

**November 18, 2009**

**Item No. 12**

**Supporting Document No. 11**

**Comparison of Orange County**

**MS4 NPDES Permits:**

**Tentative Order R9-2009-0002 to R8-2009-0030**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION**

Comparison of Orange County MS4 NPDES Permits:

Tentative Order R9-2009-0002  
to  
R8-2009-0030, adopted May 22, 2009

*November 18, 2009*

This document provides a comparison between the two National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permits for the County of Orange and incorporated cities within Orange County.

A. Background

The California Regional Water Quality Control Boards' jurisdictions are demarcated by watersheds. As a result, jurisdiction over Orange County is split between two Regional Boards. Approximately the northern two-thirds of the County is within the Santa Ana Regional Board's jurisdiction and the remaining southern one-third is within the San Diego Regional Board's jurisdiction. Each Regional Board has a separate NPDES permit for MS4 discharges for their respective jurisdictions. The United States Environmental Protection Agency (USEPA) recognizes northern and southern Orange County as two distinct urbanized areas.<sup>1</sup> Southern Orange County is named the "Mission Viejo" urbanized area. Northern Orange County is part of the "Los Angeles-Long Beach-Santa Ana" urbanized area.

On July 13, 1990, the Santa Ana Regional Board adopted Order No. 90-71 for MS4 discharges in Orange County within the Santa Ana Region (first term permit). Orders No. 96-31 (second term permit) and R8-2002-0010 (third term permit), issued by the Regional Board on March 8, 1996 and January 18, 2002, respectively, renewed the Orange County MS4 permit. The Santa Ana Regional Board initially released the current North Orange County MS4 permit, Order No. R8-2009-0030 (fourth term permit) in November 2008 and adopted in May of 2009.

The San Diego Regional Board adopted the South Orange County MS4 permit in July 16, 1990 (Order No. 90-38, first term permit), and then reissued on August 8, 1996 (Order No. 96-03, second term permit) and February 13, 2002 (Order

---

<sup>1</sup> USEPA Urbanized Area Maps for California based on 2000 Census data:  
<http://cfpub.epa.gov/npdes/stormwater/urbanmapresult.cfm?state=CA>;

No. R9-2002-01, third term permit). Tentative Order R9-2009-0002 will be the fourth term permit for South Orange County. The current Tentative Order was initially released on February 9, 2007 and is tentatively scheduled for adoption in November 2009, in close to three years time.

#### B. Efforts at Consistency

Four municipal jurisdictions fall within the jurisdictional boundaries of both the Regional Boards: Laguna Hills, Laguna Woods, Lake Forest, and the County of Orange. In comments received on the Tentative Order, these municipalities have requested greater consistency between the two MS4 permits. Greater consistency would presumably make it easier for these Copermittees to implement their respective storm water programs. The San Diego Regional Board is sensitive to the Copermittees' concerns.

Consistency, however, among all MS4 Permits in Southern California is beyond the San Diego Regional Board's authority due to the semi-autonomous Regional Board system established by State law. The San Diego Regional Board staff met several times with staff from the Los Angeles Regional Board, Santa Ana Regional Board, State Board and the USEPA in 2008 to work toward achieving consistency. The other regions reported that they had not received significant requests for consistency in their permits; thus despite meeting with the other regions, it appears that achieving consistency among permits is less of a focus of the other Regional Boards.

Nevertheless, in sensitivity to the Copermittee's concerns of consistency, the Tentative Order is drafted to protect water quality and assist the County and those affected Cities to develop a single program. First and foremost, the draft Tentative Order is consistent with the Clean Water Act, Code of Federal Regulations, and USEPA guidance including the *Watershed –Based NPDES Permitting Policy Statement* issued on Jan. 7, 2004. In addition to federal guidance, the Tentative Order is consistent with the San Diego Basin Plan and other San Diego Regional Board MS4 permits. Note that consistency between permits is not always appropriate or feasible due to different Beneficial Use designations. For example, several receiving waters in Southern Orange County have been identified in the Basin Plan as having Warm and Cold habitat beneficial uses. Receiving waters in Northern Orange County have not been identified as having Warm and Cold habitat beneficial uses. To date, because the San Diego Regional Board has three separate MS4 permits to write and enforce, the San Diego Regional Boards focus has been on achieving appropriate consistency among the three MS4 permits administered by this Regional Board, in part to facilitate implementation and enforcement of permit terms by limited staff with finite resources. To have a fair and consistent enforcement policy implemented by the San Diego Regional Board, the MS4 permits issued by the San Diego Regional Board need to be consistent.

