

State of California
California Regional Water Quality Control Board
Santa Ana Region

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ORDER NO. R8-2013-0043
NPDES NO. CA8000410

WASTE DISCHARGE REQUIREMENTS
FOR THE IMPLEMENTATION
OF BACTERIAL INDICATOR TOTAL MAXIMUM DAILY LOADS FOR THE MIDDLE SANTA
ANA RIVER WATERSHED WATERBODIES
ISSUED TO THE CITIES OF CLAREMONT AND POMONA

The following Dischargers are subject to waste discharge requirements as set forth in this Order:

Table 1. Dischargers/Facility Information

Dischargers	The Cities of Claremont and Pomona
Name of Facility	Municipal Separate Storm Sewer Systems (MS4) Discharging Wastes Containing Bacteria into the Middle Santa Ana River Watershed Waterbodies
Facility Location	MS4 systems located within the Cities of Claremont and Pomona that are tributary to waterbodies within the Santa Ana Region.
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge of storm water and authorized non-storm water by the Cities of Claremont and Pomona from the discharge points identified below in Table 2 are subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Points	Effluent Description	Discharge Point (Latitude)	Discharge Point (Longitude)	Receiving Water
VARIOUS	Storm water and authorized non-storm water Discharges	Various	Various	Middle Santa Ana River Watershed Waterbodies. The discharges are to San Antonio Creek and Chino Creek.

Table 3. Administrative Information

This Order was adopted by the Santa Ana Water Board on:	September 13, 2013
This Order shall become effective on:	October 1, 2013
This Order shall expire on:	October 1, 2018
The Dischargers shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	April 1, 2018

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code (CWC) (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Dischargers shall comply with the requirements in this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that Order No. R8-2013-0043, with all attachments, is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 13, 2013.

Kurt V. Berchtold, Executive Officer

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LIST OF ATTACHMENTS

- Attachment A – Standard Provisions
- Attachment B – Monitoring and Reporting Program
- Attachment C – Fact Sheet

I. DISCHARGERS/FACILITY INFORMATION

The following Dischargers are subject to waste discharge requirements as set forth in this Order:

Table 4. Dischargers/Facility Information

Dischargers	The Cities of Claremont and Pomona
Dischargers Contact	<ol style="list-style-type: none"> 1. Loretta Mustafa , Senior Civil Engineer, 207 Harvard Avenue, City of Claremont, CA 91711. Phone: 909-399-5474 2. Julie Carver, Environmental Programs Coordinator, 505 South Gary Avenue, Pomona, CA 91766. Phone: 909-620-3628
Mailing Address	Same as above
Facility	MS4 systems within the cities of Claremont and Pomona that discharge into waterbodies in the Santa Ana Region
Facility Address	Cities of Claremont and Pomona, see Dischargers Contact Information above
Facility Contacts	Same as Dischargers Contact above
Contacts Mailing Address	Same as Dischargers Contact
Type of Facility	Municipal Separate Storm Sewer Systems carrying storm water and authorized non-storm water discharges
Facility Design Flow	The Order does not specify any design flow; however, the MS4 systems are designed to carry flows generated from a 100-year frequency storm.

II. FINDINGS

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

- A. Background:** The Cities of Claremont and Pomona (hereinafter jointly referred to as the Cities or the Dischargers or Permittees) discharge storm water and authorized non-storm water (collectively referred to as urban runoff) into the San Gabriel River Watershed and the Middle Santa Ana River Watershed. These Cities are located within the Los Angeles Regional Water Quality Control Board’s (Los Angeles Water Board) geographic jurisdictional boundary. The San Gabriel Watershed is within the Los Angeles Water Board’s jurisdiction and the Middle Santa Ana River Watershed is within the Santa Ana Water Board’s jurisdiction. Pursuant to California Water Code Section 13228, the Cities of Claremont and Pomona and the Los Angeles and the Santa Ana Water Boards have agreed that urban runoff containing bacterial indicators from the Cities into the Middle Santa Ana River Watershed should be regulated by the Santa Ana Water Board. This Order only regulates discharges from the Dischargers’ municipal separate storm sewer systems (MS4) into waterbodies within the Santa Ana Region.
- B.** On May 31, 2013, the Los Angeles Water Board designated the Santa Ana Water Board as the regulator for the Cities’ discharge of urban runoff containing bacteria into the Middle Santa Ana River Watershed.

