . .[75]
>
> The [projected] graph plots the total cost of BMPs needed throughout LA County to comply with all the TMDLs expected in the new permit against various size storm events. As can be seen, the most optimum storm size is the 85th percentile storm event.[76]

Thus, the County's explanation does not demonstrate a discernible relationship between the 85th percentile retention approach and full achievement of TMDL WLAs—just that the 85th percentile storm is a cost-effective cut-off point for pollution control measures.[77] Nor do the County or the Regional Board provide data, analysis, or in the Regional Board's case, findings to support that this BMP-based approach will achieve applicable WLAs[78] or demonstrate the validity of the County's model.[79] Accordingly, the Regional Board's

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[75] Mr. Gary Hildebrand, November 8 Hearing, at 220: 20-24. Regional Board Staff also indicated their understanding that selection of the 85th percentile storm was a cost consideration, not an independent assessment of the storm size required to be retained to meet applicable TMDL WLAs. See, Mr. Sam Unger, November 8 Hearing, at 360:14-17 ("when you look at that curve, sort of a dollars versus precipitation event occurred, right about that 85th percentile—right at the 85th percentile, the curve trends up very markedly.").

[76] Mr. Gary Hildebrand, October 4 Hearing, at 308:7-12.

[77] The same concern rises for compliance with the Permit's Receiving Water Limitations—retention of the 85th percentile storm represents only, in the County's view, a cost effective upper limit for a design storm. This does not stand for the proposition that retention will then achieve water quality standards for all receiving waters in all conditions.

[78] 40 C.F.R. § 122.44(d)(1)(vii)(B); see also, EPA Hanlon Memo.

[79] We note that to the extent the Regional Board may have relied on additional information submitted by the County related to selection of the 85th percentile storm submitted after July 23, this evidence is not part of the record. In the agenda for the October 4-5 and the November 8 Hearings, the Regional Board stated unequivocally that "No new written materials may be submitted on the Tentative Order . . . Written comments were due by noon on July 23, 2012." (October 4-5 Agenda, at, 2; see also, Notice of Opportunity for Comment, October 18, at 2.

decision to include the EWMP safe harbors in the 2012 Permit was arbitrary and capricious.

IV. CONCLUSION

For all the foregoing reasons, the instant Petition for Review should be GRANTED.

Respectfully submitted,

Dated: December 10, 2012

NATURAL RESOURCES DEFENSE COUNCIL, INC.

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Dated: December 10, 2012

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 1314 Second Street, Santa Monica, California 90401.

On December 10, 2012 I served the within document described as MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ACTION OF ADOPTING ORDER NO. R4-2012-0175 on the following interested parties in said action by placing a true copy thereof in the United States mail enclosed in a sealed envelope with postage prepaid, addressed as follows:

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I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 10, 2012, at Santa Monica, California.

Anna Kheyfets

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

320 West 4th Street, Suite 200, Los Angeles, CA 90013
Phone (213) 576-6600 - Fax (213) 576-6686
http://www.waterboards.ca.gov/losangeles

ORDER NO. R4-2014-0024
NPDES PERMIT NO. CAS004003

WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES FROM THE CITY OF LONG BEACH

The City of Long Beach is subject to waste discharge requirements for its municipal separate storm sewer system (MS4) discharges originating within its jurisdictional boundaries composed of storm water and non-storm water as set forth in this Order:

I. FACILITY INFORMATION

Table 1. Discharge Information

Discharger	City of Long Beach
Facility Name	Municipal Separate Storm Sewer System owned and operated by the City of Long Beach
The U.S. Environmental Protection Agency (US EPA) and the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) have classified the City of Long Beach MS4 as part of the Greater Los Angeles County MS4 and as a large MS4 pursuant to 40 CFR section 122.26(b)(4) and a major facility pursuant to 40 CFR Section 122.2.	

Table 2. Facility Information

Permittee (WDID)		**Contact Information**
City of Long Beach (4B190105032)	Mailing Address	333 West Ocean Blvd. 9th Floor Long Beach, CA 90802
	Facility Contact	Storm Water/ Environmental Compliance Officer

Table 3. MS4 Discharge Locations[1]

Major Outfall Locations	Outfall Size	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Alamitos Bay / Basin No. 3	39" Discharge	33.753	-118.109	Alamitos Bay
Alamitos Bay /Basin No. 3	36" Discharge	33.756	-118.112	Alamitos Bay
36th Pl/Ocean Blvd	54" Discharge	33.76	-118.151	Beach
39th Pl / Allin St	39" Discharge	33.759	-118.148	Beach
9th Pl / Ocean Blvd	36" Discharge	33.764	-118.174	Beach

[1] Table 3 identifies the major outfall locations based on the best available information at the time of permit adoption and may not be an complete inventory of all the major outfalls.

Ocean Blvd/Molino Ave	51" Discharge	33.762	-118.162	Beach
1231 Pier B 1400 8Th St	54" Discharge	33.777	-118.21	Channel #2 POLB
1722 8Th St	54" Discharge	33.774	-118.216	Channel #2 POLB
850 Edison Avenue	42" Discharge	33.773	-118.219	Channel #2 POLB
6th St/Alley E/O Park Ave	63" Discharge	33.773	-118.136	Colorado Lagoon
6th St/Nieto Ave	54" Discharge	33.773	-118.133	Colorado Lagoon
Monrovia Ave/4th St	48" Discharge	33.772	-118.132	Colorado Lagoon
7380 Willow St	60" Discharge	33.803	-118.085	Coyote Creek
8194 Timor St	48" Discharge	33.819	-118.068	Coyote Creek
Coyote Creek / Fenley Dr	Unk (OC Rossmoor Pump Station Discharge)	33.815	-118.071	Coyote Creek
Coyote Creek / N/O Junction San Gabriel River	Unk (OC Rossmoor Pump Station Discharge)	33.796	-118.089	Coyote Creek
Coyote Creek / S/O 226th St	3-36" Discharge (Claretta Drain Pump Station)	33.823	-118.066	Coyote Creek
710 Fwy / 27TH St	36" Discharge	33.806	-118.206	Los Angeles River
710 Fwy / Cowles St	3-36" & 1-8" Discharge	33.784	-118.206	Los Angeles River
710 Fwy / Hughes Way	24" Discharge	33.829	-118.205	Los Angeles River
710 Fwy / Long Beach Blvd	3-36" Discharge	33.863	-118.197	Los Angeles River
710 Fwy / Taper St	36" Discharge	33.819	-118.206	Los Angeles River
Los Angeles River / 17th St	204" Discharge	33.788	-118.204	Los Angeles River
Los Angeles River / 34th St	78" Discharge	33.819	-118.205	Los Angeles River
Los Angeles River / 3rd St	96" Discharge	33.771	-118.205	Los Angeles River
Los Angeles River / 405 Fwy	72" Discharge	33.825	-118.205	Los Angeles River
Los Angeles River / 7th St	30" & 21" Discharge	33.775	-118.204	Los Angeles River
Los Angeles River / Artesia Blvd	3-48" & 3-36" & 1-8" Discharge	33.874	-118.189	Los Angeles River
Los Angeles River / Loma Vista Dr	4-78" Discharge	33.779	-118.205	Los Angeles River
Los Angeles River / Loma Vista Dr	2-42" & 1-10" Discharge	33.779	-118.204	Los Angeles River
Los Angeles River / S/O Ocean Blvd	4-36" Discharge	33.765	-118.204	Los Angeles River
Los Angeles River / S/O Ocean Blvd	12" Discharge	33.766	-118.206	Los Angeles River
Los Angeles River / Virginia Vista	2-54" Discharge	33.832	-118.204	Los Angeles River
Los Angeles River/ 25th St	54" Discharge	33.802	-118.205	Los Angeles River
Los Angeles River/ 405 Fwy	60" Discharge	33.827	-118.206	Los Angeles River
Los Angeles River/ Wardlow Rd	54" Discharge	33.82	-118.205	Los Angeles River
Los Angeles River/ Willow St	48" Discharge	33.805	-118.205	Los Angeles River
Los Angeles River/Hill St	42" Discharge	33.797	-118.204	Los Angeles River

Los Angeles River/S/O 47th St	9-10" Discharge	33.84	-118.203	Los Angeles River
Market St / Los Angeles River	180 " Discharge	33.854	-118.2	Los Angeles River
1800 Knoxville Ave	3-30" Discharge	33.789	-118.104	Los Cerritos Channel
1809 Vuelta Grande Ave	42" Discharge	33.789	-118.103	Los Cerritos Channel
2040 Knoxville Ave	48" Discharge	33.793	-118.104	Los Cerritos Channel
2201 Vuelta Grande Ave	48" Discharge	33.796	-118.103	Los Cerritos Channel
2372 Knoxville Ave	38" Discharge	33.8	-118.105	Los Cerritos Channel
4600 Spring St	30" Discharge	33.813	-118.14	Los Cerritos Channel
5517 China Pt	36" Discharge	33.767	-118.125	Los Cerritos Channel
5950 Waterfront Pl	39" Discharge	33.766	-118.122	Los Cerritos Channel
6138 Corsica Circle	42" Discharge	33.765	-118.12	Los Cerritos Channel
6220 Willow St	48" Discharge	33.803	-118.109	Los Cerritos Channel
6264 Pacific Coast Highway	42" Discharge	33.763	-118.115	Los Cerritos Channel
6400 Willow St	42" Discharge	33.802	-118.108	Los Cerritos Channel
6491 Bixby Hill Rd	42" Discharge	33.778	-118.104	Los Cerritos Channel
Clark Ave / Spring St	480" Discharge	33.81	-118.133	Los Cerritos Channel
Lakewood Blvd / Spring St	108" Discharge	33.813	-118.141	Los Cerritos Channel
Lakewood Blvd / Spring St	120" Discharge	33.812	-118.142	Los Cerritos Channel
Lakewood Blvd / Spring St	39" Discharge	33.813	-118.139	Los Cerritos Channel
Los Cerritos Channel / 7th St	39" Discharge	33.775	-118.104	Los Cerritos Channel
Los Cerritos Channel / Costa del Sol	64" Discharge	33.763	-118.116	Los Cerritos Channel
Los Cerritos Channel FC/Loynes Dr	60" Discharge	33.768	-118.105	Los Cerritos Channel
Los Cerritos Channel/ 7th St	48" Discharge	33.775	-118.103	Los Cerritos Channel
Spinnaker Bay Dr/Eliot St	60" Discharge	33.768	-118.125	Los Cerritos Channel
Spring St / San Anseline Ave	66" Discharge	33.81	-118.121	Los Cerritos Channel
Studebaker Rd / 9th St	36" Discharge	33.78	-118.103	Los Cerritos Channel
Studebaker Rd / Anaheim Rd	81" Discharge	33.781	-118.103	Los Cerritos Channel
Paoli Way / Marina Park Ln	72" Discharge	33.768	-118.13	Marine Stadium
Paoli Way/ Marina Park Ln	108" Discharge	33.768	-118.13	Marine Stadium
6930 Septimo St	48" Discharge	33.775	-118.098	San Gabriel River
Across 3678 Stevely Ave	96" Discharge	33.825	-118.092	San Gabriel River
Across 3694 Stevely Ave	96" Discharge	33.825	-118.092	San Gabriel River
San Gabriel River/Carson St	48" Discharge	33.831	-118.093	San Gabriel River
San Gabriel River/Spring St	7-42" Discharge	33.81	-118.091	San Gabriel River

Table 4. Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, Los Angeles Region on:	February 6, 2014
This Order becomes effective on:	March 28, 2014
This Order expires on:	March 28, 2019
According to Title 23, Division 3, Chapter 9 of the California Code of Regulations and to Title 40, Part 122 of the Code of Federal Regulation, the City of Long Beach shall file a Report of Waste Discharge as application for new waste discharge requirements no later than:	180 days prior to the expiration date of this Order: September 29, 2018
According to Section 2235.4 of Title 23 of the California Code of Regulations, the terms and conditions of an expired permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on continuation of the expired permit are complied with. Accordingly, if a new Order is not adopted by the expiration date above, then the City of Long Beach shall continue to implement the requirements of this Order until a new one is adopted.	

I, Samuel Unger, Executive Officer, do hereby certify that this Order with all its attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on February 6, 2014.

Samuel Unger

Samuel Unger, Executive Officer

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II. FINDINGS

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Water Board) finds:

A. Nature of MS4 Discharges and Sources of Pollutants

The City of Long Beach owns and/or operates a large municipal separate storm sewer system (MS4) that conveys and ultimately discharges storm and non-storm water into surface waters under the jurisdiction of the Los Angeles Regional Board. These discharges originate as surface runoff from the various land uses within the City of Long Beach's political boundary; untreated, these discharges contain pollutants with the potential to impair or contribute to the impairment of the beneficial uses in surface waters. Since 1999, the City of Long Beach's monitoring data and analyses in support of TMDL development have identified pollutants of concern in discharges from the MS4. These pollutants of concern vary by receiving water. They generally include but are not limited to copper, lead, zinc, cadmium, PCBs, PAHs, pyrethroid pesticides, organophosphate pesticides, fecal indicator bacteria, and trash.

Impaired water quality has myriad impacts to beneficial uses of surface waters: beach postings and closures, fish consumption advisories, localized and global ecosystem and aesthetic impacts from trash and debris, and reduced habitat for wildlife such as threatened and endangered species, among others. Federal law requires states to address impaired water bodies by developing total maximum daily loads (TMDLs). The Regional Water Board and USEPA have established 9 TMDLs that identify MS4 discharges from the City of Long Beach as one of the pollutant sources causing or contributing to these water quality impairments.

B. Regulatory History and Municipal Separate Storm Sewer System Requirements

The 1972 Clean Water Act[2] established the NPDES Program to regulate the discharge of pollutants from point sources to waters of the United States. However, pollution from storm water and dry-weather urban runoff was largely unabated for over a decade. In response to the 1987 Amendments to the Clean Water Act, US EPA developed Phase I of the NPDES Storm Water Permitting Program in 1990, which established a framework for regulating municipal and industrial discharges of storm water and non-storm water. The Phase I program addressed sources of storm water and dry-weather urban runoff that had the greatest potential to negatively impact water quality. In particular, under Phase I, US EPA required NPDES Permit coverage for discharges from medium and large MS4 with populations of 100,000 or more.[3] Operators of MS4s regulated under the Phase I NPDES Storm Water Program were required to obtain permit coverage for municipal discharges of storm water and non-storm water to waters of the United States.

Early in the history of the MS4 program in the Los Angeles Region, the Regional Water Board designated the MS4s owned and/or operated by the incorporated cities, including the City of Long Beach, and Los Angeles County unincorporated areas within the Coastal Watersheds of Los Angeles County as a large MS4 due to the total population

[2] Federal Water Pollution Control Act; 33 U.S.C. § 1251 et seq., which, as amended in 1977, is commonly known as the Clean Water Act.

[3] Large MS4s are those that serve a population of at least 250,000 and medium MS4s are those that serve a population between 100,000 and 250,000.

of Los Angeles County, including that of unincorporated and incorporated areas, and the interrelationship between the Permittees' MS4s, pursuant to 40 CFR section 122.26(b)(4). In 1990, the City of Long Beach's population alone was 429,433.

The Regional Water Board regulated discharges from the City of Long Beach's MS4 from 1990 through 1999 under the Los Angeles countywide waste discharge requirements (WDR) contained in Order No. 90-079 and in Order No. 96-054 adopted on June 18, 1990, and on July 15, 1996, respectively. In addition to being WDRs, these orders were NPDES permits for the discharges from the MS4 serving the entire Los Angeles County area including those within the City of Long Beach.

In 1999, the Los Angeles Regional Board decided to issue a separate MS4 Permit, Order No. 99-60 to the City of Long Beach. Order No. 99-060 expired in June 2004 but has been administratively extended in accordance with federal regulation. Order No. 99-60 remains in effect until the Los Angeles Regional Board adopts a new permit.

Currently the City of Long Beach's MS4 serves a population of approximately 465,576. Additionally, the City of Long Beach's MS4 is interconnected with portions of the MS4 serving the greater Los Angeles County area.

This Order implements the federal Phase I NPDES storm water regulations and includes three fundamental elements: (i) a requirement to effectively prohibit non-storm water discharges that are a source of pollutants through the MS4, (ii) requirements to implement controls to reduce the discharge of pollutants in storm water to the maximum extent practicable, and (iii) other provisions the Regional Water Board determines appropriate for the control of pollutants discharged from the MS4.

C. Geographic Coverage

The permitted area, approximately 47.7 square miles, includes approximately 180 linear miles of MS4. This drainage area consists of approximately 39.28% residential, 5.35% commercial, 20.42% industrial, 5.98% parks, 5.28% planned development, 13.18% roads, and 4.64% unzoned land uses.

The MS4 discharges flow into surface waters located in the Los Angeles River Watershed, Dominguez Channel and Greater Los Angeles/Long Beach Harbors Watershed Management Area, Los Cerritos Channel and Alamitos Bay Watershed Management Area, and San Gabriel River Watershed.

This Order defines Watershed Management Areas (WMAs) consistent with the delineations used in the Los Angeles Regional Board's Watershed Management Initiative. Attachment B includes a map depicting each WMA and the major receiving waters therein that overlap with the City of Long Beach's jurisdictional area.

Federal, state, regional or local entities not named as a Permittee in this Order may operate MS4 facilities and/or discharge to the MS4 and water bodies covered by this Order. Pursuant to 40 CFR sections 122.26(d)(1)(ii) and 122.26(d)(2)(iv), this Order requires the City of Long Beach to maintain the necessary legal authority to control the contribution of pollutants to its MS4 and include in its storm water management program a comprehensive planning process that includes intergovernmental coordination, where necessary to address discharges from facilities outside of the City of Long Beach's

jurisdiction or within the City of Long Beach's jurisdiction but not owned or operated by the City of Long Beach (e.g. California Department of Transportation, Caltrans).

D. Permit Scope

This Order regulates storm water and non-storm water MS4 discharges from the City of Long Beach into surface waters within the jurisdiction of the Regional Water Board. Section 122.26(b)(8) of Title 40 of the Code of Federal Regulations (CFR) defines an MS4 as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) [o]wned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) [d]esigned or used for collecting or conveying storm water; (iii) [w]hich is not a combined sewer; and (iv) [w]hich is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

Storm water discharges consist of those discharges that originate from precipitation events. Federal regulations define "storm water" as "storm water runoff, snow melt runoff, and surface runoff and drainage." (40 CFR § 122.26(b)(13).) While "surface runoff and drainage" is not defined in federal law, USEPA's preamble to its final storm water regulations demonstrates that the term is related to precipitation events such as rain and/or snowmelt. (55 *Fed. Reg.* 47990, 47995-96 (Nov. 16, 1990)).

Non-Storm water discharges consist of all discharges through an MS4 that do not originate from precipitation events. non-storm water discharges through an MS4 are prohibited unless authorized under a separate NPDES permit; authorized by USEPA pursuant to Sections 104(a) or 104(b) of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); composed of natural flows; the result of emergency fire-fighting activities; or conditionally exempted by this Order.

E. Legal Authorities

This Order is issued pursuant to CWA Section 402 and implementing regulations adopted by the US EPA and Chapter 5.5, Division 7 of the California Water Code (commencing with Section 13370). This Order serves as an NPDES permit for MS4 discharges from the City of Long Beach to surface waters. This Order also serves as waste discharge requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the California Water Code (commencing with Section 13260).

F. Background and Rationale for Requirements

The Regional Water Board developed the requirements in this Order based on information from the City of Long Beach's ROWD, monitoring and reporting data, program audits, and other available information. This Order is consistent with the CWA, the CWC and regulations adopted thereunder.

In accordance with federal regulations at 40 CFR section 124.8, the Fact Sheet (Attachment F) has been prepared to explain the principal facts and the significant

factual, legal, methodological, and policy questions considered in preparing this Order. The Fact Sheet is hereby incorporated into this Order and also constitutes part of the Findings of the Regional Water Board for this Order. Attachments A through E and G through I are also incorporated into this Order.

G. Water Quality Control Plans

The CWA requires the Regional Water Board to establish water quality standards for each water body in its region. Water quality standards include beneficial uses, water quality objectives and criteria that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to prevent degrading waters unless specific circumstances apply. The Regional Water Board adopted a *Water Quality Control Plan - Los Angeles Region* (hereinafter Basin Plan) on June 13, 1994 and has amended it on multiple occasions since 1994. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Los Angeles Region. Pursuant to CWC Section 13263(a), the requirements of this Order implement the Basin Plan. The beneficial uses applicable to the surface water bodies that receive discharges from the City of Long Beach's MS4 generally include those listed in Table 5 below.

Table 5. Designated Beneficial Uses

Receiving Water Name	Beneficial Uses
Los Angeles River	Water contact (REC1) and non-contact water recreation (REC2); ground water recharge (GWR); warm fresh water habitat (WARM); wildlife habitat (WILD); industrial process supply (PROC)
Los Cerritos Channel	Industrial service supply (IND), navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); estuarine habitat (EST); marine habitat (MAR), wildlife habitat (WILD); rare, threatened or endangered species habitat (RARE); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development habitat (SPWN); shellfish harvesting (SHELL)
Coyote Creek	Rare, threatened or endangered species habitat (RARE); municipal and domestic supply (MUN); industrial process supply (PROC); water contact (REC1) and non-contact water recreation (REC2); warm fresh water habitat (WARM); wildlife habitat (WILD)
Colorado Lagoon	Water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); warm fresh water habitat (WARM); spawning, reproduction, and/or early development habitat (SPWN); shellfish harvesting (SHELL)
San Gabriel River	Industrial process supply (PROC), agricultural supply (AGR); ground water recharge (GWR); water contact (REC1) and non-contact water recreation (REC2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); wildlife habitat (WILD); rare, threatened or endangered species habitat (RARE)

H. Ocean Plan

In 1972, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Plan for Ocean Waters of California, (Ocean Plan). The State

Water Board adopted the most recent amended Ocean Plan on September 15, 2009. The Office of Administrative Law approved it on March 10, 2010. On October 8, 2010, US EPA approved the 2009 Ocean Plan. The Ocean Plan is applicable, in its entirety, to the ocean waters of the State. In order to protect beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Pursuant to California Water Code section 13263(a), the requirements of this Order implement the Ocean Plan. The Ocean Plan identifies beneficial uses of ocean waters of the State to be protected as summarized in Table 6 below.

Table 6. Designated Beneficial Uses identified in the Ocean Plan

Receiving Water Name	Beneficial Uses
Pacific Ocean	Industrial Service Supply (IND); Water Contact (REC-1) and Non-Contact Recreation (REC-2), including aesthetic enjoyment; Navigation (NAV); Commercial and Sport Fishing (COMM); Mariculture, Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS); Rare and Endangered Species (RARE); Marine Habitat (MAR); Fish Migration (MIGR); Fish Spawning (SPWN) and Shellfish Harvesting (SHELL)
Los Alamitos Bay	Industrial service supply (IND); navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing; estuarine habitat (COMM); marine habitat (MAR); wildlife habitat (WILD); rare, threatened or endangered species (RARE); shellfish harvesting (SHELL); wetland habitat (WET)
Marine Stadium	Water contact (REC1) and non-contact water recreation (REC2); commercial and sport fishing (COMM); marine habitat (MAR); rare, threatened, or endangered species (RARE); wetland habitat (WET)
Long Beach Harbor	Navigation (NAV); water contact (REC1) and non-contact water recreation (REC2); commercial and sportfishing (COMM); marine habitat (MAR); wildlife habitat (WILD); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development (SPWN); shellfish harvesting (SHELL)

I. Antidegradation Policy

Section 131.12 of 40 CFR requires state water quality standards to include an antidegradation policy consistent with the federal antidegradation policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining the Quality of the Waters of the State"). Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of Section 131.12 and State Water Board Resolution No. 68-16 as described in more detail in the Fact Sheet.

J. Anti-Backsliding Requirements

Section 402(o)(2) of the CWA and federal regulations at 40 CFR Section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. The previous permit did not include any numeric water quality based effluent limitations. The federal technology based limitation requiring controls to reduce the discharge of pollutants in storm water to the maximum extent practicable was carried over from the previous permit. As such, all effluent limitations in this Order are at least as stringent as those in the previous permit.

K. Total Maximum Daily Loads

Section 303(d)(1) of the CWA requires each state to identify the waters within its boundaries that do not meet water quality standards. Water bodies that do not meet water quality standards are considered impaired and are placed on the state's CWA Section 303(d) List. For each listed water body, the state is required to establish a TMDL of each pollutant impairing the water quality standards in that water body. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollutant sources and in-stream water quality conditions. The TMDL establishes the allowable pollutant loadings for a water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollutant reduction necessary for a water body to meet water quality standards. A TMDL is the sum of the allowable pollutant loads of a single pollutant from all contributing point sources (the waste load allocations or WLAs) and non-point sources (load allocations or LAs), plus the contribution from background sources and a margin of safety (40 CFR § 130.2(i)). MS4 discharges are considered point source discharges.

Numerous receiving waters within Los Angeles County do not meet water quality standards or fully support beneficial uses and therefore have been classified as impaired on the State's 303(d) List. The Regional Water Board and US EPA have each established TMDLs to address many of these water quality impairments. Pursuant to CWA section 402(p)(B)(3)(iii) and 40 CFR section 122.44(d)(1)(vii)(B), this Order includes requirements that are consistent with and implement WLAs that are assigned to MS4 discharges from the City of Long Beach from 9 State-adopted and US EPA established TMDLs. This Order requires the City of Long Beach to comply with the TMDL Provisions in Part VIII, which are consistent with the assumptions and requirements of the WLAs assigned to the City of Long Beach.

The WLAs in these TMDLs are expressed in several ways depending on the nature of the pollutant and its impacts on receiving waters and beneficial uses. Bacteria WLAs assigned to MS4 discharges are expressed as the number of allowable exceedance days that a water body may exceed the Basin Plan water quality objectives for protection of the REC-1 beneficial use. Since the TMDLs and the WLAs contained therein are expressed as receiving water conditions, receiving water limitations have been included in this Order that are consistent with and implement the allowable exceedance day WLAs. Water quality-based effluent limitations are also included equivalent to the Basin Plan water quality objectives to allow the opportunity for the City of Long Beach to individually demonstrate compliance at an outfall or jurisdictional

boundary, thus isolating the City of Long Beach's pollutant contributions from those of other entities and from other pollutant sources to the receiving water.

The WLAs for trash are expressed as progressively decreasing allowable amounts of trash discharges from the City of Long Beach's jurisdictional area within the drainage area to the impaired water body. Trash TMDLs require the City of Long Beach to make annual reductions of its discharges of trash over a set period, until the numeric target of zero trash discharged from the MS4 is achieved. The Trash TMDLs specify a specific formula for calculating and allocating annual reductions in trash discharges from each jurisdictional area within a watershed. The formula results in specified annual amounts of trash that may be discharged from each jurisdiction into the receiving waters. Translation of the WLAs or compliance points described in the TMDLs into jurisdiction-specific load reductions from the baseline levels, as specified in the TMDL, logically results in the articulation of an annual limitation on the amount of a pollutant that may be discharged. The specification of allowable annual trash discharge amounts meets the definition of an "effluent limitation", as that term is defined in subdivision (c) of section 13385.1 of the California Water Code. Specifically, the trash discharge limitations constitute a "numeric restriction ... on the quantity [or] discharge rate ... of a pollutant or pollutants that may be discharged from an authorized location."

The WLAs for other pollutants (e.g. metals and toxics) are expressed as a concentration and/or mass and water quality-based effluent limitations have been specified consistent with the expression of the WLA, including any applicable averaging periods. Some TMDLs specify that, if certain receiving water conditions are achieved, such achievement constitutes attainment of the WLA. In these cases, receiving water limitations and/or provisions outlining these alternate means of demonstrating compliance are included in the TMDL provisions of this Order.

The inclusion of water quality-based effluent limitations and receiving water limitations to implement applicable WLAs provides a clear means of identifying required water quality outcomes within the permit and ensures accountability by the City of Long Beach to implement actions necessary to achieve the limitations.

A number of the TMDLs for bacteria, metals, and toxics establish WLAs that are assigned jointly to a group of Dischargers whose storm water and/or non-storm water discharges are or may be commingled in the MS4 prior to discharge to the receiving water subject to the TMDL. The TMDLs address commingled MS4 discharges by assigning a WLA to a group of MS4 Dischargers based on co-location within the same subwatershed. Dischargers with commingled MS4 discharges are jointly responsible for meeting the water quality-based effluent limitations and receiving water limitations assigned to MS4 discharges in this Order. "Joint responsibility" means the City of Long Beach is responsible for implementing programs in its jurisdiction, or within the MS4 for which it is an owner and/or operator, to meet the water quality-based effluent limitations and/or receiving water limitations assigned to such commingled MS4 discharges. In these cases, federal regulations state that dischargers need only comply with permit conditions relating to discharges from the MS4 for which they are owners or operators (40 CFR Section 122.26(a)(3)(vi)). Individual dischargers are only responsible for their contributions to the commingled MS4 discharge. This Order does not require the City of Long Beach to individually ensure that a commingled MS4 discharge meets the

applicable water quality-based effluent limitations included in this Order, unless the City of Long Beach is shown to be solely responsible for any exceedances.

This Order also allows the City of Long Beach to clarify and distinguish its contribution and demonstrate that the MS4 discharge from its jurisdiction did not cause or contribute to exceedances of applicable water quality-based effluent limitations and/or receiving water limitations. If such a demonstration is made, though the City of Long Beach's discharge may commingle with that of other Dischargers, the City of Long Beach would not be held jointly responsible for the exceedance of the water quality-based effluent limitation or receiving water limitation.

Given the interconnected nature of the MS4s in general, the Regional Water Board expects the City of Long Beach to work cooperatively to control the contribution of pollutants from one portion of the MS4 to another portion of the system through inter-agency agreements or other formal arrangements.