## Contents of This Document

At the July 1, 2009 hearing in Dana Point, the San Diego Regional Board members requested staff to prepare a document comparing the San Diego Regional Board's proposed MS4 Permit for South Orange County, Tentative Order R9-2009-0002, and the Santa Ana Regional Board's adopted MS4 Permit for North Orange County, Order R8-2009-0030. This document has been prepared to fulfill that request.

This comparison is for the San Diego Regional Board's information in response to its' earlier request. Comments regarding this document have not been solicited. This document does not compare the findings within the two orders, but compares the directives and monitoring requirements. The format lists first the permit section for the Region 9 requirement, a summary of the requirement, followed by the differences found in the Region 8 permit. In the case where a corresponding requirement is not found in either Region's permit, "No comparable section" is stated. In the case where the requirements are fairly similar in both permits, the requirement is summarized as "No net difference". The comparison is organized by the sections found in the Region 9 Tentative Order, R9-2009-0002.

### C. Conclusion

The Region 9 Tentative Order and the Region 8 MS4 permits generally have the same components, with varying degrees of specificity. Both permits have requirements for receiving water limitations, non-storm water discharges, legal authority, development planning, construction, municipal, industrial, commercial, residential, illicit discharge detection and elimination, public participation, education, watershed program, fiscal analysis, total maximum daily loads, program effectiveness assessment, reporting, modification of programs, principal Copermittee responsibilities, and the monitoring program. The many differences can be attributed to the fact that the two permits have steadily diverged over the past almost 20 years as the different, independent Regional Boards crafted their own MS4 Permits.

The Tentative Order does have a few major requirements not found in the Region 8 permit. These are non-storm water dry weather numeric effluent limitations, storm water action levels, retrofitting existing development other than municipal areas, and standard provisions. As discussed in greater detail in the Fact Sheet, these provisions are necessary to preserve, enhance and restore the quality of California's water resources and to meet the federal mandate of the Clean Water Act to protect the chemical, physical and biological integrity of waters of the United States. In their comment letters on the Tentative Order, the USEPA has expressed their support for the permit provisions in the Tentative Order that differ from the Region 8 permit.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>A. Prohibitions and Receiving Water Limitations</b>	
A.1 - Discharges into and from MS4 causing pollution are prohibited	III.7 - Discharges from the MS4 shall not cause pollution.
A.2 - Storm water discharges from MS4s containing pollutants which have not been reduced to the MEP are prohibited.	III.2, III.5 - No net difference.
A.3 - Iterative process.	IV.1, III.8 - No net difference.
A.3.a - Iterative process.	IV.2, IV.3 - No net difference.
A.3.b - Iterative process must repeat unless directed otherwise by EO.	IV.3 - Copermittee does not have to repeat the process unless the EO determines it is necessary.
A.3.c - Nothing prevents the Regional Board from enforcing.	IV.4. - No net difference.
A.4 - Discharges subject to Basin Plan prohibitions.	III.6. - No net difference.
<b>B. Non-Storm Water Discharges</b>	
B.1 - Prohibit non-storm water discharges.	III.1 - No net difference
B.2 - Does not include exemptions from prohibition for irrigation water, or FETD.	III.3 - Includes exemptions for irrigation water subject to an Model Municipal Activity Maintenance Program (?). Includes conditional exemption of FETD discharges. Includes more specific pollutant concentration limits for potable water, dechlorinated swimming pool discharges and construction dewatering. In the spring of 2008, prior to the Santa Ana Regional Board's proposed resissuance of their North Orange County MS4 Permit, the San Diego Regional Board staff met with the Santa Ana Regional Board staff. San Diego RB staff presented to the Santa Ana RB staff a detailed management document outlining the intent to remove regulation of FETDs and remove the exemption for irrigation water discharges.
B.3 - Emergency fire fighting flows are exempt from prohibition, not including maintenance of fire suppression systems.	III.3.m - Emergency fire fighting flows are exempt from prohibition, BMPs to be implemented for training flows, fire hydrant testing or flushing, non-emergency fire fighting.
B.4 - No net difference.	VII.2 - No net difference.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>C. Non-Storm Water Dry Weather Numeric Effluent Limitations</b>	
<p>C. - Non-Storm Water Dry Weather Numeric Effluent Limitations have been established for pollutants which have the reasonable potential to cause or contribute to an excursion of water quality criteria, this is consistent with existing Regional Board requirements in other Orders for non-storm water discharges. These effluent limitations were established in accordance with the Clean Water Act and federal regulations. In addition, the USEPA supports the inclusion of numeric effluent limitations.</p>	<p>No comparable section exists within the Santa Ana Regional Board's North Orange County MS4 Permit, Order No. R8-2009-0030. In the spring of 2008, prior to the Santa Ana Regional Board's proposed resissuance of their North Orange County MS4 Permit, the San Diego Regional Board staff met with the Santa Ana Regional Board staff. San Diego RB staff presented to the Santa Ana RB staff a detailed management document outlining the intent to establish non-storm water dry weather numeric effluent limitations.</p>
<b>D. Storm Water Action Levels</b>	
<p>D. Storm Water Action Levels have been established based on monitoring data as recommended by the State Board's Blue Ribbon Panel on numeric effluent limitations for storm water discharges. The USEPA supports the inclusion of storm water action levels.</p>	<p>No comparable section exists within the Santa Ana Regional Board's North Orange County MS4 Permit, Order No. R8-2009-0030. In the spring of 2008, prior to the Santa Ana Regional Board's proposed resissuance of their North Orange County MS4 Permit, the San Diego Regional Board staff met with the Santa Ana Regional Board staff. San Diego RB staff presented to the Santa Ana RB staff a detailed management document outlining the intent to establish storm water wet weather action levels.</p>
<b>E. Legal Authority</b>	
<p>E.1 - Copermittee must establish, maintain, and enforce legal authority. Copermittees are not authorized to take actions if it is reasonably anticipated to harm downstream water right holders.</p>	<p>VI.1 Copermittee shall maintain adequate legal authority. Does not include language protecting down stream water rights holders.</p>
<p>E.1.a Copermittees must control pollutants in runoff discharges from industrial and construction sites regardless if covered by a statewide permit. Grading ordinances must be updated.</p>	<p>VI.6 Copermittees shall provide notification to RB reagrdng violations at industrial and construction sites regulated by Statewide NPDES permits.</p>
<p>E.1.b &amp; c Prohibit all identified illicit discharges not otherwise allowed. Prohibit and eliminate illicit connections.</p>	<p>VI.1. Legal authority must address all illicit connections and discharges.</p>
<p>E.1.d Control discharge of spills, dumping or disposal of materials.</p>	<p>No comparable section.</p>
<p>E.1.e Require compliance with conditions in Copermittee ordinances, permits, contracts or orders.</p>	<p>No comparable section.</p>