- C.** This designation was to facilitate the implementation of the Santa Ana Water Boards' 2005 Bacterial Indicator Total Maximum Daily Loads (TMDLs) for the Middle Santa Ana River Watershed Waterbodies (MSAR Bacterial Indicator TMDL). As such, this Order only includes requirements that are necessary to implement the MSAR Bacterial Indicator TMDLs for the Cities that are geographically under the Los Angeles Water Board jurisdiction.

For the purposes of this Order, references to the "Dischargers" or "permittee" in applicable federal and State laws, regulations, plans, or policy are held to be equivalent to references to the Dischargers, the Cities, or the Permittees herein.

- D. MS4 Permits:** The discharge of storm water and authorized non-storm water from the Cities of Claremont and Pomona are currently regulated under the Los Angeles Water Board Order No. R4-2012-0016 (hereinafter referred to as the LA MS4 Permit). This Order, being issued by the Santa Ana Water Board, only regulates urban runoff from the Permittees' MS4 systems discharging to MSAR watershed waterbodies. It only addresses implementation of MSAR Bacterial Indicator TMDL. Other provisions of the LA MS4 Permit are applicable to the Permittees.
- E. Facility Description:** The Dischargers own and/or operate MS4 systems that carry urban runoff containing bacteria. These MS4 systems discharge urban runoff to waterbodies within the Middle Santa Ana River Watershed. This Order only implements the wasteload allocations in the MSAR Bacterial Indicator TMDLs.
- F. Legal Authorities:** This Order serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of California Water Code (CWC) commencing with Section 13260. This Order shall also serve as an NPDES permit pursuant to Section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the CWC for point source discharges from this facility to the surface waters.
- G. Background and Rationale for Requirements:** The Santa Ana Water Board developed the requirements in this Order based on information contained in the documents related to the development of MSAR Bacterial Indicator TMDLs and other available information. Attachment C, which contains background information and rationale for Order requirements, is hereby incorporated into this Order and, thus constitutes part of the Findings for this Order.
- E. California Environmental Quality Act (CEQA):** Pursuant to California Water Code Section 13389, the adoption of NPDES permits is exempt from the provisions of CEQA.

F. Technology-based Effluent Limitations: Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations¹, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. A detailed discussion of the technology-based effluent limitations is included in the Fact Sheet (Attachment C).

G. Water Quality-based Effluent Limitations:

- (1) Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.
- (2) 40 CFR Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have a reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (a) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (b) an indicator parameter for the pollutant of concern; or (c) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).
- (3) In *Defenders of Wildlife, et al v. Browner*, No. 98–71080 (9th Circuit, October 1999), the Court held that the CWA does not require “strict compliance” with State water quality standards for MS4 permits under section 301(b)(1)(C), but that at the same time, the CWA does give EPA discretion to incorporate appropriate water quality-based effluent limitations under another provision, CWA section 402(p)(3)(B)(iii). 40 CFR 122.44(k)(3) allows the use of Best Management Practices (BMPs) to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.
- (4) Federal regulations (40 CFR 122.44(d)(1)(vii)(B)) require inclusion of effluent limits that are “consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA.”
- (5) If water quality standards in the impaired receiving waters are met through implementation of appropriate control measures, this would constitute compliance with the effluent limits.

¹ All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

H. Water Quality Control Plans: The Santa Ana Water Board adopted a revised Water Quality Control Plan for the Santa Ana Region (hereinafter Basin Plan) that became effective on January 24, 1995. 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 Santa Ana Region. More recently, the Basin Plan was amended significantly to incorporate revised boundaries for groundwater subbasins, now termed “management zones”, new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and groundwaters. This Basin Plan Amendment was adopted by the Santa Ana Water Board on January 22, 2004 and became fully effective on June 20, 2007.