L. Endangered Species Act

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2115.5) or the Federal Endangered Species Act (16 U.S.C.A., §§ 1531 to 1544). This Order requires compliance with requirements to protect the beneficial uses of waters of the United States. The City of Long Beach is responsible for meeting all requirements of the applicable Endangered Species Act.

M. Monitoring and Reporting

Section 308(a) of the federal Clean Water Act, and 40 CFR sections 122.41(h), (j)-(l), 122.41(i), and 122.48, require that all NPDES permits specify monitoring and reporting requirements. Federal regulations applicable to large and medium MS4s also specify additional monitoring and reporting requirements. (40 C.F.R. §§ 122.26(d)(2)(i)(F) & (d)(2)(iii)(D), 122.42(c).) California Water Code Section 13383 authorizes the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program in this Order requires monitoring, reporting, and recordkeeping requirements that implement the federal and state laws and/or regulations. This Monitoring and Reporting Program is provided in Attachment E.

N. Standard and Special Provisions

The standard provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. The City of Long Beach must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR section 122.42 provided in Attachment D. The Regional Water Board has also included various special provisions applicable to the City of Long Beach in Part VII of this Order. The rationale for the special provisions contained in this Order is provided in the Fact Sheet (Attachment F).

O. State Mandates

Article XIII B, section 6(a) of the California Constitution provides that whenever "any state agency mandates a new program or higher level of service on any local

government, the state shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service." The requirements of this Order do not constitute state mandates that are subject to a subvention of funds for several reasons as described in detail in the attached Fact Sheet (Attachment F).

P. California Water Code Section 13241

The California Supreme Court has ruled that although California Water Code section 13263 requires the State and Regional Water Boards (collectively, Water Boards) to consider the factors set forth in California Water Code section 13241 when issuing an NPDES permit, the Water Boards may not consider the factors to justify imposing pollutant restriction that are less stringent than the applicable federal regulations require. (*City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 618, 626-627). However, when the pollutant restrictions in an NPDES permit are more stringent than federal law requires, California Water Code section 13263 requires that the Water Boards consider the factors described in section 13241 as they apply to those specific restrictions. As noted in the preceding finding, the Regional Water Board finds that the requirements in this permit are not more stringent than the minimum federal requirements. Therefore, a 13241 analysis is not required for permit requirements that implement the effective prohibition on the discharge of non-storm water discharges into the MS4, or for controls to reduce the discharge of pollutants in storm water to the maximum extent practicable, or other provisions that the Regional Water Board has determined appropriate to control such pollutants, as those requirements are mandated by federal law. Notwithstanding the above, the Regional Water Board has developed an economic analysis of the permit's requirements, consistent with California Water Code section 13241. That analysis is provided in the Fact Sheet (Attachment F of this Order).

Q. California Environmental Quality Act

The action to adopt an NPDES Permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21100, et seq.) pursuant to California Water Code section 13389. (*County of Los Angeles v. Cal. Water Boards* (2006) 143 Cal.App.4th 985.)

R. Notification of Interested Parties

In accordance with State and federal laws and regulations, the Regional Water Board notified the City of Long Beach and interested agencies and persons of its intent to prescribe WDRs for the discharges authorized by this Order and provided them with opportunities to provide written and oral comments. The Fact Sheet contains the details on notifications, meetings, and workshops held during the drafting and consideration of this Order.

S. Consideration of Public Comment

The Regional Water Board, in a public meeting, heard and considered all oral and written comments pertaining to the discharges authorized by this Order and the requirements contained herein. The Regional Water Board prepared written responses to all timely comments, and these responses are incorporated by reference as part of this Order.

T. **NPDES Permit**
This Order serves as an NPDES permit pursuant to CWA section 402 or amendments thereto, and becomes effective fifty (50) days after the date of its adoption, provided the US EPA Region IX Regional Administrator expresses no objections.

U. **Previous Order Superseded**
This Order supersedes Order No. 99-060 except for enforcement purposes.

V. **Review by the State Water Resources Control Board**
Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must ***receive*** the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with Section 13000), and regulations, plans, and policies adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the City of Long Beach shall comply with the following requirements in this Order.

III. DISCHARGER RESPONSIBILITIES

A. The City of Long Beach is required to comply with the requirements of this Order applicable to discharges within its boundaries. The City shall do the following:

1. Comply with the provisions in this Order including attachments and any modifications thereto.
2. Inform the Regional Water Board of instances of non-compliance pursuant to the MRP.
3. Submit complete and timely reports including but not limited to non-compliance reporting, annual reports, monitoring reports, and the report of waste discharge.
4. Coordinate among its internal departments and agencies, as necessary, to facilitate the implementation of the requirements of this Order in an efficient and cost-effective manner.
5. Participate in intra-agency coordination (e.g. Planning Department, Fire Department, Building and Safety, Code Enforcement, Public Health, Parks and Recreation, and others) and inter-agency coordination (e.g. other dischargers) necessary to successfully implement the provisions of this Order.

IV. DISCHARGE PROHIBITIONS

A. Toxic Substances

Any discharge from the MS4 into surface waters in concentrations acutely or chronically toxic to animal or plant life is prohibited.

B. Non-Storm Water Discharges

1. **Prohibition of Non-Storm Water Discharges.** The City of Long Beach shall prohibit non-storm water discharges through the MS4 to receiving waters except where such discharges are either:
   - **a.** Authorized non-storm water discharges separately regulated by an individual or general NPDES permit;
   - **b.** Temporary non-storm water discharges authorized by US EPA[4] pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that either: (i) will comply with water quality standards as applicable or relevant and appropriate requirements ("ARARs") under section 121(d)(2) of CERCLA; or (ii) are subject to either (a) a written waiver of ARARs by US EPA pursuant to section 121(d)(4) of CERCLA or (b) a written determination by US EPA that compliance with ARARs is not practicable considering the exigencies of the situation pursuant to 40 CFR section 300.415(j);
   - **c.** Authorized non-storm water discharges from emergency fire-fighting activities (i.e., flows necessary for the protection of life or property)[5];
   - **d.** Conditionally exempt non storm water discharges in accordance with Part IV.B.2 of this Order; or
   - **e.** Natural flows, including:
     - **i.** Natural springs;

[4] These typically include short-term, high volume discharges resulting from the development or redevelopment of groundwater extraction wells, or US EPA or state-required compliance testing of potable water treatment plants, as part of a US EPA authorized groundwater remediation action under CERCLA.

[5] Discharges from vehicle washing, building fire suppression system maintenance and testing (e.g., sprinkler line flushing), fire hydrant maintenance and testing, and other routine maintenance activities are not considered emergency fire-fighting activities.

ii. Flows from riparian habitats and wetlands;
iii. Diverted stream flows, authorized by the State or Regional Water Board;
iv. Uncontaminated ground water infiltration[6];
v. Rising ground waters, where ground water seepage is not otherwise covered by a NPDES permit[7].

2. **Conditional Exemptions from Non-Storm Water Discharge Prohibition**
The following categories of non-storm water discharges are conditionally exempt from the non-storm water discharge prohibition, provided they meet all required conditions specified below, or as otherwise approved by the Regional Water Board Executive Officer, in all areas regulated by this Order.

a. Conditionally Exempt Essential Non-Storm Water Discharges: These consist of those discharges that fall within one of the categories below, meet all required best management practices (BMPs) as specified in Part IV.B.2.i and ii including those enumerated in the referenced BMP manuals, are essential public services discharge activities, and are directly or indirectly required by other state or federal statute and/or regulation.

i. Discharges from essential non-emergency fire-fighting activities provided appropriate BMPs are implemented based on the CAL FIRE, Office of the State Fire Marshal's Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011) for water-based fire protection system discharges, and based on Riverside County's Best Management Practices Plan for Urban Runoff Management (May 1, 2004) or equivalent BMP manual for fire training activities and post-emergency fire-fighting activities;

ii. Discharges from drinking water supplier distribution systems, not otherwise regulated by an individual or general NPDES permit , provided appropriate BMPs are implemented based on the American Water Works Association (California-Nevada Section) Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases (2005) or equivalent industry standard BMP manual. Additionally, the City of Long Beach shall work with drinking water suppliers that may discharge to the MS4 to ensure for all discharges greater than 100,000 gallons: (1) notification at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge; (2) monitoring of any pollutants of concern in the drinking water supplier distribution system release; and (3) record keeping by the drinking water supplier. The City of Long Beach shall require that the following information is maintained by the drinking water supplier(s) for all discharges to the MS4 (planned and unplanned) greater than 100,000 gallons: name of discharger, date and time of notification (for planned discharges), method of notification, location of discharge, discharge pathway, receiving water, date of discharge, time of the beginning and end of the discharge, duration of the discharge, flow rate or velocity, total

[6] Uncontaminated ground water infiltration is water other than waste water that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (See 40 CFR § 35.2005(20).)
[7] A NPDES permit for discharges associated with ground water dewatering is required within the Los Angeles Region.

number of gallons discharged, type of dechlorination equipment used, type of dechlorination chemicals used, concentration of residual chlorine, type(s) of sediment controls used, pH of discharge, type(s) of volumetric and velocity controls used, and field and laboratory monitoring data. Records shall be retained for five years and made available upon request by the City of Long Beach or Regional Water Board.

b. Those discharges that fall within one of the categories below, provided that the discharge itself is not a source of pollutants and meets all required conditions specified in Table 7 or as otherwise specified or approved by the Regional Water Board Executive Officer:

- **i.** Lake dewatering ;
- **ii.** Landscape irrigation;
- **iii.** Dechlorinated/debrominated swimming pool/spa discharges , where not otherwise regulated by a separate NPDES permit;
- **iv.** Dewatering of decorative fountains;
- **v.** Non-commercial car washing by residents or by non-profit organizations;
- **vi.** Street/sidewalk wash water;
- **vii.** Short-term releases of potable water with no additives or dyes for filming purposes;
- **viii.** Potable wash water used to clean reservoir covers.

3. Permittee Requirements

a. The City of Long Beach shall develop and implement procedures to ensure that a discharger fulfills the following for non-storm water discharges to the MS4:

- **i.** Notifies the City of Long Beach of the planned discharge in advance, consistent with requirements in Table 7 or recommendations pursuant to the applicable BMP manual;
- **ii.** Obtains any local permits required by the City of Long Beach;
- **iii.** Provides documentation to the City of Long Beach that it has obtained any other necessary permits or water quality certifications[8] for the discharge;
- **iv.** Conducts monitoring of the discharge, if required by the City of Long Beach;
- **v.** Implements BMPs and/or control measures as specified in Table 7 or in the applicable BMP manual(s) as a condition of the approval to discharge into the MS4; and
- **vi.** Maintains records of its discharge to the MS4, consistent with requirements in Table 7 or recommendations pursuant to the applicable BMP manual. For lake dewatering, the City of Long Beach shall require the lake owner / operator to maintain the following information: name of discharger, date and time of notification, method of notification, location of discharge, discharge pathway, receiving water, date of discharge, time of the beginning and end of the discharge, duration of the discharge, flow rate or velocity, total number of gallons discharged, type(s) of sediment controls used, pH of discharge, type(s) of volumetric and velocity controls used, and field and laboratory monitoring data. These records shall be

[8] Requirement of the Clean Water Act Section 401.

made available upon request to the City of Long Beach or the Regional Water Board.

b. The City of Long Beach shall organize and maintain records of all non-storm water discharges greater than 100,000 gallons, notifications, and local permits in an electronic database.

c. The City of Long Beach shall develop and implement procedures that minimize the discharge of landscape irrigation water into the MS4 by promoting conservation programs as follows:

i. The City of Long Beach shall coordinate with the local water purveyor(s), where applicable, to promote landscape water use efficiency requirements for existing landscaping, use of drought tolerant, native vegetation, and the use of less toxic options for pest control and landscape management.

ii. The City of Long Beach shall develop and implement a coordinated outreach and education program to minimize the discharge of irrigation water and pollutants associated with irrigation water consistent with Part VII.G.3 (Public Information and Participation Program).

d. The City of Long Beach shall evaluate monitoring data collected pursuant to the Monitoring and Reporting Program (MRP) of this Order (Attachment E), and any other associated data or information, and determine whether any of the authorized or conditionally exempt non-storm water discharges identified in Part IV.B.1 above are a source of pollutants that may be causing or contributing to an exceedance of applicable receiving water limitations in Part VI.A and/or water quality-based effluent limitations in Part VIII. To evaluate monitoring data, the City of Long Beach shall either use applicable interim or final water quality-based effluent limitations for the pollutant or, if there are no applicable interim or final water quality-based effluent limitations for the pollutant, use applicable action levels provided in Attachment G. Based on non-storm water outfall-based monitoring as implemented through the MRP, if monitoring data show exceedances of applicable water quality-based effluent limitations or action levels, the City of Long Beach shall take further action to determine whether the discharge is causing or contributing to exceedances of receiving water limitations in Part VI.A.

e. If the City of Long Beach determines that any of the conditionally exempt non-storm water discharges identified in Part IV.B.1 above is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, the City of Long Beach shall report its findings to the Regional Water Board in its annual report. Based on this determination, the City of Long Beach shall also either:

i. Effectively prohibit[9] the non-storm water discharge to the MS4; or

ii. Impose conditions in addition to those in Table 7, subject to approval by the Regional Water Board Executive Officer, on the non-storm water discharge such that it will not be a source of pollutants; or

[9] To "effectively prohibit" means to not allow the non-storm water discharge through the MS4 unless the discharger obtains coverage under a separate NPDES permit prior to discharge to the MS4.

iii. Require diversion of the non-storm water discharge to the sanitary sewer; or

iv. Require treatment of the non-storm water discharge prior to discharge to the receiving water.

f. If the City of Long Beach determines that any of the authorized or conditionally exempt essential non-storm water discharges identified in Parts IV.B.1.a-c or IV.B.2.a.i or ii above is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, the City of Long Beach shall notify the Regional Water Board within 30 days if the non-storm water discharge is an authorized discharge with coverage under a separate NPDES permit or authorized by USEPA under CERCLA in the manner provided in Part IV.B.1.a-b above, or a conditionally exempt essential non-storm water discharge or emergency non-storm water discharge.

g. If the City of Long Beach prohibits the discharge from the MS4, as per Part IV.B.3.e.i, then the City of Long Beach shall implement procedures developed under Part VII.M (Illicit Connections and Illicit Discharges Elimination Program) in order to eliminate the discharge to the MS4.

h. If the City of Long Beach demonstrates that the water quality characteristics of a specific authorized or conditionally exempt essential non-storm water discharge resulted in an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations during a specific sampling event, the City of Long Beach shall not be found in violation of applicable receiving water limitations and/or water quality-based effluent limitations for that specific sampling event. Such demonstration must be based on source specific water quality monitoring data from the authorized or conditionally exempt essential non-storm water discharge or other relevant information documenting the characteristics of the specific non-storm water discharge as identified in Table 7.

i. Notwithstanding the above, the Regional Water Board Executive Officer, based on an evaluation of monitoring data and other relevant information for specific categories of non-storm water discharges, may modify a category or remove categories of conditionally exempt non-storm water discharges from Part IV.B.1 above if the Executive Officer determines that a discharge category is a source of pollutants that causes or contributes to an exceedance of applicable receiving water limitations and/or water quality-based effluent limitations, or may require that a discharger obtain coverage under a separate individual or general State or Regional Water Board permit for a non-storm water discharge.

Table 7. Required Conditions for Conditionally Exempt Non-storm Water Discharges

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
All Discharge Categories	See discharge specific conditions below.	Ensure conditionally exempt non-storm water discharges avoid potential sources of pollutants in the flow path to prevent introduction of pollutants to the MS4 and receiving water. Whenever there is a discharge of 100,000 gallons or more into the MS4, the City of Long Beach shall require notification in advance.
Lake Dewatering	Discharge allowed only if all necessary permits/water quality certifications for dredge and fill activities, including water diversions, are obtained prior to discharge.	Ensure procedures for advanced notification by the lake owner / operator to the City of Long Beach no less than 72 hours prior to the planned discharge. Immediately prior to discharge, visible trash on the shoreline or on the surface of the lake shall be removed and disposed of in a legal manner. Immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed shall be inspected and cleaned out. Discharges shall be volumetrically and velocity controlled to minimize sediment re-suspension. Measures shall be taken to stabilize lake bottom sediments. Ensure procedures for water quality monitoring for pollutants of concern10 in the lake. Ensure record-keeping of lake dewatering by the lake owner / operator.

[10] Pollutants of concern include, at a minimum, trash and debris, including organic matter, TSS, and any pollutant for which there is a water quality-based effluent limitation in Part VIII for the lake and/or receiving water.

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
Landscape irrigation using potable water	Discharge allowed if runoff due to potable landscape irrigation is minimized through the implementation of an ordinance specifying water efficient landscaping standards, as well as an outreach and education program focusing on water conservation and landscape water use efficiency.	Implement BMPs to minimize runoff and prevent introduction of pollutants to the MS4 and receiving water. Implement water conservation programs to minimize discharge by using less water.
Landscape irrigation using reclaimed or recycled water	Discharge of reclaimed or recycled water runoff from landscape irrigation is allowed if the discharge is in compliance with the producer and distributor operations and management (O&M) plan, and all relevant portions thereof, including the Irrigation Management Plan.	Discharges must comply with applicable O&M Plans, and all relevant portions thereof, including the Irrigation Management Plan.
Dechlorinated/ debrominated swimming pool/spa discharges	Discharges allowed after implementation of specified BMPs. Pool or spa water containing copper-based algaecides is not allowed to be discharged to the MS4. Discharges of cleaning waste water and filter backwash allowed only if authorized by a separate NPDES permit.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Swimming pool water must be de-chlorinated or de-brominated using holding time, aeration, and/or sodium thiosulfate. Chlorine residual in the discharge shall not exceed 0.1 mg/L. Swimming pool water shall not contain any detergents, wastes, or algaecides, or any other chemicals including salts from pools commonly referred to as "salt water pools" in excess of applicable water quality objectives.[11] Swimming pool discharges are to be pH adjusted, if necessary, and be within the range of 6.5 and 8.5 standard units. Swimming pool discharges shall be volumetrically and velocity controlled to promote evaporation and/or

[11] Applicable mineral water quality objectives for surface waters are contained in Chapter 3 of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties.

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
		infiltration. Ensure procedures for advanced notification by the pool owner to the City of Long Beach(s) at least 72 hours prior to planned discharge for discharges of 100,000 gallons or more. For discharges of 100,000 gallons or more, immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.
Dewatering of decorative fountains	Discharges allowed after implementation of specified BMPs. Fountain water containing copper-based algaecides may not be discharged to the MS4. Fountain water containing dyes my not be discharged to the MS4.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Fountain water must be de-chlorinated or de-brominated using holding time, aeration, and/or sodium thiosulfate. Chlorine residual in the discharge shall not exceed 0.1 mg/L. Fountain discharges are to be pH adjusted, if necessary, and be within the range of 6.5 and 8.5 standard units. Fountain discharges shall be volumetrically and velocity controlled to promote evaporation and/or infiltration. Ensure procedures for advanced notification by the fountain owner to the City of Long Beach(s) at least 72 hours prior to planned discharge for discharges of 100,000 gallons or more. For discharges of 100,000 gallons or more, immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.
Non-commercial car washing by residents or by non-profit organizations	Discharges allowed after implementation of specified BMPs.	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water. Minimize the amount of water used by employing water conservation practices such as turning off nozzles or kinking the hose when not spraying a car, and using a low volume pressure washer. Encourage use of biodegradable, phosphate free detergents and non-toxic cleaning products. Where possible, wash cars on a permeable surface where wash water can percolate into the ground (e.g. gravel or grassy areas). Empty buckets of soapy or rinse water into the sanitary sewer system (e.g., sinks or toilets).
Street/sidewalk	Discharges allowed after implementation of specified	Sweeping should be used as an alternate BMP whenever possible and sweepings should be disposed of in

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
wash water	BMPs.	the trash. BMPs shall be in accordance with Regional Water Board Resolution No. 98-08 that requires: 1) removal of trash, debris, and free standing oil/grease spills/leaks (use absorbent material if necessary) from the area before washing and 2) use of high pressure, low volume spray washing using only potable water with no cleaning agents at an average usage of 0.006 gallons per square feet of sidewalk area. In areas of unsanitary conditions (e.g., areas where the congregation of transient populations can reasonably be expected to result in a significant threat to water quality), whenever practicable, the City of Long Beach shall collect and divert street and alley wash water from street and sidewalk cleaning public agency activities to the sanitary sewer.
Potable water discharges for filming activities		Prior to discharging the water, the storm drain to the receiving water where the discharge will occur as well as the area in the immediate vicinity of the outlet to the receiving water, and the adjacent downstream portion of the channel that will be influenced by the discharge must be cleaned of all pre-existing trash and debris, and kept free of trash and debris during filming. No trash or debris from the filming activities shall be allowed to remain in the storm drain or channel. Each day, prior to water discharge for the movie scenes, a walk-through of the filming area (including the targeted storm drain and receiving water) will be conducted by a City of Long Beach Public Works representative to assure that all trash and debris has been removed and no illicit discharges are observed. The source of the water that will be discharged will be de-ionized, chlorine free water. In receiving waters where scour of the channel is a concern, the water must be discharged at a steady, low velocity to minimize scour. Upon the completion of the discharges and associated filming, the City of Long Beach shall visually inspect the storm drain and channel downstream of the storm drain outlet to remove any possible trash or debris related to the discharge and filming activities.
Potable wash water discharges associated with reservoir cover cleaning	Per the Operations and Maintenance Plan approved by the CDPH	Create a list of the total number of reservoir covers that must be cleaned to comply with CDPH operations and maintenance requirements for reservoir covers; the list should also include the annual cleaning frequency, the address where the reservoirs are located; and the type and size (surface area) of the reservoir covers. The cleaning of the reservoirs shall be done in such a way that minimizes the amount of water used to clean the cover; Waste water from the cleaning of the reservoir covers shall be discharged to a sanitary sewer or allowed to percolate into the ground; and the discharge shall not cause or contribute to erosion in the area where it will

Discharge Category	General Requirements for Exempt MS4 Discharges	Requirements/Required BMPs Prior to Discharge into Surface Waters from the MS4
		be percolation; If Waste water from the cleaning of the reservoir covers is percolated into the ground, the wash water shall not contain solvents, or other contaminants that might migrate into and contaminate the groundwater supplies.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Technology Based Effluent Limitations

The City of Long Beach shall reduce pollutants in storm water discharges from the MS4 to the MEP.

2. Water Quality-Based Effluent Limitations

The City of Long Beach shall comply with applicable water quality based effluent limitations (WQBELs) as set forth in Part VIII of this Order, pursuant to applicable compliance schedules. The WQBELs in this Order are consistent with the assumptions and requirements of the TMDL waste load allocations assigned to discharges from the MS4.[12]

B. Land Discharge Specifications – Not Applicable

C. Reclamation Specifications – Not Applicable

VI. RECEIVING WATER LIMITATIONS

A. Receiving Water Limitations

1. Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.

2. Discharges from the MS4 of storm water, or non-storm water, for which the City of Long Beach is responsible[13], shall not cause or contribute to a condition of nuisance.

3. The City of Long Beach shall comply with Parts VI.A.1 and VI.A.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the storm water management program and its components and other requirements of this Order including any modifications. The storm water management program and its components shall be designed to achieve compliance with receiving water limitations. If exceedances of receiving water limitations persist, notwithstanding implementation of the storm water management program and its components and other requirements of this Order, the City of Long Beach shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:

   a. Upon a determination by either the City of Long Beach or the Regional Water Board that discharges from the MS4 are causing or contributing to an exceedance of an applicable receiving water limitation, the City of Long Beach shall promptly notify and thereafter submit an Integrated Monitoring Compliance Report (as described in the Program Reporting Requirements, Part XVIII.A.5 of the Monitoring and Reporting Program) to the Regional Water Board for approval. The Integrated Monitoring Compliance Report shall

[12] According to 40 CFR § 130.2, wasteload allocations constitute a type of water quality based effluent limitation. Pursuant to 40 CFR § 122.2, effluent limitation means any restriction imposed by the permitting authority on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources. The Regional Water Board generally uses the term "effluent limitation" in the context of permits and has done so here; however, the two terms, "water quality based effluent limitation" and "wasteload allocation" when used in the context of a NPDES permit can be interchangeable.

[13] Pursuant to 40 CFR § 122.26(a)(3)(vi), the Discharger is only responsible for discharges of storm water and non-storm water from the MS4 for which it is an owner or operator.

describe the BMPs that are currently being implemented by the City of Long Beach and additional BMPs, including modifications to current BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedances of receiving water limitations. The Integrated Monitoring Compliance Report shall include an implementation schedule. This Integrated Monitoring Compliance Report shall be incorporated in the City of Long Beach's annual storm water report unless the Regional Water Board directs an earlier submittal. The Regional Water Board may require modifications to the Integrated Monitoring Compliance Report.

b. The City of Long Beach shall submit any modifications to the Integrated Monitoring Compliance Report required by the Regional Water Board within 30 days of notification.

c. Within 30 days following the Regional Water Board Executive Officer's approval of the Integrated Monitoring Compliance Report, the City of Long Beach shall revise the storm water management program and its components and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, an implementation schedule, and any additional monitoring required.

d. The City of Long Beach shall implement the revised storm water management program and its components and monitoring program according to the approved implementation schedule.

4. So long as the City of Long Beach has complied with the procedures set forth in Part VI.A.3. above and is implementing the revised storm water management program and its components, the City of Long Beach does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to modify current BMPs or develop additional BMPs.

B. Ground Water Limitations – Not Applicable

VII. Provisions

A. Standard Provisions

1. Federal Standard Provisions. The City of Long Beach shall comply with all Standard Provisions included in Attachment D of this Order, in accordance with 40 CFR sections 122.41 and 122.42.

2. Legal Authority

a. The City of Long Beach must establish and maintain adequate legal authority, within its respective jurisdiction, to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize or enable the City to:

i. Control the contribution of pollutants to the MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with

coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.

ii. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part IV.B;

iii. Prohibit and eliminate illicit discharges and illicit connections to the MS4;

iv. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

v. Require compliance with conditions in City ordinances, permits, contracts or orders (i.e., hold dischargers to the MS4 accountable for their contributions of pollutants and flows);

vi. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders;

vii. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among other owners/operators of a MS4, including but not limited to permittees covered under the Los Angeles County MS4 Permit (Order No. R4-2012-0175) and the California Department of Transportation;

viii. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the City of Long Beach must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into the MS4;

ix. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations;

x. Require that structural BMPs are properly operated and maintained; and

xi. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.

b. The City of Long Beach must submit a statement certified by its chief legal counsel that it has the legal authority within its jurisdiction to implement and enforce each of the requirements contained in 40 CFR section 122.26(d)(2)(i)(A-F) and this Order. The City of Long Beach shall submit this certification annually as part of its Annual Report beginning with the first Annual Report required under this Order. These statements must include:

i. Citation of applicable municipal ordinances or other appropriate legal authorities and their relationship to the requirements of 40 CFR section 122.26(d)(2)(i)(A)-(F) and of this Order; and

ii. Identification of the local administrative and legal procedures available to mandate compliance with applicable municipal ordinances identified in subsection (i) above and therefore with the conditions of this Order, and a statement as to whether enforcement actions can be completed administratively or whether they must be commenced and completed in the judicial system.

3. **Fiscal Resources**

   a. The City of Long Beach shall conduct a fiscal analysis of the annual capital and operation and maintenance expenditures necessary to implement the requirements of this Order.

   b. The City of Long Beach shall also enumerate and describe in its Annual Report the source(s) of funds used in the past year, and proposed for the coming year, to meet necessary expenditures on the City's storm water management program.

4. **Public Review**

   All documents submitted to the Regional Water Board in compliance with the terms and conditions of this Order shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. § 552 (as amended)) and the Public Records Act (Cal. Government Code § 6250 et seq.). All documents submitted to the Regional Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.

5. **Regional Water Board Review**

   Any formal determination or approval made by the Regional Water Board Executive Officer pursuant to the provisions of this Order may be reviewed by the Regional Water Board. The City of Long Beach or a member of the public may request such review upon petition within 30 days of the effective date of the notification of such decision to the City of Long Beach and interested parties on file at the Regional Water Board.

6. **Re-opener and Modification**

   a. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. Causes for taking such actions include, but are not limited to:

      i. Endangerment to human health or the environment resulting from the permitted activity, including information that the discharge(s) regulated by this Order may have the potential to cause or contribute to adverse impacts on water quality and/or beneficial uses;

      ii. Acquisition of newly-obtained information that would have justified the application of different conditions if known at the time of Order adoption;

      iii. To address changed conditions identified in required reports or other sources deemed significant by the Regional Water Board;

      iv. To incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL, including the program of implementation. Within 18 months of the effective date of a revised TMDL or as soon as practicable

thereafter, where the revisions warrant a change to the provisions of this Order, the Regional Water Board may modify this Order consistent with the assumptions and requirements of the revised WLA(s), including the program of implementation;

v. To incorporate provisions as a result of new or amended statewide water quality control plans or policies adopted by the State Water Board, or in consideration of any State Water Board action regarding the precedential language of State Water Board Order WQ 99-05;

vi. To incorporate provisions as a result of the promulgation of new or amended federal or state laws or regulations, USEPA guidance concerning regulated activities, or judicial decisions that becomes effective after adoption of this Order.

vii. To incorporate effluent limitations for toxic constituents determined to be present in significant amount in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the reasonable potential analysis;

viii. In accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach or to include new Minimum Levels (MLs); and/or

ix. To include provisions or modifications to WQBELs in Part VIII in this Order prior to the final compliance deadlines, if practicable, that would allow an action-based, BMP compliance demonstration approach with regard to final WQBELs for storm water discharges. Such modifications shall be based on the Regional Water Board's evaluation of whether Watershed Management Programs in Part VII.C have resulted in attainment of interim WQBELs for storm water and review of relevant research, including but not limited to data and information provided by the City of Long Beach, other MS4 Permittees and other stakeholders, on storm water quality and the efficacy and reliability of storm water control technologies. Provisions or modifications to WQBELs in Part VIII shall only be included in this Order where there is evidence that storm water control technologies can reliably achieve final WQBELs.

b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

i. Violation of any term or condition contained in this Order;

ii. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; or

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The filing of a request by the City of Long Beach for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

d. This Order may be modified to make corrections or allowances for changes in the permitted activity, following the procedures at 40 CFR section 122.63, if processed as a minor modification. Minor modifications may only:

i. Correct typographical errors; or
ii. Require more frequent monitoring or reporting by the City of Long Beach.

