

**California Regional Water Quality Control Board
Santa Ana Region**

RESOLUTION NO. R8-2012-0016

Resolution Approving the Dry Weather Comprehensive Bacteria Reduction Plan Submitted Pursuant to the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Order No. R8-2010-0036, NPDES No. CAS618036

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

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, approved by the State Water Resources Control Board (SWRCB) on July 21, 1994 and approved by the Office of Administrative Law on January 24, 1995.
2. Amendments to the Basin Plan to incorporate Middle Santa Ana River Bacterial Indicator Total Maximum Daily Loads (TMDLs) were approved by the Regional Board on August 26, 2005, by the SWRCB on May 15, 2006, by OAL on September 1, 2006 and by the US Environmental Protection Agency on May 16, 2007.
3. The Middle Santa Ana River Watershed (MSAR) Bacterial Indicator TMDLs were developed, adopted, and approved in accordance with Clean Water Act Section 303(d) and Water Code Section 13240 *et seq.* The amendment integrated the TMDLs into Chapter 5, "Implementation", of the Basin Plan.
4. The MSAR Bacterial Indicator TMDLs specify dry season TMDLs, numeric targets, wasteload allocations and load allocations to be met by December 31, 2015. The TMDLs specify wet season TMDLs, numeric targets, wasteload allocations and load allocations to be met by December 31, 2025.
5. The MSAR Bacterial Indicator TMDLs require San Bernardino County municipal separate sewer system (MS4) dischargers to comply with the dry season bacterial indicator wasteload allocations (WLAs) by December 31, 2015.
6. Specific agencies within the Santa Ana Region and San Bernardino County required to comply with the MSAR TMDLs include San Bernardino County Flood Control District (SBCFCD), the County of San Bernardino, and the cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Rancho Cucamonga, Rialto, and Upland.

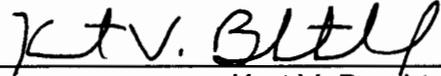
7. On January 29, 2010, the Regional Board adopted a revised National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements municipal separate storm sewer system permit (MS4 permit) for specified San Bernardino County municipalities within the Santa Ana Region (Order No. R8-2010-0036, NPDES No. CAS618036).
8. MSAR bacterial indicator TMDL requirements were incorporated into the revised MS4 permit.
9. Section V.D.2.b. of the MS4 permit includes provisions that provide SBCFCD and its Co-Permittees with an alternative to compliance with numeric bacterial indicator Water Quality Based Effluent Limitations. This alternative involves the development, submittal, and implementation of a Comprehensive Bacteria Reduction Plan (CBRP) in accordance with a schedule and guidelines outlined by the Regional Board in the MS4 permit. The CBRP is required to identify the means by which numeric wasteload allocations will be met.
10. On December 30, 2010, SBCFCD and the Co-Permittees submitted a draft CBRP, in accordance with the San Bernardino County MS4 permit. Regional Board staff reviewed the draft CBRP and on March 30, 2011, provided comments to SBCFCD and the Co-Permittees.
11. On June 28, 2011, SBCFCD and the Co-Permittees submitted a revised CBRP. The Regional Board has reviewed the revised CBRP and finds that it complies with the guidelines outlined in the MS4 permit. Provided that it is implemented appropriately and in a timely manner, the CBRP provides reasonable assurance that the dry weather urban wasteload allocations will be achieved in accordance with the schedules identified in the MS4 permit and the MSAR TMDLs.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board approves the CBRP and associated schedule for implementation as submitted by SBCFCD and the Co-Permittees on June 28, 2011.
2. The San Bernardino County CBRP will serve as the final Water Quality Based Effluent Limitations for bacterial indicators during the dry season (annually April 1 through October 31).
3. The CBRP shall be implemented immediately upon approval.
4. SBCFCD, the County of San Bernardino, and the Cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Rancho Cucamonga, Rialto, and Upland are in compliance with Section V.D.2.b of the San Bernardino County MS4 permit, provided that the CBRP is implemented in a timely manner.

5. Based upon completion of the tasks and activities described in the CBRP, and analysis of BMP effectiveness, the CBRP shall be updated as necessary.
6. The Regional Board's Executive Officer is hereby delegated authority to approve subsequent revisions to the CBRP plans and schedule set forth in the attachments. The updated CBRP shall be implemented upon approval by the Executive Officer.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 10, 2012.



Kurt V. Berchtold
Executive Officer