

Errata Sheet for Tentative Order No. 01-20
NPDES No. CAS618030

Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and The Incorporated Cities of Orange County Within the Santa Ana Region Areawide Urban Storm Water Runoff

Text

Item No.	Location	Changes (strikeout/final)
1	Fact Sheet IX.7 (Page 18)	<p data-bbox="521 659 1105 695">7. MUNICIPAL INSPECTION PROGRAM</p> <p data-bbox="581 730 1442 1098"><u>Inspections by the municipalities, of construction, industrial, and commercial activities within their jurisdiction will be conducted, in order to control the loading of pollutants entering the MS4 system. The municipalities will inventory companies and sites in the above categories; prioritize those companies and sites with respect to their potential for discharge of pollutants in runoff and their proximity to sensitive receiving waters; and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in ‘educational’ type enforcement, repeated non-compliance will result in more disciplinary forms of enforcement, such as, monetary penalties, stop work orders or permit revocation.</u></p> <hr/> <p data-bbox="521 1150 1105 1186">7. MUNICIPAL INSPECTION PROGRAM</p> <p data-bbox="581 1222 1442 1589">Inspections by the municipalities, of construction, industrial, and commercial activities within their jurisdiction will be conducted, in order to control the loading of pollutants entering the MS4 system. The municipalities will inventory companies and sites in the above categories; prioritize those companies and sites with respect to their potential for discharge of pollutants in runoff and their proximity to sensitive receiving waters; and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in ‘educational’ type enforcement, repeated non-compliance will result in more disciplinary forms of enforcement, such as, monetary penalties, stop work orders or permit revocation.</p>
2	Fact Sheet IX.9 (Page 18)	<p data-bbox="521 1644 1365 1745">9. <u>SANITARY SEWER LINE LEAKS, SEWAGE SPILLS AND SEPTIC SYSTEM FAILURES AND PORTABLE TOILET DISCHARGES</u></p> <p data-bbox="570 1797 1435 1887">A number of beach closures in Orange County have been due to spills, overflows, and leaks from sanitary sewer lines. <u>To address these concerns, a set of separate waste discharge requirements for local sanitary</u></p>

		<p>sewer agencies is being prepared by the Regional Board. Failing septic systems and improper use of portable toilets have also been linked to microbial contamination of urban runoff. The permittees <u>shall identify, with the appropriate local agency, a mechanism should work cooperatively with the owners of the sanitary sewer lines to determine if exfiltration from leaking sanitary sewer lines, sewage spills from blocked sewer lines and failing septic systems to determine if failure of these septic systems</u> are causing or contributing to urban storm water pollution problems in their jurisdictions. <u>The permittees shall also review their local oversight program for the placement and maintenance of portable toilets to determine the need for any revision.</u></p>
		<p>9. SEPTIC SYSTEM FAILURES AND PORTABLE TOILET DISCHARGES</p> <p>A number of beach closures in Orange County have been due to spills, overflows and leaks from sanitary sewer lines. To address these concerns, a set of separate waste discharge requirements for local sanitary sewer agencies is being prepared by the Regional Board. Failing septic systems and improper use of portable toilets have also been linked to microbial contamination of urban runoff. The permittees shall identify, with the appropriate local agency, a mechanism to determine if failure of these septic systems are causing or contributing to urban storm water pollution problems in their jurisdictions. The permittees shall also review their local oversight program for the placement and maintenance of portable toilets to determine the need for any revision.</p>
<p>3</p>	<p>Finding 26 (Page 8)</p>	<p>26. The major focus of storm water pollution prevention is the development and implementation of an appropriate DAMP including best management practices (BMPs). The ultimate goal of the urban storm water management program is to support attainment of water quality objectives for the receiving waters and to protect beneficial uses through the implementation of the DAMP. The permittees developed and submitted a DAMP, which was approved on May 3, 1994.</p> <p>26. The major focus of storm water pollution prevention is the development and implementation of an appropriate DAMP including best management practices (BMPs). The ultimate goal of the urban storm water management program is to support attainment of water quality objectives for the receiving waters and to protect beneficial uses through the implementation of the DAMP. The permittees developed and submitted a DAMP.</p>
<p>4</p>	<p>Finding 31 (Page 9)</p>	<p>31. In accordance with the Strategic Plan and Initiatives for the State and Regional Boards (June 22, 1995), the Regional Board recognizes the importance of an integrated watershed management approach. The Regional Board also recognizes that a watershed management program should integrate all related programs, including the storm water program and TMDL processes. Consistent with this approach, some of the <u>municipal storm water monitoring programs</u> have already been integrated into regional monitoring programs.</p>