7. Any discharge of waste to any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of this Order.

8. A copy of this Order shall be maintained by the City of Long Beach so as to be available during normal business hours to City employees responsible for implementation of the provisions of this Order and members of the public.

9. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States, is prohibited, unless specifically authorized elsewhere in this Order or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

10. Oil or oily material, chemicals, refuse, or other pollution causing materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.

11. If there is any storage of hazardous or toxic materials or hydrocarbons at a facility owned and/or operated by the City of Long Beach and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

12. **Enforcement**

a. Violation of any of the provisions of this Order may subject the City of Long Beach to any of the penalties described herein or in Attachment D of this Order, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

b. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges through the MS4 to receiving waters, may subject the City of Long Beach to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the City of Long Beach to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

c. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to $5,000 per day, $10,000 per day, or $25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to $10 per gallon per day or $25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

d. California Water Code Section 13385(h)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each serious violation. Pursuant to California Water Code Section 13385(h)(2),

a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of 40 CFR section 123.45 specifies the Group I and II pollutants. Pursuant to California Water Code Section 13385.1(a)(1), a "serious violation" is also defined as "a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations."

e. California Water Code Section 13385(i) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each violation whenever a person violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.

f. Pursuant to California Water Code Section 13385.1(d), for the purposes of Section 13385.1 and Subdivisions (h), (i), and (j) of Section 13385, "effluent limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.

g. Unlike Subdivision (c) of California Water Code Section 13385, where violations of effluent limitations may be assessed administrative civil liability on a per day basis, the mandatory minimum penalties provisions identified above require the Regional Water Board to assess mandatory minimum penalties for "each violation" of an effluent limitation. Some water quality-based effluent limitations in this Order (e.g., trash, as described immediately below) are expressed as annual effluent limitations. Therefore, for such limitations, there can be no more than one violation of each interim or final effluent limitation per year.

h. **Trash TMDLS**

   i. Consistent with the 2009 amendments to Order No. 01-182 to incorporate the Los Angeles River Trash TMDL, the water quality-based effluent limitations in Part VIII of this Order for trash are expressed as annual effluent limitations. Therefore, for such limitations, there can be no more than one violation of each interim or final effluent limitation per year. Trash is considered a Group I pollutant, as specified in Appendix A to 40 CFR section 123.45. Therefore, each annual violation of a trash effluent limitation in Part VIII of this Order by forty percent or more would be considered a "serious violation" under California Water Code section 13385(h). With respect to the final effluent limitation of zero trash, any detectable discharge of trash necessarily is a serious violation, in accordance with the State Water Board's Enforcement Policy. Violations of the effluent limitations in Part VIII of this Order would not constitute "chronic" violations that would give rise to

mandatory liability under California Water Code section 13385(i) because four or more violations of the effluent limitations subject to a mandatory penalty cannot occur in a period of six consecutive months.

ii. For the purposes of enforcement under California Water Code section 13385, subdivisions (a), (b), and (c), not every storm event may result in trash discharges. In trash TMDLs adopted by the Regional Water Board, the Regional Water Board states that improperly deposited trash is mobilized during storm events of greater than 0.25 inches of precipitation. Therefore, violations of the effluent limitations are limited to the days of a storm event of greater than 0.25 inches. Once the City of Long Beach has violated the annual effluent limitation, any subsequent discharges of trash during any day of a storm event of greater than 0.25 inches during the same storm year constitutes an additional "day in which the violation [of the effluent limitation] occurs".

13. This Order does not exempt the City of Long Beach from compliance with any other laws, regulations, or ordinances that maybe applicable.

14. The provisions of this Order are severable. If any provisions of this Order or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected.

B. Monitoring and Reporting Program Requirements

The City of Long Beach shall comply with the monitoring and reporting requirements (MRP) and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VII.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A. of Attachment E and includes the elements set forth in Part II.E. of Attachment E.

C. Watershed Management Programs

1. General

a. The purpose of this Part VII.C is to allow the City of Long Beach the flexibility to develop Watershed Management Programs to implement the requirements of this Order on a watershed scale through customized strategies, control measures, and BMPs.

b. Participation in a Watershed Management Program is voluntary and allows the City of Long Beach to address the highest watershed priorities, including complying with the requirements of Part VI.A. (Receiving Water Limitations) and Part VIII (Total Maximum Daily Load Provisions), by customizing the control measures in Parts IV (Discharge Prohibitions) and VII.D (Minimum Control Measures).

c. The City of Long Beach shall implement customized strategies, control measures, and BMPs on a watershed basis, where applicable, through the City of Long Beach's storm water management program and/or collectively if collaborating with other entities through a Watershed Management Program.

d. The Watershed Management Programs shall ensure that discharges from the MS4: (i) achieve applicable water quality-based effluent limitations in Parts V.A.2

and VIII, pursuant to the corresponding compliance schedules, (ii) do not cause or contribute to exceedances of receiving water limitations in Parts VI.A and VIII, and (iii) do not include non-storm water discharges that are effectively prohibited pursuant to Part IV.B. The programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the MEP pursuant to Part V.A.1.

e. Watershed Management Programs shall be developed either collaboratively or individually using the Regional Water Board's Watershed Management Areas (WMAs). Where appropriate, WMAs may be separated into subwatersheds to focus water quality prioritization and implementation efforts by receiving water.

f. Each Watershed Management Program shall be consistent with the Program Development provisions of this Part VII.C and shall:

  i. Prioritize water quality issues resulting from storm water and non-storm water discharges from the MS4 to receiving waters within each WMA,

  ii. Identify and implement strategies, control measures, and BMPs to achieve the outcomes specified in Part VII.C.1.d,

  iii. Execute an integrated monitoring and assessment program pursuant to Attachment E – MRP, Part IV to determine progress towards achieving applicable limitations and/or action levels in Attachment G, and

  iv. Modify strategies, control measures, and BMPs as necessary based on analysis of monitoring data collected pursuant to the MRP to ensure that applicable water quality-based effluent limitations and receiving water limitations and other milestones set forth in the Watershed Management Program are achieved in the required timeframes.

  v. Provide appropriate opportunity for meaningful stakeholder input in the development of the Watershed Management Programs and enhanced Watershed Management Programs. Compliance with this provision may be satisfied by the continued participation of the City of Long Beach in the TAC formed under the LA County MS4 Permit (Order R4-2012-0175).

g. The City of Long Beach may elect to collaborate with other MS4 permittees on the development of an enhanced watershed management program (EWMP). An EWMP is one that comprehensively evaluates opportunities, within the City of Long Beach's and other participating permittees' collective jurisdictional area in a Watershed Management Area, for collaboration with partners on multi-benefit regional projects that, wherever feasible, retain (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event for the drainage areas tributary to the projects, while also achieving other benefits including flood control and water supply, among others. In drainage areas within the EWMP area where retention of the 85th percentile, 24-hour storm event is not feasible, the EWMP shall include a Reasonable Assurance Analysis to demonstrate that applicable water quality based effluent limitations and receiving water limitations shall be achieved through implementation of other watershed control measures. An EWMP shall:

  i. Be consistent with all applicable provisions in Part VII.C (Watershed Management Programs);

  ii. Incorporate applicable State agency input on priority setting and other key implementation issues;

iii. Demonstrate that it will result in meeting water quality standards and other CWA obligations by utilizing provisions in the CWA and its implementing regulations, policies and guidance;

iv. Include multi-benefit regional projects to ensure that MS4 discharges achieve compliance with all final WQBELs set forth in Part VIII and do not cause or contribute to exceedances of receiving water limitations in Part VI.A by retaining through infiltration or capture and reuse the storm water volume from the 85th percentile, 24-hour storm for the drainage areas tributary to the multi-benefit regional projects;

v. In drainage areas where retention of the storm water volume from the 85th percentile, 24-hour event is not technically feasible, include other watershed control measures to ensure that MS4 discharges achieve compliance with all interim and final WQBELs set forth in Part VIII with compliance deadlines occurring after approval of a EWMP and to ensure that MS4 discharges do not cause or contribute to exceedances of receiving water limitations in Part VI.A;

vi. Maximize the effectiveness of funds through analysis of alternatives and the selection and sequencing of actions needed to address human health and water quality related challenges and non-compliance;

vii. Incorporate effective innovative technologies, approaches and practices, including green infrastructure;

viii. Ensure that existing requirements to comply with technology-based effluent limitations and core requirements (e.g., including elimination of non-storm water discharges of pollutants through the MS4, and controls to reduce the discharge of pollutants in storm water to the maximum extent practicable) are not delayed;

ix. Ensure that a financial strategy is in place.

2. **Compliance with Receiving Water Limitations Not Otherwise Addressed by a TMDL through a WMP or EWMP**

   a. For receiving water limitations in Part VI.A associated with water body-pollutant combinations not addressed through a TMDL, but which the City of Long Beach elects to address through a WMP or EWMP as set forth in this Part VII.C (Watershed Management Programs), the City of Long Beach shall comply as follows:

   b. **For pollutants that are in the same class[14] as those addressed in a TMDL for the watershed and for which the water body is identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:**

      i. The City of Long Beach shall demonstrate that the watershed control measures to achieve the applicable TMDL provisions identified pursuant to Part VII.C.5.h.iii (TMDL Control Measures) will also adequately address contributions of the pollutant(s) within the same class from MS4 discharges to receiving waters, consistent with the assumptions and requirements of the corresponding TMDL provisions, including interim and final requirements and deadlines for their achievement, such that the MS4

[14] Pollutants are considered in a similar class if they have similar fate and transport mechanisms, can be addressed via the same types of control measures, and within the same timeline already contemplated as part of the Watershed Management Program for the TMDL.

discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.

ii. The City of Long Beach shall include the water body-pollutant combination(s) in the Reasonable Assurance Analysis in Part VII.C.5.h.v.

iii. The City of Long Beach shall identify milestones and dates for their achievement consistent with those in the corresponding TMDL.

c. For pollutants that are not in the same class as those addressed in a TMDL for the watershed, but for which the water body is identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:

i. The City of Long Beach shall assess contributions of the pollutant(s) from MS4 discharges to the receiving waters and sources of the pollutant(s) within the drainage area of the MS4 pursuant to Part VII.C.5.d (Source Assessment).

ii. The City of Long Beach shall identify Watershed Control Measures pursuant to Part VII.C.5.f (Selection of Watershed Control Measures) that will adequately address contributions of the pollutant(s) from MS4 discharges to receiving waters such that the MS4 discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.

iii. The City of Long Beach shall include the water body-pollutant in the Reasonable Assurance Analysis in Part VII.C.5.h.v.

iv. The City of Long Beach shall identify enforceable requirements and milestones and dates for their achievement to control MS4 discharges such that they do not cause or contribute to exceedances of receiving water limitations within a timeframe(s) that is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary. The time between dates shall not exceed one year. Milestones shall relate to a specific water quality endpoint (e.g., x% of the MS4 drainage area is meeting the receiving water limitations) and dates shall relate either to taking a specific action or meeting a milestone.

v. Where the final date(s) in (4) is beyond the term of this Order, the following conditions shall apply:

(a) For an EWMP, in drainage areas where retention of (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event will be achieved, the City of Long Beach shall continue to target implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges that are a source of pollutants to receiving waters.

(b) For a WMP and in areas of a EWMP where retention of the volume in (a) is technically infeasible and where the Regional Water Board determines that MS4 discharges cause or contribute to the water quality impairment, the City of Long Beach may initiate development of a stakeholder-proposed TMDL upon approval of the Watershed Management Program or EWMP. For MS4 discharges from these drainage areas to the receiving waters, any

extension of this compliance mechanism beyond the term of this Order shall be consistent with the implementation schedule in a TMDL for the waterbody pollutant combination(s) adopted by the Regional Water Board.

d. For pollutants for which there are exceedances of receiving water limitations in Part VIII, but for which the water body is not identified as impaired on the State's Clean Water Act Section 303(d) List as of the effective date of this Order:

i. Upon an exceedance of a receiving water limitation, based on data collected pursuant to the MRP and approved IMPs and CIMPs, the City of Long Beach shall assess contributions of the pollutant(s) from MS4 discharges to the receiving waters and sources of the pollutant(s) within the drainage area of the MS4 pursuant to Part VI.A.3.

ii. If MS4 discharges are identified as a source of the pollutant(s) that has caused or contributed to, or has the potential to cause or contribute to, the exceedance(s) of receiving water limitations in Part VI.A, the City of Long Beach shall address contributions of the pollutant(s) from MS4 discharges through modifications to the WMP or EWMP pursuant to Part VII.C.8.

iii. In a modified WMP or EWMP, the City of Long Beach shall identify watershed control measures pursuant to Part VII.C.5.f that will adequately address contributions of the pollutant(s) from MS4 discharges to receiving waters such that the MS4 discharges of the pollutant(s) will not cause or contribute to exceedances of receiving water limitations in Part VI.A.

iv. The City of Long Beach shall modify the Reasonable Assurance Analysis pursuant to Part VII.C.5.h.v to address the pollutant(s).

v. The City of Long Beach shall identify enforceable requirements and milestones and dates for their achievement to control MS4 discharges such that they do not cause or contribute to exceedances of receiving water limitations within a timeframe(s) that is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary. The time between dates shall not exceed one year. Milestones shall relate to a specific water quality endpoint (e.g., x% of the MS4 drainage area is meeting the receiving water limitations) and dates shall relate either to taking a specific action or meeting a milestone.

vi. Where the final date(s) in (5) is beyond the term of this Order, the following conditions shall apply:

(a) For an EWMP, in drainage areas where retention of (i) all non-storm water runoff and (ii) all storm water runoff from the 85th percentile, 24-hour storm event will be achieved, the City of Long Beach shall continue to target implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges that are a source of pollutants to receiving waters.

(b) For a WMP and in areas of a EWMP where retention of the volume in (a) is technically infeasible, for newly identified exceedances of receiving water limitations, the City of Long Beach may request that the Regional Water Board approve a modification to its WMP or EWMP to include these additional water body-pollutant combinations.

e. The City of Long Beach's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute its compliance with the receiving water limitations provisions in Part VI.A of this Order for the specific water body-pollutant combinations addressed by an approved Watershed Management Program or EWMP.

f. If the City of Long Beach fails to meet any requirement or date for its achievement in an approved Watershed Management Program or EWMP, the City of Long Beach shall be subject to the provisions of Part VI.A for the waterbody-pollutant combination(s) that were to be addressed by the requirement.

g. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with the receiving water limitations provisions in Part VI.A not otherwise addressed by a TMDL, if all the following requirements are met:

   i. Provides timely notice of its intent to develop a WMP or EWMP,
   ii. Meets all interim and final deadlines for development of a WMP or EWMP,
   iii. For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to exceedances of receiving water limitations, and
   iv. Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8.

3. **Compliance with Receiving Water Limitations Addressed by a TMDL through a WMP or EWMP**

   a. The City of Long Beach's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute the City of Long Beach's compliance with provisions pertaining to applicable interim water quality based effluent limitations and interim receiving water limitations in Part VIII for the pollutant(s) addressed by the approved Watershed Management Program or EWMP.

   b. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with the receiving water limitations provisions in Part VI.A if all the following requirements are met:

      i. Provides timely notice of its intent to develop a WMP or EWMP,
      ii. Meets all interim and final deadlines for development of a WMP or EWMP,
      iii. For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to exceedances of receiving water limitations, and
      iv. Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8.

c. Subdivision b above does not apply to receiving water limitations corresponding to final compliance deadlines pursuant to TMDL provisions in Part VIII that have passed or will occur prior to approval of a WMP or EWMP.

4. **Process**

   a. **Timelines for Implementation**

   Implementation of the following requirements shall occur per the schedule specified in Table 8.

Table 8. Watershed Management Program Implementation Requirements

Part	Provision	Due Date
VII.C.4.b	Notify Regional Water Board of intent to develop WMP or EWMP and request submittal date for draft program plan	3 months after Order effective date
VII.C.4.c	If electing to develop WMP with other Los Angeles County MS4 Permittees, submit draft plan to Los Angeles Regional Board	June 28, 2014
VII.C	If electing to develop an individual WMP, submit draft plan to Los Angeles Regional Board If electing to collaborate on an enhanced WMP that meets the requirements of Part VII.C.3.viii, submit draft plan to Los Angeles Regional Board	1 year after Order effective date By June 28, 2014 provide final work plan for development of enhanced WMP By June 28, 2015 submit draft plan
VII.C	Comments provided to Discharger by Regional Water Board	4 months after submittal of draft plan
VII.C	Submit final plan to Regional Water Board	3 months after receipt of Regional Water Board comments on draft plan
VII.C	Approval or denial of final plan by Regional Water Board or by the Executive Officer on behalf of the Regional Water Board	3 months after submittal of final plan
VII.C	Begin implementation of Watershed Management Program or EWMP	Upon approval of final plan
VII.C	Comprehensive evaluation of Watershed Management Program or EWMP and submittal of modifications to plan	Every two years from date of approval

b. The City of Long Beach must notify the Regional Water Board no later than three months after the effective date of this Order of the decision to develop a WMP or EWMP.

i. Such notification shall specify if the City of Long Beach is requesting a June 28, 2014 submittal date for the draft WMP or if the City of Long Beach is requesting a June 28, 2014/June 28, 2015 submittal date for the draft EWMP.

ii. As part of the notice of intent to develop a WMP or EWMP, the City of Long Beach shall identify all applicable interim and final WQBELs and receiving water limitations pursuant to Part VIII with compliance deadlines occurring prior to approval of a WMP or EWMP. The City of Long Beach shall identify watershed control measures from existing TMDL implementation plans where such plans have been developed, that will be implemented concurrently with the development of a WMP or EWMP to ensure that MS4 discharges achieve compliance with applicable interim and final trash WQBELs and all other final WQBELs and receiving water limitations set forth in Part VIII.F and the applicable attachment(s) by the applicable compliance deadlines occurring prior to approval of a WMP or EWMP.

iii. As part of the notification, the City of Long Beach, if electing to develop an EWMP, shall submit the following in addition to the requirements of Part VII.C.4.b.i-ii:

(1) Plan concept and geographical scope,

(2) Cost estimate for plan development,

(3) Executed MOU/agreement among participating Permittees to fund plan development.

(4) Interim milestones for plan development and deadlines for their achievement,

(5) Identification of, and commitment to fully implement one structural BMP or a suite of BMPs at a scale that provides meaningful water quality improvement within each watershed covered by the plan no later than June 28, 2015 in addition to watershed control measures to be implemented pursuant to Part VII.C.4.e. The structural BMP or suite of BMPs shall be subject to approval by the Regional Water Board Executive Officer, and

(6) Documentation that the requirements in Part VII.C.4.d have been met.

c. If the City of Long Beach elects to develop a WMP, the City of Long Beach must submit a draft of such plan to the Regional Water Board as follows:

i. If the City of Long Beach elects to collaborate with other Permittees on the development of a WMP, the City of Long Beach shall submit the draft WMP no later than June 28, 2014.

ii. If the City of Long Beach elects to develop an individual WMP, the City of Long Beach shall submit the draft WMP no later than 12 months after the effective date of this Order.

d. If the City of Long Beach elects to collaborate on the development of an EWMP, the City of Long Beach shall submit the work plan for development of the EWMP no later than June 28, 2014, and shall submit the draft program no later than June 28, 2015 if the following conditions are met in greater than 50% of the land area in the watershed:

i. Demonstrate there are low impact development (LID) ordinances in place and/or draft LID ordinance(s) prepared, which meet the requirements of this Order's Planning and Land Development Program. Draft LID ordinances must be adopted no later than June 28, 2015, and

ii. Demonstrate there are green streets policies in place and/or draft policy(ies) prepared, which specify the use of green street strategies for transportation

corridors. Draft green streets policies must be adopted no later than June 28, 2015.

iii. Submit the draft and/or effective LID ordinances and green streets policies with the notification of intent to develop an EWMP and submit all final effective LID ordinances and green streets policies with the draft EWMP as demonstration that Parts VII.C.4.d.i-ii have been met in greater than 50% of the watershed area covered by the EWMP.

e. Until the Regional Water Board or the Executive Officer on behalf of the Regional Water Board approves the WMP or EWMP, the City of Long Beach, if electing to develop a WMP or EWMP shall:

i. Continue to implement watershed control measures in the existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR section 122.26(d)(2)(iv),

ii. Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with CWA section 402(p)(3)(B)(ii), and

iii. Implement watershed control measures from existing TMDL implementation plans, where such plans have been developed, to ensure that MS4 discharges achieve compliance with interim and final trash WQBELs and all other final WQBELs and receiving water limitations pursuant to Part VIII by the applicable compliance deadlines occurring prior to approval of a WMP or EWMP.

f. If the City of Long Beach does not elect to develop a WMP or EWMP, or does not have an approved WMP or EWMP within the applicable timeframe specified in Table 8, the City shall be subject to the baseline requirements in Part VII.D-M and shall demonstrate compliance with receiving water limitations pursuant to Part VI.A and with applicable interim water quality-based effluent limitations in Part VIII.E.

5. **Program Development**

a. **Water Quality Characterization** - Each plan shall include an evaluation of existing water quality conditions, including characterization of storm water and non-storm water discharges from the MS4 and receiving water quality, to support identification and prioritization/sequencing of management actions.

b. **Identification of Water Quality Priorities** - The City of Long Beach shall identify the water quality priorities within each WMA that will be addressed by the Watershed Management Program. At a minimum, these priorities shall include achieving applicable water quality-based effluent limitations and/or receiving water limitations established pursuant to TMDLs, as set forth in Part VIII of this Order.

c. **Water Body-Pollutant Classification** - On the basis of the evaluation of existing water quality conditions, water body-pollutant combinations shall be classified into one of the following three categories:

i. Category 1 (Highest Priority): Water body-pollutant combinations for which water quality-based effluent limitations and/or receiving water limitations are established in Parts VI and VIII. of this Order.

ii. Category 2 (High Priority): Pollutants for which data indicate water quality impairment in the receiving water according to the State's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List

(State Listing Policy) and for which MS4 discharges may be causing or contributing to the impairment.

iii. Category 3 (Medium Priority): Pollutants for which there are insufficient data to indicate water quality impairment in the receiving water according to the State's Listing Policy, but which exceed applicable receiving water limitations contained in this Order and for which MS4 discharges may be causing or contributing to the exceedance.

d. **Source Assessment** - Utilizing existing information, potential sources within the watershed for the water body-pollutant combinations in Categories 1 - 3 shall be identified.

i. The City of Long Beach shall identify known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the water quality priorities. The identification of known and suspected sources of the highest water quality priorities shall consider the following:

(1) Review of available data, including but not limited to:

(a) Findings from the City of Long Beach's Illicit Connections and Illicit Discharge Elimination Programs;

(b) Findings from the City of Long Beach's Industrial/Commercial Facilities Programs;

(c) Findings from the City of Long Beach's Development Construction Programs;

(d) Findings from the City of Long Beach's Public Agency Activities Programs;

(2) TMDL source investigations;

(3) Watershed model results;

(4) Findings from the City of Long Beach's monitoring programs, including but not limited to TMDL compliance monitoring and receiving water monitoring; and

(5) Any other pertinent data, information, or studies related to pollutant sources and conditions that contribute to the highest water quality priorities.

ii. Locations of the City of Long Beach's MS4, including, at a minimum, all MS4 major outfalls and major structural controls for storm water and non-storm water that discharge to receiving waters.

iii. Other known and suspected sources of pollutants in non-storm water or storm water discharges from the MS4 to receiving waters within the WMA.

e. **Prioritization** - Based on the findings of the source assessment, the issues within each watershed shall be prioritized and sequenced. Watershed priorities shall include:

i. **TMDLs**

(1) Controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term, or TMDL compliance deadlines that have already passed and limitations have not been achieved.

(2) Controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the term of this Order.

(3) Progress toward controlling pollutants for which there are water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines beyond the term of this Order.

ii. **Other Receiving Water Considerations**

(1) Controlling pollutants for which data indicate impairment pursuant to the State's Listing Policy and the findings from the source assessment implicates discharges from the MS4.

(2) Controlling pollutants for which data indicate exceedances of receiving water limitations in the receiving water within the last five years and the findings from the source assessment implicates discharges from the MS4.

f. **Selection of Watershed Control Measures** - The City of Long Beach shall identify strategies, control measures, and BMPs to implement through their individual storm water management programs, and collectively on a watershed scale, with the goal of creating an efficient program to focus individual and collective resources on watershed priorities. The objectives of the Watershed Control Measures shall include:

i. Prevent or eliminate non-storm water discharges to the MS4 that are a source of pollutants from the MS4 to receiving waters.

ii. Implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations pursuant to corresponding compliance schedules.

iii. Ensure that discharges from the MS4 do not cause or contribute to exceedances of receiving water limitations.

g. **Watershed Control Measures may include:**

i. Structural and/or non-structural controls and operation and maintenance procedures that are designed to achieve applicable water quality-based effluent limitations and receiving water limitations in Part VIII;

ii. Retrofitting areas of existing development known or suspected to contribute to the highest water quality priorities with regional or sub-regional controls or management measures; and

iii. Stream and/or habitat rehabilitation or restoration projects where stream and/or habitat rehabilitation or restoration are necessary for, or will contribute to demonstrable improvements in the physical, chemical, and biological receiving water conditions and restoration and/or protection of water quality standards in receiving waters.

h. **Watershed Management Program Provisions** - The following provisions of this Order shall be incorporated as part of the Watershed Management Program:

i. **Minimum Control Measures** - The City of Long Beach shall assess the minimum control measures (MCMs) as defined in Part VII.D of this Order to identify opportunities for focusing resources on the high priority issues in each watershed. For each of the following minimum control measures, the City of Long Beach shall identify potential modifications that will address watershed priorities:

- Development Construction Program
- Industrial/Commercial Facilities Program
- Illicit Connection and Illicit Discharges Detection and Elimination Program
- Public Agency Activities Program
- Public Information and Participation Program

(1) At a minimum, the Watershed Management Program shall include management programs consistent with 40 CFR Section 122.26(d)(2)(iv)(A)-(D)

(2) If the City of Long Beach(s) elects to eliminate a control measure identified in Part VII.D because that specific control measure is not applicable to the City of Long Beach, the City of Long Beach shall provide a justification for its elimination. The Planning and Land Development Program is not eligible for modification or elimination, except thorugh the "Local Ordinance Equivalence" provisions of Part VII.J.5.

(3) Such customized actions, once approved as part of the Watershed Management Program, shall replace in part or in whole the requirements in Part VII.D.

ii. **Non-Storm Water Control Measures** - Where the City of Long Beach identifies non-storm water discharges from the MS4 as a source of pollutants that cause or contribute to exceedance of receiving water limitations, the Watershed Control Measures shall include strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts IV.B. and VII.L. These may include measures to prohibit the non-storm water discharge to the MS4, additional BMPs to reduce pollutants in the non-storm water discharge or conveyed by the non-storm water discharge, diversion to a sanitary sewer for treatment, or strategies to require the non-storm water discharge to be separately regulated under a general NPDES permit.

iii. **TMDL Control Measures** - The City of Long Beach shall compile control measures that have been identified in TMDLs and corresponding implementation plans. The City of Long Beach shall identify those control measures to be modified, if any, to most effectively address TMDL requirements within the watershed. If not sufficiently identified in previous documents, or if implementation plans have not yet been developed (e.g., USEPA established TMDLs), the City of Long Beach shall evaluate and identify control measures to achieve water quality-based effluent limitations and/or receiving water limitations established in this Order pursuant to these TMDLs.

(1) TMDL control measures shall include where necessary control measures to address both storm water and non-storm water discharges from the MS4.

(2) TMDL control measures may include baseline or customized activities covered under the general MCM categories in Part VII.D as well as BMPs and other control measures covered under the non-storm water discharge provisions of Parts IV.B of this Order.

(3) The WMP shall include, at a minimum, those actions that will be implemented during the permit term to achieve interim and/or final water quality-based effluent limitations and/or receiving water limitations with compliance deadlines within the permit term.

iv. **Each plan shall include the following components:**

(1) Identification of specific structural controls and non-structural best management practices, including operational source control and pollution prevention, and any other actions or programs to achieve all water quality-based effluent limitations and receiving water limitations contained in Part VIII to which the City of Long Beach(s) is subject;

(2) For each structural control and non-structural best management practice, the number, type, and location(s) and/or frequency of implementation;
(3) For any pollution prevention measures, the nature, scope, and timing of implementation;
(4) For each structural control and non-structural best management practice, interim milestones and dates for achievement to ensure that TMDL compliance deadlines will be met; and
(5) The plan shall clearly identify the responsibilities of the City of Long Beach for implementation of watershed control measures.

v. **Reasonable Assurance Analysis** - The City of Long Beach shall conduct a Reasonable Assurance Analysis for each water body-pollutant combination addressed by the Watershed Management Program. A Reasonable Assurance Analysis (RAA) shall be quantitative and performed using a peer-reviewed model in the public domain. Models to be considered for the RAA, without exclusion, are the Watershed Management Modeling System (WMMS) and the Structural BMP Prioritization and Analysis Tool (SBPAT). The RAA shall commence with assembly of all available, relevant subwatershed data collected within the last 10 years, including land use and pollutant loading data, establishment of quality assurance/quality control (QA/QC) criteria, QA/QC checks of the data, and identification of the data set meeting the criteria for use in the analysis. Data on performance of watershed control measures needed as model input shall be drawn only from peer-reviewed sources. These data shall be statistically analyzed to determine the best estimate of performance and the confidence limits on that estimate for the pollutants to be evaluated. The objective of the RAA shall be to demonstrate the ability of Watershed Management Programs and EWMPs to ensure the City of Long Beach's MS4 discharges achieve applicable water quality based effluent limitations and do not cause or contribute to exceedances of receiving water limitations.

