

Additions to Part 5, incorporated into existing Part 5 alphabetically:

PART 5 - DEFINITIONS

“Baseline Waste Load Allocation” means the Waste Load Allocation assigned to a Permittee before reductions are required. The progressive reductions in the Waste Load Allocations are based on a percentage of the Baseline Waste Load Allocation. The Baseline Waste Load Allocation for each jurisdiction was calculated based on the annual average amount of trash discharged to the storm drain system from a representative sampling of land use areas, as determined during the Baseline Monitoring Program. The Baseline Waste Load Allocations are incorporated into the Basin Plan at Table 7-2.2.

“Daily Generation Rate (DGR)” means the estimated amount of trash deposited within a representative drainage area during a 24-hour period, derived from the amount of trash collected from streets and catch basins in the area over a 30-day period.

“Drainage” includes all drainage into the MS4, including urban runoff (non-storm water) and storm water.

“Full Capture System” means any single device or series of devices, certified by the Executive Officer, that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. The Rational Equation is used to compute the peak flow rate:

$$Q = C \times I \times A,$$

Where:

Q = design flow rate (cubic feet per second, cfs);

C = runoff coefficient (dimensionless);

I = design rainfall intensity (inches per hour, as determined per the Los Angeles County rainfall isohyetal maps relevant to the Los Angeles River watershed),¹ and

A = sub-drainage area (acres).

“Partial Capture Device” means any structural trash control device that has not been certified by the Executive Officer as meeting the “full capture” performance requirements.

“Institutional Controls” means programmatic trash control measures that do not require construction or structural modifications to the MS4. Examples include street sweeping, public education, and clean out of catch basins that discharge to storm drains.

¹ The isohyetal map may be updated annually by the Los Angeles County hydrologist to reflect additional rain data gathered during the previous year. Annual updates published by the Los Angeles County Department of Public Works are prospectively incorporated by reference into this Order.

Addition of New Part 7:

PART 7 - TOTAL MAXIMUM DAILY LOAD PROVISIONS

The provisions of this Part implement and are consistent with the assumptions and requirements of Waste Load Allocations from TMDLs for which some or all of the Permittees in this Order are responsible.

1. TMDL for Trash in the Los Angeles River Watershed

- A. Waste Load Allocations: Each Permittee identified in Appendix 7-1 shall comply with the interim and final effluent limitations set forth in Appendix 7-1 hereto.²
- B. Compliance:
 - (1) Permittees may comply with the effluent limitations using any lawful means. Such compliance options are broadly classified as *full capture*, *partial capture*, or *institutional controls*, as described below, and any combination of these may be employed to achieve compliance:
 - (a) Full Capture Systems:
 - 1) The Basin Plan authorizes the Executive Officer to certify *full capture systems*, which are systems that meet the operating and performance requirements as described in this Order, and the procedures identified in “Procedures and Requirements for Certification of a Best Management Practice for Trash Control as a Full Capture System.” (See Appendix 7-2.)³
 - 2) Permittees are authorized to comply with their effluent limitations through certified *full capture systems* provided the requirements of paragraph 3), immediately below, and any conditions in the certification, continue to be met.
 - 3) Permittees may comply with their effluent limitations through progressive installation of *full capture systems* throughout their jurisdiction until all areas draining to the Los Angeles River system are addressed. For purposes of this Permit, attainment of the effluent limitations shall be conclusively presumed for any drainage area to the Los Angeles River (or its tributaries) where

² The interim and final effluent limitations set forth in Appendix 7-1 are equivalent to the Compliance Points identified in Table 7-2.3 of the Basin Plan.

³ The Regional Board currently recognizes eight *full capture systems*. These are: Vortex Separation Systems (VSS) and seven other Executive Officer certified *full capture systems*, including specific types or designs of trash nets; two gross solids removal devices (GSRDs); catch basin brush inserts and mesh screens; vertical and horizontal trash capture screen inserts; and a connector pipe screen device.

certified *full capture systems* treat all drainage from the area, provided that the *full capture systems* are adequately sized, maintained and maintenance records and performance data are maintained and available for inspection by the Regional Board.