As discussed in detail in the Fact Sheet (Attachment C), the discharges from the Cities are to San Antonio Creek and Chino Creek. These creeks are tributary to Reach 3 of the Santa Ana River. The beneficial uses of these waterbodies include:

Beneficial Uses	Chino Creek	San Antonio Creek	Santa Ana River, Reach 3
Agricultural supply		X	X
Groundwater recharge		X	X
Water contact recreation	X ²	X	X
Non-contact recreation	X	X	X
Warm freshwater habitat			X
Wildlife habitat	X	X	X
Rare, threatened or endangered species habitat			X
Municipal and domestic supply		X	
Industrial service supply		X	
Industrial process supply		X	
Hydropower generation		X	
Cold freshwater habitat		X	
Limited warm freshwater habitat	X		

Requirements in this Order implement the Basin Plan.

² Access prohibited in some portions by San Bernardino County Flood Control

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR):** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. The NTR and CTR contain water quality criteria for priority pollutants.
- J. State Implementation Policy:** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Santa Ana Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control.
- L. Alaska Rule:** On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for CWA purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
- M. Antidegradation Policy:** This Order implements TMDLs that are developed to improve water quality. As such, this Order will not cause any degradation in water quality.
- N. Anti-Backsliding Requirements:** Anti-backsliding requirements are applicable to re-issued permits. This is the first time this Order has been issued to the Dischargers by the Santa Ana Water Board. As such, anti-backsliding requirements are not applicable to this Order.
- O. Monitoring and Reporting:**
- As per 40CFR 112.48 and Water Code Sections 13267 and 13383 monitoring and reporting requirements are included in this Order.
- P. Biosolids Requirements: (Not applicable)**
- Q. State General Waste Discharge Requirements for Sanitary Sewer Systems: (Not applicable)**

R. Standard and Special Provisions: Included as required under federal regulations.

S. Notification of Interested Parties: The Santa Ana Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment C) of this Order.

T. Consideration of Public Comment: The Santa Ana Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment C) of this Order.

PERMIT REQUIREMENTS:³

IT IS HEREBY ORDERED that the Permittees, in Order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and the regulations and guidelines adopted thereunder, shall comply with the following:

III. EFFLUENT LIMITATIONS

A. Technology Based Effluent Limitations: The Permittees shall comply with the Technology Based Effluent Limitations in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.

B. Water Quality-Based Effluent Limitations (WQBEL) to Implement the Total Maximum Daily Loads (TMDLs)

1. The Middle Santa Ana River (MSAR) Watershed Bacterial Indicator TMDLs Interim WQBELs (effective upon adoption of this Order):

a. The Permittees have the option of participating in the programs developed by the MSAR Bacterial Indicator TMDL Taskforce in lieu of developing their own programs. The Permittees shall:

³ *The provisions in this Order are applicable to urban runoff from the cities of Claremont and Pomona that is discharged to waterbodies tributary to the Middle Santa Ana River. This Order only implements the Bacterial Indicator TMDLs for the Middle Santa Ana River Watershed Waterbodies. Most of the urban runoff from these cities is to the San Gabriel watershed and is regulated under the Los Angeles Water Board under its Order No. R4-2012-0175. To avoid duplicate regulations, most provisions of the LA MS4 Permit that are applicable to urban runoff are incorporated by reference into this Order.*