(1) The City of Long Beach shall demonstrate using the RAA that the activities and control measures identified in the Watershed Control Measures will achieve applicable water quality-based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term.
(2) Where the TMDL Provisions in Part VIII do not include interim or final water quality-based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term, the City of Long Beach shall identify interim milestones and dates for their achievement to ensure adequate progress toward achieving interim and final water quality-based effluent limitations and/or receiving water limitations with deadlines beyond the permit term.
(3) For water body-pollutant combinations not addressed by TMDLs, the City of Long Beach shall demonstrate using the RAA that the activities and control measures identified in the Watershed Control Measures will achieve applicable receiving water limitations as soon as possible.

vi. **Legal Authority** - The City of Long Beach shall demonstrate the necessary legal authority to implement the Watershed Control Measures identified in the plan, or that other legal authority exists to compel implementation of the Watershed Control Measures.

vii. **Compliance Schedules** - The City of Long Beach shall incorporate compliance schedules in Part VIII into the plan and, where necessary develop interim milestones and dates for their achievement. Compliance schedules and interim milestones and dates for their achievement shall be used to measure progress towards addressing the highest water quality priorities and achieving applicable water quality-based effluent limitations and/or receiving water limitations.

(1) Schedules must be adequate for measuring progress on a watershed scale once every two years.

(2) Schedules must be developed for both the strategies, control measures and BMPs implemented by the City of Long Beach within its jurisdiction and for those that will be implemented by multiple entities on a watershed scale.

(3) Schedules shall incorporate the following:

(a) Compliance deadlines occurring within the permit term for all applicable interim and/or final water quality-based effluent limitations and/or receiving water limitations in Parts VI and VIII of this Order,

(b) Interim milestones and dates for their achievement within the permit term for any applicable final water quality-based effluent limitation and/or receiving water limitation in Parts VI and VIII, where deadlines within the permit term are not otherwise specified.

(c) For watershed priorities related to addressing exceedances of receiving water limitations in Part VI.A and not otherwise addressed by Part VIII:

a. Milestones based on measureable criteria or indicators, to be achieved in the receiving waters and/or MS4 discharges,

b. A schedule with dates for achieving the milestones, and

c. A final date for achieving the receiving water limitations as soon as possible.

d. The milestones and implementation schedule in (a)-(c) fulfill the requirements in Part VI.A.3.a to prepare an Integrated Monitoring Compliance Report.

6. **Watershed Management Program Implementation**

The City of Long Beach shall begin implementing the Watershed Management Program or EWMP immediately upon approval of the plan by the Regional Water Board or the Executive Officer on behalf of the Regional Water Board.

The City of Long Beach may request an extension of only the deadlines for achieving interim milestones in Part VII.C.5.h.vii.(3)(b)-(c) of this Order. The City of Long Beach shall provide a written request at least 90 days prior to the deadline and shall include the justification for the extension. Extensions shall be subject to approval by the Regional Water Board Executive Officer.

7. **Integrated Watershed Monitoring and Assessment**

The City of Long Beach shall develop an integrated monitoring program as set forth in Part IV of the MRP (Attachment E) or implement a customized monitoring program with the primary objective of allowing for the customization of the outfall monitoring program (Parts VIII and IX) in conjunction with an approved Watershed Management Program or EWMP, as defined below. Each monitoring program shall

assess progress toward achieving the water quality-based effluent limitations and/or receiving water limitations per the compliance schedules, and progress toward addressing the water quality priorities for each WMA. The customized monitoring program shall be submitted as part of the Watershed Management Program, or where the City of Long Beach elects to develop an EWMP, shall be submitted by June 28, 2014. If pursuing a customized monitoring program, the City of Long Beach shall provide sufficient justification for each element of the program that differs from the monitoring program requirements as set forth in Attachment E. Monitoring programs shall be subject to approval by the Executive Officer following a public comment period. The customized monitoring program shall be designed to address the Primary Objectives detailed in Attachment E, Part II.A and shall include the following program elements:

a. Receiving Water Monitoring
b. Storm Water Outfall Monitoring
c. Non-Storm Water Outfall Monitoring
d. New Development/Re-Development Effectiveness Tracking
e. Regional Studies

8. Adaptive Management Process

a. Watershed Management Program Adaptive Management Process
In Each WMA affected, the City of Long Beach shall implement an adaptive management process, every two years from the date of program approval, adapting the Watershed Management Program or EWMP to become more effective, based on, but not limited to a consideration of the following:

i. Progress toward achieving interim and/or final water quality-based effluent limitations and/or receiving water limitations in Part VIII, according to established compliance schedules;
ii. Progress toward achieving improved water quality in MS4 discharges and achieving receiving water limitations through implementation of the watershed control measures based on an evaluation of outfall-based monitoring data and receiving water monitoring data;
iii. Achievement of interim milestones;
iv. Re-evaluation of the water quality priorities identified for the WMA based on more recent water quality data for discharges from the MS4 and the receiving water(s) and a reassessment of sources of pollutants in MS4 discharges;
v. Availability of new information and data from sources other than the City of Long Beach' monitoring program(s) within the WMA that informs the effectiveness of the actions implemented by the City of Long Beach;
vi. Regional Water Board recommendations; and
vii. Recommendations for modifications to the Watershed Management Program solicited through a public participation process.

b. Based on the results of the adaptive management process, the City of Long Beach shall report any modifications, including where appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as

part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions.

i. The adaptive management process fulfills the requirements in Part VI.A.4 to address continuing exceedances of receiving water limitations.

c. The City of Long Beach shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections.

D. Storm Water Management Program Minimum Control Measures

1. General Requirements

i. The City of Long Beach shall implement the requirements in Parts VII.F-M below, or may in lieu of the requirements in Parts VII.F-M (with the exception of Part VII.J) implement customized actions within each of these general categories of control measures as set forth in an approved Watershed Management Program per Part VII.C. Implementation shall be consistent with the requirements of 40 CFR section 122.26(d)(2)(iv).

ii. Timelines for Implementation

Unless otherwise noted in Part VII.C, if the City of Long Beach does not elect to develop a Watershed Management Program or EWMP per Part VII.C, then the City of Long Beach shall implement the requirements contained in Part VII.F-M within 6 months after the effective date of this Order in the areas not addressed by a WMP/EWMP. In the interim, the City of Long Beach shall continue to implement its existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR Section 122.26(d)(2)(iv).

iii. If the City of Long Beach elects to develop a Watershed Management Program or EWMP, the City of Long Beach shall continue to implement its existing storm water management program, including actions within each of the six categories of minimum control measures consistent with 40 CFR Section 122.26(d)(2)(iv) until the Watershed Management Program or EWMP is approved by the Los Angeles Regional Board Executive Officer.

2. Progressive Enforcement and Interagency Coordination

i. The City of Long Beach shall develop and implement a Progressive Enforcement Policy to ensure that (1) regulated Industrial/Commercial facilities, (2) construction sites, (3) development and redevelopment sites with post-construction controls, and (4) illicit discharges are each brought into compliance with all storm water and non-storm water requirements within a reasonable time period as specified below:

(1) Follow-up Inspections

In the event that the City of Long Beach determines, based on an inspection or illicit discharge investigation conducted, that a facility or site operator has failed to adequately implement all necessary BMPs, the City of Long Beach shall take progressive enforcement actions which, at a minimum, shall include a follow-up inspection within 4 weeks from the date of the initial inspection and/or investigation.

(2) Enforcement Action

In the event that the City of Long Beach determines that a facility or site operator has failed to adequately implement BMPs after a follow-up inspection, the City of Long Beach shall take enforcement action as established through authority in its municipal code and ordinances, through the judicial system, or refer the case to the Regional Water Board, per the Interagency Coordination provisions below.

(3) Records Retention

The City of Long Beach shall maintain records, per their existing record retention policies, and make them available on request to the Regional Water Board, including inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating a good faith effort to bring facilities into compliance.

(4) Referral of Violations of Municipal Ordinances and California Water Code § 13260

The City of Long Beach may refer a violation(s) of its municipal storm water ordinances and/or California Water Code Section 13260 by Industrial and Commercial facilities and construction site operators to the Regional Water Board provided that the City of Long Beach has made a good faith effort of applying its Progressive Enforcement Policy to achieve compliance with its own ordinances. At a minimum, the City of Long Beach's good faith effort must be documented with:

(a) Two follow-up inspections, and
(b) Two warning letters or notices of violation.
(c) Referral of Violations of the Industrial and Construction General Permits, including Requirements to File a Notice of Intent or No Exposure Certification

For those facilities or site operators in violation of municipal storm water ordinances and subject to the Industrial and/or Construction General Permits, the City of Long Beach may escalate referral of such violations to the Regional Water Board (promptly via telephone or electronically) after one inspection and one written notice of violation (copied to the Regional Water Board) to the facility or site operator regarding the violation. In making such referrals, the City of Long Beach shall include, at a minimum, the following documentation:

(a) Name of the facility or site,
(b) Operator of the facility or site,
(c) Owner of the facility or site,
(d) WDID Number (if applicable),
(e) Records of communication with the facility/site operator regarding the violation, which shall include at least one inspection report,
(f) The written notice of violation (copied to the Regional Water Board),

(g) For industrial sites, the industrial activity being conducted at the facility that is subject to the Industrial General Permit, and

(h) For construction sites the documentation shall include site acreage and risk factor rating.

ii. **Investigation of Complaints Transmitted by the Regional Water Board Staff**

The City of Long Beach shall initiate, within one business day,[15] investigation of complaints from facilities within its jurisdiction. The initial investigation shall include, at a minimum, a limited inspection of the facility to confirm validity of the complaint and to determine if the facility is in compliance with municipal storm water ordinances and, if necessary, to oversee corrective action.

(1) Assistance with Regional Water Board Enforcement Actions

As directed by the Regional Water Board Executive Officer, the City of Long Beach shall assist Regional Water Board enforcement actions by:

(a) Assisting in identification of current owners, operators, and lessees of properties and sites.

(b) Providing staff, when available, for joint inspections with Regional Water Board inspectors.

(c) Appearing to testify as witnesses in Regional Water Board enforcement hearings.

(d) Providing copies of inspection reports and documentation demonstrating application of its Progressive Enforcement Policy.

E. Modifications/Revisions

1. The City of Long Beach shall modify its storm water management programs, protocols, practices, and municipal codes to make them consistent with the requirements in this Order.

F. Public Information and Participation Program

1. **General**

The City of Long Beach shall develop and implement a public information and participation program (PIPP) with the following the objectives:

i. To measurably increase the knowledge of the target audiences about the MS4, the adverse impacts of storm water pollution on receiving waters and potential solutions to mitigate the impacts.

ii. To measurably change the waste disposal and storm water pollution generation behavior of target audiences by developing and encouraging the implementation of appropriate alternatives.

iii. To involve and engage a diversity of socio-economic groups and ethnic communities in its jurisdiction to participate in mitigating the impacts of storm water pollution.

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[15] The Discharger may comply with the Permit by taking initial steps (such as logging, prioritizing, and tasking) to "initiate" the investigation within that one business day. However, the Los Angeles Regional Board would expect the initial investigation, including a site visit, would occur within four business days.

2. **PIPP Implementation** - The City of Long Beach shall develop and implement the PIPP using one or more of the following approaches:

   i. By participating in a County-wide PIPP,

   ii. By participating in one or more Watershed Group sponsored PIPPs, and/or

   iii. Or individually within its jurisdiction.

   iv. If the City of Long Beach participates in a County-wide or Watershed Group PIPP, the City of Long Beach shall provide the contact information for their appropriate staff responsible for storm water public education activities to the designated PIPP coordinator and contact information changes no later than 30 days after a change occurs.

3. **Public Participation**

   i. The City of Long Beach, whether participating in a County-wide or watershed group sponsored PIPP, or acting individually, shall provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels, and general storm water and non-storm water pollution prevention information.

      (1) The City of Long Beach shall continue to operate the Storm Water Pollution Prevention Hotline and Reporting of Illegal Dumping to Storm Drains: (562) 570-DUMP and the website www.lbstormwater.org

      (2) The City of Long Beach shall include the reporting information, updated when necessary, in public information, and the government pages of the telephone book, as they are developed or published.

      (3) The City of Long Beach shall identify staff or departments who will serve as the contact person(s) and shall make this information available on its website.

      (4) The City of Long Beach is responsible for providing current, updated hotline contact information to the general public within its jurisdiction.

   ii. The City of Long Beach shall organize events targeted to residents and population subgroups to educate and involve the community in storm water and non-storm water pollution prevention and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).

4. **Residential Outreach Program**

   i. Working in conjunction with a County-wide or Watershed Group sponsored PIPP or individually, the City of Long Beach shall implement the following activities:

      (1) Conduct storm water pollution prevention public service announcements and advertising campaigns

      (2) Public education materials shall include but are not limited to information on the proper handling (i.e., disposal, storage and/or use) of:

         (a) Vehicle waste fluids

         (b) Household waste materials (i.e., trash and household hazardous waste, including personal care products and pharmaceuticals)

         (c) Construction waste materials

(d) Pesticides and fertilizers (including integrated pest management practices [IPM] to promote reduced use of pesticides)

(e) Green waste (including lawn clippings and leaves)

(f) Animal wastes

(3) Distribute activity specific storm water pollution prevention public education materials at, but not limited to, the following points of purchase:

(a) Automotive parts stores

(b) Home improvement centers / lumber yards / hardware stores/paint stores

(c) Landscaping / gardening centers

(d) Pet shops / feed stores

(4) Maintain storm water websites or provide links to storm water websites via the City of Long Beach's website, which shall include educational material and opportunities for the public to participate in storm water pollution prevention and clean-up activities listed in Part VII.G.4.

(5) Provide independent, parochial, and public schools within in the City of Long Beach's jurisdiction with materials to educate school children (K-12) on storm water pollution. Material may include videos, live presentations, and other information. The City of Long Beach is encouraged to work with, or leverage, materials produced by other statewide agencies and associations such as the State Water Board's "Erase the Waste" educational program and the California Environmental Education Interagency Network (CEEIN) to implement this requirement.

(6) When implementing activities in Part VII.F.4.i.(1)-(5), the City of Long Beach shall use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.

G. Industrial/Commercial Facilities Program

1. General

The City of Long Beach shall implement an Industrial / Commercial Facilities Program that meets the requirements of this Part VII G. The Industrial / Commercial Facilities Program shall be designed to prevent illicit discharges into the MS4 and receiving waters, reduce industrial / commercial discharges of storm water to the MEP, and prevent industrial / commercial discharges from the MS4 from causing or contributing to a violation of receiving water limitations. At a minimum, the Industrial / Commercial Facilities Program shall be implemented in accordance with the requirements listed in this Part VII.G, or as approved in a Watershed Management Program per Part VII.C. The minimum program components shall include the following:

i. Track

ii. Educate

iii. Inspect

iv. Ensure compliance with municipal ordinances at industrial and commercial facilities that are critical sources of pollutants in storm water.

2. **Tracking Critical Industrial/Commercial Sources**

i. The City of Long Beach shall maintain an updated watershed-based inventory or database containing the latitude / longitude coordinates of all industrial and commercial facilities within its jurisdiction that are critical sources of storm water pollution. The inventory or database shall be maintained in electronic format and incorporation of facility information into a Geographical Information System (GIS) is recommended. Critical Sources to be tracked are summarized below:

(1) Commercial Facilities

(a) Restaurants

(b) Automotive service facilities (including those located at automotive dealerships)

(c) Retail Gasoline Outlets

(d) Nurseries and Nursery Centers (Merchant Wholesalers, Nondurable Goods, and Retail Trade)

(2) USEPA "Phase I" Facilities [as specified in 40 CFR §122.26(b)(14)(i)-(xi)]

(3) Other federally-mandated facilities [as specified in 40 CFR §122.26(d)(2)(iv)(C)]

(a) Municipal landfills

(b) Hazardous waste treatment, disposal, and recovery facilities

(c) Industrial facilities subject to section 313 "Toxic Release Inventory" reporting requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) [42 U.S.C. § 11023]

(4) All other commercial or industrial facilities that the City of Long Beach determines may contribute a substantial pollutant load to the MS4.

ii. The City of Long Beach shall include the following minimum fields of information for each critical source industrial and commercial facility identified in its watershed-based inventory or database:

(1) Name of facility

(2) Name of owner/ operator and contact information

(3) Address of facility (physical and mailing)

(4) North American Industry Classification System (NAICS) code

(5) Standard Industrial Classification (SIC) code

(6) A narrative description of the activities performed and/or principal products produced

(7) Status of exposure of materials to storm water

(8) Name of receiving water

(9) Identification of whether the facility is tributary to a CWA § 303(d) listed water body segment or water body segment subject to a TMDL, where

the facility generates pollutants for which the water body segment is impaired.

(10) Ability to denote if the facility is known to maintain coverage under the State Water Board's General NPDES Permit for the Discharge of Stormwater Associated with Industrial Activities (Industrial General Permit) or other individual or general NPDES permits or any applicable waiver issued by the Regional or State Water Board pertaining to storm water discharges.

(11) Ability to denote if the facility has filed a No Exposure Certification with the State Water Board.

iii. The City of Long Beach shall update its inventory of critical sources at least annually. The update shall be accomplished through collection of new information obtained through field activities or through other readily available inter- and intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer connection permits, and similar information).

3.Educate Industrial / Commercial Sources

i. At least once during the five-year period of this Order, the City of Long Beach shall notify the owner/operator of each of its inventoried commercial and industrial sites identified in Part VII.G.2 of the BMP requirements applicable to the site/source.

ii. Business Assistance Program

(1) The City of Long Beach shall implement a Business Assistance Program to provide technical information to businesses to facilitate their efforts to reduce the discharge of pollutants in storm water. Assistance shall be targeted to select business sectors or small businesses upon a determination that their activities may be contributing substantial pollutant loads to the MS4 or receiving water. Assistance may include technical guidance and provision of educational materials. The Program may include:

(a) On-site technical assistance, telephone, or e-mail consultation regarding the responsibilities of business to reduce the discharge of pollutants, procedural requirements, and available guidance documents.

(b) Distribution of storm water pollution prevention educational materials to operators of auto repair shops; car wash facilities; restaurants and mobile sources including automobile/equipment repair, washing, or detailing; power washing services; mobile carpet, drape, or upholstery cleaning services; swimming pool, water softener, and spa services; portable sanitary services; and commercial applicators and distributors of pesticides, herbicides and fertilizers, if present.

4.Inspect Critical Commercial Sources

i. Frequency of Mandatory Commercial Facility Inspections

The City of Long Beach shall inspect all commercial facilities identified in Part VII.G.2 twice during the 5-year term of the Order, provided that the first mandatory compliance inspection occurs no later than 2 years after the

effective date of this Order. A minimum interval of 6 months between the first and the second mandatory compliance inspection is required. In addition, the City of Long Beach shall implement the activities outlined in the following subparts.

ii. Scope of Mandatory Commercial Facility Inspections

The City of Long Beach shall inspect all commercial facilities to confirm that storm water and non-storm water BMPs are being effectively implemented in compliance with municipal ordinances. At each facility, inspectors shall verify that the operator is implementing effective source control BMPs for each corresponding activity. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a significant ecological area (SEA), a water body subject to TMDL provisions in Part VIII, or a CWA § 303(d) listed impaired water body. Likewise, for those BMPs that are not adequately protective of water quality standards, the City of Long Beach may require additional site-specific controls.

5. Inspect Critical Industrial Sources

The City of Long Beach shall conduct industrial facility compliance inspections as specified below.

i. Frequency of Mandatory Industrial Facility Compliance Inspections

(1) Minimum Inspection Frequency

The City of Long Beach shall perform an initial mandatory compliance inspection at all industrial facilities identified in Part VII.G.2 no later than 2 years after the effective date of this Order. After the initial inspection, all facilities that have not filed a No Exposure Certification with the State Water Board are subject to a second mandatory compliance inspection. A minimum interval of 6 months between the first and the second mandatory compliance inspection is required. A facility need not be inspected more than twice during the term of the Order unless subject to an enforcement action as specified in Part VII.I below.

(2) Exclusion of Facilities Previously Inspected by the Regional Water Board.

The City of Long Beach shall review the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) database[16] at defined intervals to determine if an industrial facility has recently been inspected by the Regional Water Board. The first interval shall occur approximately 2 years after the effective date of the Order. The City of Long Beach does not need to inspect the facility if it is determined that the Regional Water Board conducted an inspection of the facility within the prior 24 month period. The second interval shall occur approximately 4 years after the effective date of the Order. Likewise, the City of Long Beach does not need to inspect the facility if it is determined that the Regional Water Board conducted an inspection of the facility within the prior 24 month period.

(3) No Exposure Verification

As a component of the first mandatory inspection, the City of Long Beach shall identify those facilities that have filed a No Exposure Certification

[16] SMARTS is accessible at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp

with the State Water Board. Approximately 3 to 4 years after the effective date of the Order, the City of Long Beach shall evaluate its inventory of industrial facilities and perform a second mandatory compliance inspection at a minimum of 25% of the facilities identified to have filed a No Exposure Certification. The purpose of this inspection is to verify the continuity of the no exposure status.

(4) Exclusion Based on Watershed Management Program

The City of Long Beach is exempt from the mandatory inspection frequencies listed above if it is implementing industrial inspections in accordance with an approved Watershed Management Program per Part VII.C.

ii. Scope of Mandatory Industrial Facility Inspections

The City of Long Beach shall confirm that each industrial facility:

(1) Has a current Waste Discharge Identification (WDID) number for coverage under the Industrial General Permit, and that a Storm Water Pollution Prevention Plan (SWPPP) is available on-site; *or*

(2) Has applied for, and has received a current No Exposure Certification for facilities subject to this requirement;

(3) Is effectively implementing BMPs in compliance with municipal ordinances. Facilities must implement the source control BMPs identified in Table 9, unless the pollutant generating activity does not occur. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a water body subject to TMDL Provisions in Part VIII, or a CWA § 303(d) listed impaired water body. Likewise, if the specified BMPs are not adequately protective of water quality standards, the City of Long Beach may require additional site-specific controls. For critical sources that discharge to MS4s that discharge to SEAs, the City of Long Beach shall require operators to implement additional pollutant-specific controls to reduce pollutants in storm water runoff that are causing or contributing to exceedances of water quality standards.

(4) Applicable industrial facilities identified as not having either a current WDID or No Exposure Certification shall be notified that they must obtain coverage under the Industrial General Permit and shall be referred to the Regional Water Board per the progressive enforcement policy procedures identified in Part VII.D.2

6.Source Control BMPs for Commercial and Industrial Facilities

Effective source control BMPs for the activities listed in Table 9 shall be implemented at commercial and industrial facilities, unless the pollutant generating activity does not occur:

Table 9. Source Control BMPs at Commercial and Industrial Facilities

Pollutant-Generating Activity	BMP Narrative Description
Unauthorized Non-Storm water Discharges	Effective elimination of non-storm water discharges
Accidental Spills/ Leaks	Implementation of effective spills/ leaks prevention and response procedures
Vehicle/ Equipment Fueling	Implementation of effective fueling source control devices and practices
Vehicle/ Equipment Cleaning	Implementation of effective equipment/ vehicle cleaning practices and appropriate wash water management practices
Vehicle/ Equipment Repair	Implementation of effective vehicle/ equipment repair practices and source control devices
Outdoor Liquid Storage	Implementation of effective outdoor liquid storage source controls and practices
Outdoor Equipment Operations	Implementation of effective outdoor equipment source control devices and practices
Outdoor Storage of Raw Materials	Implementation of effective source control practices and structural devices
Storage and Handling of Solid Waste	Implementation of effective solid waste storage/ handling practices and appropriate control measures
Building and Grounds Maintenance	Implementation of effective facility maintenance practices
Parking/ Storage Area Maintenance	Implementation of effective parking/ storage area designs and housekeeping/ maintenance practices
Storm water Conveyance System Maintenance Practices	Implementation of proper conveyance system operation and maintenance protocols
Pollutant-Generating Activity	BMP Narrative Description from Regional Water Board Resolution No. 98-08
Sidewalk Washing	Remove trash, debris, and free standing oil/grease spills/leaks (use absorbent material, if necessary) from the area before washing; and Use high pressure, low volume spray washing using only potable water with no cleaning agents at an average usage of 0.006 gallons per square feet of sidewalk area.
Street Washing	Collect and divert wash water to the sanitary sewer – publically owned treatment works (POTW). Note: POTW approval may be needed.

H. Significant Ecological Areas (SEAs)

See VII.G.5.ii.(3).

I. Progressive Enforcement

The City of Long Beach shall implement its progressive enforcement policy to ensure that Industrial / Commercial facilities are brought into compliance with all storm water requirements within a reasonable time period. See Part VII.D.2 for requirements for the development and implementation of a progressive enforcement policy.

J. Planning and Land Development Program

1. **Purpose** - The City of Long Beach shall implement a planning and land development program pursuant to this Part VII.J for all new development and redevelopment projects subject to this Order to:

   i. Lessen the water quality impacts of development by using smart growth practices such as compact development, directing development towards existing communities via infill or redevelopment, and safeguarding of environmentally sensitive areas.

   ii. Minimize the adverse impacts from storm water runoff on the biological integrity of Natural Drainage Systems and the beneficial uses of water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21000 et seq.).

   iii. Minimize the percentage of impervious surfaces on land developments by minimizing soil compaction during construction, designing projects to minimize the impervious area footprint, and employing Low Impact Development (LID) design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use.

   iv. Maintain existing riparian buffers and enhance riparian buffers when possible.

   v. Minimize pollutant loadings from impervious surfaces such as roof tops, parking lots, and roadways through the use of properly designed, technically appropriate BMPs (including Source Control BMPs such as good housekeeping practices), LID Strategies, and Treatment Control BMPs.

   vi. Properly select, design and maintain LID and Hydromodification Control BMPs to address pollutants that are likely to be generated, reduce changes to pre-development hydrology, assure long-term function, and avoid the breeding of vectors[17].

   vii. Prioritize the selection of BMPs to remove storm water pollutants, reduce storm water runoff volume, and beneficially use storm water to support an integrated approach to protecting water quality and managing water resources in the following order of preference:

      (a) On-site infiltration, bioretention and/or rainfall harvest and use.

      (b) On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

2. **New Development Projects**

   i. New Development projects subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

      (1) Industrial parks 10,000 square feet or more of surface area

      (2) Commercial malls 10,000 square feet or more surface area

      (3) Retail gasoline outlets 5,000 square feet or more of surface area

[17] Treatment BMPs when designed to drain within 96 hours of the end of rainfall minimize the potential for the breeding of vectors. See California Department of Public Health *Best Management Practices for Mosquito Control in California* (2012) at http://www.westnile.ca.gov/resources.php

(4) Restaurants (SIC 5812) 5,000 square feet or more of surface area

(5) Parking lots 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces

(6) Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets[18] (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

(7) Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.Projects located in or directly adjacent to, or discharging directly to an Ecological Significant Area (ESA), where the development will:

(a) Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and

(b) Create 2,500 square feet or more of impervious surface area

(8) Single-family hillside homes. To the extent that the City of Long Beach may lawfully impose conditions, mitigation measures or other requirements on the development or construction of a single-family home in a hillside area as defined in the City's Code and Ordinances, the City of Long Beach shall require that during the construction of a single-family hillside home, the following measures are implemented:

(a) Conserve natural areas

(b) Protect slopes and channels

(c) Provide storm drain system stenciling and signage

(d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability

(e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

(9) All development projects equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area.

(10) Redevelopment projects in subject categories that meet Redevelopment thresholds identified in Part VII.J.3.i (Redevelopment Projects) below.

3. Redevelopment Projects

i. Redevelopment projects subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

(1) Land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site for development categories/project thresholds identified in Part VII.J.2 (New Development Projects).

[18] http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm

Special Conditions for Redevelopment Projects

(a) Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, the entire project must be mitigated.

(b) Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

(c) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

(d) Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

ii. In this section, New Development or Redevelopment projects shall mean all discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Part VII.J.4. For the City's projects the effective date shall be the date the governing body or their designee approves initiation of the project design.

4. New Development/ Redevelopment Project Performance Criteria

i. Integrated Water Quality/Flow Reduction/Resources Management Criteria

(1) The City of Long Beach shall require all new development and redevelopment projects, referred to hereinafter as new projects, identified in Part VII.J.2-3 to control pollutants, pollutant loads, and runoff volume emanating from the project site by: (1) minimizing the impervious surface area and (2) controlling runoff from impervious surfaces through infiltration, bioretention and/or rainfall harvest and use.