<b>San Diego Regional Board Orange County MS4 Permit            Tentative Order No. R9-2007-02</b>	<b>Santa Ana Regional Board North Orange County MS4            Permit, Order No. R8-2009-0030</b>
<b>E. Legal Authority (continued)</b>	
E.1.f Utilize enforcement mechanisms to require compliance.	VI.2 Copermittees shall take enforcement actions against any violators of their Water Quality Ordinance. Enforcement actions must at a minimum meet the Enforcement Consistency Guide.
E.1.g Control contribution of pollutants between shared MS4s through interagency agreements.	VI.8 Copermittees are encouraged to enter into interagency agreements.
E.1.h Inspections, surveillance, and monitoring.	VI.2 No net difference.
E.1.i Require BMPs to reduce pollutants in storm water to the MEP.	No comparable section.
E.1.j Documentation on effectiveness of BMPs.	No comparable section.
E.2 (a-e) R9 Permit requires greater detail on the information requested in the legal authority statement submitted by each Copermittee's chief legal counsel. Added details include identification of department roles and responsibilities, citation of runoff ordinances, enforceability of ordinances, administrative and legal procedures to mandate compliance, description of how runoff ordinances are implemented and appealed, description of administrative orders and the use of the court system for enforcement actions.	VI.4 Copermittee shall submit a legal authority statement signed by legal counsel.
<b>F. Jurisdictional Runoff Management Program (JRMP)</b>	
<b>F.1 Development Planning Component</b>	
F.1.a Does not include detail regarding LID principles and hydromodification within the general plan update.	XII.A.4 Includes additional details about updating the general plan to include LID principles and hydromodification requirements. Establishes a technical advisory committee to incorporate watershed protection principles and policies during the early stages of a project.
F.1.b Copermittee must revise as needed its current environmental review process.	XII.A.6 (a-h) Includes additional details that CEQA review must include review of impact of construction, post-construction, potential for discharge of storm water pollutants, discharge of storm water to affect beneficial uses, significant changes in the flow velocity or volume of storm water, significant increases in erosion, decreases in groundwater quality or quantity, and impact to 303(d) listed waterbodies.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>F.1 Development Planning Component (continued)</b>	
F.1.c(1) Source control BMPs to reduce storm water pollutants of concern including prevention of illicit discharges; prevention of irrigation runoff; storm drain stenciling; outdoor material storage, work and trash areas.	XII.B.3 Source control BMPs to minimize contaminated runoff including irrigation runoff; secondary containment and/or covers for outdoor storage, work and trash areas; minimize storm water contact with pollutants; provide community car wash and equipment; regular street sweeping and litter control ordinances; controls described in CASQA or Caltrans handbooks.
F.1.c.(2) LID site design BMPs	XII.C.3 No net difference.
F.1.c.(3) Buffer zones where feasible	XII.C.3(a) No net difference
F.1.c.(4) Measures necessary so that grading and construction activities meet the construction section requirements.	XII.C.3.(f) Establish development guidelines for areas particularly susceptible to erosion and sediment loss.
F.1.c.(5) Long term maintenance	XII.G. No net difference.
F.1.c.(6) Requirements for centralized infiltration BMPs not intended for small infiltration systems dispersed throughout a development.	XII.B.5 Requirements for structural infiltration BMPs
F.1.c.(7) Native or low water landscaping is preferred	No comparable section.
F.1.c.(8) Regional BMP requirements for projects > 100 acres including design criteria identical to SSMP section F.1.d.	XII.C.7.d. Pervious areas should have capacity to infiltrate, harvest and re-use at least the design capture volume.
F.1.d.(1) Includes all development projects that result in the disturbance of one acre or more of land.	XII.B.2.a & b Does not include the one acre threshold.
F.1.d.(2) Where a feature falls into a PDP category, then the entire footprint is subject to SSMP.	No comparable section.
F.1.d.(2)(a - h) Priority Project categories. No significant difference except restaurants less than 5k sq. ft. are required to meet SSMP requirements except for structural treatment and numeric sizing criteria. Includes projects 2.5k sq. ft. discharging to an ESA. No exception is provided for emergency or public safety projects.	XII.B.2.a & b No significant difference except restaurants less than 5k sq. ft. are not required to meet SSMP requirements. Does not include ESA requirements. Provides exception for emergency and public safety projects.
F.1.d.(3) Identify pollutants of concern	No comparable section.
F.1.d.(4) LID BMP requirements	XII.C. No significant differences
F.1.d.(5) Source Control BMPs	XII.A.6. No net difference.
F.1.d.(6) Treatment Control BMP requirements	XII.B.4 No net difference.
F.1.d.(7) LID Waiver program includes more specificity regarding the technical infeasibility analysis for LID implementation. Pollutant load based waiver program for in lieu mitigation or fees.	XIII.C.1, XII.E, includes technical infeasibility without specificity. Waiver program based on cost savings from not implementing LID. The credit system includes more specificity on types of projects eligible.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>F.1 Development Planning Component (continued)</b>	
F.1.d.(8) BMP Design Standards set for effective pollutant removal, runoff control, and vector minimization.	XII.I.1 & 2 No net difference.
F.1.d.(9) Implementation process to verify SSMP compliance must require BMPs prior to occupancy and identify roles of departments reviewing SSMP.	XII.F.1, XII.G.2 Copermittees shall utilize a mechanism for review and approval of WQMPs. Prior to occupancy, Copermittees shall field verify BMPs.
F.1.d.(10) BMP review must occur during the third year of implementation including all LID BMPs.	XII.B.1 BMP review must occur annually.
F.1.e BMP construction verification. Self certification or third party certification is not an option for construction verification.	XII.G. Copermittees may accept self certification for construction verification.
F.1.f(1) BMP maintenance tracking database.	XII.I.3 No net difference.
F.1.f(2) Copermittees must ensure easements are properly recorded.	XII.H. No net difference.
F.1.f(3) Post construction BMP maintenance and operation verification. Allows third party or self certifications for BMPs that are not high priority. 100% of public and high priority projects require Copermittee inspections annually. 90% of all projects verified annually.	XII.I.4 All public agency BMPs and 25% of PDP structural treatment control BMPs must be inspected. Accepts inspections by third party or self inspections.
F.1.g Enforcement of Development Sites	No comparable section.
F.1.h. Hydromodification Management Plan identify range of storms that cause specific stream hydromodification. Project flow rates and durations shall not exceed pre development rates and durations by 10%. Only exemption is for hardened channels lined all the way to the ocean. IBI scores and sediment loss must be considered. Interim criteria includes hydrograph matching up to the 10 year storm.	XII.D. Post development condition must not exceed by 5% the pre development conditions for the 2 year frequency storm event. All hardened channels exempt. IBI scores and sediment loss are not considered. No interim criteria.
F.1.i. Training and Education, Includes training and education of the public and content of training and education programs.	XII.A.8 Copermittees shall train their employees in review of CEQA documents.
<b>F.2 Construction Component</b>	
F.2.a. ordinance update	No comparable section
F.2.b. Source identification requires inventory of all construction sites with a GIS.	VIII.2. Must inventory sites that include soil movement, uncovered storage of materials or wastes, exterior mixing of cementaceous products.
F.2.c. Site planning and project approval process including runoff management plan review.	No comparable section