		<p>31. In accordance with the Strategic Plan and Initiatives for the State and Regional Boards (June 22, 1995), the Regional Board recognizes the importance of an integrated watershed management approach. The Regional Board also recognizes that a watershed management program should integrate all related programs, including the storm water program and TMDL processes. Consistent with this approach, some of the municipal storm water monitoring programs have already been integrated into regional monitoring programs.</p>
<p>5</p>	<p>Findings 37 (Page 11)</p>	<p>37. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this order require the implementation of best management practices to reduce to the maximum extent practicable, the discharge of pollutants in storm water from the MS4s in order to support attainment of water quality standards. This order, therefore, includes Receiving Water Limitations based upon water quality objectives, <u>prohibits</u> the prevention <u>creation</u> of nuisance and <u>requires</u> the reduction of water quality impairment in receiving waters. In accordance with Section 402 (p) of the Clean Water Act, this order requires the permittees to implement control measures, in accordance with the approved DAMP, that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations similarly require the implementation of control measures, to the extent that they are technically and economically feasible to protect beneficial uses and attain water quality objectives of the receiving waters.</p> <p>37. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this order require the implementation of best management practices to reduce to the maximum extent practicable, the discharge of pollutants in storm water from the MS4s in order to support attainment of water quality standards. This order, therefore, includes Receiving Water Limitations based upon water quality objectives, prohibits the creation of nuisance and requires the reduction of water quality impairment in receiving waters. In accordance with Section 402 (p) of the Clean Water Act, this order requires the permittees to implement control measures, in accordance with the DAMP, that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations similarly require the implementation of control measures, to the extent that they are technically and economically feasible to protect beneficial uses and attain water quality objectives of the receiving waters.</p>

6	Section IV.1 (Page 17)	1. Discharges from the MS4s shall not cause or contribute to exceedances of receiving water quality standards (designated beneficial uses and water quality objectives) for surface waters or groundwaters.
		1. Discharges from the MS4s shall not cause or contribute to exceedances of receiving water quality standards (designated beneficial uses and water quality objectives) for surface waters or groundwaters.
7	Section IV.3 (Page 17)	3. The DAMP and its components shall be designed to achieve compliance with receiving water limitations (<u>it is expected that this will be achieved through an iterative process and the application of increasingly more effective BMPs</u>). The permittees shall comply with Sections III.2 and IV of this order through timely implementation of control measures and other actions to reduce pollutants in urban storm water runoff to the maximum extent practicable in accordance with the DAMP and other requirements of this order, including any modifications thereto.
		3. The DAMP and its components shall be designed to achieve compliance with receiving water limitations (it is expected that this will be achieved through an iterative process and the application of increasingly more effective BMPs). The permittees shall comply with Sections III.2 and IV of this order through timely implementation of control measures and other actions to reduce pollutants in urban storm water runoff in accordance with the DAMP and other requirements of this order, including any modifications thereto.
8	Section IV.4.a (Page 17)	a. Upon a determination by either the permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable water quality standard, the responsible permittees shall promptly notify and thereafter submit a report to the Executive Officer that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report may be incorporated in the annual update to the DAMP, unless the Executive Officer directs an earlier submittal. The report shall include an implementation schedule. The Executive Officer may require modifications to the report;
		a. Upon a determination by either the permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable water quality standard, the permittees shall promptly notify and thereafter submit a report to the Executive Officer that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report may be incorporated in the annual update to the DAMP, unless the Executive Officer directs an earlier submittal. The report shall include an implementation schedule. The Executive Officer may require modifications to the report;