(2) Except as provided in Part VII.J.4.ii (Technical Infeasibility or Opportunity for Regional Ground Water Replenishment) or Part VII.J.5 (Local Ordinance Equivalence), below, the City of Long Beach shall require the project to retain on-site the stormwater quality design volume (SWQDv) defined as the runoff from:

(a) The 0.75-inch, 24-hour rain event or

(b) The 85th percentile, 24-hour rain event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, *whichever is greater.*

(3) Bioretention and biofiltration systems shall meet the design specifications provided in Attachment H to this Order unless otherwise approved by the Regional Water Board Executive Officer.

(4) When evaluating the potential for on-site retention, the City of Long Beach shall consider the maximum potential for evapotranspiration from green roofs and rainfall harvest and use.

ii. Alternative Compliance for Technical Infeasibility or Opportunity for Regional Ground Water Replenishment

(1) In instances of technical infeasibility or where a project has been determined to provide an opportunity to replenish regional ground water supplies at an offsite location, the City of Long Beach may allow projects to comply with this Order through the alternative compliance measures as described in Part VII.J.4.iii.

(2) To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

(a) The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on-site.

(b) Locations where seasonal high ground water is within 5 to 10 feet of the surface,

(c) Locations within 100 feet of a ground water well used for drinking water,

(d) Brownfield development sites where infiltration poses a risk of causing pollutant mobilization,

(e) Other locations where pollutant mobilization is a documented concern[19],

(f) Locations with potential geotechnical hazards, or

(g) Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.

[19] Pollutant mobilization is considered a documented concern at or near properties that are contaminated or store hazardous substances underground.

(3) To utilize alternative compliance measures to replenish ground water at an offsite location, the project applicant shall demonstrate (i) why it is not advantageous to replenish ground water at the project site, (ii) that ground water can be used for beneficial purposes at the offsite location, and (iii) that the alternative measures shall also provide equal or greater water quality benefits to the receiving surface water than the Water Quality/Flow Reduction/Resource Management Criteria in Part VII.J.4.i.

iii. **Alternative Compliance Measures** - When the City of Long Beach determines a project applicant has demonstrated that it is technically infeasible to retain 100 percent of the SWQDv on-site, or is proposing an alternative offsite project to replenish regional ground water supplies, the City of Long Beach shall require one of the following mitigation options:

(1) On-site Biofiltration

(a) If using biofiltration due to demonstrated technical infeasibility, then the new project must biofiltrate 1.5 times the portion of the SWQDv that is not reliably retained on-site, as calculated by Equation 1 below.

Equation 1:

$$Bv = 1.5 * [SWQDv - Rv]$$

Where:
Bv = biofiltration volume

SWQDv = the storm water runoff from a 0.75 inch, 24-hour storm or the 85th percentile storm, *whichever is greater.*
Rv = volume reliably retained on-site

(b) Conditions for On-site Biofiltration

(i) Biofiltration systems shall meet the design specifications provided in Attachment H to this Order unless otherwise approved by the Regional Water Board Executive Officer.

(ii) Biofiltration systems discharging to a receiving water that is included on the Clean Water Act Section 303(d) list of impaired water quality-limited water bodies due to nitrogen compounds or related effects shall be designed and maintained to achieve enhanced nitrogen removal capability. See Attachment H for design criteria for underdrain placement to achieve enhanced nitrogen removal.

(2) Offsite Infiltration

(a) Use infiltration or bioretention BMPs to intercept a volume of storm water runoff equal to the SWQDv, less the volume of storm water runoff reliably retained on-site, at an approved offsite project, and

(b) Provide pollutant reduction (treatment) of the storm water runoff discharged from the project site in accordance with the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(c) The required offsite mitigation volume shall be calculated by Equation 2 below and equal to:

Equation 2:

$$Mv = 1.0 * [SWQDv - Rv]$$

Where:
Mv = mitigation volume
SWQDv = runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, *whichever is greater*
Rv = the volume of storm water runoff reliably retained on-site.

(3) Ground Water Replenishment Projects

The City of Long Beach may propose, in their Watershed Management Program or EWMP, regional projects to replenish regional ground water supplies at offsite locations, provided the groundwater supply has a designated beneficial use in the Basin Plan.

(a) Regional groundwater replenishment projects must use infiltration, ground water replenishment, or bioretention BMPs to intercept a volume of storm water runoff equal to the SWQDv for new development and redevelopment projects, subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls, within the approved project area, and

(b) Provide pollutant reduction (treatment) of the storm water runoff discharged from development projects, within the project area, subject to conditioning and approval by the City of Long Beach for the design and implementation of post-construction controls to mitigate storm water pollution in accordance with the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(c) Where the City of Long Beach elects to implement a regional ground water replenishment project in lieu of onsite controls, it shall ensure the volume of runoff captured by the project shall be equal to:

Equation 2:
$$Mv = 1.0 * [SWQDv - Rv]$$

Where:
Mv = mitigation volume
SWQDv = runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, whichever is greater
Rv = the volume of storm water runoff reliably retained on-site.

(d) Regional groundwater replenishment projects shall be located in the same sub-watershed (defined as draining to the same HUC-12 hydrologic area in the Basin Plan, or HUC-12 equivalent area) as the new development or redevelopment projects which did not implement on site retention BMPs . The City of Long Beach may consider locations outside of the HUC-12 but within the HUC-10 subwatershed area if there are no opportunities within the HUC-12 subwatershed or if greater pollutant reductions and/or ground water replenishment can be achieved at a location within the expanded HUC-10 subwatershed. The use of a mitigation, ground water replenishment, or retrofit project outside of the HUC-12 subwatershed is subject to the approval of the Executive Officer of the Regional Water Board.

(4) Offsite Project - Retrofit Existing Development

Use infiltration, bioretention, rainfall harvest and use and/or biofiltration BMPs to retrofit an existing development, with similar land uses as the new development or land uses associated with comparable or higher storm water runoff event mean concentrations (EMCs) than the new development. Comparison of EMCs for different land uses shall be based on published data from studies performed in southern California. The retrofit plan shall be designed and constructed to:

(a) Intercept a volume of storm water runoff equal to the mitigation volume (Mv) as described above in Equation 2, except biofiltration BMPs shall be designed to meet the biofiltration volume as described in Equation 1 and

(b) Provide pollutant reduction (treatment) of the storm water runoff from the project site as described in the Water Quality Mitigation Criteria provided in Part VII.J.4.iii.(7).

(5) Conditions for Offsite Projects

(a) Project applicants seeking to utilize these alternative compliance provisions may propose other offsite projects, which the City of Long Beach may approve if they meet the requirements of this subpart.

(b) Location of offsite projects. Offsite projects shall be located in the same sub-watershed (defined as draining to the same HUC-12 hydrologic area in the Basin Plan) as the new development or redevelopment project. The City of Long Beach may consider locations outside of the HUC-12 but within the HUC-10 subwatershed area if there are no opportunities within the HUC-12 subwatershed or if greater pollutant reductions and/or ground water replenishment can be achieved at a location within the expanded HUC-10 subwatershed. The use of a mitigation, ground water replenishment, or retrofit project outside of the HUC-12 subwatershed is subject to the approval of the Executive Officer of the Regional Water Board.

(c) Project applicant must demonstrate that equal benefits to ground water recharge cannot be met on the project site.

(d) The City of Long Beach shall develop a prioritized list of offsite mitigation, ground water replenishment and/or retrofit projects, and when feasible, the mitigation must be directed to the highest priority project within the same HUC-12 or if approved by the Regional Water Board Executive Officer, the HUC-10 drainage area, as the new development project.

(e) Infiltration/bioretention shall be the preferred LID BMP for offsite mitigation or ground water replenishment projects. Offsite retrofit projects may include green streets, parking lot retrofits, green roofs, and rainfall harvest and use. Biofiltration BMPs may be considered for retrofit projects when infiltration, bioretention or rainfall harvest and use is technically infeasible.

(f) The City of Long Beach shall develop a schedule for the completion of offsite projects, including milestone dates to identify, fund, design, and

construct the projects. Offsite projects shall be completed as soon as possible, and at the latest, within 4 years of the certificate of occupancy for the first project that contributed funds toward the construction of the offsite project, unless a longer period is otherwise authorized by the Executive Officer of the Regional Water Board. For public offsite projects, the City of Long Beach must provide in their annual reports a summary of total offsite project funds raised to date and a description (including location, general design concept, volume of water expected to be retained, and total estimated budget) of all pending public offsite projects. Funding sufficient to address the offsite volume must be transferred to the City of Long Beach (for public offsite mitigation projects) or to an escrow account (for private offsite mitigation projects) within one year of the initiation of construction.

(g) Offsite projects must be approved by the City of Long Beach and may be subject to approval by the Regional Water Board Executive Officer, if a third-party petitions the Executive Officer to review the project. Offsite projects will be publicly noticed on the Regional Water Board's website for 30 days prior to approval.

(h) The project applicant must perform the offsite projects as approved by either the City of Long Beach or the Regional Water Board Executive Officer or provide sufficient funding for public or private offsite projects to achieve the equivalent mitigation storm water volume.

(6) Regional Storm Water Mitigation Program

The City of Long Beach may apply to the Regional Water Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly for New and Redevelopment requirements for the area covered by the regional or sub-regional storm water mitigation program. Upon review and a determination by the Regional Water Board Executive Officer that the proposal is technically valid and appropriate, the Regional Water Board may consider for approval such a program if its implementation meets all of the following requirements:

(a) Retains the runoff from the 85th percentile, 24-hour rain event or the 0.75 inch, 24-hour rain event, whichever is greater;
(b) Results in improved storm water quality;
(c) Protects stream habitat;
(d) Promotes cooperative problem solving by diverse interests;
(e) Is fiscally sustainable and has secure funding; and
(f) Is completed in five years including the construction and start-up of treatment facilities.
(g) Nothing in this provision shall be construed as to delay the implementation of requirements for new and redevelopment, as approved in this Order.

(7) Water Quality Mitigation Criteria

(a) The City of Long Beach shall require all new development and redevelopment projects that have been approved for offsite mitigation or ground water replenishment projects as defined in Part VII.J.4.ii-iii to also provide treatment of storm water runoff from the project site. The City of Long Beach shall require these projects to design and

implement post-construction storm water BMPs and control measures to reduce pollutant loading as necessary to:

(i) Meet the pollutant specific benchmarks listed in Table 10 at the treatment systems outlet or prior to the discharge to the MS4, and

(ii) Ensure that the discharge does not cause or contribute to an exceedance of water quality standards at the City of Long Beach's downstream MS4 outfall.

(b) The City of Long Beach may allow the project proponent to install flow-through modular treatment systems including sand filters, or other proprietary BMP treatment systems with a demonstrated efficiency at least equivalent to a sand filter. The sizing of the flow through treatment device shall be based on a rainfall intensity of:

(i) 0.2 inches per hour, or

(ii) The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, *whichever is greater.*

(c) In addition to the requirements for controlling pollutant discharges as described in Part VII.J.4.iii and the treatment benchmarks described above, the City of Long Beach shall ensure that the new development or redevelopment will not cause or contribute to an exceedance of applicable water quality-based effluent limitations established in Part VIII pursuant to Total Maximum Daily Loads (TMDLs).

Table 10. Benchmarks Applicable to New Development Treatment BMPs[20]

Conventional Pollutants	Effluent Concentration (mg/l)
Suspended Solids	14
Total P	0.13
Total N	1.28
TKN	1.09

[20] The treatment control BMP performance benchmarks were developed from the median effluent water quality values of the six highest performing BMPs, per pollutant, in the storm water BMP database (http://www.bmpdatabase.org/, last visited September 25, 2012).

Metals	
Total Cd	0.3
Total Cu	6
Total Cr	2.8
Total Pb	2.5
Total Zn	23

iv. **Watershed Equivalence**
Regardless of the methods through which Discharger allow project applicants to implement alternative compliance measures, the subwatershed-wide (defined as draining to the same HUC-12 hydrologic area in the Basin Plan, or HUC-12 equivalent) result of all development must be at least the same level of water quality protection as would have been achieved if all projects utilizing these alternative compliance provisions had complied with Part VII.J.4.i (Integrated Water Quality/Flow Reduction/Resource Management Criteria).

v. **Reporting**
The City of Long Beach shall provide in their annual report to the Regional Water Board a list of mitigation project descriptions and estimated pollutant and flow reduction analyses (compiled from design specifications submitted by project applicants and approved by the City of Long Beach). Within 4 years of Order adoption, the City of Long Beach must submit in their annual report, a comparison of the expected aggregate results of alternative compliance projects to the results that would otherwise have been achieved by retaining on site the SWQDv.

5. **Implementation**
   i. **Local Ordinance Equivalence** On November 16, 2010, the City of Long Beach adopted LID regulations under Ordinance No. ORD-10-0035;amended on November 12, 2013 by ORD-13-0024. The Ordinance expanded the category of projects subject to post-construction BMPs to include any new development or redevelopment that results in the replacement of more than fifty (50%) of an existing building structure, or impervious cover. The Ordinance requires all projects, with the exception of small scale residential development projects to utilize stormwater management techniques that must be properly sized, at a minimum, to infiltrate, evapotranspire, store for use, without any stormwater runoff leaving the site to the maximum extent feasible, for at least the volume of water produced by the water quality design storm event. Provided the City of Long Beach condition projects in Part VII.J.2 and Part VII.J.3 to include a retention requirement numerically equal to the 0.75-inch, 24-hour rain event or the 85th percentile, 24-hour rain event, whichever is greater, the City of Long Beach may submit documentation to the Regional Water Board that the alternative requirements in the local ordinance will provide equal or greater reduction in storm water discharge pollutant loading

and volume as would have been obtained through strict conformance with Part VII.J.4.i (Integrated Water Quality/Flow Reduction Resources Management Criteria) or Part VII.J.4.ii (Alternative Compliance Measures for Technical Infeasibility or Opportunity for Regional Ground water Replenishment) of this Order and request that the City of Long Beach be allowed to implement Ordinance no. ORD-10-0035, as amended on November 12, 2013 by ORD-13-0024 in lieu of requirements in Part VII.J.

(1) Documentation shall be submitted within 60 days after the effective date of this Order.

(2) The Regional Water Board shall provide public notice of the proposed equivalency determination and a minimum 30-day period for public comment. After review and consideration of public comments, the Regional Water Board Executive Officer will determine whether implementation of the local ordinance provides equivalent pollutant control to the applicable provisions of this Order. Local ordinances that do not strictly conform to the provisions of this Order must be approved by the Regional Water Board Executive Officer as being "equivalent" in effect to the applicable provisions of this Order in order to substitute for the requirements in Part VII.J.

(3) Where the Regional Water Board Executive Officer determines that a the City of Long Beach's local LID ordinance does not provide equivalent pollutant control, the City of Long Beach shall either

(a) Require conformance with Part VII.J.4, or

(b) Update its local ordinance to conform to the requirements herein within one year of the effective date of this Order.

ii. Project Coordination

(1) The City of Long Beach shall facilitate a process for effective approval of post-construction storm water control measures. The process shall include:

(a) Detailed LID site design and BMP review including BMP sizing calculations, BMP pollutant removal performance, and municipal approval; and

(b) An established structure for communication and delineated authority between and among municipal departments that have jurisdiction over project review, plan approval, and project construction through memoranda of understanding or an equivalent agreement.

iii. Maintenance Agreement and Transfer

(1) Prior to issuing approval for final occupancy, the City of Long Beach shall require that all new development and redevelopment projects subject to post-construction BMP requirements, with the exception of simple LID BMPs implemented on single family residences, provide an operation and maintenance plan, monitoring plan, where required, and verification of ongoing maintenance provisions for LID practices and Treatment Control BMPs, including but not limited to: final map conditions, legal agreements,

covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/ or other legally binding maintenance agreements. The City of Long Beach shall require maintenance records be kept on site for treatment BMPs implemented on single family residences.

(a) Verification at a minimum shall include the developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either:

(i) A signed statement from the public entity assuming responsibility for BMP maintenance; or

(ii) Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for BMP maintenance and conduct a maintenance inspection at least once a year; or

(iii) Written text in project covenants, conditions, and restrictions (CCRs) for residential properties assigning BMP maintenance responsibilities to the Home Owners Association; or

(iv) Any other legally enforceable agreement or mechanism that assigns responsibility for the maintenance of BMPs.

(b) The City of Long Beach shall require all development projects subject to post-construction BMP requirements to provide a plan for the operation and maintenance of all structural and treatment controls. The plan shall be submitted for examination of relevance to keeping the BMPs in proper working order. Where BMPs are transferred to the City for ownership and maintenance, the plan shall also include all relevant costs for upkeep of BMPs in the transfer. Operation and Maintenance plans for private BMPs shall be kept on-site for periodic review by City or Regional Water Board inspectors.

iv. Tracking, Inspection, and Enforcement of Post-Construction BMPs

(1) The City of Long Beach shall implement a tracking system and an inspection and enforcement program for new development and redevelopment post-construction storm water no later than 60 days after Order adoption date.

(a) Implement a GIS or other electronic system for tracking projects that have been conditioned for post-construction BMPs. The electronic system, at a minimum, should contain the following information:

(i) Municipal Project ID

(ii) State WDID No.

(iii) Project Acreage

(iv) BMP Type and Description

(v) BMP Location (coordinates)

(vi) Date of Acceptance

(vii) Date of Maintenance Agreement

(viii) Maintenance Records

(ix) Inspection Date and Summary

(x) Corrective Action

(xi) Date Certificate of Occupancy Issued

(xii) Replacement or Repair Date

(b) Inspect all development sites upon completion of construction and prior to the issuance of occupancy certificates to ensure proper installation of LID measures, structural BMPs and treatment control BMPs. The inspection may be combined with other inspections provided it is conducted by trained personnel.

(c) Verify proper maintenance and operation of post-construction BMPs previously approved for new development and redevelopment and operated by the City of Long Beach. The post-construction BMP maintenance inspection program shall incorporate the following elements:

(i) The development of a Post-construction BMP Maintenance Inspection checklist

(ii) Inspection at least once every 2 years after project completion, of post-construction BMPs to assess operation conditions with particular attention to criteria and procedures for post-construction treatment control BMP repair, replacement, or re-vegetation.

(d) For post-construction BMPs operated and maintained by parties other than the City of Long Beach, the City of Long Beach shall require the other parties to document proper maintenance and operations.

(e) Undertake enforcement action per the established Progressive Enforcement Policy as appropriate based on the results of the inspection. See Part VII.D.2 for requirements for the development and implementation of a Progressive Enforcement Policy.

K. Construction Program

1. The City of Long Beach shall develop and implement an enforceable erosion and sediment control program including establishing ordinances for all construction sites that disturb soil that:

i. Prevents illicit construction-related discharges of pollutants into the MS4 and receiving waters.

ii. Implements and maintains structural and non-structural BMPs to reduce pollutants in storm water runoff from construction sites.

iii. Reduces construction site discharges of pollutants to the MS4 to the MEP.

iv. Prevents construction site discharges to the MS4 from causing or contributing to a violation of water quality standards.

v. Construction Program Applicability

The provisions contained in Part VII.K.6.vi below apply exclusively to construction sites less than 1 acre. Provisions contained in Part VII.K.6.vii-xii apply exclusively to construction sites 1 acre or greater. The requirements contained in this part apply to all activities involving soil disturbance with the exception of agricultural activities. Activities covered by this permit include but are not limited to grading, vegetation clearing, soil compaction, paving, re-paving and linear underground/overhead projects (LUPs).

vi. Requirements for Construction Sites Less than One Acre

(1) Through the use of the City of Long Beach's erosion and sediment control ordinance or and/or building permit, require the implementation of an effective combination of erosion and sediment control BMPs from Table 11 to prevent erosion and sediment loss, and the discharge of construction wastes.

Table 11. Applicable Set of BMPs for All Construction Sites

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Site Entrance/Exit
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

(2) Possess the ability to identify all construction sites with soil disturbing activities that require a permit, regardless of size, and shall be able to provide a list of permitted sites upon request of the Regional Water Board. The City of Long Beach may use existing permit databases or other tracking systems to comply with these requirements.

(3) Inspect construction sites on as needed based on the evaluation of the factors that are a threat to water quality. In evaluating the threat to water quality, the following factors shall be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and any water quality issues relevant to the particular MS4.

(4) Implement the City of Long Beach's Progressive Enforcement Policy to ensure that construction sites are brought into compliance with the erosion and sediment control ordinance within a reasonable time period. See Part VII.D.2 for requirements for the development and implementation of a Progressive Enforcement Policy.

vii. The City of Long Beach shall require operators of public and private construction sites within its jurisdiction to select, install, implement, and maintain BMPs that comply with its erosion and sediment control ordinance.

viii. The requirements contained in this part apply to all activities involving soil disturbance with the exception of agricultural activities. Activities covered by this permit include but are not limited to grading, vegetation clearing, soil compaction, paving, re-paving and linear underground/overhead projects (LUPs).

ix. **Construction Site Inventory / Electronic Tracking System**

(1) The City of Long Beach shall use an electronic system to inventory grading permits, encroachment permits, demolition permits, building permits, or construction permits (and any other municipal authorization to move soil and/ or construct or destruct that involves land disturbance) issued by the City of Long Beach. To satisfy this requirement, the use of a database or GIS system is recommended.

(2) The City of Long Beach shall complete an inventory and continuously update as new sites are permitted and sites are completed. The inventory / tracking system shall contain, at a minimum:

(a) Relevant contact information for each project (e.g., name, address, phone, email, etc. for the owner and contractor.

(b) The basic site information including location, status, size of the project and area of disturbance.

(c) The proximity all water bodies, water bodies listed as impaired by sediment-related pollutants, and water bodies for which a sediment-related TMDL has been adopted and approved by USEPA.

(d) Significant threat to water quality status, based on consideration of factors listed in Appendix 1 to the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit).

(e) Current construction phase where feasible.

(f) The required inspection frequency.

(g) The project start date and anticipated completion date.

(h) Whether the project has submitted a Notice of Intent and obtained coverage under the Construction General Permit.

(i) The date the City of Long Beach approved the erosion and sediment control plan (ESCP).

(j) Post-construction structural BMPs subject to operation and maintenance Requirements.

x. **Construction Plan Review and Approval Procedures**

(1) The City of Long Beach shall develop procedures to review and approve relevant construction plan documents.

(2) The review procedures shall be developed and implemented such that the following minimum requirements are met:

(a) Prior to issuing a grading or building permit, the City of Long Beach shall require each operator of a construction activity within its jurisdiction to prepare and submit an ESCP prior to the disturbance of land for the City of Long Beach's review and written approval. The construction site operator shall be prohibited from commencing construction activity prior to receipt of written approval by the City of Long Beach. The City of Long Beach shall not approve any ESCP unless it contains appropriate site-specific construction site BMPs that meet the minimum requirements of the City's erosion and sediment control ordinance.

(b) ESCPs must include the elements of a Storm Water Pollution Prevention Plan (SWPPP). SWPPPs prepared in accordance with the requirements of the Construction General Permit can be accepted as ESCPs.

(c) At a minimum, the ESCP must address the following elements:

(i) Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside of the disturbed area.

(ii) Methods used to protect native vegetation and trees.

(iii) Sediment/Erosion Control.

(iv) Controls to prevent tracking on and off the site.

(v) Non-storm water controls (e.g., vehicle washing, dewatering, etc.).

(vi) Materials Management (delivery and storage).

(vii) Spill Prevention and Control.

(viii) Waste Management (e.g., concrete washout/waste management; sanitary waste management).

(ix) Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.

(d) The ESCP must include the rationale for the selection and design of the proposed BMPs, including quantifying the expected soil loss from different BMPs.

(e) The City of Long Beach shall require that the ESCP is developed and certified by a Qualified SWPPP Developer (QSD).

(f) The City of Long Beach shall require that all structural BMPs be designed by a licensed California Engineer.

(g) The City of Long Beach shall require that for all sites, the landowner or the landowner's agent sign a statement on the ESCP as follows:

(i) "I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/ or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/ or adequately implement the ESCP may result in revocation of grading and/ or other permits or other sanctions provided by law."

(3) Prior to issuing a grading or building permit, the City of Long Beach must verify that the construction site operators have existing coverage under applicable permits, including, but not limited to the State Water Board's Construction General Permit, and State Water Board 401 Water Quality Certification.

(4) The City of Long Beach shall develop and implement a checklist to be used to conduct and document review of each ESCP.

xi. BMP Implementation Level

(1) The City of Long Beach shall implement technical standards for the selection, installation and maintenance of construction BMPs for all construction sites within its jurisdiction.

(2) The BMP technical standards shall require:

(a) The use of BMPs that are tailored to the risks posed by the project. Sites are to be ranked from Low Risk (Risk 1) to High Risk (Risk 3). Project risks are to be calculated based on the potential for erosion from the site and the sensitivity of the receiving water body. Receiving water bodies that are listed on the Clean Water Act (CWA) Section 303(d) list for sediment or siltation are considered High Risk. Likewise, water bodies with designated beneficial uses of SPWN, COLD, and MIGR are also considered to be High Risk. The combined (sediment/receiving water) site risk shall be calculated using the methods provided in Appendix 1 of the Construction General Permit. At a minimum, the BMP technical standards shall include requirements for High Risk sites as defined in Table 14.

(b) The use of BMPs for all construction sites, sites equal or greater to 1 acre, and for paving projects per Tables 13 and 15 of this Order.

(c) Detailed installation designs and cut sheets for use within ESCPs.

(d) Maintenance expectations for each BMP, or category of BMPs, as appropriate.

(3) The City of Long Beach is encouraged to adopt respective BMPs from latest versions of the *California BMP Handbook, Construction* or *Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices (BMPs) Manual* and addenda. Alternatively, the City is authorized

to develop or adopt equivalent BMP standards consistent for Southern California and for the range of activities presented below in Tables 12 through 15.

(4) The local BMP technical standards shall be readily available to the development community and shall be clearly referenced within the City of Long Beach's storm water or development services website, ordinance, permit approval process and/or ESCP review forms. The local BMP technical standards shall also be readily available to the Regional Water Board upon request.

(5) Local BMP technical standards shall be available for the following:

Table 12. Minimum BMPs for All Construction Sites

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Site Entrance/Exit
Non-Storm water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

Table 13. Additional BMPs for Construction Sites Disturbing ≥ 1 Acre

Erosion Controls	Hydraulic Mulch
	Hydroseeding
	Soil Binders
	Straw Mulch
	Geotextiles and Mats
	Wood Mulching
Sediment Controls	Fiber Rolls
	Gravel Bag Berm
	Street Sweeping and/ or Vacuum
	Storm Drain Inlet Protection
	Scheduling
	Check Dam
Additional Controls	Wind Erosion Controls
	Stabilized Construction Entrance/ Exit
	Stabilized Construction Roadway
	Entrance/ Exit Tire Wash
Non-Storm water Management	Vehicle and Equipment Washing
	Vehicle and Equipment Fueling
	Vehicle and Equipment Maintenance

Waste Management	Material Delivery and Storage
	Spill Prevention and Control

Table 14. Additional BMPs for High Risk Sites

Erosion Controls	Hydraulic Mulch
	Hydroseeding
	Soil Binders
	Straw Mulch
	Geotextiles and Mats
	Wood Mulching
	Slope Drains
Sediment Controls	Silt Fence
	Fiber Rolls
	Sediment Basin
	Check Dam
	Gravel Bag Berm
	Street Sweeping and/or Vacuum
	Sand Bag Barrier
	Storm Drain Inlet Protection
Additional Controls	Wind Erosion Controls
	Stabilized Construction Entrance/Exit
	Stabilized Construction Roadway
	Entrance/Exit Tire Wash
	Advanced Treatment Systems (applies to public roadway projects)
Non-Storm water Management	Water Conservation Practices
	Dewatering Operations (Ground water dewatering only under NPDES Permit No. CAG994004)
	Vehicle and Equipment Washing
	Vehicle and Equipment Fueling
	Vehicle and Equipment Maintenance
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management

Table 15. Minimum BMPs for Roadway Paving or Repair Operation (Private or Public Projects

1	Restrict paving and repaving activity to exclude periods of rainfall or predicted rainfall unless required by emergency conditions.
2	Install gravel bags and filter fabric or other equivalent inlet protection at all susceptible storm drain inlets and at manholes to prevent spills of paving products and tack coat.
3	Prevent the discharge of release agents including soybean oil, other oils, or diesel to the storm water drainage system or receiving waters.
4	Minimize non storm water runoff from water use for the roller and for evaporative cooling of the asphalt.
5	Clean equipment over absorbent pads, drip pans, plastic sheeting or other material to capture all spillage and dispose of properly.
6	Collect liquid waste in a container, with a secure lid, for transport to a maintenance facility to be reused, recycled or disposed of properly.
7	Collect solid waste by vacuuming or sweeping and securing in an appropriate container for transport to a maintenance facility to be reused, recycled or disposed of properly.
8	Cover the "cold-mix" asphalt (i.e., pre-mixed aggregate and asphalt binder) with protective sheeting during a rainstorm.
9	Cover loads with tarp before haul-off to a storage site, and do not overload trucks.
10	Minimize airborne dust by using water spray or other approved dust suppressant during grinding.
11	Avoid stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near storm water drainage system or receiving waters.
12	Protect stockpiles with a cover or sediment barriers during a rain.

xii. Construction Site Inspection

1. The City of Long Beach shall use its legal authority to implement procedures for inspecting public and private construction sites.

2. The inspection procedures shall be implemented as follows:

   (1) Inspect the public and private construction sites as specified in Table 16 below:

Table 16. Inspection Frequencies for Sites ≥1 Acre

Site	Inspection Frequency Shall Occur
All sites 1 acre or larger that discharge to a tributary listed by the state as an impaired water for sediment or turbidity under the CWA Section 303(d)	(1) when two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA[21], (2) within 48 hours of a ½-inch rain event and at (3) least once every two weeks
Other sites 1 acre or more determined to be a significant threat to water quality[22]	
All other construction sites with 1 acre or more of soil disturbance not meeting the criteria above	At least monthly

(2) The City of Long Beach shall inspect all phases of construction as follows:

(a) Prior to Land Disturbance

Prior to allowing an operator to commence land disturbance, the City of Long Beach shall perform an inspection to ensure all necessary erosion and sediment structural and non-structural BMP materials and procedures are available per the erosion and sediment control plan.