<b>San Diego Regional Board Orange County MS4 Permit            Tentative Order No. R9-2007-02</b>	<b>Santa Ana Regional Board North Orange County MS4            Permit, Order No. R8-2009-0030</b>
<b>F.2 Construction Component (continued)</b>	
F.2.d. BMP Implementation includes highly specified requirements on the types of BMPs that must be implemented at all construction sites. BMPs also include enhanced BMPs for 303(d) impairments and ESAs. Active Sediment Treatment systems required at certain sites.	VIII.1 Construction sites shall be consistent with the Model Construction Program.
F.2.e. High priority sites inspection biweekly; medium priority sites inspected monthly; and low priority sites inspected as needed.	VIII.4 & 5 High priority sites inspection monthly; medium priority sites inspected twice during wet season; low priority inspection once during wet season.
F.2.f. Enforcement	VIII.6 No net difference.
F.2.g. Reporting of Non-Compliant sites immediately for stop work orders or other high level enforcement actions. Annual notification of sites with alleged violations	VIII.6 & 7 Copermittees shall notify and coordinate enforcement actions with Regional Board staff.
F.2.h Training and Education requirements for municipal staff, contractors, construction site owners and operators. Requirement includes specificity regarding topics for education.	VIII.9 All construction site inspectors shall be trained.
No comparable section. San Diego Regional Board staff believes that such a provision is contrary to federal regulations.	XV. Municipal construction sites do not need to file a Notice of Intent for the State Board's General Permit for Storm Water Discharges Associated with Construction Activities.
<b>F.3 Existing Development</b>	
<b>F.3.a. Municipal</b>	
F.3.a.(1) Source Identification	No comparable section
F.3.a.(2) BMP Implementation is required at minimum levels. Additional BMPs must be identified for ESAs and 303(d) impairments.	XIV.1 & 2 Copermittees shall implement the Model Municipal Activities Program.
F.3.a.(3) Pesticide, Herbicide, and Fertilizer BMPs to reduce storm water pollutants.	XIV. 5 & 6 Implement the Model Integrated Pest Management, Pesticide and Fertilizer Guidelines.
F.3.a.(4) Flood control structures are retrofitted where feasible and must include water quality protection measures.	XIV. 9 & 10. Retrofitting is expanded to include examination of parks and other recreational areas.
F.3.a.(5) Sweeping is optimized based on land use, trash collection, seasonal factors, and inspection results. No specific frequencies required.	XIV.7. Evaluation of street sweeping program and debris brooms, litter control measures, drain inlet screens and other controls.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>F.3.a. Municipal (continued)</b>	
F.3.a.(6) Operation and maintenance of MS4 and structures requires inspection and removal of accumulated waste annually between May 1 and Sept. 30. After 2 years of inspections, frequency of inspection may be reduced to every other year based on inspection findings.	XIV.11. 80% of drainage facilities cleaned annually, 100% cleaned every two years.
F.3.a.(7) Infiltration from sanitary sewer to MS4 - Each Copermittee must implement controls and measures to prevent and eliminate infiltration of seepage from sanitary sewers.	XIV.14 No net difference.
F.3.a.(8) Inspections annually for municipal sites and activities. Includes inspection of roads and streets, special events, power washing, and household hazardous waste collection.	XIV.3. Annual inspections required for municipal sites and activities. Does not include inspection of roads and streets, special events, power washing, and household hazardous waste collection.
F.3.a.(9) Enforcement of municipal areas and activities.	No comparable section
F.3.a.(10) Training and education includes additional specificity on the topics of training.	XIV. 4 All public agency staff shall be trained.
<b>F.3.b. Commercial/Industrial</b>	
F.3.b.(1) Source Identification. The sections for commercial and industrial facilities are combined. Inventory includes the following businesses not required in the Santa Ana permit: mobile vehicle washing, retail or wholesale fueling, mobile cleaners, cement mixing, masonry, painting, botanical gardens, zoos, cemeteries, mobile pet services and power washing services. Permit specifies the types of industrial facilities that must be inventoried.	IX.1 and X.1. Sections for commercial and industrial facilities are separated. Commercial inventory is updated quarterly. Industrial inventory is updated annually. The inventory list includes auto impound businesses not found in the San Diego permit. All industrial facilities must be inventoried.
F.3.b.(2) BMP Implementation must be designated for the inventoried sites/sources. Enhanced BMPs are required for ESAs and 303(d) impairments.	IX.7, X.3 Each site must implement BMP fact sheets developed by Permittees.
F.3.b.(3) Mobile businesses. Each Copermittee must implement a program to reduce discharge of storm water pollutants from mobile businesses to the MEP. Program includes BMPs, enforcement strategy, notification to known mobile businesses, outreach and education, inspection as needed. Inter jurisdictional cooperation is at the Copermittees discretion.	X.8 Copermittees shall develop a mobile business pilot program including notifications, BMPs, and outreach.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>F.3.b. Commercial/Industrial (continued)</b>	