9	Section IV.4 (Page 18)	4. ... So long as the permittees have complied with the procedures set forth above and are implementing the revised DAMP, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless the Executive Officer determines it is necessary to to develop additional BMPs, so in order to satisfy the maximum extent practicable standard.
		4. ... So long as the permittees have complied with the procedures set forth above and are implementing the revised DAMP, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless the Executive Officer determines it is necessary to develop additional BMPs.
10	Section VI.1 (Page 18)	1. The permittees shall maintain and enforce adequate legal authority to control the contribution of pollutants to the MS4 by storm water <u>discharges and enforce those authorities, associated with industrial activities.</u>
		1. The permittees shall maintain adequate legal authority to control the contribution of pollutants to the MS4 by storm water discharges and enforce those authorities.
11	Section VI.6 (Page 19)	6. By July 1 <u>November 15</u> , 2003, the permittees shall <u>review their water quality and provide a report on the ordinances establishing legal authority to determine</u> the effectiveness of these <u>their water quality ordinances and their enforcement</u> , in prohibiting the following types of discharges to the MS4s and include in the report identified in Item 4, above (the permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the permittees are responsible for ensuring that dischargers adequately maintain those control measures):
		6. By November 15, 2003, the permittees shall review their water quality ordinances and provide a report on the effectiveness of these ordinances in prohibiting the following types of discharges to the MS4s (the permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the permittees are responsible for ensuring that dischargers adequately maintain those control measures):
12	Section VIII.2 (Page 21)	2. To establish priorities for inspection requirements under this Order, the permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of construction sites should be based on such factors as soil erosion potential, project size, proximity and sensitivity of receiving waters and any other relevant factors. At a minimum, high priority construction sites shall include: sites over 50 acres; sites over 5 acres that are tributary to Clean Water Act section 303(d) waters listed for sediment or turbidity impairments; and sites that are tributary to and within 500 feet of an area defined by

		<p>the Ocean Plan as an Area of Special Biological Significance (ASBS) and are within 500 feet of that ASBS.</p> <p>2. To establish priorities for inspection requirements under this Order, the permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of construction sites should be based on such factors as soil erosion potential, project size, proximity and sensitivity of receiving waters and any other relevant factors. At a minimum, high priority construction sites shall include: sites over 50 acres; sites over 5 acres that are tributary to Clean Water Act section 303(d) waters listed for sediment or turbidity impairments; and sites that are tributary to and within 500 feet of an area defined by the Ocean Plan as an Area of Special Biological Significance (ASBS).</p>
13	Section IX.3 (Page 23)	<p>3. Each permittee shall conduct industrial facility inspections for compliance with its ordinances and permits. Inspections shall include a review of material and waste handling and storage practices, pollutant control BMP implementation and maintenance and evidence of past or present unauthorized, non-storm water discharges. All high priority facilities identified in IX.2 shall be inspected <u>and a report on these inspections shall be submitted by November 15, 2003 and a report of inspections during subsequent years shall be included in the annual report for that year.</u> by July 1, 2003.</p> <p>3. Each permittee shall conduct industrial facility inspections for compliance with its ordinances and permits. Inspections shall include a review of material and waste handling and storage practices, pollutant control BMP implementation and maintenance and evidence of past or present unauthorized, non-storm water discharges. All high priority facilities identified in IX.2 shall be inspected and a report on these inspections shall be submitted by November 15, 2003 and a report of inspections during subsequent years shall be included in the annual report for that year.</p>
14	Section XII.A.3 (Page 27)	<p>3. By December 19, 2002, the permittees shall should review their planning procedures and CEQA document preparation processes to ensure that urban runoff-related issues are properly considered and addressed. If necessary, these processes should be revised by that date to consider and mitigate impacts to storm water quality. These changes may include revising the General Plan, modifying the project approval processes, including a section on urban runoff related water quality issues in an addendum CEQA checklist, and conducting training for project proponents. <u>The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by January 2, 2003.</u> The following potential impacts shall be considered during CEQA review:</p> <p>3. By December 19, 2002, the permittees shall review their planning</p>