- i. Develop their own watershed-wide monitoring program or participate in the watershed-wide water quality monitoring program (including any future amendments thereto) approved by the Santa Ana Water Board (Resolution No. R8-2007-0046) as per Task 3 of the MSAR-TMDL Implementation Plan. If the Permittees choose to develop their own watershed-wide monitoring program, it shall be developed and submitted to the Santa Ana Water Board for approval within 60 days of adoption of this Order. The monitoring program shall be implemented by the Permittees within 30 days of approval by the Santa Ana Water Board. If the Permittees participate in the approved monitoring program, the Permittees shall identify specific monitoring locations to characterize discharges from their MS4 systems into the MSAR watershed waterbodies and shall also identify entities that are responsible for conducting the monitoring program.
- ii. Submit reports summarizing all relevant data from the watershed-wide water quality monitoring program. Beginning in 2014, the wet season report is due to the Executive Officer by May 31st of each year (for monitoring conducted from November 1st through March 31st) and the dry season report is due to the Executive Officer by December 31st of each year (for monitoring conducted from April 1st through October 31st).
- iii. Submit comprehensive reports every three years summarizing the data collected for the preceding 3 year period and evaluating progress towards achieving the urban wasteload allocation by the dates specified in the TMDL. The first report is due to the Executive Officer on February 15, 2014.
- iv. Continue to implement the approved (Regional Board Resolution No. R8-2008-0044) urban source evaluation plan (USEP) developed as per Task 4.1 of the MSAR-TMDL Implementation Plan. The USEP describes the specific methods that should be used to identify urban sources and BMPs to address those sources. Submit semi-annual reports on January 31st and July 31st of each year as required under the approved USEP, and any amendments thereto. In years where the comprehensive report referenced in subsection iii, above, is due on February 15, the comprehensive report, Dry Season report (Due December 31st) and the January 31st USEP reports may be combined into a single submittal due February 15th. If the Permittees choose to develop their own USEP, it shall be developed within 30 days of adoption of this Order and shall include all the essential elements of the approved USEP.
- v. Revise the Local Implementation Plan (LIP) as specified in Task 4.2 of the MSAR-TMDL Implementation Plan. Summarize any such revisions in the report due to the Executive Officer by December 31st of each year. For developing the LIP, the Permittees may use the LIP template developed by the San Bernardino County MS4 Permittees or other equivalent documents or templates.
- vi. The San Bernardino County MS4 Permittees within the MSAR watershed waterbodies have revised and the Santa Ana Water Board has approved the Water Quality Management Plan (WQMP) as specified in Task 4.4 of the MSAR-TMDL Implementation Plan. The Permittees shall include applicable bacteria control measures from the approved WQMP into their LIP. The LIP shall be developed and/or updated within 60 days from the date of adoption of this Order.

2. Final WQBELs for MSAR Bacterial Indicator TMDLs under DRY Weather Conditions:

- a. The final WQBELs for bacterial indicators under Dry Weather Conditions contained in this section shall be achieved no later than December 31, 2015. These final effluent limits shall be considered effective for enforcement purposes on January 1, 2016.
- b. The Final WQBELs for MSAR Bacterial Indicator TMDL under Dry Weather conditions shall be developed and implemented in the following manner.
 - i. The Permittees shall prepare for approval by the Santa Ana Water Board a Comprehensive Bacteria Reduction Plan (CBRP) describing, in detail, the specific actions that have been taken or will be taken to achieve compliance with the urban wasteload allocation under dry weather conditions (April 1st through October 31st) by December 31, 2015. The CBRP must include:
 - (a) The specific ordinance(s) adopted to reduce the concentration of indicator bacteria in urban sources.
 - (b) The specific BMPs implemented to reduce the concentration of indicator bacteria from urban sources and the water quality improvements expected to result from these BMPs.
 - (c) The specific inspection criteria used to identify and manage the urban sources most likely causing exceedances of water quality objectives for indicator bacteria.
 - (d) The specific regional treatment facilities and the locations where such facilities will be built to reduce the concentration of indicator bacteria discharged from urban sources and the expected water quality improvements to result when the facilities are complete.
 - (e) The scientific and technical documentation used to conclude that the CBRP, once fully implemented, is expected to achieve compliance with the urban wasteload allocation for indicator bacteria by December 31, 2015.
 - (f) A detailed schedule for implementing the CBRP. The schedule must identify discrete milestones to assess satisfactory progress toward meeting the urban wasteload allocations for dry weather by December 31, 2015. The schedule must also indicate which agency or agencies are responsible for meeting each milestone.
 - (g) The specific metric(s) that will be established to demonstrate the effectiveness of the CBRP and acceptable progress toward meeting the urban wasteload allocations for indicator bacteria by December 31, 2015.
 - (h) The Storm Water Control Plans (equivalent to the San Bernardino County MS4 Permit's MSWMP, WQMP and LIPs) shall be revised consistent with the CBRP no more than 180 days after the CBRP is approved by the Regional Board.