F.3.b.(4) Inspection procedures described. 20% of commercial/industrial sites inventoried excluding mobile sources and food facilities. Mobile sources are inspected as needed. Food facilities inspected annually. Third party inspections are allowed.	IX.3, 4 & 6; X.2, 3 & 5 Inspection data specified. High priority sites inspected annually; medium priority sites inspected every two years; low priority sites inspected once per permit cycle.
F.3.b.(5) Enforcement	IX.7; X.4 & 6 No net difference.
F.3.b.(6) Training and education is required for inspectors and site owners and operators. Requirement has added specificity on the topics for education and training.	IX.9; X.10 Industrial and Commercial site inspectors must be trained.
<b>F.3.c. Residential</b>	
F.3.c.(1) Threat to Water Quality prioritization. Each Copermittee must identify residential areas and activities that are a high threat to water quality including a list of high priority activities and areas.	XI. 2 Copermittees should identify residential areas and activities that are potential sources of pollutants.
F.3.c.(2) BMP Implementation - Each Copermittee must designate BMPs, and facilitate household hazardous waste collection.	XI. 2 & 3 Copermittees should develop Fact Sheets/BMPs. Each Copermittee shall facilitate collection of household hazardous waste. XI.5 Residents are encouraged to use weather based evapotranspiration irrigation controllers.
F.3.c.(3) Enforcement of residential areas and activities.	XI.5 No net difference
F.3.c.(4) Evaluate oversight annually	XI. 6 No net difference
F.3.c.(5) Home Owner Associations - Each Copermittee must implement BMPs, review HOA maintenance duties, identify public/private streets and storm drains; identify high priority HOA areas; evaluate proximity to 303(d) waterbodies; evaluate monitoring data and IC/ID results. Copermittees must implement and enforce runoff management measures within HOAs.	XI.4 Copermittees shall develop a pilot program for HOAs including Landscape Performance Certification Program to encourage efficient water use and to minimize runoff. In the spring of 2008, prior to the Santa Ana Regional Board's proposed resissuance of their North Orange County MS4 Permit, the San Diego Regional Board staff met with the Santa Ana Regional Board staff. San Diego RB staff presented to the Santa Ana RB staff a detailed management document outlining the intent to require retrofitting of existing development.
F.3.c.(6) Education	XIII. Public Education and Outreach - No net difference.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>F.3.d. Retrofitting Existing Development</b>	
F.3.d. Retrofitting Existing Development - Copermittees must evaluate retrofitting opportunities based on water quality priorities. Retrofitting would be examined at all existing development: municipal, commercial, industrial, and residential.	XVI. 10 requires Copermittees to examine opportunities to retrofit municipal owned parks, MS4s, and recreational areas.
<b>F.4. Illicit Discharge Detection and Elimination</b>	
F.4.a Prevent and Detect Illicit Discharges and Connections - Legal Authority, and municipal staff inspections for IC/ID during daily activities.	VI.1. No net difference in legal authority. VII.1 Inspections for IC/ID occur during routine maintenance of MS4 facilities.
F.4.b. Maintain MS4 map, GIS required.	II.B.5 MS4 map is required, GIS not required.
F.4.c Public Hotline - Each Copermittee must facilitate public reporting by a public hotline, 24 hours a day in English and Spanish.	XIII.5. Hotline information included in public education and phone books.
F.4.d. Dry Weather field screening	XXI.4 No net difference.
F.4.e. Investigation/Inspection and follow-up - Copermittees must develop response criteria, respond to both field and analytical data results, and respond to public hotline notifications	No comparable section regarding response criteria and responding to field and analytical monitoring results. VII.2. All reports must be promptly investigated.
F.4.f Elimination of Illicit Discharges and Connections - Immediate action is necessary to be taken to eliminate IC/ID when detected.	VII.1. IC/ID will be eliminated or permitted within 120 days.
F.4.g. Enforce Ordinances	VII.1 No net difference.
F.4.h Sewage and other spills - Each Copermittee must prevent, respond to and clean up all sewage and other spills. Copermittee's must coordinate response with appropriate departments and agencies.	VII.2 & 7 - Copermittees shall control the discharge of spill, leaks and dumping of any materials other than storm water into the MS4. Copermittees will evaluate the "Countywide Area Spill Control Program" to control and mitigate sanitary sewer overflows.
F.4.i Education and Training	VII.3 No net difference.
No comparable section	VII.4, 5 & 6 - Provisions addressing Litter, trash and debris.
<b>F.5 Public Participation Component</b>	
F.5 Public Participation Component	XIII.7 No net difference
<b>G. Watershed Runoff Management Program</b>	
G.1 Lead Watershed Copermittee Identification	No comparable section

