

2009 Working Se TMDL Documents



Compliance Determination

Regional Water Quality Control Board
Santa Ana Region

Purpose

- Clarify “compliance vs. assessment”
- Review permit compliance options

Compliance vs. Assessment

- Compliance
 - Permitting options/issues
- Assessment
 - TMDL attainment



Compliance vs. Assessment

- Used interchangeably throughout the 2009 Staff Report
 - E.g., “Compliance” Assessment Areas
- This will be changed in the 2014 revised staff report to clearly distinguish between:
 - Compliance with TMDL allocations required by permits
 - Monitoring and assessment needed to determine progress towards achieving the TMDLs

Proposed Permit Compliance Options

Three compliance options identified:

Option 1: NSMP dischargers (via CWP Funding Agreement)

Option 2: Individual Action Plan

Option 3: No discharge



Proposed Permit Compliance Options

Option 1: NSMP CWP Funding Program Dischargers

Allocations: (basis of limitations)

- Performance-based interim allocations (implement tasks in the NSMP BMP Strategic Plan)
- Final allocations also specified; compliance to be achieved as soon as possible but no later than 15 years from TMDL effective date

➤ If the numeric tissue targets are being consistently met, permittees are considered to be in compliance



Proposed Permit Compliance Options

Option 2: Individual Action Plan Dischargers (and non-compliant NSMP dischargers)

- Individual dischargers identify and implement an alternative, Rg.Bd.- approved TMDL compliance plan
- Final allocations to be achieved as soon as possible but no later than 3 years from effective date of TMDL
- Interim actions in accordance with approved Individual Action Plan

❖ Any discharger can elect to develop an IAP



Proposed Permit Compliance Options

Option 2: Individual Action Plan Dischargers (and non-compliant NSMP dischargers)

- Implement an approved offset for Se discharges in excess of Se limits until final compliance achieved:
 - NSMP CWP Funding Agreement expected to include offset provisions for these dischargers
 - NSMP/CWP program participants, 1:1
 - Others, 2:1 offset required



Proposed Permit Compliance Options

Option 3: No Discharge

- Cease discharge or do not commence discharge unless committed to Option 1 or 2



Compliance Determination Summary

- Permit requirements tied to TMDL allocations
 - Interim performance-based allocations for NSMP CWP dischargers and 15 year compliance schedule
 - All others must meet final allocations within 3 years of the effective date of the TMDLs
 - Interim offsets required
 - Final allocations: CTR-based until SSOs approved



Compliance Determination Summary

- Performance-based allocations may be considered final allocations (verses concentration-based allocations)
 - If the numeric tissue targets/SSOs are being consistently met as defined by the TMDLs
 - MS4 permit currently allows this flexibility
 - Less certain as to whether this can be done with other types of permits



- ❖ Ultimate goal is to meet numeric tissue targets/SSOs; final WLA should be set at whatever concentration results in the tissue targets being consistently met