Amendment to the Water Quality Control Plan – Los Angeles Region

to Incorporate the

Implementation Plan for the Total Maximum Daily Loads for Metals and Selenium in the San Gabriel River and Impaired Tributaries

Adopted by the California Regional Water Quality Control Board, Los Angeles Region on **[Insert date].**

Amendments:

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Chapter 7. Total Maximum Daily Loads (TMDLs)
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Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Add:
7-20 Implementation Plan for the Total Maximum Daily Loads for Metals and Selenium in the San Gabriel River and Impaired Tributaries

This Implementation Plan was adopted by:

The California Regional Water Quality Control Board, Los Angeles Region on **[Insert date].**

This Implementation Plan was approved by:

The State Water Resources Control Board on **[Insert date].**
The Office of Administrative Law on **[Insert date].**
~~The U.S. Environmental Protection Agency (U.S. EPA) on **[Insert date].**~~

This Implementation Plan is effective on **[Insert Date].**

In Chapter 7, add the following summary of the U.S. EPA-established TMDL and tables. The TMDL Implementation plan is presented in Table 7-20.1 and the Implementation Schedule in Table 7-20.2.

Summary of U.S. EPA Established San Gabriel River and Impaired Tributaries Metals and Selenium TMDL

San Gabriel River was included on the 1998, 2002, 2006, and 2010 California Clean Water Act (CWA) section 303(d) lists as an impaired waterbody for copper, zinc, lead, and selenium. The sources of metals loading in the watershed include point sources (such as inputs from municipal, industrial and construction storm water permittees, publicly owned treatment works (POTWs), and power plants) and nonpoint sources (such as air deposition and irrigated agriculture) within the San Gabriel River Watershed. The U.S. EPA established the San Gabriel River and Impaired Tributaries Total Maximum Daily Load for Metals and Selenium on March 26, 2007. The U.S. EPA-established TMDL includes the problem statement, numeric targets for copper, zinc, lead, and selenium based on water quality criteria for the protection of aquatic life as set forth in section 131.38 of title 40 of the Code of Federal Regulations (40 CFR), source analysis, loading capacity, load allocations (LAs~~),~~) and waste load allocations (WLAs) based on the numeric targets, and margin of safety, but does not include an implementation plan or schedule. The following tables address implementation of the San Gabriel River Metals TMDL.

Table 7-20.1 San Gabriel River and Impaired Tributaries Metals and Selenium TMDL: Implementation

Element	Key Findings and Regulatory Provisions
Implementation	The regulatory mechanisms used to implement the TMDL wasteload allocations assigned to point sources, and associated requirements, shall include but not be limited to: • NPDES Permit(s) for Municipal Separate Storm Sewer System (MS4) discharges within the San Gabriel River Watershed, • the NPDES Statewide Storm Water Permit for the State of California Department of Transportation, • general NPDES permit(s) for storm water discharges associated with construction and land disturbance activities, • general NPDES permit(s) for storm water discharges associated with industrial activities, • major NPDES permit(s) (including publicly owned treatment works), • other general NPDES permits, and • minor NPDES permits.

	Effluent limitations consistent with the assumptions and requirements of the WLAs shall be incorporated into each permit, at the time of permit issuance, modification, or renewal. The regulatory mechanisms used to implement the load allocations assigned to nonpoint sources shall include but not be limited to the authority contained in sections 13263 and 13269 of the California Water Code, in conformance with the State Water Resources Control Board's (State Water Board) Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. **POTWs, power plants, and other non-storm water program NPDES permits** Effluent limitations shall be consistent with the concentration-based WLAs established for non-storm water point sources in this TMDL. Permit writers may translate applicable WLAs into ~~daily maximum and monthly average~~final effluent limitations for the major, minor, and general NPDES permits by applying the effluent limitation derivation procedures in Section 1.4 of the State Water ~~Resources Control~~ Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California or other appropriate methodologies subject to Executive Officer approval. Wet-weather WLAs will not be used to determine monthly permit limits, but will only be used in determination of a daily limit. For permits subject to both dry- and wet-weather WLAs, permit writers would write a monthly limit based on the dry-weather WLA and two separate daily maximum limits based on dry- and wet-weather WLAs. Compliance Schedules[1] for Copper WLAs During Dry Weather Applicable to Haynes and AES Alamitos Generating Stations The implementation schedules in Table 7-20.2 for the Haynes and AES Alamitos Generating Stations apply to the WLAs for copper in dry weather, which are based on the chronic saltwater criterion for protection of aquatic life as set forth in 40 CFR section 131.38. Where the Water Boards have authorization for issuing compliance schedules to the power plants pursuant to CWA section 303(c)(2), the Water Boards may provide compliance schedules in NPDES permits for the power plants up to the dates in Table 7-20.2 and in accordance with the State Water Board's Policy for Compliance Schedules in National Pollutant Discharge Elimination System

[1] "Compliance schedule" means a schedule of remedial measures, including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitations, prohibition, or standard.