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>G. Watershed Runoff Management Program (continued)</b>	
G.2 Watershed Water Quality Workplans - Copermittees must characterize water quality, identify water quality problems, identify sources of problems, develop BMP implementation strategy, model and monitor improvements, and a schedule for development and implementation.	XVIII.A.2. identify impaired water, pollutants, monitoring, control measures, proposed BMPs.
G.3 Watershed Workplan Implementation - workplan shall being implementation within 60 days of acceptance by EO.	No comparable section
G.4 Copermittee Collaboration	XVIII.A.1 No net difference.
G.5 Watershed specific Public Participation	No comparable section
G.6 Watershed Workplan Review and Updates	No comparable section
G.7 Aliso Creek Watershed Runoff Management Plan (WRMP) Provisions. Aliso Creek does not yet have an adopted TMDL.	No comparable section for watersheds without an adopted TMDL.
<b>H. Fiscal Analysis</b>	
H. Fiscal Analysis - Copermittees must secure resources to comply with the Order. Copermittees must conduct an annual analysis and reporting.	XX. No net difference.
<b>I. Total Maximum Daily Loads</b>	
I. Total Maximum Daily Loads - The Tentative Order incorporates TMDL as WQBELs on a pollutant and watershed basis.	XVIII.B, C, & D - No net difference with incorporation of waste load allocations. The Santa Ana permit includes provisions regarding TMDL impelmentation plans.
<b>J. Program Effectiveness Assessment and Reporting</b>	
J.1. Jurisdictional Program Effectiveness Assessments - Each Copermitte must assess effectiveness of its JRMP.	MRP IV.2.(a-d) No net difference
J.2 Program Modifications	MRP IV.2.(e-f) No net difference
J.3 Effectiveness Assessment and Program Response Reporting	MRP IV.2 No net difference
J.4 Work Plan requirements have a greater degree of specificity regarding identification of problems, priorities, progress, effectiveness, schedules, planned activities, effectiveness metrics, modifications, and a review of past activities and progress..	MRP IV.2.(h) Workplan shall include defined tasks, responsibilities, and schedules.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>K. Reporting</b>	
K.1 Runoff Management Plans - Each Copermittee must submit its updated revised JRMP. Watershed groups must submit the watershed workplan.	No comparable section for JRMP/LIP update and submittal; nor for the Watershed Action Plan submittal Section XIX.1.requires the update and submittal of the DAMP which would be comparable to a Regional Runoff Management Plan that covers across jurisdictions and watershed boundaries.
K.2 SSMP and ROWD - Model SSMP must be submitted within 2 year, local SSMP within 180 days after model SSMP. ROWD must be submitted within 210 days prior to permit expiration.	XII.A.2. Copermittees shall revise model SSMP/WQMP within 12 months, local SSMP/LIP within 18 months of adoption.
K.3 Annual Reports - The San Diego permit has highly specific criteria to be included in the annual report.	IV.2 The Santa Ana permit does not have the same level of detail as the San Diego permit regarding annual reports.
K.4 Interim Reporting Requirements	No comparable section
K.5 Universal Reporting Requirements	MRP IV.3 No net difference
<b>L. Modification of Programs</b>	
L. Modification of Programs includes minor or major modifications. Modifications may be initiated by EO or Copermittees. Minor modifications may be made to JRMP or WRMPs where in compliance with the Order. Major modifications will require an amendment.	XXII. Order may be modified to address significant changes in technical report, incorporate water quality plans, to comply with federal requirements, and to incorporate TMDL.
<b>M. Principal Copermittee Responsibilities</b>	
M.1 Copermittees designate the Principal Copermittee who serves as liaison on general permit issues.	I. The County of Orange is assigned Principal Copermittee. Section I.B.9. requires coordination with the Regional Board. In general, the Santa Ana permit assigns more responsibility to the Principal Copermittee.
M.2 Coordinate permit activities and facilitate collaboration	I.B. No net difference.
M.3 Integrate individual Copermittee documents into single unified documents	I.B.6. No net difference.
M.4 Produce and submit documents and reports as required.	I.B.9. No net difference.
No comparable section	II. Responsibilities of Copermittees - The Santa Ana permit outlines several responsibilities of the Copermittees.