- (i) Detailed descriptions of any additional BMPs planned, and the time required to implement those BMPs, in the event that data from the watershed-wide water quality monitoring program indicate that water quality objectives for indicator bacteria are still being exceeded after the CBRP is fully implemented.
 - (j) A schedule for developing a CBRP needed to comply with the urban wasteload allocation for indicator bacteria during wet weather conditions (November 1st thru March 31st) to achieve compliance by December 31, 2025.
- ii. The draft CBRP must be submitted to the Santa Ana Water Board within 60 days of adoption of this Order. The Permittees may submit the plan individually, jointly or through a collaborative effort with other urban Dischargers such as the existing MSAR-TMDL Task Force. Santa Ana Water Board staff will review the document and recommend necessary revisions no more than 30 days after receiving the draft plan. The Permittees must submit the final version of the plan no more than 30 days after receiving the comments from Santa Ana Water Board staff. The Santa Ana Water Board will schedule a public hearing to consider approving the CBRP, as a final water quality-based effluent limitation for the Dry Weather Urban Wasteload Allocation, no more than 120 days after the final plan is submitted by the Permittees. In approving the CBRP as the final WQBELs, the Santa Ana Water Board shall make a finding that the CBRP, when fully implemented, shall achieve the urban wasteload allocations for indicator bacteria by no later than December 31, 2015.
- iii. Once approved by the Santa Ana Water Board, the CBRP shall be incorporated into this Order as the final WQBELs for indicator bacteria under Dry Weather Conditions. Based on BMP effectiveness analysis, the CBRP shall be updated, if necessary. The updated CBRP shall be implemented upon approval by the Santa Ana Water Board.
- (On December 30, 2010, the MSAR Permittees under the San Bernardino County MS4 Permit submitted a draft CBRP that was subsequently revised on June 28, 2011. On February 10, 2012, the Santa Ana Water Board approved the CBRP. The Santa Ana Water Board, in Resolution No. R8-2012-0016, recognized the CBRP as the final Water Quality Based Effluent Limitations for bacterial indicators during dry season. To save resources and time and to ensure consistency, the cities of Claremont and Pomona are encouraged to adopt essential elements of the approved CBRP.
- c. Should the process set forth in subdivision, b, of this section not be completed by December 31, 2015, then the urban wasteload allocations for dry weather conditions specified in the MSAR-TMDL shall become the final numeric WQBELs for indicator bacteria in Dry Weather Conditions, effective January 1, 2016 as follows:

- i. Wasteload Allocation for Fecal Coliform from Urban Sources in Dry Weather Conditions (April 1st through October 31st)⁴

5-sample/30-day logarithmic mean less than 180 organisms/100mL and not more than 10% of the samples exceed 360 organisms/100mL for any 30-day period.

- ii. Wasteload Allocation for E. Coli from Urban Sources in Dry Weather Conditions (April 1st through October 31st)

5-sample/30-day logarithmic mean less than 113 organisms/100 mL and not more than 10% of the samples exceed 212 organisms/100mL for any 30-day period.

3. Final WQBELs for MSAR Bacterial Indicator TMDL under WET Weather Conditions (effective Jan. 1, 2026)

In the event this Order is still in effect on December 31, 2025, and the Regional Board has not adopted alternative final water quality-based effluent limits for wet weather conditions by that date, then the urban wasteload allocations specified in the MSAR-TMDL for wet weather conditions (November 1st through March 31st) will automatically become the final numeric water quality-based effluent limits for the Permittees on January 1, 2026.

IV. DISCHARGE PROHIBITIONS

The Permittees shall comply with the Discharge Prohibitions in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.

A. Land Discharge Specifications - Not Applicable

B. Reclamation Specifications- Not Applicable

V. RECEIVING WATER LIMITATIONS AND SPECIFICATIONS

A. The Permittees shall comply with the Receiving Water Limitations in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.

B. Groundwater Limitations – Not Applicable

VI. PROVISIONS

⁴ *The fecal coliform wasteload allocation will become ineffective upon replacement of fecal coliform water contact recreational objectives by e.coli objectives in the Basin Plan.*