Permits (Resolution No. 2008-0025) ("Compliance Schedule Policy") and 40 CFR section 122.47. Any compliance schedule is subject to the provisions in the section entitled "Compliance Schedule Requirements" below.

The implementation schedules for the Haynes and AES Alamitos Generating Stations provide the necessary time for these power plants to replace once through cooling, consistent with the implementation plans submitted pursuant to the State Water Board's Once Through Cooling Policy, which will lead to compliance with effluent limitations consistent with the assumptions and requirements of their assigned WLAs.

General Industrial and Construction Storm Water Permits

Implementation of Dry-weather WLAs

The dry-weather ~~waste load allocations~~WLAs equal to zero apply to unauthorized non-storm water discharges, which are prohibited by the statewide General Permit for Discharges of Storm Water Associated with Construction Activity and the statewide Industrial Storm Water General Permit. Non-storm water discharges from construction or industrial activities authorized by State Water Board Order No. 2009-0009-DWQ or Order No. 97-03-DWQ, respectively, or any successor order, are exempt from the dry-weather ~~waste load allocation~~WLA equal to zero. Instead, the reach-specific concentration-based ~~waste load allocation~~WLAs assigned to the "other NPDES permits" shall apply to these non-storm water discharges. Dry-weather WLAs shall be incorporated into permits as permit ~~effluent~~ limitations[2] or discharge prohibitions, consistent with the assumptions and requirements of the WLAs. Compliance with dry-weather WLAs shall be assessed ~~at a minimum by averaging the results of two grab samples~~once per discharge event or by a demonstration of no discharge. Dry-weather ~~effluent~~ permit limitations shall be expressed as instantaneous maximums.

Implementation of Wet-weather WLAs

Wet-weather mass-based ~~waste load allocations~~WLAs for the general industrial and general construction storm water permittees shall be incorporated into permits as permit ~~effluent~~ limitations and requirements consistent with the assumptions and requirements of the TMDL WLAs. Wet-weather permit~~effluent~~ limitations shall be

[2] Permit limitation means a water quality-based effluent limitation or a receiving water limitation. Pursuant to 40 CFR section 130.2(h), wasteload allocations constitute a type of water quality-based effluent limitation.

	expressed as event mean concentrations. Compliance with wet-weather WLAs shall be assessed at a minimum with one wet-weather sampling event. General industrial and construction storm water permittees may be deemed in compliance with permit limitations if they demonstrate that there are no exceedances of the permit limitations in the receiving water at, or downstream of, the permittee's outfalls. If permittees provide a quantitative demonstration that control measures and best management practices (BMPs) will achieve wet-weather WLAs consistent with the schedule in Table 7-20.2, then compliance may be demonstrated by implementation of those control measures and BMPs, subject to Executive Officer approval. Compliance Schedules for Wet Weather WLAs Applicable to Existing General Industrial and Construction Storm Water Dischargers The implementation schedule in Table 7-20.2 for the general industrial and construction stormwater permits applies to the WLAs for copper, lead, and zinc in wet weather, which are based on criteria in 40 CFR section 131.38. Where the Water Boards have authorization for issuing compliance schedules to existing general industrial and construction stormwater dischargers pursuant to CWA section 303(c)(2), the Water Boards may provide compliance schedules in the general industrial and construction stormwater permits up to the dates in Table 7-20.2 and in accordance with the State Water Board's Compliance Schedule Policy and 40 CFR section 122.47. Any compliance schedule is subject to the section entitled "Compliance Schedule Requirements" below. Compliance schedules are not authorized for new dischargers. The implementation schedule for the general construction and industrial permits provides the necessary time for existing dischargers[3] to implement BMPs, which will lead to compliance with WLAs as soon as possible and ensure that water quality standards are met by the end of the implementation period. **Compliance Schedule Requirements** An existing discharger who seeks a compliance schedule must demonstrate to the satisfaction of the Water Board that the discharger needs time to implement actions to comply with a more stringent permit limitation. In the case of individual permits, the

[3] Existing discharger is defined consistent with the State's Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits.