San Diego Regional Board Orange County MS4 Permit Tentative Order No. R9-2007-02	Santa Ana Regional Board North Orange County MS4 Permit, Order No. R8-2009-0030
<b>N. Receiving Water and MS4 Discharge Monitoring and Reporting Program</b>	
N. Copermittees must comply with the Monitoring and Reporting Program.	XXI.4. No net difference.
<b>O. Standard Provisions, Reporting Requirements, and Notifications</b>	
O.1 & 2. Copermittees must comply with Standard Provisions in Attachment B. These standard provisions have been developed by the State Board to ensure that NPDES permits are consistent and compatible with USEPA's federal regulations.	No comparable section
<b>Receiving Waters and MS4 Discharger Monitoring and Reporting Program No. R9-2009-0002</b>	
I. Purpose - The purpose of the San Diego permit's MRP is generally the same as the Santa Ana permit with the exception that the San Diego Permit includes the goal to assess compliance with the Order.	MRP II. The Santa Ana permit has purposes for the MRP that are generally the same as the San Diego permit with the exception that the Santa Ana Permit also includes a goal to evaluate costs and benefits of storm water programs.
II.A.1. Mass Loading Station - 9 stations monitored twice in wet weather and twice in dry weather. Analytical testing constituents are specified in the permit.	MRP III.1.a. 11 stations monitored from the first storm of the rainy season and two more events during the rainy season. Also, three dry weather samples are collected. The first rain event is sampled for all priority pollutants. Toxicity testing required in section MRP III.1.c.
II.A.2. Urban Stream Bioassessment Monitoring - 6 sites monitored twice a year using a triad analysis of bioassessment, aquatic chemistry, and aqueous toxicity. Bioassessment includes algae and macroinvertebrates.	MRP III.1.f. - 12 stations w/SCCWRP to evaluate and develop IBI. Frequency not specified.
II.A.3. Follow-up Analysis and Actions requires Toxicity Identification Evaluations and Triad approach of analyzing chemistry, toxicity and benthic alteration to determine followup action.	No comparable section.
II.A.4. Ambient Coastal Receiving Waters Monitoring must continue existing stations. Must monitor the same parameters as mass loading stations in both dry and wet weather.	MRP III.1.b Estuaries and wetlands - 20 sites monitored. Frequency and constituents are not specified.
II.A.5 Regional Monitoring Programs has provisions if the Copermittees wish to participate in a regional monitoring program.	MRP I. 2. The EO is authorized to allow Copermittees to participate in other monitoring programs in lieu of or in addition to this monitoring.