(b) During Active Construction, including Land Development[23] and Vertical Construction[24]

In accordance with the frequencies specified in Part VII.J.6.xii and Table 10 of this Order, the City of Long Beach shall perform an inspection to ensure all necessary erosion and sediment structural and non-structural BMP materials and procedures are available per the erosion and sediment control plan throughout the construction process.

(c) Final Landscaping / Site Stabilization[25]

At the conclusion of the project and as a condition of approving and/or issuing a Certificate of Occupancy, the City of Long Beach

[21] www.srh.noaa.gov/forecast

[22] In evaluating the threat to water quality, the following factors shall be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and any water quality issues relevant to the particular MS4.

[23] Activities include cuts and fills, rough and finished grading; alluvium removals; canyon cleanouts; rock undercuts; keyway excavations; stockpiling of select material for capping operations; and excavation and street paving, lot grading, curbs, gutters and sidewalks, public utilities, public water facilities including fire hydrants, public sanitary sewer systems, storm sewer system and/or other drainage improvement.

[24] The build out of structures from foundations to roofing, including rough landscaping.

[25] All soil disturbing activities at each individual parcel within the site have been completed.

shall inspect the constructed site to ensure that all graded areas have reached final stabilization and that all trash, debris, and construction materials, and temporary erosion and sediment BMPs are removed.

(d) Based on the required frequencies above, each construction project shall be inspected a minimum of three times.

(e) Inspection Standard Operating Procedures
The City of Long Beach shall develop, implement, and revise as necessary, standard operating procedures that identify the inspection procedures the City of Long Beach will follow. Inspections of construction sites, and the standard operating procedures, shall include, but are not limited to:

(i) Verification of active coverage under the Construction General Permit for sites disturbing 1 acre or more, or that are part of a planned development that will disturb 1 acre or more and a process for referring non-filers to the Regional Water Board.

(ii) Review of the applicable ESCP and inspection of the construction site to determine whether all BMPs have been selected, installed, implemented, and maintained according to the approved plan and subsequent approved revisions.

(iii) Assessment of the appropriateness of the planned and installed BMPs and their effectiveness.

(iv) Visual observation and record keeping of non-storm water discharges, potential illicit discharges and connections, and potential discharge of pollutants in storm water runoff.

(v) Development of a written or electronic inspection report generated from an inspection checklist used in the field.

(vi) Tracking of the number of inspections for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at the minimum frequencies required in Table 16 of this Order.

xiii. Enforcement

The City of Long Beach shall implement its Progressive Enforcement Policy to ensure that construction sites are brought into compliance with all storm water requirements within a reasonable time period. See Part VII.D.2 for requirements for the development and implementation of a progressive enforcement policy.

xiv. Staff Training

(1) The City of Long Beach shall ensure that all staff whose primary job duties are related to implementing the construction storm water program are adequately trained.

(2) The City of Long Beach may conduct in-house training or contract with consultants. Training shall be provided to the following staff positions of the MS4:

(a) Plan Reviewers and Permitting Staff

Ensure staff and consultants are trained as qualified individuals, knowledgeable in the technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program. The City of Long Beach may provide internal training to staff or require staff to obtain QSD certification.

(b) Erosion Sediment Control/Storm Water Inspectors

The City of Long Beach shall ensure that its inspectors are knowledgeable in inspection procedures consistent with the State Water Board sponsored program QSD or a Qualified SWPPP Practitioner (QSP) or that a designated person on staff who has been trained in the key objectives of the QSD/QSP programs supervises inspection operations. The City of Long Beach may provide internal training to staff or require staff to obtain QSD/QSP certification. Each inspector must be knowledgeable of the local BMP technical standards and ESCP requirements.

(c) Third-Party Plan Reviewers, Permitting Staff, and Inspectors

If the City of Long Beach utilizes outside parties to conduct inspections and/or review plans, the City of Long Beach shall ensure these staff are trained per the requirements listed above. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

L. Public Agency Activities Program

1. The City of Long Beach shall implement a Public Agency Activities Program to minimize storm water pollution impacts from City-owned or operated facilities and activities and to identify opportunities to reduce storm water pollution impacts from areas of existing development. Requirements for Public Agency Facilities and Activities consist of the following components:

   i. Public Construction Activities Management

   ii. Public Facility Inventory

   iii. Inventory of Existing Development for Retrofitting Opportunities

   iv. Public Facility and Activity Management

   v. Vehicle and Equipment Wash Areas

   vi. Landscape, Park, and Recreational Facilities Management

   vii. Storm Drain Operation and Maintenance

   viii. Streets, Roads, and Parking Facilities Maintenance

   ix. Emergency Procedures

   x. Municipal Employee and Contractor Training

2. Public Construction Activities Management

i. The City of Long Beach shall implement and comply with the Planning and Land Development Program requirements in Part VII.J of this Order at City-owned or operated (i.e., public or City sponsored) construction projects that are categorized under the project types identified in Part VII.J.2-3 of this Order.

ii. The City of Long Beach shall implement and comply with the appropriate Development Construction Program requirements in Part VII.K of this Order at City-owned or operated construction projects as applicable.

iii. For City-owned or operated projects (including those under a capital improvement project plan) that disturb less than one acre of soil, the City of Long Beach shall require an effective combination of erosion and sediment control BMPs from Table 12 (see Construction Development Program, minimum BMPs).

iv. The City of Long Beach shall obtain separate coverage under the Construction General Permit for all City-owned or operated construction sites that require coverage.

3. Public Facility Inventory

i. The City of Long Beach shall maintain an updated inventory of all City-owned or operated (i.e., public) facilities within its jurisdiction that are potential sources of storm water pollution. The incorporation of facility information into a GIS is recommended. Sources to be tracked include but are not limited to the following:

(1) Animal control facilities

(2) Chemical storage facilities

(3) Composting facilities

(4) Equipment storage and maintenance facilities (including landscape maintenance-related operations)

(5) Fueling or fuel storage facilities (including municipal airports)

(6) Hazardous waste disposal facilities

(7) Hazardous waste handling and transfer facilities

(8) Incinerators

(9) Landfills

(10) Materials storage yards

(11) Pesticide storage facilities

(12) Fire stations

(13) Public restrooms

(14) Public parking lots

(15) Public golf courses

(16) Public swimming pools

(17) Public parks

(18) Public works yards

(19) Public marinas

(20) Recycling facilities

(21) Solid waste handling and transfer facilities

(22) Vehicle storage and maintenance yards

(23) Storm water management facilities (e.g., detention basins)

(24) All other City-owned or operated facilities or activities that the City of Long Beach determines may contribute a substantial pollutant load to the MS4.

ii. The City of Long Beach shall include the following minimum fields of information for the City of Long Beach-owned or operated facility in its inventory.

(1) Name of facility

(2) Name of facility manager and contact information

(3) Address of facility (physical and mailing)

(4) A narrative description of activities performed and potential pollution sources.

(5) Coverage under the Industrial General Permit or other individual or general NPDES permits or any applicable waiver issued by the Regional or State Water Board pertaining to storm water discharges.

iii. The City of Long Beach shall update its inventory at least once during the 5-year term of the Order. The update shall be accomplished through collection of new information obtained through field activities or through other readily available inter and intra-agency informational databases (e.g., property management, land-use approvals, accounting and depreciation ledger account, and similar information).

4. Inventory of Existing Development for Retrofitting Opportunities

i. The City of Long Beach shall develop an inventory of retrofitting opportunities that meets the requirements of this Part VII.L.4. Retrofit opportunities shall be identified within the public right-of-way or in coordination with a TMDL implementation plan(s). The goals of the existing development retrofitting inventory are to address the impacts of existing development through regional or sub-regional retrofit projects that reduce the discharges of storm water pollutants into the MS4 and prevent discharges from the MS4 from causing or contributing to a violation of water quality standards as defined in Part VI (Receiving Water Limitations).

ii. The City of Long Beach shall screen existing areas of development to identify candidate areas for retrofitting using watershed models or other screening level tools.

iii. The City of Long Beach shall evaluate and rank the areas of existing development identified in the screening to prioritize retrofitting candidates. Criteria for evaluation may include but are not limited to:

(1) Feasibility, including general private and public land availability;

(2) Cost effectiveness;

(3) Pollutant removal effectiveness;

(4) Tributary area potentially treated;

(5) Maintenance requirements;

(6) Landowner cooperation;

(7) Neighborhood acceptance;

(8) Aesthetic qualities;

(9) Efficacy at addressing concern; and

(10) Potential improvements to public health and safety.

iv. The City of Long Beach shall consider the results of the evaluation in the following programs:

(1) The City of Long Beach's storm water management program: Highly feasible projects expected to benefit water quality should be given a high priority to implement source control and treatment control BMPs in the City's SWMP.

(2) Off-site mitigation for New Development and Redevelopment: The City of Long Beach shall consider high priority retrofit projects as candidates for off-site mitigation projects per part VII.J.4.iii(4).

(3) Where feasible, at the discretion of the City of Long Beach, the existing development retrofitting program may be coordinated with flood control projects and other infrastructure improvement programs per Part VII.L.5.ii(2) below.

v. The City of Long Beach shall cooperate with private landowners to encourage site specific retrofitting projects. The City of Long Beach shall consider the following practices in cooperating with private landowners to retrofit existing development:

(1) Demonstration retrofit projects;

(2) Retrofits on public land and easements that treat runoff from private developments;

(3) Education and outreach;

(4) Subsidies for retrofit projects;

(5) Requiring retrofit projects as enforcement, mitigation or ordinance compliance;

(6) Public and private partnerships;

(7) Fees for existing discharges to the MS4 and reduction of fees for retrofit implementation.

5. Public Agency Facility and Activity Management

i. The City of Long Beach shall obtain separate coverage under the Industrial General Permit for all City-owned or operated facilities where industrial

activities are conducted that require coverage under the Industrial General Permit.

ii. The City of Long Beach shall implement the following measures for City-owned and operated flood management projects:

(1) Develop procedures to assess the impacts of flood management projects on the water quality of receiving water bodies; and

(2) Evaluate existing structural flood control facilities to determine if retrofitting the facility to provide additional pollutant removal from storm water is feasible.

iii. The City of Long Beach shall ensure the implementation and maintenance of activity specific BMPs listed in Table 17 (BMPs for Public Agency Facilities and Activities) or an equivalent set of BMPs when such activities occur at City-owned or operated facilities and field activities (e.g., project sites) including but not limited to the facility types listed in Part VII.L.3 above, and at any area that includes the activities described in Table 17, or that have the potential to discharge pollutants in storm water.

iv. Any contractors hired by the City of Long Beach to conduct Public Agency Activities including, but not limited to, storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair shall be contractually required to implement and maintain the activity specific BMPs listed in Table 17. The City of Long Beach shall conduct oversight of contractor activities to ensure these BMPs are implemented and maintained.

v. City-owned or operated facilities that have obtained coverage under the Industrial General Permit shall implement and maintain BMPs consistent with the associated SWPPP and are therefore not required to implement and maintain the activity specific BMPs listed in Table 17.

vi. Effective source control BMPs for the activities listed in Table 17 shall be implemented at City-owned or operated facilities, unless the pollutant generating activity does not occur. The City of Long Beach shall require implementation of additional BMPs where storm water from the MS4 discharges to a significant ecological area (SEA, see Attachment A for definition), a water body subject to TMDL provisions in Part VIII, or a CWA Section 303(d) listed water body (see Part VIII below). Likewise, for those BMPs that are not adequately protective of water quality standards, the City may require additional site-specific controls.

Table 17. BMPs for Public Agency Facilities and Activities

General and Activity Specific BMPs	
General BMPs	Scheduling and Planning
	Spill Prevention and Control
	Sanitary/Septic Waste Management
	Material Use
	Safer Alternative Products
	Vehicle/Equipment Cleaning, Fueling and Maintenance
	Illicit Connection Detection, Reporting and Removal
	Illegal Spill Discharge Control
	Maintenance Facility Housekeeping Practices
Flexible Pavement	Asphalt Cement Crack and Joint Grinding/ Sealing
	Asphalt Paving
	Structural Pavement Failure (Digouts) Pavement Grinding and Paving
	Emergency Pothole Repairs
	Sealing Operations
Rigid Pavement	Portland Cement Crack and Joint Sealing
	Mudjacking and Drilling
	Concrete Slab and Spall Repair
Slope/ Drains/ Vegetation	Shoulder Grading
	Non-landscaped Chemical Vegetation Control
	Non-landscaped Mechanical Vegetation Control/ Mowing
	Non-landscaped Tree and Shrub Pruning, Brush Chipping, Tree and Shrub Removal
	Fence Repair
	Drainage Ditch and Channel Maintenance
	Drain and Culvert Maintenance

General and Activity Specific BMPs	
	Curb and Sidewalk Repair
Litter/ Debris/ Graffiti	Sweeping Operations
	Litter and Debris Removal
	Emergency Response and Cleanup Practices
	Graffiti Removal
Landscaping	Chemical Vegetation Control
	Manual Vegetation Control
	Landscaped Mechanical Vegetation Control/ Mowing
	Landscaped Tree and Shrub Pruning, Brush Chipping, Tree and Shrub Removal
	Irrigation Line Repairs
	Irrigation (Watering), Potable and Non-potable
Environmental	Storm Drain Stenciling
	Roadside Slope Inspection
	Roadside Stabilization
	Stormwater Treatment Devices
	Traction Sand Trap Devices
Bridges	Welding and Grinding
	Sandblasting, Wet Blast with Sand Injection and Hydroblasting
	Painting
	Bridge Repairs
Other Structures	Pump Station Cleaning
	Tube and Tunnel Maintenance and Repair
	Tow Truck Operations
	Toll Booth Lane Scrubbing Operations
Electrical	Sawcutting for Loop Installation

General and Activity Specific BMPs	
Traffic Guidance	Thermoplastic Striping and Marking
	Paint Striping and Marking
	Raised/ Recessed Pavement Marker Application and Removal
	Sign Repair and Maintenance
	Median Barrier and Guard Rail Repair
	Emergency Vehicle Energy Attenuation Repair
Storm Maintenance	Minor Slides and Slipouts Cleanup/ Repair
Management and Support	Building and Grounds Maintenance
	Storage of Hazardous Materials (Working Stock)
	Material Storage Control (Hazardous Waste)
	Outdoor Storage of Raw Materials
	Vehicle and Equipment Fueling
	Vehicle and Equipment Cleaning
	Vehicle and Equipment Maintenance and Repair
	Aboveground and Underground Tank Leak and Spill Control

6. **Vehicle and Equipment Washing**

   i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 17 (BMPs for Public Agency Facilities and Activities) for all fixed vehicle and equipment washing except for fire-fighting vehicles.

   ii. The City of Long Beach shall prevent discharges of wash waters from vehicle and equipment washing to the MS4 by implementing any of the following measures at existing facilities with vehicle or equipment wash areas (with the exception of fire stations):

   (1) Self-contain, and haul off for disposal; or

   (2) Equip with a clarifier or an alternative pre-treatment device and plumb to the sanitary sewer in accordance with applicable waste water provider regulations.

   iii. The City of Long Beach shall ensure that any municipal facilities constructed, redeveloped, or replaced shall not discharge wastewater from vehicle and equipment wash areas to the MS4 by plumbing all areas to the sanitary sewer in accordance with applicable waste water provider regulations, or self-

containing all waste water/ wash water and hauling to a point of legal disposal (excluding fire stations).

7. Landscape, Park, and Recreational Facilities Management

i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 17 for all public right-of-ways, flood control facilities and open channels, lakes and reservoirs, and landscape, park, and recreational facilities and activities.

ii. The City of Long Beach shall implement an IPM program that includes the following:

(1) Pesticides are used only if monitoring indicates they are needed, and pesticides are applied according to applicable permits and established guidelines.

(2) Treatments are made with the goal of removing only the target organism.

(3) Pest controls are selected and applied in a manner that minimizes risks to human health, beneficial non-target organisms, and the environment.

(4) The use of pesticides, including organophosphates and pyrethroids, does not threaten water quality.

(5) Partner with other agencies and organizations to encourage the use of IPM.

(6) Adopt and verifiably implement policies, procedures, and/ or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques (including beneficial insects) for Public Agency Facilities and Activities.

(7) Policies, procedures, and ordinances shall include commitments and a schedule to reduce the use of pesticides that cause impairment of surface waters by implementing the following procedures:

(a) Prepare and annually update an inventory of pesticides used by all internal departments, divisions, and other operational units.

(b) Quantify pesticide use by staff and hired contractors.

(c) Demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

iii. The City of Long Beach shall implement the following requirements:

(1) Use a standardized protocol for the routine and non-routine application of pesticides (including pre-emergents), and fertilizers.

(2) Ensure there is no application of pesticides or fertilizers (1) when two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA[26], (2) within 48 hours of a ½-inch rain event, or (3) when water is flowing off the area where the application is to occur. The requirements in Part VII.L.7.iii.2 do not apply to the application of aquatic pesticides or pesticides which require water for activation.

(3) Ensure that no banned or unregistered pesticides are stored or applied.

[26] www.srh.noaa.gov/forecast

(4) Ensure that all staff applying pesticides are certified in the appropriate category by the California Department of Pesticide Regulation, or are under the direct supervision of a pesticide applicator certified in the appropriate category.

(5) Implement procedures to encourage the retention and planting of native vegetation to reduce water, pesticide and fertilizer needs; and

(6) Store pesticides and fertilizers indoors or under cover on paved surfaces, or use secondary containment.

(a) Reduce the use, storage, and handling of hazardous materials to reduce the potential for spills.

(b) Regularly inspect storage areas.

8. Storm Drain Operation and Maintenance

i. The City of Long Beach shall implement and maintain the activity specific BMPs listed in Table 17 for storm drain operation and maintenance.

ii. Ensure that all material removed from the MS4 does not reenter the system. Solid material shall be dewatered in a contained area and liquid material shall be disposed in accordance with any of the following measures:

(1) Self-contain, and haul off for legal disposal; or

(2) Applied to the land without runoff; or

(3) Equip with a clarifier or an alternative pre-treatment device; and plumb to the sanitary sewer in accordance with applicable waste water provider regulations.

iii. Catch Basin Cleaning

(1) In areas that are not subject to a trash TMDL, the City of Long Beach shall determine priority areas and shall update its map or list of Catch Basins with their GPS coordinates and priority:

Priority A: Catch basins that are designated as consistently generating the highest volumes of trash and/or debris.

Priority B: Catch basins that are designated as consistently generating moderate volumes of trash and/or debris.

Priority C: Catch basins that are designated as generating low volumes of trash and/or debris.

The map or list shall contain the rationale or data to support priority designations.

(2) In areas that are not subject to a trash TMDL, the City of Long Beach shall inspect catch basins according to the following schedule:

Priority A: A minimum of 3 times during the wet season (October 1 through April 15) and once during the dry season every year.

Priority B: A minimum of once during the wet season and once during the dry season every year.

Priority C: A minimum of once per year.

Catch basins shall be cleaned as necessary on the basis of inspections. At a minimum, the City shall ensure that any catch basin that is determined to be at least 25% full of trash shall be cleaned out. the City shall maintain inspection and cleaning records for Regional Water Board review.

(3) In areas that are subject to a trash TMDL, the City of Long Beach shall implement the applicable provisions in Part VIII.

iv. Trash Management at Public Events

(1) The City of Long Beach shall require the following measures for any event in the public right of way or wherever it is foreseeable that substantial quantities of trash and litter may be generated, including events located in areas that are subject to a trash TMDL:

(a) Proper management of trash and litter generated; and

(b) Arrangement for temporary screens to be placed on catch basins; or

(c) Provide clean out of catch basins, trash receptacles, and grounds in the event area within one business day subsequent to the event.

v. Trash Receptacles

(1) The City of Long Beach shall ensure trash receptacles, or equivalent trash capturing devices, are covered in areas newly identified as high trash generation areas within its jurisdiction.

(2) The City of Long Beach shall ensure that all trash receptacles are cleaned out and maintained as necessary to prevent trash overflow.

vi. Catch Basin Labels and Open Channel Signage

(1) The City of Long Beach shall label all storm drain inlets that they own with a legible "no dumping" message.

(2) The City of Long Beach shall inspect the legibility of the stencil or label nearest each inlet prior to the wet season every year.

(3) The City of Long Beach shall record all catch basins with legible stencils and re-stencil or re-label within 180 days of inspection.

(4) The City of Long Beach shall post signs, referencing local code(s) that prohibit littering and illegal dumping, at designated public access points to open channels, creeks, urban lakes, and other relevant water bodies.

vii. Additional Trash Management Practices

(1) In areas that are not subject to a trash TMDL, the City of Long Beach shall install trash excluders, or equivalent devices, on or in catch basins or outfalls to prevent the discharge of trash to the MS4 or receiving water no later than four years after the effective date of this Order in areas defined as Priority A, Part VII.L.8.iii(1), except at sites where the application of such BMP(s) alone will cause flooding. Lack of maintenance that causes flooding is not an acceptable exception to the requirement to install BMPs. Alternatively, the City of Long Beach may implement alternative or enhanced BMPs beyond the provisions of this Order (such as but not limited to increased street sweeping, adding trash cans near trash

generation sites, prompt enforcement of trash accumulation, increased trash collection on public property, increased litter prevention messages or trash nets within the MS4) that provide substantially equivalent removal of trash. The City of Long Beach shall demonstrate that BMPs, which substituted for trash excluders, provide equivalent trash removal performance as excluders. When outfall trash capture is provided, revision of the schedule for inspection and cleanout of catch basins in Part VII.L.8.iii(2) shall be reported in the next year's annual report.

viii. Storm Drain Maintenance

The City of Long Beach shall implement a program for Storm Drain Maintenance that includes the following:

(1) Visual monitoring of open channels and other drainage structures with City boundaries for trash and debris at least annually.

(2) Removal of trash and debris from open channels a minimum of once per year before the wet season.

(3) Elimination of the discharge of contaminants during MS4 maintenance and clean outs.

(4) Proper disposal of debris and trash removed during storm drain maintenance.

ix. Infiltration from Sanitary Sewer to MS4/Preventive Maintenance

(1) The City of Long Beach shall implement controls and measures to prevent and eliminate infiltration of seepage from sanitary sewers to MS4s through thorough, routine preventive maintenance of the MS4.

(2) The City of Long Beach that operates both a municipal sanitary sewer system and a MS4 must implement controls and measures to prevent and eliminate infiltration of seepage from the sanitary sewers to the MS4s that must include overall sanitary sewer and MS4 surveys and thorough, routine preventive maintenance of both. Implementation of a Sewer System Management Plan in accordance with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, may be used to fulfill this requirement.

(3) The City of Long Beach shall implement controls to limit infiltration of seepage from sanitary sewers to the MS4 where necessary. Such controls must include:

(a) Adequate plan checking for construction and new development;

(b) Incident response training for its municipal employees that identify sanitary sewer spills;

(c) Code enforcement inspections;

(d) MS4 maintenance and inspections;

(e) Interagency coordination with sewer agencies; and

(f) Proper education of its municipal staff and contractors conducting field operations on the MS4 or its municipal sanitary sewer (if applicable).

x. Discharger Owned Treatment Control BMPs

(1) The City of Long Beach shall implement an inspection and maintenance program for all Discharger owned treatment control BMPs, including post-construction treatment control BMPs.

(2) The City of Long Beach shall ensure proper operation of all treatment control BMPs and maintain them as necessary for proper operation, including all post-construction treatment control BMPs.

(3) Any residual water[27] produced by a treatment control BMP and not being internal to the BMP performance when being maintained shall be:

(a) Hauled away and legally disposed of; or

(b) Applied to the land without runoff; or

(c) Discharged to the sanitary sewer system (with permits or authorization); or

(d) Treated or filtered to remove bacteria, sediments, nutrients, and meet the limitations set in Table 18 (Discharge Limitations for Dewatering Treatment BMPs), prior to discharge to the MS4.

Table 18. Discharge Limitations for Dewatering Treatment BMPs [27]

Parameter	Units	Limitation
Total Suspended Solids	mg/L	100
Turbidity	NTU	50
Oil and Grease	mg/L	10

9. Streets, Roads, and Parking Facilities Maintenance

i. The City of Long Beach shall designate streets and/or street segments within its jurisdiction as one of the following:

Priority A: Streets and/or street segments that are designated as consistently generating the highest volumes of trash and/or debris.

Priority B: Streets and/or street segments that are designated as consistently generating moderate volumes of trash and/or debris.

Priority C: Streets and/or street segments that are designated as generating low volumes of trash and/or debris.

ii. The City of Long Beach shall perform street sweeping of curbed streets according to the following schedule:

Priority A: Streets and/or street segments that are designated as Priority A shall be swept at least two times per month.

Priority B: Streets and/or street segments that are designated as Priority B shall be swept at least once per month.

[27] See Attachment A.

Priority C: Streets and/or street segments that are designated as Priority C shall be swept as necessary but in no case less than once per year.

iii. Road Reconstruction

The City of Long Beach shall require for each and any project that includes roadbed or street paving, repaving, patching, dig-outs, or roadbed resurfacing, the following BMPs be implemented:

(1) Restrict paving and repaving activity to exclude periods of rainfall or predicted rainfall[28] unless required by emergency conditions.

(2) Install sand bags or gravel bags and filter fabric at all susceptible storm drain inlets and at manholes to prevent spills of paving products and tack coat;

(3) Prevent the discharge of release agents including soybean oil, other oils, or diesel into the MS4 or receiving waters.

(4) Prevent non-storm water runoff from water use for the roller and for evaporative cooling of the asphalt.

(5) Clean equipment over absorbent pads, drip pans, plastic sheeting or other material to capture all spillage and dispose of properly.

(6) Collect liquid waste in a container, with a secure lid, for transport to a maintenance facility to be reused, recycled or disposed of properly.

(7) Collect solid waste by vacuuming or sweeping and securing in an appropriate container for transport to a maintenance facility to be reused, recycled or disposed of properly.

(8) Cover the "cold-mix" asphalt (i.e., stockpiled, pre-mixed aggregate and asphalt binder) with protective sheeting during a rainstorm.

(9) Cover loads with tarp before haul-off to a storage site, and do not overload trucks.

(10) Minimize airborne dust by using water spray during grinding.

(11) Avoid stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near MS4 or receiving waters.

(12) Protect stockpiles with a cover or sediment barriers during a rain.

iv. Parking Facilities Maintenance

(1) City-owned parking lots exposed to storm water shall be kept clear of debris and excessive oil buildup and cleaned no less than 2 times per month and/or inspected no less than 2 times per month to determine if cleaning is necessary. In no case shall a City-owned parking lot be cleaned less than once a month.

10. Emergency Procedures

i. The City of Long Beach may conduct repairs of essential public service systems and infrastructure in emergency situations with a self-waiver of the provisions of this Order as follows:

[28] A probability of precipitation (POP) of 50% is required.

(1) The City of Long Beach shall abide by all other regulatory requirements, including notification to other agencies as appropriate.

(2) Where the self-waiver has been invoked, the City of Long Beach shall submit to the Regional Water Board Executive Officer a statement of the occurrence of the emergency, an explanation of the circumstances, and the measures that were implemented to reduce the threat to water quality, no later than 30 business days after the situation of emergency has passed.

(3) Minor repairs of essential public service systems and infrastructure in emergency situations (that can be completed in less than one week) are not subject to the notification provisions. Appropriate BMPs to reduce the threat to water quality shall be implemented.

11. Municipal Employee and Contractor Training

i. The City of Long Beach shall, no later than 1 year after Order adoption and annually thereafter before June 30, train all of their employees in targeted positions (whose interactions, jobs, and activities affect storm water quality) on the requirements of the overall storm water management program, or shall ensure contractors performing privatized/contracted municipal services are appropriately trained to:

(1) Promote a clear understanding of the potential for activities to pollute storm water.

(2) Identify opportunities to require, implement, and maintain appropriate BMPs in their line of work.

Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

ii. The City of Long Beach shall, no later than 1 year after Order adoption and annually thereafter before June 30, train all of their employees and contractors who use or have the potential to use pesticides or fertilizers (whether or not they normally apply these as part of their work). Training programs shall address:

(1) The potential for pesticide-related surface water toxicity.

(2) Proper use, handling, and disposal of pesticides.

(3) Least toxic methods of pest prevention and control, including IPM.

(4) Reduction of pesticide use.

iii. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

M. Illicit Connections and Illicit Discharges Elimination Program

1. General

i. The City of Long Beach shall continue to implement an Illicit Connection and Illicit Discharge Elimination (IC/ID) Program to detect, investigate, and eliminate IC/IDs to the MS4. The IC/ID Program must be implemented in

accordance with the requirements and performance measures specified in this Order.

ii. As stated in Part VII.B of this Order, the City of Long Beach must have adequate legal authority to prohibit IC/IDs to the MS4 and enable enforcement capabilities to eliminate the source of IC/IDs.

iii. The City of Long Beach's IC/ID Program shall consist of at least the following major program components:

(1) Procedures for conducting source investigations for IC/IDs

(2) Procedures for eliminating the source of IC/IDs

(3) Procedures for public reporting of illicit discharges

(4) Spill response plan

(5) IC/IDs education and training for City staff

2. Illicit Discharge Source Investigation and Elimination

i. The City of Long Beach shall develop written procedures for conducting investigations to identify the source of all suspected illicit discharges, including procedures to eliminate the discharge once the source is located.

ii. At a minimum, the City of Long Beach shall initiate an investigation(s) to identify and locate the source within 72 hours of becoming aware of the illicit discharge.

iii. When conducting investigations, the City of Long Beach shall comply with the following:

(1) Illicit discharges suspected of being sanitary sewage and/or significantly contaminated shall be investigated first.