- i. A Permittee relying entirely on *full capture systems* shall be deemed in compliance with its final effluent limitation if it demonstrates that all drainage areas under its jurisdiction are serviced by appropriate certified *full capture systems* as described in paragraph (a)(3).
- ii. A Permittee relying entirely on *full capture systems* shall be deemed in compliance with its interim effluent limitations:
 1. By demonstrating that *full capture systems* treat the percentage of drainage areas in the watershed that corresponds to the required trash abatement.
 2. Alternatively, a Permittee may propose a schedule for jurisdiction-wide installation of *full capture systems*, targeting first the areas of greatest trash generation (based upon the information on drainage area and litter generation rates by land use provided in Appendices I and III of the Los Angeles River Trash TMDL Staff Report) for the Executive Officer's approval. The Executive Officer shall not approve any such schedule that does not result in timely compliance with the final effluent limitations. A Permittee shall be deemed in compliance with its interim effluent limitations provided it is fully in compliance with any such approved schedule.

(b) Partial Capture Devices and Institutional Controls:
Permittees may comply with their interim and final effluent limitations through the installation of *partial capture devices* and the application of *institutional controls*.

- 1) Trash discharges from areas serviced solely by *partial capture devices* may be estimated based on demonstrated performance of the device(s) in the jurisdictional area. That is, trash reduction is equivalent to the *partial capture devices'* trash removal efficiency multiplied by the percentage of drainage area serviced by the devices.
- 2) Except as provided in subdivision 3), below, trash discharges from areas addressed by *institutional controls* and/or *partial capture devices* (where site-specific performance data is not available) shall be calculated using a mass balance approach, based on the daily generation rate (DGR) for a representative area.⁴ The DGR shall be determined from direct measurement of trash deposited in the drainage area during any thirty-day period between June 22nd and September 22nd exclusive of rain events⁵, and shall be re-calculated every year thereafter. The DGR shall be calculated as the total amount of trash collected during this period divided by 30 (the length of the collection period).

DGR = (Amount of trash collected during a 30-day collection period⁶) / (30 days)

The DGR for the applicable area of the jurisdiction shall be extrapolated from that of the representative drainage area. A mass balance equation shall be used to estimate the amount of trash discharged during a storm event.⁷ The *Storm Event Trash Discharge* for a given rain event in a Permittee's drainage area shall be calculated by multiplying the number of days since the last street sweeping by the DGR and subtracting the amount of any trash recovered in the catch basins.⁸ For each day of a storm event that generates precipitation greater than 0.25 inches, the Permittee shall calculate a *Storm Event Trash Discharge*.

⁴ The area should be representative of the land uses within the jurisdiction and shall be approved by the Executive Officer prior to the 30-day collection period.

⁵ Provided no special events are scheduled that may affect the representative nature of that collection period.

⁶ Between June 22nd and September 22nd

⁷ Amount of trash shall refer to the uncompressed volume (in gallons) or drip-dry weight (in pounds) of trash collected.

⁸ Any negative values shall be considered to represent a zero discharge.

Storm Event Trash Discharge = [(Days since last street sweeping*DGR)] – [Amount of trash recovered from catch basins]⁹

The sum of the *Storm Event Trash Discharges* for the storm year shall be the Permittee's calculated annual trash discharge.

Total Storm Year Trash Discharge = ∑Storm Event Trash Discharges from Drainage Area

- 3) The Executive Officer may approve alternative compliance monitoring approaches for calculating total storm year trash discharge, upon finding that the program will provide a scientifically-based estimate of the amount of trash discharged from the MS4.
- (c) Combined Compliance Approaches:
Permittees may comply with their interim and final effluent limitations through a combination of *full capture systems*, *partial capture devices*, and *institutional controls*.
Permittees relying on a combination of approaches shall demonstrate compliance with the interim and final effluent limitations as specified in (a)(3) in areas where *full capture systems* are installed and as specified in (b)(2) in areas where *partial capture devices* and *institutional controls* are applied.
- (2) Permittees that are not in compliance with the applicable interim and/or final effluent limitations as identified in Appendix 7-1 shall be in violation of this permit.
 - (a) Permittees relying on *partial capture devices* and/or *institutional controls* that have violated their interim or final effluent limitations as identified in Appendix 7-1 shall be presumed to have violated the applicable limitation for each day of each storm event that generated precipitation greater than 0.25 inches during the applicable storm year, except those storm days on which they establish that their cumulative Storm Event Trash Discharges have not exceeded the applicable effluent limitation.
 - (b) For Permittees relying on full capture systems who have failed to demonstrate that the *full capture systems* for any drainage are adequately sized, maintained and maintenance records and performance data are maintained and available