		<p>procedures and CEQA document preparation processes to ensure that urban runoff-related issues are properly considered and addressed. If necessary, these processes should be revised by that date to consider and mitigate impacts to storm water quality. These changes may include revising the General Plan, modifying the project approval processes, including a section on urban runoff related water quality issues in an addendum CEQA checklist, and conducting training for project proponents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by January 2, 2003. The following potential impacts shall be considered during CEQA review:</p>
15	Section XII.A.4 (Page 27)	<p>4. By July 1, 2004, the permittees <u>shall review their</u> should incorporate watershed protection principles and policies into the <u>their</u> General Plans or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) <u>to ensure that these principles and policies are properly considered and are incorporated into these documents.</u> The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by November 15, 2004 and provide proof of such action in the 2004 annual report. These principles and policies should include, but not be limited to, the following considerations:</p> <p>4. By July 1, 2004, the permittees shall review their watershed protection principles and policies in their General Plans or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) to ensure that these principles and policies are properly considered and are incorporated into these documents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by November 15, 2004. These principles and policies should include, but not be limited to, the following considerations:</p>
16	Section XII.A.6 (Page 28)	<p>6. By July 1, 2003, the permittees <u>shall</u> should review and, <u>as necessary,</u> revise their current grading/erosion control ordinances in order to reduce erosion caused by new development or significant re-development projects.</p> <p>6. By July 1, 2003, the permittees shall review and, as necessary, revise their current grading/erosion control ordinances in order to reduce erosion caused by new development or significant re-development projects.</p>
17	Section XII.A.7 (Page 28)	<p>7. The permittees <u>shall</u> should, through conditions of approval, ensure proper maintenance and operation of any permanent flood control structures installed in new developments. The parties responsible for the maintenance and operation of the facilities, and a funding mechanism for operation and maintenance, <u>shall</u> should be identified prior to approval of the project.</p> <p>7. The permittees shall, through conditions of approval, ensure proper</p>

		<p>maintenance and operation of any permanent flood control structures installed in new developments. The parties responsible for the maintenance and operation of the facilities, and a funding mechanism for operation and maintenance, shall be identified prior to approval of the project.</p>
18	<p>Section XII.A.8 (Page 28)</p>	<p>8. By November 15, 2003, the principal permittee shall submit a proposal for a study to evaluate the effectiveness of a group of selected BMPs for controlling erosion during new development. <u>Based on the results of this study, one or more BMPs will be identified as (a) County-preferred BMP(s) for erosion control during new development.</u> This proposal shall include details of the new development project site, the BMPs selected for the study, and a proposed schedule to complete the study by the end of this permit term. <u>The proposal and final BMP selection shall be approved by the Regional Board Executive Officer and the study shall be completed by the end of this permit term.</u></p> <p>8. By November 15, 2003, the principal permittee shall submit a proposal for a study to evaluate the effectiveness of a group of selected BMPs for controlling erosion during new development. Based on the results of this study, one or more BMPs will be identified as (a) County-preferred BMP(s) for erosion control during new development. This proposal shall include details of the new development project site, the BMPs selected for the study, and a proposed schedule. The proposal and final BMP selection shall be approved by the Regional Board Executive Officer. The study shall be completed by the end of this permit term.</p>
19	<p>Section XII.B.3.C.3 (Page 31)</p>	<p>3. Structural infiltration treatment BMPs shall not cause a <u>nuisance</u> or pollution, as defined in Water Code Section 13050.</p> <p>3. Structural infiltration treatment BMPs shall not cause a nuisance or pollution, as defined in Water Code Section 13050.</p>
20	<p>Section XIII.3 (Page 32)</p>	<p>3. By March 1, 2002, the permittees shall establish a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Public Education Committee shall meet at least twice per year. The Public Education Committee shall make recommendations for any changes to the public and business education program. The goal of the public and business education program shall be to target 100% of the residents, including businesses, commercial and industrial establishments. Through use of local print, radio and television, the permittees must ensure that the public and business education program makes a minimum of 10 million impressions per year <u>and that that those impressions measurably increase the knowledge and measurably change the behavior of the targeted groups.</u> <u>By November 15, 2002, the Public Education Committee shall propose a study for measuring changes in knowledge and behavior as a result of the education program. Upon approval by the Regional Board Executive Officer, the study shall be completed by the end of the permit cycle.</u> By July 1, 2002, the Public Education Committee shall develop BMP</p>