(2) The City of Long Beach shall track all investigations to document at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

(3) The City of Long Beach shall investigate the source of all observed illicit discharges.

iv. When taking corrective action to eliminate illicit discharges, the City of Long Beach shall comply with the following:

(1) If the source of the illicit discharge has been determined to originate within the City of Long Beach's jurisdiction, the City of Long Beach shall immediately notify the responsible party/parties of the problem, and require the responsible party to initiate all necessary corrective actions to eliminate the illicit discharge. Upon being notified that the discharge has been eliminated, the City of Long Beach shall conduct a follow-up investigation to verify that the discharge has been eliminated and cleaned-up to the satisfaction of the City of Long Beach. The City of Long Beach shall document its follow-up investigation. The City of Long Beach may seek recovery and remediation costs from responsible parties or require compensation for the cost of all inspection, investigation, cleanup and

oversight activities. Resulting enforcement actions shall follow the program's Progressive Enforcement Policy, per Part VII.D.2.

(2) If the source of the illicit discharge has been determined to originate within an upstream jurisdiction, the City of Long Beach shall notify the upstream jurisdiction and the Regional Water Board within 30 days of such determination and provide all of the information collected regarding efforts to identify its source. The City of Long Beach may seek recovery and remediation costs from responsible parties or require compensation for the cost of all inspection, investigation, cleanup and oversight activities. Resulting enforcement actions shall follow the program's Progressive Enforcement Policy, per Part VII.D.2.

(3) If the source of the illicit discharge cannot be traced to a suspected responsible party, the City shall implement its spill response plan and then initiate a permanent solution as described in Part VII.M.2.v below.

v. In the event the City of Long Beach is unable to eliminate an ongoing illicit discharge following full execution of its legal authority and in accordance with its Progressive Enforcement Policy, or other circumstances prevent the full elimination of an ongoing illicit discharge, including the inability to find the responsible party/parties, the City of Long Beach shall provide for diversion of the entire flow to the sanitary sewer or provide treatment. In either instance, the City of Long Beach shall notify the Regional Water Board in writing within 30 days of such determination and shall provide a written plan for review and comment that describes the efforts that have been undertaken to eliminate the illicit discharge, a description of the actions to be undertaken, anticipated costs, and a schedule for completion.

3. Identification and Response to Illicit Connections

i. Investigation

The City of Long Beach, upon discovery or upon receiving a report of a suspected illicit connection, shall initiate an investigation within 21 days, to determine the following: (1) source of the connection, (2) nature and volume of discharge through the connection, and (3) responsible party for the connection.

ii. Elimination

The City of Long Beach, upon confirmation of an illicit MS4 connection, shall ensure that the connection is:

(1) Permitted or documented, provided the connection will only discharge storm water and non-storm water allowed under this Order or other individual or general NPDES Permits/WDRs, or

(2) Eliminated within 180 days of completion of the investigation, using its formal enforcement authority, if necessary, to eliminate the illicit connection.

iii. Documentation

Formal records must be maintained for all illicit connection investigations and the formal enforcement taken to eliminate illicit connections.

4. **Public Reporting of Non-Storm Water Discharges and Spills**

   i. The City of Long Beach shall promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers and an internet site for complaints and spill reporting. The City of Long Beach shall also provide the reporting hotline to City staff to leverage the field staff that has direct contact with the MS4 in detecting and eliminating illicit discharges.

   ii. The City of Long Beach shall implement the central point of contact and reporting hotline requirements listed in this part in one or more of the following methods:

   (1) By participating in a County-wide sponsored hotline

   (2) By participating in one or more Watershed Group sponsored hotlines

   (3) Or individually within its own jurisdiction

   (4) The City of Long Beach shall continue to maintain the 562-570-DUMP hotline to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s.

   iii. The City of Long Beach shall ensure that signage adjacent to open channels, as required in Part VII.L.8.vi, includes information regarding dumping prohibitions and public reporting of illicit discharges.

   iv. The City of Long Beach shall develop and maintain written procedures that document how complaint calls are received, documented, and tracked to ensure that all complaints are adequately addressed. The procedures shall be evaluated to determine whether changes or updates are needed to ensure that the procedures accurately document the methods employed by the City of Long Beach. Any identified changes shall be made to the procedures subsequent to the evaluation.

   v. The City of Long Beach shall maintain documentation of the complaint calls and record the location of the reported spill or IC/ ID and the actions undertaken in response to all IC/ID complaints, including referrals to other agencies.

5. **Spill Response Plan**

   i. The City of Long Beach shall implement a spill response plan for all sewage and other spills that may discharge into its MS4. The spill response plan shall clearly identify agencies responsible for spill response and cleanup, telephone numbers and e-mail address for contacts, and shall contain at a minimum the following requirements:

   (1) Coordination with spill response teams throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.

   (2) Initiate investigation of all public and employee spill complaints within one business day of receiving the complaint to assess validity.

   (3) Response to spills for containment within 4 hours of becoming aware of the spill, except where such spills occur on private property, in which case

the response should be within 2 hours of gaining legal access to the property.

(4) Spills that may endanger health or the environment shall be reported to appropriate public health agencies and the Office of Emergency Services (OES).

6. Illicit Connection and Illicit Discharge Education and Training

i. The City of Long Beach must continue to implement a training program regarding the identification of IC/IDs for all municipal field staff, who, as part of their normal job responsibilities (e.g., street sweeping, storm drain maintenance, collection system maintenance, road maintenance), may come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. Contact information, including the procedure for reporting an illicit discharge, must be readily available to field staff. Training program documents must be available for review by the permitting authority.

ii. The City of Long Beach shall ensure contractors performing privatized/contracted municipal services such as, but not limited to, storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair are trained regarding IC/ID identification and reporting. The City may provide training or include contractual requirements for IC/ID identification and reporting training. Outside contractors can self-certify, providing they certify they have received all applicable training required in the Permit and have documentation to that effect.

iii. The City of Long Beach's training program should address, at a minimum, the following:

(1) IC/ID identification, including definitions and examples,

(2) investigation,

(3) elimination,

(4) cleanup,

(5) reporting, and

(6) documentation.

iv. The City of Long Beach must create a list of applicable positions and contractors which require IC/ID training and ensure that training is provided at least twice during the term of the Order. The City of Long Beach must maintain documentation of the training activities.

v. New City of Long Beach staff members must be provided with IC/ID training within 180 days of starting employment.

VIII. Total Maximum Daily Loads

A. General

1. The provisions of this Part implement and are consistent with the assumptions and requirements of all available waste load allocations (WLAs) assigned to MS4 discharges established in TMDLs that are wholly or in part the responsibility of the City of Long Beach.

2. The provisions in this Part are designed to ensure the City of Long Beach will achieve WLAs and meet other requirements of TMDLs covering receiving waters impacted by MS4 discharges from the City of Long Beach.
3. The City of Long Beach shall comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in this Part, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR §122.44(d)(1)(vii)(B); Cal. Wat. Code §13263(a)).
4. The City of Long Beach may comply with water quality-based effluent limitations and receiving water limitations using any lawful means.

B. Compliance Determination

1. The City of Long Beach shall demonstrate compliance at compliance monitoring points established in each TMDL or, if not specified in the TMDL, at locations identified in an approved TMDL monitoring plan or in accordance with an approved integrated monitoring program per Attachment E, Part IX.D.16 (Integrated Watershed Monitoring and Assessment).

2. Compliance with water quality-based effluent limitations shall be determined as described in Part VIII.E-F or as otherwise set forth in TMDL specific provisions in this Part.

3. Pursuant to Part VII.C the City of Long Beach may, individually or as part of a watershed-based group, develop and submit for approval by the Regional Water Board Executive Officer a Watershed Management Program that addresses all water quality-based effluent limitations and receiving water limitations to which the City of Long Beach is subject pursuant to established TMDLs.

C. Commingled Discharges

1. A number of the TMDLs establish WLAs that are assigned jointly to a group of Permittees whose storm water and/or non-storm water discharges are or may be commingled in the MS4 prior to discharge to the receiving water subject to the TMDL.

2. In these cases, pursuant to 40 CFR section 122.26(a)(3)(vi), the City of Long Beach is only responsible for discharges from the MS4 it owns and/or operates.

3. Where the City of Long Beach has commingled discharges to the receiving water, compliance at the outfall to the receiving water or in the receiving water shall be determined for the group of Permittees as a whole unless the City of Long Beach demonstrates that its discharge did not cause or contribute to the exceedance, pursuant to Part VIII.C.5 below.

4. For purposes of compliance determination, the City of Long Beach is responsible for demonstrating that its discharge did not cause or contribute to an exceedance of an applicable water quality-based effluent limitation(s) at the outfall or receiving water limitation(s) in the target receiving water.

5. The City of Long Beach may demonstrate that its discharge did not cause or contribute to an exceedance of an applicable water quality-based effluent limitation or receiving water limitation in any of the following ways:

   a. Demonstrate that there is no discharge from the City of Long Beach's MS4 into the applicable receiving water during the time period subject to the water quality-based effluent limitation and/or receiving water limitation; or

   b. Demonstrate that the discharge from the City of Long Beach's MS4 is controlled to a level that does not exceed the applicable water quality-based effluent limitation; or

   c. For exceedances of bacteria receiving water limitations or water quality-based effluent limitations, demonstrate through a source investigation pursuant to protocols established under California Water Code Section 13178 or for exceedances of other receiving water limitations or water quality-based effluent limitations, demonstrate using other accepted source identification protocols, that pollutant sources within the jurisdiction of the City of Long Beach or the City of Long Beach's MS4 have not caused or contributed to the exceedance of the receiving water limitation(s).

D. Receiving Water Limitations Addressed by a TMDL

1. For receiving water limitations in Part VI.A associated with water body-pollutant combinations addressed in a TMDL, the City of Long Beach shall achieve compliance with the receiving water limitations in Part VI.A as outlined in this Part VIII of this Order.

2. The City of Long Beach's full compliance with the applicable TMDL requirement(s), including compliance schedules, of this Part VIII constitutes compliance with Part VI.A of this Order for the specific pollutant addressed in the TMDL.

3. As long as the City of Long Beach is in compliance with the applicable TMDL requirements in a time schedule order (TSO) issued by the Regional Water Board pursuant to California Water Code Sections 13300 and 13385(j)(3), it is not the Regional Water Board's intention to take an enforcement action for violations of Part VI.A of this Order for the specific pollutant(s) addressed in the TSO.

E. Interim Water Quality-Based Effluent Limitations and Receiving Water Limitations

1. The City of Long Beach shall be considered in compliance with an applicable interim water quality-based effluent limitation and interim receiving water limitation for a pollutant associated with a specific TMDL if any of the following is demonstrated:

   a. There are no violations of the interim water quality-based effluent limitation for the pollutant associated with a specific TMDL at the City of Long Beach's applicable MS4 outfall(s),[29] including an outfall to the receiving water that collects discharges from multiple Dischargers' jurisdictions;

[29] An outfall may include a manhole or other point of access to the MS4 at the Permittee's jurisdictional boundary.

b. There are no exceedances of the applicable receiving water limitation for the pollutant associated with a specific TMDL in the receiving water(s) at, or downstream of, the City of Long Beach's outfall(s);

c. There is no direct or indirect discharge from the City of Long Beach's MS4 to the receiving water during the time period subject to the water quality-based effluent limitation and/or receiving water limitation for the pollutant associated with a specific TMDL; or

d. The City of Long Beach has submitted and is fully implementing an approved WMP or EWMP pursuant to Part VII.C.

i. To be considered fully implementing an approved WMP or EWMP, the City of Long Beach must be implementing all actions consistent with the approved program and applicable compliance schedules, including structural BMPs.

ii. Structural storm water BMPs or systems of BMPs should be designed and maintained to treat storm water runoff from the 85th percentile, 24-hour storm, where feasible and necessary to achieve applicable WQBELs and receiving water limitations, and maintenance records must be up-to-date and available for inspection by the Regional Water Board.

iii. If the City of Long Beach does not implement the WMP in accordance with the milestones and compliance schedules, the City shall demonstrate compliance with its interim water quality-based effluent limitations and/or receiving water limitations pursuant to Part VIII.E.1.a-c above.

iv. Upon notification of the City of Long Beach's intent to develop a WMP or EWMP and prior to approval of its WMP or EWMP, the City of Long Beach's full compliance with all of the following requirements shall constitute the City of Long Beach's compliance with provisions pertaining to interim WQBELs with compliance deadlines occurring prior to approval of a WMP or EWMP. This subdivision d shall not apply to interim trash WQBELs.

(1) Provides timely notice of its intent to develop a WMP or EWMP,

(2) Meets all interim and final deadlines for development of a WMP or EWMP,

(3) For the area to be covered by the WMP or EWMP, targets implementation of watershed control measures in its existing storm water management program, including watershed control measures to eliminate non-storm water discharges of pollutants through the MS4 to receiving waters, to address known contributions of pollutants from MS4 discharges that cause or contribute to the impairment(s) addressed by the TMDL(s), and

(4) Receives final approval of its WMP or EWMP within the applicable timeframe in Table 8, respectively.

F. Final Water Quality-based Effluent Limitations and/or Receiving Water Limitations

1. The City of Long Beach shall be deemed in compliance with an applicable final water quality-based effluent limitation and final receiving water limitation for the pollutant(s) associated with a specific TMDL if any of the following is demonstrated:

   a. There are no violations of the final water quality-based effluent limitation for the specific pollutant at the City of Long Beach's applicable MS4 outfall(s)[30];

   b. There are no exceedances of applicable receiving water limitation for the specific pollutant in the receiving water(s) at, or downstream of, the City of Long Beach's outfall(s);

   c. There is no direct or indirect discharge from the City of Long Beach's MS4 to the receiving water during the time period subject to the water quality-based effluent limitation and/or receiving water limitation for the pollutant(s) associated with a specific TMDL; or

   d. In drainage areas where the City is implementing an EWMP, (i) all non-storm water and (ii) all storm water runoff up to and including the volume equivalent to the 85th percentile, 24-hour event is retained for the drainage area tributary to the project. This provision (iv) shall not apply to final trash WQBELs.

G. US EPA Established TMDLs

1. TMDLs established by the US EPA, to which the City of Long Beach is subject, do not contain an implementation plan adopted pursuant to California Water Code Section 13242. However, US EPA has included implementation recommendations as part of these TMDLs. In lieu of inclusion of numeric water quality based effluent limitations at this time, this Order requires the City of Long Beach, where subject to WLAs in US EPA established TMDLs, to propose and implement best management practices (BMPs) that will be effective in achieving compliance with US EPA established numeric WLAs. The Regional Water Board may, at its discretion, revisit this decision within the term of this Order or in a future permit, as more information is developed to support the inclusion of numeric water quality based effluent limitations.

   a. The City of Long Beach shall propose BMPs to achieve the WLAs contained in the applicable US EPA established TMDL(s), and a schedule for implementing the BMPs that is as short as possible, in a WMP or EWMP.

   b. The City of Long Beach may either individually submit a WMP, or may jointly submit a WMP or EWMP with other Permittees subject to the WLAs contained in the US EPA established TMDL.

[30] Ibid.

c. At a minimum, the City of Long Beach shall include the following information in its Watershed Management Program or EWMP, relevant to each applicable US EPA established TMDL:

i. Available data demonstrating the current quality of the City of Long Beach's MS4 discharge(s) in terms of concentration and/or load of the target pollutant(s) to the receiving waters subject to the TMDL;

ii. A detailed description of BMPs that have been implemented, and/or are currently being implemented by the City of Long Beach to achieve the WLA(s), if any;

iii. A detailed time schedule of specific actions the City of Long Beach will take in order to achieve compliance with the applicable WLA(s);

iv. A demonstration that the time schedule requested is as short as possible, taking into account the time since US EPA establishment of the TMDL, and technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the WLA(s);

(1) For the Long Beach City Beaches Bacteria TMDL established by US EPA in 2012, for all locations with the exception of the Los Angeles River Estuary, in no case shall the time schedule to achieve the final numeric WLAs during dry weather exceed five years from the effective date of this Order; and

v. If the requested time schedule exceeds one year, the proposed schedule shall include interim requirements and numeric milestones and the date(s) for their achievement.

d. For the TMDLs established by US EPA, the City of Long Beach shall submit a draft of a WMP or EWMP to the Regional Water Board Executive Officer for approval per the schedule in Table 8.

e. If the City of Long Beach does not submit a WMP, or the plan is determined to be inadequate by the Regional Water Board Executive Officer and the City of Long Beach does not make the necessary revisions within 90 days of written notification that plan is inadequate, the City of Long Beach shall be required to demonstrate compliance with the numeric WLAs immediately based on monitoring data collected under the MRP (Attachment E) for this Order.

H. **State Adopted TMDLs where Final Compliance Deadlines have Passed**

1. The City of Long Beach shall comply immediately with water quality-based effluent limitations and/or receiving water limitations to implement WLAs in state-adopted TMDLs for which final compliance deadlines have passed pursuant to the TMDL implementation schedule.

2. If the City of Long Beach believes that additional time to comply with the final water quality-based effluent limitations and/or receiving water limitations is

necessary, the City of Long Beach may request a time schedule order pursuant to California Water Code section 13300 for the Regional Water Board's consideration.

3. The City of Long Beach may either individually request a TSO, or may jointly request a TSO with all other Permittees subject to the water quality-based effluent limitations and/or receiving water limitations, to implement the WLAs in the state-adopted TMDL.

4. At a minimum, a request for a time schedule order shall include the following:

   i. Data demonstrating the current quality of the MS4 discharge(s) in terms of concentration and/or load of the target pollutant(s) to the receiving waters subject to the TMDL;

   ii. A detailed description and chronology of structural controls and source control efforts, since the effective date of the TMDL, to reduce the pollutant load in the MS4 discharges to the receiving waters subject to the TMDL;

   iii. Justification of the need for additional time to achieve the water quality-based effluent limitations and/or receiving water limitations;

   iv. A detailed time schedule of specific actions the City of Long Beach will take in order to achieve the water quality-based effluent limitations and/or receiving water limitations;

   v. A demonstration that the time schedule requested is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation(s); and

   vi. If the requested time schedule exceeds one year, the proposed schedule shall include interim requirements and the date(s) for their achievement. The interim requirements shall include both of the following:

      (1) Effluent limitation(s) for the pollutant(s) of concern; and

      (2) Actions and milestones leading to compliance with the effluent limitation(s).

I. **Colorado Lagoon OC Pesticides, PAHs, PCBs, Metals and Sediment Toxicity TMDL**

1. The City of Long Beach shall comply with the following interim water quality-based effluent limitations as of the effective date of this Order, for sediments within Colorado Lagoon:

Table 19. Colorado Lagoon Interim Water Quality-based Effluent Limitations

Constituent	Interim Concentration-based Effluent Limitations Monthly Average (µg/dry kg)
Chlordane	129.65
Dieldrin	26.20
Lead	399,500
Zinc	565,000
PAHs	4,022
PCBs	89.90
DDT	149.80

2. The City of Long Beach shall comply with the following final water quality-based effluent limitations no later than July 28, 2018, for sediments within Colorado Lagoon:

Table 20. Colorado Lagoon Final Water Quality-based Effluent Limitations

Constituent	Final Concentration Based Effluent Limitations Monthly Average (µg/dry kg)
Chlordane	0.50
Dieldrin	0.02
Lead	46,700
Zinc	150,000
PAHs	4,022
PCBs	22.70
DDT	1.58

3. The mass-based water quality-based effluent limitations are shared by MS4 Permittees, which includes the City of Long Beach along with LACFCD and Caltrans. The City of Long Beach shall comply with the following grouped final water quality-based effluent limitations no later than July 28, 2018, expressed as an annual discharge of sediment to Colorado Lagoon:

4. Compliance with the concentration-based water quality-based effluent limitations shall be determined by pollutant concentrations in the sediment in Colorado Lagoon at points in the West Arm, North Arm and Central Arm that represent the cumulative inputs from the MS4 drainage to the lagoon.

Table 21. Colorado Lagoon Annual Mass-based Effluent Limitations

Constituent	Annual Mass-based Effluent Limitations (mg/yr)				
	Project 452	Line I	Termino Ave	Line K	Line M
Chlordane	5.10	3.65	12.15	1.94	0.73
Dieldrin	0.20	0.15	0.49	0.08	0.03
Lead	476,646.68	340,455.99	1,134,867.12	181,573.76	68,116.09
Zinc	1,530,985.05	1,093,541.72	3,645,183.47	583,213.37	218,788.29
PAHs	41,050.81	29,321.50	97,739.52	15,637.89	5,866.44
PCBs	231.69	165.49	551.64	88.26	33.11
DDT	16.13	11.52	38.40	6.14	2.30

J. Los Cerritos Channel Metals TMDL (USEPA established)

1. The City of Long Beach shall comply with the following dry weather[31] WLAs, expressed as total recoverable metals discharged to Los Cerritos Channel, per the provisions in Part VIII.G:

Table 22. Los Cerritos Channel Dry Weather Waste Load Allocations

Constituent	WLA Daily Maximum (g/day)
Copper	41.4

2. The City of Long Beach shall comply with the following wet weather[32] WLA, expressed as total recoverable metals discharged to Los Cerritos Channel, per the provisions in Part VIII.G:

Table 23. Los Cerritos Channel Wet Weather Waste Load Allocations

Constituent	WLA Daily Maximum (g/day)
Copper	2.904×10^{-6} x daily storm volume (L)
Lead	16.560×10^{-6} x daily storm volume (L)
Zinc	28.385×10^{-6} x daily storm volume (L)

[31] Dry weather is defined as any day when the maximum daily flow in Los Cerritos Channel is less than 23 cubic feet per second (cfs) measured at Stearns Street Monitoring Station.

[32] Wet weather is defined as any day when the maximum daily flow in Los Cerritos Channel is equal to or greater than 23 cfs measured at Stearns Street Monitoring Station.

K. Beach City Beaches and Los Angeles River Estuary TMDLs for Indicator Bacteria (USEPA established)

1. The City of Long Beach shall comply with the following final WLAs per the provisions in Part VIII.G:

Table 24.Long Beach City Beaches and Los Angeles River Estuary Final Waste Load Allocations

Constituent	WLA (MPN or cfu)	
	Daily Maximum	Geometric Mean
Total coliform*	10,000/100 mL	1,000/100 mL
Fecal coliform	400/100 mL	200/100 mL
Enterococcus	104/100 mL	35/100 mL

Total coliform density shall not exceed a daily maximum of 1,000/100 mL, if the ratio of fecal-to-total coliform exceeds 0.1.

2. **Receiving Water Limitations**
The City of Long Beach shall comply with the following geometric mean receiving water limitations for all compliance monitoring locations per the provisions in Part VIII.G:

Table 25. Long Beach City Beaches and Los Angeles River Estuary Geometric Mean Receiving Water Limitations

Constituent	Geometric Mean (MPN or cfu)
Total coliform	1,000/100 mL
Fecal coliform	200/100 mL
Enterococcus	35/100 mL

The City of Long Beach shall comply with the following final single sample bacteria WLAs per the provisions of Part VIII.G:

Table 26. Allowable Exceedance Days of the Single Sample Maximum for Daily and Weekly Sampling

Site Id	Monitoring Location	Summer Dry*		Winter Dry*		Wet	
		Daily	Weekly	Daily	Weekly	Daily	Weekly
LARE	LA River Estuary	0	0	9	2	17	3
B63	Long Beach City Beach 3rd Place	0	0	9	2	17	3
B5	Long Beach City Beach Projection	0	0	9	2	17	3

Site Id	Monitoring Location	Summer Dry*		Winter Dry*		Wet	
		Daily	Weekly	**Daily**	Weekly	**Daily**	Weekly
	of 5th Place						
B56	Long Beach City Beach projection of 10th Place	0	0	9	2	**17**	3
B6	Long Beach City Beach projection of 16th Place	0	0	9	2	**17**	3
B60	Long Beach City Beach Projection of Molino Ave	0	0	9	2	**17**	3
B7	Long Beach City Beach Projection of Coronado Ave	0	0	9	2	**17**	3
B62	Long Beach City Beach Projection of 36th Place	0	0	9	2	**17**	3
B8	LBCB – W/side of Belmont Pier	0	0	9	2	**17**	3
B3	LBCB – E/side of Belmont Pier	0	0	9	2	**17**	3
B9	Long Beach City Beach Projection of Prospect Ave	0	0	9	2	**17**	3
B64	Long Beach City Beach Projection of Granada Ave	0	0	7	1	**17**	3
B65	Long Beach City Beach Projection of 54th Place	0	0	6	1	**17**	3
B10	Long Beach City Beach Projection of 55th Place	0	0	5	1	**17**	3

Site Id	Monitoring Location	Summer Dry*		Winter Dry*		Wet	
		Daily	Weekly	Daily	Weekly	Daily	Weekly
B66	Long Beach City Beach Projection of 62nd Place	0	0	7	1	17	3
B11	Long Beach City Beach Projection of 72nd Place	0	0	9	2	17	3

L. Los Angeles River Metals TMDL

1. Final Water Quality-Based Effluent Limitations

a. The watershed is divided into five jurisdictional groups based on the subwatersheds of the tributaries that drain to each reach of the river. Each jurisdictional group shall achieve compliance in prescribed percentages of its subwatershed(s). Jurisdictional groups can be reorganized or subdivided upon approval by the Regional Water Board Executive Officer.

b. The City of Long Beach shall comply with the following grouped[33] dry weather[34] water quality-based effluent limitations no later than January 11, 2024, expressed as total recoverable metals.[35]

Table 27. Los Angeles River Grouped Dry Weather Water Quality-based Effluent Limitations

Waterbody	Effluent Limitations Daily Maximum (kg/day)		
	Copper	Lead	Zinc
LA River Reach 2	WER[1] x 0.13	WER[1] x 0.07	—
LA River Reach 1	WER[1] x 0.14	WER[1] x 0.07	—
Compton Creek	WER[1] x 0.04	WER[1] x 0.02	—

WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

c. In lieu of calculating loads, the City of Long Beach may demonstrate compliance with the following concentration-based water quality-based effluent limitations during dry weather no later than January 11, 2024, expressed as total recoverable metals:

[33] The dry weather water quality-based effluent limitations are grouped-based and shared by the MS4 Permittees that are located within the drainage area.

[34] Dry weather is defined as any day when the maximum daily flow in the Los Angeles River is less than 500 cfs measured at the Wardlow gage station.

[35] Dry weather effluent limitations are equal to storm drain flows (critical flows minus median POTW flows minus median open space flows) multiplied by reach specific numeric targets, minus the contribution from direct air deposition.

Table 28. Los Angeles River Concentration-based Water Quality-based Effluent Limitations

Waterbody	Effluent Limitations Daily Maximum (µg total recoverable metals/L)		
	Copper	Lead	Zinc [1]
LA River Reach 2	WER[1] x 22	WER[1] x 11	---
LA River Reach 1	WER[1] x 23	WER[1] x 12	---
Compton Creek	WER[1] x 19	WER[1] x 8.9	---

[1] WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

d. The City of Long Beach shall comply with the following grouped[36] wet weather[37] water quality-based effluent limitations no later than January 11, 2028, expressed as total recoverable metals discharged to all reaches of the Los Angeles River and its tributaries.

Table 29. Los Angeles River Metals TMDL Grouped Wet Weather Water Quality-based Effluent Limitations

Constituent	Effluent Limitation Daily Maximum (kg/day)
Cadmium	WER[1] x 2.8×10^{-9} x daily volume (L) – 1.8
Copper	WER[1] x 1.5×10^{-8} x daily volume (L) – 9.5
Lead	WER[1] x 5.6×10^{-8} x daily volume (L) – 3.85
Zinc	WER[1] x 1.4×10^{-7} x daily volume (L) – 83

[1] WER(s) have a default value of 1.0 unless site-specific WER(s) are approved via the Basin Plan Amendment process.

e. The City of Long Beach shall comply with interim and final water quality-based effluent limitations for metals discharged to the Los Angeles River and its tributaries, per the schedule below:

Table 30. Los Angeles River Metals TMDL Interim and Final Water Quality-based Effluent Limitations Schedule

Deadline	Total Drainage Area Served by the MS4 required to meet water quality-based effluent limitations (%)	
	Dry weather	Wet weather
January 11, 2012	50	25
January 11, 2020	75	--
January 11, 2024	100	50
January 11, 2028	100	100

[36] The wet weather water quality-based effluent limitations are grouped-based and shared among all MS4 Permittees located within the drainage area.

[37] Wet weather is defined as any day when the maximum daily flow in the Los Angeles River is equal to or greater than 500 cfs measured at the Wardlow gage station.

M. Los Angeles River Nitrogen TMDL

1. The City of Long Beach shall comply with the following water quality-based effluent limitations as of the effective date of this Order:

Table 31. Los Angeles River Nitrogen TMDL Water Quality-based Effluent Limitations

Water Body	NH_3-N (mg/L)		NO_3-N (mg/L)	NO_2-N (mg/L)	NO_3-N+NO_2-N (mg/L)
	One-hour Average	Thirty-day Average	Thirty-day Average	Thirty-day Average	Thirty-day Average
Los Angeles River below LA-Glendale WRP	8.7	2.4	8.0	1.0	8.0
Los Angeles Tributaries	10.1	2.3	8.0	1.0	8.0

N. Los Angeles River Bacteria TMDL

1. The City of Long Beach shall comply with the following final water quality-based effluent limitations for discharges to the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

Table 32. Los Angeles River Bacteria TMDL Final Water Quality-based Effluent Limitations

Constituent	Effluent Limitation (MPN or cfu per 100 mL)	
	Daily Maximum	Geometric Mean
E.coli	235	126

2. The City of Long Beach shall comply with the following grouped[38] interim dry weather single sample bacteria water quality-based effluent limitations for specific river segments and tributaries as listed in the table, below, according to the schedule in Table 36:

Table 33: Los Angeles River Bacteria TMDL Grouped Interim Dry Weather Single Sample Bacteria Water Quality-based Effluent Limitations

River Segment or Tributary	Daily Maximum E. coli Load (10^9 MPN/Day)
Los Angeles River Segment A (Willow to Rosecrans)	301
Compton Creek	7

a. Unexpectedly high-loading outfalls may be excluded from interim compliance calculations under the following circumstances: If an outfall which was 1) loading

[38]The interim dry weather water quality-based effluent limitations are group-based and shared among all MS4 Permittees located within the drainage area. However, the interim dry weather water quality-based effluent limitations may be distributed based on proportional drainage area, upon approval of the Regional Water Board Executive Officer.