<b>San Diego Regional Board Orange County MS4 Permit            Tentative Order No. R9-2007-02</b>	<b>Santa Ana Regional Board North Orange County MS4            Permit, Order No. R8-2009-0030</b>
<b>Receiving Waters and MS4 Discharge Monitoring and Reporting Program No. R9-2009-0002 (continued)</b>	
II.B. Wet Weather MS4 Discharge Monitoring requires wet weather MS4 outfall monitoring. Frequency and selection of stations is flexible. Sample types are specified to meet SALs. Copermittees must conduct source identification monitoring.	MRP III.1.g. Copermittees must continue existing wet weather reconnaissance.
II.C. Dry Weather Non-Storm Water Effluent Limitations desgined to assess dry weather NELs. Stations identified by major outfalls. A representative number must be sampled preceded by 72 hours of dry weather. Parameters are specified. Permit requires source identification and elimination due to NEL exceedances.	MRP III.1.g. Copermittees must continue current wet weather reconnaissance.
II.D. Special Studies for Aliso Creek Bacteria, TMDL development, Regional Monitoring, sediment toxicity and trash and litter.	MRP III.3 Special monitoring for 303(d) impairments in Newport Bay. Section MRP III.2 TMDL monitoring. MRP III.1.d requires sediment toxicity monitoring. No comparable section on studying trash and litter debris.
II.E. Monitoring Provisions are more specific than provisions found in the Santa Ana permit. Provisions include SWAMP compatablility. In addition to 40 CFR 136, the R9 permit requires compliance with 40 CFR 122 monitoring provisions. All analyses must be conducted by a certified lab.	MRP I. All sampling shall be in accordance with 40 CFR 136.
III.A Monitoring Reporting requirements have greater specificity than the corresponding section in the Santa Ana permit. The report must include, all data and results, methods, graphics, and explanations. Also a watershed based analysis of data is required identifying priorities, problems, sources, pollutant loads, land uses, linkages, recommendations and toxicity identification evaluations.	MRP IV.2.f. A summary and analysis of monitoring results from previous year and any changes to the monitoring program for the next year.
III.B. Interim Reporting requirements address monitoring requirements for the current wet season subject to the prior Permit and the new Permit.	No comparable section.