	discharger shall make a request for a compliance schedule up to the dates in Table 7-20.2 and provide the documentation required by Paragraph 4 (Application Requirements) of the Compliance Schedule Policy as part of its report of waste discharge. In the case of general permits, the discharger shall make a request for a compliance schedule up to the dates in Table 7-20.2 and provide the documentation required by Paragraph 4 (Application Requirements) of the Compliance Schedule Policy as part of its Permit Registration Documents or during the public comment period for renewal or reconsideration of the general permit. If the Water Board determines that an existing discharger has met the application requirements for a compliance schedule, then the Water Board may include an appropriate compliance schedule in the permit. Any compliance schedule must require compliance as soon as possible, taking into account the amount of time reasonably required for the discharger to implement actions, such as designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary, to comply with a more stringent permit limitation. The compliance schedule in the permit cannot, under any circumstances, exceed the maximum length for compliance schedules contained in this implementation plan. If the Water Board establishes a compliance schedule in the permit, the Water Board shall include interim requirements and dates for their achievement. If the compliance schedule exceeds one year, the Water Board shall establish interim numeric limitations for the pollutant in the permit; and may also impose interim requirements to control the pollutant, such as pollutant minimization and source control measures. Numeric interim limitations for the pollutant must, at a minimum, be based on current treatment facility performance or on existing permit limitations, whichever is more stringent. There shall be no more than one year between interim dates. The interim requirements shall state that the discharger must notify the Water Board, in writing, no later than 14 days following each interim date, of its compliance or noncompliance with the interim requirements. The entire compliance schedule, including interim requirements and final permit limitations, shall be included as enforceable terms of the permit, whether or not the final compliance date is within the permit term.

The permit shall include appropriate findings that the compliance schedule is necessary and that the schedule requires compliance as soon as possible within the timeframe allowed by the TMDL implementation schedule and in accordance with the Compliance Schedule Policy and 40 CFR section 122.47. The permit fact sheet shall adequately describe the basis for these findings.

A Water Board is not prevented from requiring immediate compliance with permit limitations if a Water Board finds that immediate protection of beneficial uses of waters of the United States or California is in the best interest of the people of the state. However, in such an event, the Water Board shall make a finding stating the beneficial uses and specific interests of the people of the state that are being protected or promoted.

MS4 and Caltrans Storm Water Permits

Dry-weather and wet-weather waste load allocations apply to MS4 discharges and discharges by the State of California Department of Transportation (Caltrans). The WLAs for these discharges shall be incorporated into MS4 permits, including the statewide storm water permit for Caltrans, as water quality-based effluent limitations (WQBELs). These effluent limitations apply to Caltrans and all NPDES-regulated MS4 discharges in the San Gabriel River Watershed.

MS4 Permittees and Caltrans may be deemed in compliance with ~~water quality based effluent limitations~~WQBELs if they demonstrate that: (1) there are no violations of the ~~water quality-based effluent limitation~~WQBEL at the Permittee's applicable MS4 outfall(s); (2) there are no exceedances of the receiving water limitations in the receiving water at, or downstream of, the Permittee's outfalls; or (3) there is no direct or indirect discharge from the Permittee's MS4 to the receiving water during the time period subject to the ~~water quality based effluent limitation~~WQBEL.

If permittees provide a quantitative demonstration as part of a watershed management program plan that control measures and BMPs will achieve wet-weather ~~water quality based effluent limitations~~WQBELs consistent with the schedule in Table 7-20.2, then compliance with wet-weather ~~water quality-based effluent limitations~~WQBELs may be demonstrated by implementation of those control measures and BMPs, subject to Executive Officer approval.

	Compliance Schedules for MS4 and Caltrans Storm Water Permits For MS4 and Caltrans storm water permits that contain effluent limitations pursuant to CWA sections 402(p)(3)(B) and/or 303(d), any compliance schedule is subject to the requirements of 40 CFR section 122.47. **Water Quality Attainment Strategies** Permittees may attain the WLAs assigned in the TMDL using any lawful means. Examples of attainment strategies include, but are not limited to: pollution prevention, runoff reduction through low impact development or regional retention facilities, and tiered treatment control. **Other Implementation Actions** Other governmental agencies and organizations may implement and adopt regulations that reduce and eliminate the discharges of metals to the San Gabriel River Watershed.
Monitoring	Monitoring will be necessary to assess the efforts by dischargers to reduce metals loading to the San Gabriel River watershed and determine compliance with the WLAs and attainment of numeric targets. The TMDL monitoring program shall consist of two components: (1) receiving water monitoring, and (2) outfall monitoring. Monitoring requirements to assess implementation progress and determine compliance with the WLAs and numeric targets shall be included in subsequent permits or other orders.