E. coli at a rate less than the 25th percentile of outfalls during the monitoring events used to develop the "MS4 Load Reduction Strategy" (LRS), but, at the time of compliance monitoring, is 2) loading E. coli at a rate greater than the 90th percentile of outfalls, and 3) actions are taken prior to the end of the first phase (i.e. 10 years after the beginning of the segment or tributary specific phase) such that the outfall is returned to a loading less than the 50th percentile of the outfalls at compliance monitoring, then the 90th percentile data from the outfall can be excluded from the compliance loading calculations.

b. Likewise, if an outfall which was 1) the subject of a dry weather diversion is found, at the time of compliance monitoring, to be 2) contributing greater than the 90th percentile loading rate, and 3) actions are taken such that the outfall is returned to a loading less than the 50th percentile of the outfalls at compliance monitoring, and a maintenance schedule for the diversion is submitted with the compliance report, then the 90th percentile data from the outfall can be excluded from the compliance loading calculations.

3. Receiving Water Limitations

a. The City of Long Beach shall comply with the following grouped[39] final single sample bacteria receiving water limitations for discharges to the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

Table 34. Los Angeles River Bacteria TMDL Grouped Final Single Sample Bacteria

Time Period	Annual Allowable Exceedance Days of the Single-sample Objective	
	Daily Sampling	Weekly Sampling
Dry Weather	5	1
Non-HFS[40] Waterbodies Wet Weather	15	2
HFS Waterbodies Wet Weather	10 (not including HFS days)	2 (not including HFS days)

b. The City of Long Beach shall comply with the following geometric mean receiving water limitation for discharges to the segments of the Los Angeles River and its tributaries during dry weather according to the schedule in Table 36, and during wet weather no later than March 23, 2037:

Table 35. Los Angeles River Bacteria TMDL Geometric Mean Receiving Water Limitation

Constituent	Geometric Mean (MPN or cfu)	Allowable Exceedances
E. coli	126/100 mL	0

[39]The final receiving water limitations are group-based and shared among all MS4 Permittees, which includes applicable Permittees covered under the LA County MS4 Permit as well as the City of Long Beach and Caltrans.
[40]HFS stands for high flow suspension as defined in Chapter 2 of the Basin Plan.

Table 36. Los Angeles River Bacteria Implementation Schedule for Dry Weather

Implementation Action	Responsible Parties	Deadline
SEGMENT A (lower Reach 2 and Reach 1 – Rosecrans Avenue to Willow Street)		
First phase – Segment A		
Submit a Load Reduction Strategy (LRS) for Segment A (or submit an alternative compliance plan)	MS4 Permittees discharging to Segment A	September 23, 2016
Complete implementation of LRS	MS4 Permittees discharging to Segment A, if using LRS	March 23, 2021
Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Water Board	MS4 Permittees discharging to Segment A, if using LRS	March 23, 2024
Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A, if using alternative compliance plan	March 23, 2024
Second phase, if necessary – Segment A for LRS approach only		
Submit a new LRS	MS4 Permittees discharging to Segment A	March 23, 2025
Complete implementation of LRS	MS4 Permittees discharging to Segment A, if using LRS	September 23, 2029
Achieve final water quality-based effluent limitations in Segment A or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A, if using LRS	September 23, 2031
SEGMENT A TRIBUTARY (Compton Creek)		
First phase – Segment A Tributary		
Submit a Load Reduction Strategy (LRS) for Segment A tributary (or submit an alternative compliance plan)	MS4 Permittees discharging to Segment A tributary	March 23, 2018
Complete implementation of LRS	MS4 Permittees discharging to Segment A tributary if using LRS	September 23, 2022
Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary if using LRS	September 23, 2025
Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary, if using alternative compliance plan	September 23, 2025
Second phase, if necessary – Segment A Tributary for LRS approach only		
Submit a new LRS	MS4 Permittees discharging to Segment A tributary	September 23, 2026
Complete implementation of LRS	MS4 Permittees discharging to Segment A tributary, if using LRS	March 23, 2030
Achieve final water quality-based effluent limitations in Segment A tributary or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Board	MS4 Permittees discharging to Segment A tributary, if using LRS	March 23, 2032

4. **Compliance**

   a. The City of Long Beach may demonstrate compliance with the final dry weather limitations by demonstrating that final receiving water limitations are met in the receiving waters or by demonstrating one of the following conditions at outfalls to the receiving waters:

      i. Flow-weighted concentration of *E. coli* in MS4 discharges during dry weather is less than or equal to 235 MPN/100mL, based on a weighted-average using flow rates from all measured outfalls; or

      ii. Zero discharge during dry weather.

   b. In addition, the City of Long Beach may differentiate their dry weather discharges from other dischargers or upstream contributions by demonstrating one of the following conditions at outfalls to the receiving waters or at segment, tributary or jurisdictional boundaries:

      i. The flow-weighted concentration of E. coli in the City's individual discharge or in a group of Permittees' collective discharge during dry weather is less than or equal to 235 MPN/100mL, based on a weighted-average using flow rates from all measured outfalls; or

      ii. Zero discharge from the City's individual outfall(s) or from a group of Permittees' outfall(s) during dry weather; or

      iii. Demonstration that the MS4 loading of E. coli to the segment or tributary during dry weather is less than or equal to the calculated loading rate that would not cause or contribute to exceedances based on the loading capacity representative of conditions in the River at the time of compliance.

   c. The interim dry weather water quality-based effluent limitations are group-based, shared among all MS4 Permittees that drain to a segment or tributary. However, the interim dry weather water quality-based effluent limitations may be distributed based on proportional drainage area, upon approval of the Regional Water Board Executive Officer.

O. Los Angeles River Trash TMDL

1. The City of Long Beach shall comply with the final water quality-based effluent limitation of zero trash discharged to the Los Angeles River no later than September 30, 2016 and every year thereafter.

2. The City of Long Beach shall comply with interim and final water quality-based effluent limitations for trash discharged to the Los Angeles River, per the schedule below:

Table 37. Los Angeles River Watershed Trash Effluent Limitations[40] per Storm Year[41] (gallons of uncompressed Trash)

	Baseline	2013 (20%)	2014 (10%)	2015 (3.3%)	2016[41] (0%)
Long Beach	87135	17427	8713.5	2875.46	0

[41] Permittees shall achieve their final effluent limitation of zero trash discharge for the 2015-2016 storm year and every year thereafter.

Table 38. Los Angeles River Watershed Trash Effluent Limitations[3] per Storm Year[4] (pounds of drip-dry trash)

	Baseline	2013 (20%)	2014 (10%)	2015 (3.3%)	2016[42] (0%)
Long Beach	149759	29951.8	14975.9	4942.05	0

a. Effluent Limitations

The City of Long Beach shall comply with the interim and final WQBELs for trash as follows:

b. Compliance

Pursuant to CWC Section 13360(a), the City of Long Beach may comply with the trash effluent limitations using any lawful means. Such compliance options are broadly classified as *full capture*, *partial capture, institutional controls,* or *minimum frequency of assessment and collection,* as described below, and any combination of these may be employed to achieve compliance:

(1) Full Capture Systems:

(a) The Basin Plan authorizes the Los Angeles Regional Board Executive Officer to certify *full capture systems*, which are systems that meet the operating and performance requirements as described in this Order, and the procedures identified in "Procedures and Requirements for Certification of a Best Management Practice for Trash Control as a Full Capture System."[43]

(b) The City of Long Beach is authorized to comply with the effluent limitations through certified *full capture systems* provided the requirements of paragraph (c), immediately below, and any conditions in the certification, continue to be met.

(c) The City of Long Beach may comply with the effluent limitations through progressive installation of *full capture systems* throughout their jurisdictional areas until all areas draining to the Los Angeles River system are addressed. For purposes of this Order, attainment of the effluent limitations shall be conclusively presumed for any drainage area to the Los Angeles River (and its tributaries), where certified *full capture systems* treat all drainage from the area, provided that the *full capture systems* are adequately sized and maintained, and that maintenance records are up-to-date and available for inspection by the Los Angeles Regional Board.

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[42] Permittees shall achieve their final effluent limitation of zero trash discharge for the 2015-2016 storm year and every year thereafter.

[43] The Regional Water Board currently recognizes eight *full capture systems*. These are: Vortex Separation Systems (VSS) and seven other Executive Officer certified *full capture systems*, including specific types or designs of trash nets; two gross solids removal devices (GSRDs); catch basin brush inserts and mesh screens; vertical and horizontal trash capture screen inserts; and a connector pipe screen device. See August 3, 2004 Los Angeles Regional Water Quality Control Board Memorandum titled "Procedures and Requirements for Certification of a Best Management Practice for Trash Control as a Full Capture System.

(d) The City of Long Beach shall be deemed in compliance with its final effluent limitation if the City of Long Beach demonstrates that all drainage areas under its jurisdiction and/or authority are serviced by appropriate certified *full capture systems* as described in paragraph (1)(c).

(e) The City of Long Beach shall be deemed in compliance with its interim effluent limitations, where applicable:

(i) By demonstrating that *full capture systems* treat the percentage of drainage areas in the watershed that corresponds to the required trash abatement.

(ii) Alternatively, the City of Long Beach may propose a schedule for installation of *full capture systems* in areas under its jurisdiction and/or authority within a given watershed, targeting first the areas of greatest trash generation, for the Los Angeles Regional Board Executive Officer's approval. The Los Angeles Regional Board Executive Officer shall not approve any such schedule that does not result in timely compliance with the final effluent limitations, consistent with the established TMDL implementation schedule and applicable State policies. The City of Long Beach shall be deemed in compliance with its interim effluent limitations provided it is fully in compliance with any such approved schedule.

(2) Partial Capture Devices and Institutional Controls: The City of Long Beach may comply with the interim and final effluent limitations through the installation of *partial capture devices* and the application of *institutional controls*.[44]

(a) Trash discharges from areas serviced solely by *partial capture devices* may be estimated based on demonstrated performance of the device(s) in the implementing area.[45] That is, trash reduction is equivalent to the *partial capture devices'* trash removal efficiency multiplied by the percentage of drainage area serviced by the devices.

(b) Except as provided in subdivision (c), immediately below, trash discharges from areas addressed by *institutional controls* and/or *partial capture devices* (where site-specific performance data is not available) shall be calculated using a mass balance approach, based on the daily generation rate (DGR) for a representative area.[46] The DGR shall be determined from direct measurement of trash deposited in the drainage area during any thirty-day period between June 22nd and September 22nd exclusive of rain events[47], and shall be re-calculated every year thereafter unless a less frequent period for recalculation is approved by the Regional Water Board Executive Officer. The DGR

[44] While interim effluent limitations may be complied with using *partial capture devices*, compliance with final effluent limitations cannot be achieved with the exclusive use of *partial capture devices*.
[45] Performance shall be demonstrated under different conditions (e.g. low to high trash loading).
[46] The area(s) should be representative of the land uses and activities within the Permittee's authority and shall be approved by the Executive Officer prior to the 30-day collection period.
[47] Provided no special events are scheduled that may affect the representative nature of that collection period.

shall be calculated as the total amount of trash collected during this period divided by the length of the collection period.

DGR = (Amount of trash collected during a 30-day collection period[48] */ (30 days)*

The DGR for the applicable area under the City of Long Beach's jurisdiction and/or authority shall be extrapolated from that of the representative drainage area(s). A mass balance equation shall be used to estimate the amount of trash discharged during a storm event.[49] The *Storm Event Trash Discharge* for a given rain event in the City of Long Beach's drainage area shall be calculated by multiplying the number of days since the last street sweeping by the DGR and subtracting the amount of any trash recovered in the catch basins.[50] For each day of a storm event that generates precipitation greater than 0.25 inch, the City of Long Beach shall calculate a *Storm Event Trash Discharge*.

Storm Event Trash Discharge = [(Days since last street sweeping*DGR)] – [Amount of trash recovered from catch basins][51]

The sum of the *Storm Event Trash Discharges* for the storm year shall be the City of Long Beach's calculated annual trash discharge.

Total Storm Year Trash Discharge = ∑Storm Event Trash Discharges from Drainage Area

(c) The Executive Officer may approve alternative compliance monitoring approaches for calculating total storm year trash discharge, upon finding that the program will provide a scientifically-based estimate of the amount of trash discharged from the City of Long Beach's MS4.

(3) Combined Compliance Approaches:

The City of Long Beach may comply with their interim and final effluent limitations through a combination of *full capture systems*, *partial capture devices*, and *institutional controls*. Where the City of Long Beach relies on a combination of approaches, it shall demonstrate compliance with the interim and final effluent limitations as specified in Part O.2.b(1) in areas where *full capture systems* are installed and as specified in Part O.2.b(2) as appropriate, in areas where *partial capture devices* and *institutional controls* are applied.

(4) Minimum Frequency of Assessment and Collection Approach:

If allowed in a trash TMDL and approved by the Executive Officer, the City of Long Beach may alternatively comply with its final effluent limitations by implementing a program for *minimum frequency of assessment and*

[48] Between June 22nd and September 22nd

[49] Amount of trash shall refer to the uncompressed volume (in gallons) or drip-dry weight (in pounds) of trash collected.

[50] Any negative values shall be considered to represent a zero discharge.

[51] When more than one storm event occurs prior to the next street sweeping the discharge shall be calculated from the date of the last assessment.

collection (MFAC) in conjunction with BMPs. To the satisfaction of the Executive Officer, the MFAC/BMP program must meet the following criteria:

(a) The MFAC/BMP Program includes an initial minimum frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs. The MFAC/BMP program shall include collection and disposal of all trash found in the receiving water and shoreline. Discharger shall implement an initial suite of BMPs based on current trash management practices in land areas that are found to be sources of trash to the water body. The initial minimum frequency of trash assessment and collection shall be set as specified in the Machado Lake Trash TMDL

(b) The MFAC/BMP Program includes reasonable assurances that it will be implemented by the responsible Discharger.

(c) MFAC protocols may be based on SWAMP protocols for rapid trash assessment, or alternative protocols proposed by Discharger and approved by the Regional Water Board Executive Officer.

(d) Implementation of the MFAC/BMP program should include a Health and Safety Program to protect personnel. The MFAC/BMP program shall not require Discharger to access and collect trash from areas where personnel are prohibited.

(e) The Los Angeles Regional Board Executive Officer may approve or require a revised assessment and collection frequency and definition of the critical conditions under the MFAC:

  (i) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections;

  (ii) To reflect the results of trash assessment and collection;

  (iii) If the amount of trash collected does not show a decreasing trend, where necessary, such that a shorter interval between collections is warranted; or

  (iv) If the amount of trash collected is decreasing such that a longer interval between collections is warranted.

(f) At the end of the implementation period, a revised MFAC/BMP program may be required if the Los Angeles Regional Board Executive Officer determines that the amount of trash accumulating between collections is causing nuisance or otherwise adversely affecting beneficial uses.

(g) With regard to (4)(e)(i), (4)(e)(ii), or (4)(e)(iii), above, the Los Angeles Regional Board Executive Officer is authorized to allow the City of Long Beach to implement additional structural or non-structural BMPs in lieu of modifying the monitoring frequency.

(h) If the City of Long Beach is not in compliance with its applicable interim and/or final trash effluent limitation then it shall be in violation of this Order.

(i) If the City of Long Beach relying on *partial capture devices* and/or *institutional controls* has violated its interim and/or final effluent

limitation(s), the City of Long Beach shall be presumed to have violated the applicable limitation for each day of each storm event that generated precipitation greater than 0.25 inch during the applicable storm year, except those storm days on which it establishes that its cumulative Storm Event Trash Discharges has not exceeded the applicable effluent limitation.

(j) If the City of Long Beach relying on *full capture systems* has failed to demonstrate that the *full capture systems* for any drainage area are adequately sized and maintained, and that maintenance records are up-to-date and available for inspection by the Regional Water Board, and that it is in compliance with any conditions of its certification, shall be presumed to have discharged trash in an amount that corresponds to the percentage of the baseline waste load allocation represented by the drainage area in question.

(k) The City of Long Beach may overcome this presumption by demonstrating (using any of the methods authorized in Part VIII.O.2.b(2) that the actual or calculated discharge for that drainage area is in compliance with the applicable interim or final effluent limitation.

(l) The City of Long Beach shall be held liable for violations of the effluent limitations assigned to their area. If the City of Long Beach's compliance strategy includes *full* or *partial capture devices* and it chooses to install a full or partial capture device in the MS4 physical infrastructure of another public entity, it is responsible for obtaining all necessary permits to do so. If the City of Long Beach believes it is unable to obtain the permits needed to install a full capture or partial capture device within another Discharger's MS4 physical infrastructure, either Discharger may request the Executive Officer to hold a conference between the City and the other discharger. Nothing in this Order shall affect the right of that public entity or a Discharger to seek indemnity or other recourse from the other as they deem appropriate. Nothing in this subsection shall be construed as relieving a Discharger of any liability that the City of Long Beach would otherwise have under this Order.

c. Monitoring and Reporting Requirements (pursuant to California Water Code Section 13383)

i. The City of Long Beach shall submit a TMDL Compliance Report as part of its Annual Report detailing compliance with the applicable interim and/or final effluent limitations. Reporting shall include the information specified below. The report shall be submitted on the reporting form specified by the Los Angeles Regional Water Board Executive Officer. The report shall be signed under penalty of perjury by the City of Long Beach's principal executive officer or ranking elected official or duly authorized representative of the officer, consistent with Part V.B of Attachment D (Standard Provisions), who is responsible for ensuring compliance with this Order. The City of Long Beach shall be charged with and shall demonstrate compliance with its applicable effluent limitations beginning with its December 15, 2014, TMDL Compliance Report.

(1) Reporting Compliance based on Full Capture Systems: Discharger shall provide information on the number and location of full capture installations, the sizing of each full capture installation, the drainage areas addressed by these installations, and compliance with the applicable interim or final effluent limitation, in its TMDL Compliance Report. The Los Angeles Water Board will periodically audit sizing, performance, and other data to validate that a system satisfies the criteria established for a *full capture system* and any conditions established by the Regional Water Board Executive Officer in the certification.

(2) Reporting Compliance based on Partial Capture Systems and/or Institutional Controls:

(a) Using Performance Data Specific to the City of Long Beach's Area: In its TMDL Compliance Report, a Discharger shall provide: (i) site-specific performance data for the applicable device(s); (ii) information on the number and location of such installations, and the drainage areas addressed by these installations; and (iii) calculated compliance with the applicable effluent limitations.

(b) Using Direct Measurement of Trash Discharge: Discharger shall provide an accounting of DGR and trash removal via street sweeping, catch basin clean outs, etc., in a database to facilitate the calculation of discharge for each rain event. The database shall be maintained and provided to the Regional Water Board for inspection upon request. In its TMDL Compliance Report, a Discharger shall provide information on its annual DGR, calculated storm year discharge, and compliance with the applicable effluent limitation.

(3) Reporting Compliance based on Combined Compliance Approaches:

Discharger shall provide the information specified in Part VIII.5.c.i(1) for areas where *full capture systems* are installed and that are specified in Part VIII.5.c.i(2)(a) or (b), as appropriate, for areas where *partial capture devices* and *institutional controls* are applied. In its TMDL Compliance Report, a Discharger shall also provide information on compliance with the applicable effluent limitation based on the combined compliance approaches.

(4) Reporting Compliance based on an MFAC/BMP Approach:

The MFAC/BMP Program includes a Trash Monitoring and Reporting Plan, and a requirement that the responsible Discharger will self-report any non-compliance with its provisions. The results and report of the Trash Monitoring and Reporting Plan must be submitted to Regional Water Board with the City of Long Beach's Annual Report.

ii. Violation of the reporting requirements of this Part shall be punishable pursuant to, inter alia, CWC Section 13385, Subdivisions (a)(3) and (h)(1), and/or Section 13385.1.

P. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL

1. The City of Long Beach shall comply with the interim water quality-based effluent limitations listed below, as of the effective date of this Order:

   a. The City of Long Beach shall comply with the following interim water quality-based effluent limitations for discharges to Dominguez Channel freshwater during wet weather:

   i. The freshwater toxicity interim water quality-based effluent limitation is 2 TUc. The freshwater interim effluent limitation shall be implemented as a trigger requiring initiation and implementation of the TRE/TIE process as outlined in US EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000).

   ii. The City of Long Beach shall comply with the following interim metals water quality-based effluent limitations for discharges to the Dominguez Channel freshwater during wet weather:

Table 39. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Interim Metals Water Quality-based Effluent Limitations

Metals	Interim Effluent Limitation Daily Maximum (µg/L)
Total Copper	207.51
Total Lead	122.88
Total Zinc	898.87

   b. The City of Long Beach shall comply with the following interim concentration-based water quality-based effluent limitations for pollutant concentrations in the sediment discharged to the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters:

Table 40. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Interim Concentration-based Water Quality-based Effluent Limitations

Water Body	Interim Effluent Limitations Daily Maximum (mg/kg sediment)					
	Copper	Lead	Zinc	DDT	PAHs	PCBs
Dominguez Channel Estuary (below Vermont Avenue)	220.0	510.0	789.0	1.727	31.60	1.490
Long Beach Inner Harbor	142.3	50.4	240.6	0.070	4.58	0.060
Long Beach Outer Harbor (inside breakwater)	67.3	46.7	150	0.075	4.022	0.248
Los Angeles River Estuary	53.0	46.7	183.5	0.254	4.36	0.683
San Pedro Bay Near/Off Shore Zones	76.9	66.6	263.1	0.057	4.022	0.193

2. The City of Long Beach shall comply with the final water quality-based effluent limitations as listed below no later than March 23, 2032, and every year thereafter:

   a. Dominguez Channel Freshwater – Wet Weather

   i. Freshwater Toxicity Effluent Limitation shall not exceed the monthly median of 1 TUc.

   ii. The City of Long Beach shall comply with the following final metals water quality-based effluent limitations for discharges to Dominguez Channel and all upstream reaches and tributaries of Dominguez Channel above Vermont Avenue:

Table 41. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Metals Water Quality-based Effluent Limitations

Metals	Water Column Mass-Based Final Effluent Limitation Daily Maximum[52] (g/day)
Total Copper	1,300.3
Total Lead	5,733.7
Total Zinc	9,355.5

   b. Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters

   i. The City of Long Beach shall comply with the following final mass-based water quality-based effluent limitations, expressed as an annual loading of pollutants in the sediment deposited to Dominguez Channel Estuary, Los

[52] Effluent limitations are based on a hardness of 50 mg/L, and 90th percentile of annual flow rates (62.7 cfs) in Dominguez Channel. Recalculated mass-based effluent limitations using ambient hardness and flow rate at the time of sampling are consistent with the assumptions and requirements of the TMDL. In addition to the effluent limitations above, samples collected during flow conditions less than the 90th percentile of annual flow rates must demonstrate that the acute and chronic hardness dependent water quality criteria provided in the California Toxics Rule (CTR) are achieved.

Angeles River Estuary, and the Greater Los Angeles and Long Beach Harbor Waters:

Table 42. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Mass-based Water Quality-based Effluent Limitations

Water Body	Final Effluent Limitations Annual (kg/yr)			
	Total Cu	Total Pb	Total Zn	Total PAHs
Dominguez Channel Estuary	0.6	1.52	7.6	0.0038
Inner Harbor	0.463	9.31	31.71	0.024
Outer Harbor	0.63	18.1	56.4	0.073
San Pedro Bay	137.9	372.2	1449.7	12.0
LA River Estuary	375.8	698.9	2572.7	24.56

ii. The City of Long Beach shall comply with the following final concentration-based water quality-based effluent limitations for pollutant concentrations in the sediments discharged to the Dominguez Channel Estuary:

Table 43. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Concentration-based Water Quality-based Effluent Limitations

Water Body	Effluent Limitations Daily Maximum (mg/kg dry sediment)		
	Cadmium	Chromium	Mercury
Dominguez Channel Estuary	1.2	--	--

c. The City of Long Beach shall comply with the following final mass-based water quality-based effluent limitations, expressed as an annual loading of total DDT and total PCBs in the sediment deposited to Dominguez Channel Estuary, Los Angeles River Estuary, and the Greater Los Angeles and Long Beach Harbor Waters:

Table 44. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL Final Mass-based Water Quality-based Effluent Limitations

Water Body	Final Effluent Limitations Annual (g/yr)	
	Total DDTs	Total PCBs
Dominguez Channel Estuary	0.007	0.006
Inner Harbor	0.014	0.016
Outer Harbor	0.004	0.014
San Pedro Bay	0.333	3.01
LA River Estuary	1.067	3.441

3. Compliance Determination

a. The City of Long Beach shall be deemed in compliance with the interim concentration-based water quality-based effluent limitations for pollutant concentrations in the sediment as listed above by meeting any one of the following methods:

i. Demonstrate that the sediment quality condition of *Unimpacted* or *Likely Unimpacted* via the interpretation and integration of multiple lines of evidence as defined in the Sediment Quality Objectives (SQO) Part 1, is met; or

ii. Meet the interim water quality-based effluent limitations in bed sediment over a three-year averaging period; or

iii. Meet the interim water quality-based effluent limitations in the discharge over a three-year averaging period.

b. The City of Long Beach shall be deemed in compliance with the final fresh water metals water quality-based effluent limitations for discharges to Dominguez Channel as listed above by meeting any one of the following methods:

i. Final metals water quality-based effluent limitations are met; or

ii. CTR total metals criteria are met instream; or

iii. CTR total metals criteria are met in the discharge.

c. The City of Long Beach shall be deemed in compliance with the final water quality-based effluent limitations for pollutants in the sediment as listed above by meeting any one of the following methods:

i. Final water quality-based effluent limitations for pollutants in the sediment are met; or

ii. The qualitative sediment condition of *Unimpacted* or *Likely Unimpacted* via the interpretation and integration of multiple lines of evidence as defined in the SQO Part 1, is met, with the exception of chromium, which is not included in the SQO Part 1; or

iii. Sediment numeric targets are met in bed sediments over a three-year averaging period.

d. The City of Long Beach shall be deemed in compliance with the final water quality-based effluent limitations for total DDT and total PCBs in the sediment as listed above in Part VIII.P.2.c by meeting any one of the following methods:

i. Fish tissue targets are met in species resident to the specified water bodies[53]; or

ii. Final water quality-based effluent limitations for pollutants in the sediment are met; or

iii. Sediment numeric targets to protect fish tissue are met in bed sediments over a three-year averaging period; or

[53] A site-specific study to determine resident species shall be submitted to the Regional Water Board Executive Officer for approval.

iv. Demonstrate that the sediment quality condition protective of fish tissue is achieved per the State Water Board's Statewide Enclosed Bays and Estuaries Plan.

Q. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL (USEPA established)

1. The City of Long Beach shall comply with the following grouped[54] wet weather[55] WLAs, expressed as total recoverable metals discharged to all upstream reaches and tributaries of the San Gabriel River Reach 2 and Coyote Creek per the provisions in Part VIII.G:

Table 45. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL Grouped Wet Weather Waste Load Allocations

Water Body	WLA Daily Maximum (kg/day)		
	Copper	Lead	Zinc
San Gabriel Reach 2	---	81.34 µg/L x daily storm volume (L)	---
Coyote Creek	24.71 µg/L x daily storm volume (L)	96.99 µg/L x daily storm volume (L)	144.57 µg/L x daily storm volume (L)

2. The City of Long Beach shall comply with the following grouped[1] dry weather WLAs, expressed as total recoverable metals discharged to San Gabriel River Reach 1, Coyote Creek, and San Gabriel River Estuary per the provisions in Part VIII. G:

Table 46. San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL Grouped Dry Weather Waste Load Allocations

Water Body	WLA Daily Maximum	
	Copper	Selenium
San Gabriel Reach 1	18 µg/L	---
Coyote Creek	0.941 kg/day*	---
San Gabriel River Estuary	3.7 µg/L	---

*Calculated based upon the median flow at LACDPW Station F354-R of 19 cfs multiplied by the numeric target of 20 µg/L, minus direct air deposition of 0.002 kg/d.

3. The City of Long Beach may convert the grouped mass-based WLAs into individual WLAs based on the percentage of the watershed and land uses within the City of Long Beach's jurisdiction, upon approval of the Regional Water Board Executive Officer.

[54] The wet weather and dry weather water WLAs are group-based and shared among all MS4 Permittees, which includes LA County MS4 Permittees, the City of Long Beach, and Orange County MS4 Permittees located within the drainage area and Caltrans.

[55] In San Gabriel River Reach 2, wet weather TMDLs apply when the maximum daily flow of the river is equal to or greater than 260 cfs as measured at USGS station 11085000, located at the bottom of Reach 3 just above the Whittier Narrows Dam. In Coyote Creek, wet weather TMDLs apply when the maximum daily flow in the creek is equal to or greater than 156 cfs as measured at LACDPW flow gauge station F354-R, located at the bottom of the creek, just above the Long Beach WRP.