		<p>guidance for restaurants, automotive service centers, and gasoline service stations for the industrial facility inspectors to distribute to these facilities during inspections. Further, for restaurant, automotive service centers, and gasoline service station corporate chains, information is to be developed that will be provided to corporate environmental managers during outreach visits that will take place twice during the permit term.</p>
		<p>3. By March 1, 2002, the permittees shall establish a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Public Education Committee shall meet at least twice per year. The Public Education Committee shall make recommendations for any changes to the public and business education program. The goal of the public and business education program shall be to target 100% of the residents, including businesses, commercial and industrial establishments. Through use of local print, radio and television, the permittees must ensure that the public and business education program makes a minimum of 10 million impressions per year and that those impressions measurably increase the knowledge and measurably change the behavior of the targeted groups. By November 15, 2002, the Public Education Committee shall propose a study for measuring changes in knowledge and behavior as a result of the education program. Upon approval by the Regional Board Executive Officer, the study shall be completed by the end of the permit cycle. By July 1, 2002, the Public Education Committee shall develop BMP guidance for restaurants, automotive service centers, and gasoline service stations for the industrial facility inspectors to distribute to these facilities during inspections. Further, for restaurant, automotive service centers, and gasoline service station corporate chains, information is to be developed that will be provided to corporate environmental managers during outreach visits that will take place twice during the permit term.</p>
<p>21</p>	<p>Section XIV.3 (Page 33)</p>	<p>3. By July 1, 2002, the principal permittee shall develop and distribute model maintenance procedures for public agency activities such as street sweeping; catch basin stenciling; drainage facility <u>inspection, cleaning and maintenance</u>; etc. This shall be reported in the 2001-2002 annual report.</p>
		<p>3. By July 1, 2002, the principal permittee shall develop and distribute model maintenance procedures for public agency activities such as street sweeping; catch basin stenciling; drainage facility inspection, cleaning and maintenance; etc. This shall be reported in the 2001-2002 annual report.</p>
<p>22</p>	<p>Section XIV.6 (Page 33)</p>	<p>6. By July 1, 2002, the principal permittee shall develop a model maintenance procedure for drainage facilities. This shall be included in the 2001-2002 annual report. Each permittee shall inspect, <u>clean</u> and maintain at least 80% of its drainage facilities on an annual basis, with 100% of the facilities included in a two-year period, using the model maintenance procedures developed by the principal permittee. This shall be included in the annual report.</p>
		<p>6. By July 1, 2002, the principal permittee shall develop a model</p>

		<p>maintenance procedure for drainage facilities. This shall be included in the 2001-2002 annual report. Each permittee shall inspect, clean and maintain at least 80% of its drainage facilities on an annual basis, with 100% of the facilities included in a two-year period, using the model maintenance procedures developed by the principal permittee. This shall be included in the annual report.</p>
23	Section XVI.1 (Page 34)	<p>1. The permittees shall meet the following target load allocations for nutrients in urban runoff by implementing the BMPs contained in Appendix N (DAMP, Section 12) and in accordance with the approved <u>TMDL implementation plan incorporated in the Basin Plan</u>.</p> <p>1. The permittees shall meet the following target load allocations for nutrients in urban runoff by implementing the BMPs contained in Appendix N (DAMP, Section 12) and in accordance with the approved TMDL implementation plan incorporated in the Basin Plan.</p>
24	Section XIX.3 (Page 37)	<p>3. The permittees shall comply with Monitoring and Reporting Program No. 01-20, and any revisions thereto, which is hereby made a part of this order. The including the Executive Officer is authorized to revise the Monitoring and Reporting Program and also to allow the permittees to participate in regional, statewide, national or other monitoring programs in lieu of or in addition to Monitoring and Reporting Program No. 01-20.</p> <p>3. The permittees shall comply with Monitoring and Reporting Program No. 01-20, and any revisions thereto, which is hereby made a part of this order. The Executive Officer is authorized to revise the Monitoring and Reporting Program to allow the permittees to participate in regional, statewide, national or other monitoring programs in lieu of or in addition to Monitoring and Reporting Program No. 01-20.</p>
25	Section XIX.8 (Page 38)	<p>8. The permit Permit application and special NPDES program requirements <u>are contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c) are incorporated into this order by reference.</u></p> <p>8. The permit application and special NPDES program requirements are contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c) are incorporated into this order by reference.</p>
26	M&RP III.E.2 (Page 48)	<p>(2) The permittees shall coordinate with SCCWRP and the Regional Board to identify appropriate bioassessment station locations. Station selection and sampling scheme shall be identified in the revised Monitoring Program, and sampling should commence no later than October 20023.</p> <p>(2) The permittees shall coordinate with SCCWRP and the Regional Board to identify appropriate bioassessment station locations. Station selection and sampling scheme shall be identified in the revised Monitoring Program, and sampling should commence no later than October 2003.</p>