Table 7-20.2 San Gabriel River Metals TMDL: Implementation Schedule

Date	Action
~~June~~ September 30, ~~2017~~2020	The Los Angeles ~~Regional~~ Water Board may reconsider this TMDL, including the WLAs, LAs, and implementation schedule, if warranted, based on the results of monitoring and special studies and/or other new information.
POWER PLANTS	
Up to December 31, 2013	The Haynes Generating Station shall achieve the dry weather copper WLA for discharges from Unit 5 and 6 on or before December 31, 2013
Up to December 31, 2029	The Haynes Generating Station shall achieve the dry weather copper WLA for discharges from Units 1, 2, and 8 on or before December 31, 2029
Up to December 31, 2020	The AES Alamitos Generating Station shall achieve the dry weather copper WLA for all discharge points on or before December 31, 2020
OTHER NON-STORM WATER PROGRAM NPDES PERMITS (INCLUDING POTWs, OTHER MAJOR, MINOR, AND GENERAL PERMITS)	
Upon permit issuance, renewal, or re-opener	The non-storm water point sources shall achieve WLAs, expressed as effluent limitations derived using procedures in Section 1.4 of the State Water ~~Resources Control~~ Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California or other appropriate methodologies approved by the Executive Officer.
GENERAL INDUSTRIAL AND CONSTRUCTION STORM WATER PERMITS	
Upon permit issuance, renewal, or re-opener	The general industrial and general construction storm water permittees shall achieve dry-weather WLAs.
Up to ~~June~~ September 30, 2017	The general industrial and general construction storm water permittees shall achieve wet-weather WLAs.
MS4 AND CALTRANS STORM WATER PERMITS	
~~June~~ September 30, 2015	MS4 and Caltrans storm water permittees shall submit a coordinated monitoring plan, to be approved by the Executive Officer, which includes both TMDL compliance monitoring and receiving water monitoring. Monitoring shall commence within six months of approval of the coordinated monitoring plan by the Executive Officer. A monitoring program submitted pursuant to Order No. R4-2012-0175 may be used by permittees subject to that Order to satisfy the TMDL monitoring requirements.
~~June~~ September 30, 2016	MS4 and Caltrans storm water permittees shall provide a written report to the ~~Regional~~ Los Angeles Water Board outlining how they will achieve compliance with the WLAs. The report shall include implementation methods, an implementation schedule, proposed milestones, and any revisions to the TMDL monitoring plan. An Enhanced

	Watershed Management Program or Watershed Management Program, including the Reasonable Assurance Analysis, submitted in fulfillment of requirements in Order No. R4-2012-0175 may be used by permittees subject to that Order to satisfy the TMDL implementation plan requirements.
~~June~~ September 30, 2017	MS4 and Caltrans storm water permittees shall demonstrate that 30% of the total drainage area served by the storm drain system is effectively meeting the dry-weather WLAs and 10% of the total drainage area served by the storm drain system is effectively meeting the wet-weather WLAs. Alternatively, permittees shall attain a 30% reduction in the difference between the current loadings and the dry-weather WLAs and a 10% reduction in the difference between the current loadings and the wet-weather WLAs at storm drain outfalls.
~~June~~ September 30, 2020	The MS4 and Caltrans storm water permittees shall demonstrate that 70% of the total drainage area served by the storm drain system is effectively meeting the dry-weather WLAs and 35% of the total drainage area served by the storm drain system is effectively meeting the wet-weather WLAs. Alternatively, permittees shall attain a 70% reduction in the difference between the current loadings and the dry-weather WLAs and a 35% reduction in the difference between the current loadings and the wet-weather WLAs at storm drain outfalls.
~~June~~ September 30, 2023	The MS4 and Caltrans storm water permittees shall demonstrate that 100% of the total drainage area served by the storm drain system is effectively meeting the dry-weather WLAs and 65% of the total drainage area served by the storm drain system is effectively meeting the wet-weather WLAs. Alternatively, permittees shall attain a 65% reduction in the difference between the current loadings and the wet-weather WLAs at storm drain outfalls.
~~June~~ September 30, 2026	The MS4 and Caltrans storm water permittees shall demonstrate that 100% of the total drainage area served by the storm drain system is effectively meeting both the dry-weather and wet-weather WLAs and attaining water quality standards for copper, lead, and zinc.