⁹ When more than one storm event occurs prior to the next street sweeping the discharge shall be calculated from the date of the last assessment.

for inspection by the Regional Board, and that they are in compliance with any conditions of their certification, shall be presumed to have discharged trash in an amount that corresponds to the percentage of the baseline waste load allocation represented by the drainage in question. A permittee may overcome this presumption by demonstrating (using any of the methods authorized in this Part 7.1.) the actual or calculated discharge for that drainage.

- (3) Any Permittee that fails to demonstrate that it is in compliance with the interim and final effluent limitations as specified in this Part 7.1 shall be presumed to have violated the applicable interim and/or final effluent limitations.
- (4) Any Permittee that establishes that it lacks authority over the MS4 physical infrastructure because it is under the authority of the Los Angeles County Flood Control District shall be held jointly and severally liable with the Los Angeles County Flood Control District for violations of the interim or final effluent limitations assigned to that jurisdiction unless the Permittee and the Flood Control District submit a duly executed agreement (the terms of which has been approved by the Executive Officer to ensure it is consistent with the requirements of this Order) that allocates between them all responsibility for compliance with these provisions, and further provided that the Permittee is in compliance with its respective obligations under the agreement.

C. Monitoring and Reporting Requirements (pursuant to Water Code section 13383)

- (1) Within 60 days of adoption of Part 7, Section 1 (Los Angeles River Trash TMDL) and on October 31, 2010 and every year thereafter, each Permittee identified in Appendix 7-1 shall submit a TMDL Compliance Report detailing compliance with the interim and final effluent limitations. Reporting shall include the information specified below. The report shall be submitted on a reporting form to be specified by the Executive Officer. The report shall be signed under penalty of perjury by the Director of Public Works or other agency head (or their delegee) that is responsible for ensuring compliance with this permit. Permittees shall be charged with and shall demonstrate compliance with the relevant effluent limitations beginning with their October 31, 2010 TMDL Compliance Report.

- (a) Reporting Compliance based on Full Capture Systems: Permittees identified in Appendix 7-1 shall provide information on the number and location of full capture installations, the sizing of each full capture installation, the drainage areas addressed by these installations, and compliance with the applicable interim or final effluent

limitation, in their TMDL Compliance Report. The Regional Board will periodically audit sizing, performance, and other data to validate that a system satisfies the criteria established for a *full capture system* and any conditions established by the Executive Officer in the certification.

(b) Reporting Compliance based on Partial Capture Systems and/or Institutional Controls:

(1) Using Site-Specific Performance Data:

Permittees identified in Appendix 7-1 shall provide (i) site-specific performance data for the applicable device(s), (ii) information on the number and location of such installations, and the drainage areas addressed by these installations, and (iii) calculated compliance with the applicable effluent limitations, in their TMDL Compliance Report.

(2) Using Direct Measurement of Trash Discharge:

Permittees identified in Appendix 7-1 shall provide an accounting of DGR and trash removal via street sweeping, catch basin clean outs, etc., in a database to facilitate the calculation of discharge for each rain event. The database shall be maintained and provided to the Regional Board for inspection upon request.

Permittees identified in Appendix 7-1 shall provide the annual DGR, calculated storm year discharge, and compliance with the applicable effluent limitation, in their TMDL Compliance Report.

(c) Reporting Compliance based on Combined Compliance Approaches:

Permittees identified in Appendix 7-1 shall provide the information specified in subsection (a) for areas where full capture systems are installed and that specified in subsection (b)(1) or (b)(2), as appropriate, for areas where partial capture devices and institutional controls are applied. Permittees shall also provide information on compliance with the applicable effluent limitation based on the combined compliance approaches, in their TMDL Compliance Report

- (2) Violation of the reporting requirements of this Part shall be punishable pursuant to inter alia Water Code subdivision (a)(1) of section 13385.1 and/or subdivision (a)(3) of section 13385.