Footnotes

1	Finding 15 (Page 6)	<p>15. This order regulates urban storm water runoff from areas under the jurisdiction of the permittees. Urban storm water runoff includes those discharges from residential, commercial, industrial, and construction areas within the permitted area and excludes discharges from feedlots, dairies, and farms (also see Finding 16). Storm water discharges consist of surface runoff generated from various land uses in all the hydrologic drainage areas that discharge into the water bodies of the U.S. The quality of these discharges varies considerably and is affected by land use activities, basin hydrology and geology, season, the frequency and duration of storm events, and the presence of illicit² disposal practices and illegal connections.</p> <p>² <u>Illicit Disposal means any disposal, either intentionally or unintentionally, of material or waste that can pollute storm water or create a nuisance.</u></p>
2	Finding 21 (Page 7)	<p>21. Order No. 90-71 (first term permit) required the permittees to: (1) develop and implement the DAMP and a storm water and receiving water monitoring plan; (2) eliminate illegal³ and illicit discharges⁴ to the MS4s; and (3) enact the necessary legal authority to effectively prohibit such discharges. The overall goal of these requirements was to reduce pollutant loadings to surface waters from urban runoff to the maximum extent practicable (MEP)²⁵. Order No. 96-31 (second term permit) required continued implementation of the DAMP and the monitoring plan, and required the permittees to focus on those areas that threaten beneficial uses.</p> <p>⁴ <u>Illicit Discharge means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Section III, Discharge Limitations/Prohibitions, of this order, and discharges authorized by the Regional Board Executive Officer.</u></p>
3	Finding 37 (Page 11)	<p>37. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this order require the implementation of best management practices to reduce to the maximum extent practicable, the discharge of pollutants in storm water from the MS4s in order to support attainment of water quality standards. This order, therefore, includes Receiving</p>

		<p>Water Limitations⁶ based upon water quality objectives, the prevention of nuisance and the reduction of water quality impairment in receiving waters. In accordance with Section 402 (p) of the Clean Water Act, this order requires the permittees to implement control measures, in accordance with the approved DAMP, that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations similarly require the implementation of control measures, to the extent that they are technically and economically feasible to protect beneficial uses and attain water quality objectives of the receiving waters.</p> <p>⁶ <u>Receiving Water Limitations are requirements included in the Orders issued by the Board to assure that the regulated discharge does not violate water quality standards established in the Basin Plan at the point of discharge to waters of the State.</u></p>
4	Section VI.6.f (Page 19)	<p>f. Runoff from material storage areas or uncovered receptacles that contain chemicals, fuels, grease, oil, or other hazardous materials⁷;</p> <p>⁷ <u>Hazardous Material is defined as any substance that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by EPA to be reported if a designated quantity of the material is spilled into the waters of the United States or emitted into the environment.</u></p>
5	Section VI.6.g	<p>g. Discharges of runoff from the washing of toxic materials⁸ from paved or unpaved areas;</p> <p>⁸ <u>Toxic Material is a chemical or a mixture that may present an unreasonable risk of injury to health or the environment.</u></p>

Table

Table 1. Seasonal Load Allocations of Total Nitrogen for the Newport Bay Watershed

Nutrient TMDL	1990-1997 Loading	2002 Summer Allocation (Apr-Sept) ⁵	2007 Summer Allocation (Apr-Sept) ⁵	2012 Winter Allocation (Oct-Mar) ^{4,5,6}
Newport Bay Watershed	lbs/year TN ^{1,2}	lbs/season TN	Lbs/season TN	lbs/season TN
Wasteload Allocation				
Urban runoff	277,131 ³	20,785	16,628	55,442
		5 year target	10 year target	15 year target

¹ TIN = (NO₃+NH₃).

² TN = (TIN + Organic N).

³ Estimated annual average (summer and winter loading).

⁴ Total nitrogen winter loading limit applies between October 1 and March 31 when the mean daily flow rate at San Diego Creek at Campus Drive is below 50 cubic feet per second (cfs), and when the mean daily flow rate in San Diego Creek at Campus Drive is above 50 cubic feet per second (cfs), but not as the result of precipitation.

⁵ Compliance to be achieved no later than this date. The Regional Board may require earlier compliance with these targets when it is feasible and reasonable.

⁶ Assumes 67 non-storm days.