A. Standard Provisions

1. The Dischargers shall comply with all Standard Provisions included in Attachment A of this Order in accordance with 40 CFR 122.41 and 122.42 and the following additional provisions:
 - a. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.
 - b. The Dischargers' key operating personnel shall be familiar with the contents of this Order.
 - c. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions 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 thereby.
 - d. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing the regulated discharges may subject the Dischargers to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Dischargers to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
 - e. In the event the Dischargers do not comply or will be unable to comply for any reason, with any effluent limitation related to the bacterial wasteload allocation of this Order, the Dischargers shall notify the Santa Ana Water Board. All noncompliance that may have an immediate impact on human health or the environment shall be reported by telephone (951) 782-4130 or by email to: info8@waterboards.ca.gov within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Santa Ana Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the normal monitoring report.
2. This Order may be reopened and modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR 122.44, 122.62, 122.63, 122.64, 124.5, 125.62 and 125.64 for cause including, but not limited to, the following:
 - i) Violation of any terms or conditions of this Order;
 - ii) Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
 - iii) Endangerment to human health or the environment resulting from the

- permitted activity;
- iv) To address changed conditions identified in required reports;
 - v) 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 amendment of a TMDL, new or revised State Plans and Policies, new or revised USEPA regulations and guidance, new effluent limitations; or
 - vi) If, on the basis of any data, the Santa Ana Water Board determines that continued discharges may cause unreasonable degradation of water quality.
3. If an effluent standard or discharge prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307 (a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and such standard or prohibition is more stringent than any limitation for that pollutant in this Order, this Order may be modified or revoked and reissued to conform to the effluent standard or discharge prohibition.
4. The Dischargers shall file with the Santa Ana Water Board a Report of Waste Discharge at least 180 days before making any material change in the character, location, or volume of the discharge. A material change includes, but is not limited to, the following:
- 1). Significantly changing the disposal method or location, such as changing the disposal to another drainage area or water body.
 - 2). Significantly changing the method of treatment.

(In the following provisions, compliance with the LA MS4 Permit provisions are required only for the non-Middle Santa Ana River Bacterial Indicator TMDL provisions.)

- B. Legal Authority:** The Permittees shall comply with the Legal Authority provisions in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.
- C. Fiscal Resources:** The Permittees shall comply with the Fiscal Resources provisions in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.
- D. Responsibilities of the Permittees:** The Permittees shall comply with the Responsibilities of the Permittees provision in the LA MS4 Permit, Order No. R4-2012-0175, including any amendments and revisions of the Permit.
- E. Public Review:** All documents submitted to the Santa Ana 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 Santa Ana Water Board Executive Officer for approval shall be made

available to the public for a 30-day period to allow for public comment. Any formal determination or approval made by the Santa Ana Water Board Executive Officer pursuant to the provisions of this Order may be reviewed by the Santa Ana Water Board. A Permittee(s) or a member of the public may request such review within 30 days of the notification of formal determination or approval by the Executive Officer.

- F. **Enforcement:** The Permittees could be subject to enforcement actions as specified in the LA MS4 Permit. In general, the Santa Ana Water Board will take enforcement actions related to violations of the Santa Ana Water Board Permit and the LA Water Board will take enforcement actions for all other violations.

G. Monitoring and Reporting Program Requirements (MRP)

The Dischargers shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment B of this Order. This monitoring and reporting program may be modified by the Executive Officer at any time during the term of this Order, and may include an increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected. Any increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected may be reduced back to the levels specified in the original monitoring and reporting program at the discretion of the Executive Officer.

- H. **Watershed Management Programs:** The Permittees shall comply with the Watershed Management Programs provision of the LA MS4 Permit.

- I. **Storm Water Management Program Minimum Control Measures:** The Permittees shall comply with the Storm Water Management Program Minimum Control Measures in the LA MS4 Permit.

VII. COMPLIANCE DETERMINATION

P. Compliance Determination: Compliance determinations shall be based on available analyses for the time interval associated with the effluent limitation. There are specific requirements for data collection and analyses for MSAR Bacterial Indicator TMDLs. These are specified in the Monitoring and Reporting Program No. R8-2013-0043. Compliance determinations for the TMDLs monitoring shall be as specified in the approved monitoring program for the MSAR Bacterial Indicator TMDLs. Where only one sample analysis is available in a specified time interval (e. g., monthly or weekly average), that sample shall serve to characterize the discharge for the entire interval. If quarterly sample results show noncompliance with the average monthly limit and that sample result is used for compliance determinations for each month of the quarter, then three separate violations of the average monthly limit shall be deemed to have occurred.