

[PROPOSED CHANGES ARE IN BOLD LETTERING]

28. **The Regional Board adopted the Santa Monica Bay Beaches Bacteria TMDL (Dry Weather Only) on January 24, 2002. The TMDL was subsequently approved by the SWRCB, the Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA) and became effective on July 15, 2003. 40 CFR section 122.44(d)(4)(vii)(B) requires that NPDES permits must be consistent with the assumptions and requirements of any available waste load allocation. The Waste Load Allocations in the TMDL are expressed as the number of allowable days that may exceed the Basin Plan water quality objectives for protection of Water Contact Recreation (REC-1) in marine waters. This amendment to Order 01-182 is undertaken pursuant to 40 CFR 122.41(f) and 122.62, Part 6.I.1 of Order 01-182, and a stipulation entered into by the Regional Water Quality Control Board, Los Angeles Region (Respondent), Natural Resources Defense Council et al. (Intervenors) and the Petitioners Arcadia et al., in the Superior Court of the State of California, County of Los Angeles – Central Civil West (Lead Case Number BS 080548) executed October 24, 2004.**

F. Implementation

1. The California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code § 21000 *et seq.*) requires that public agencies consider the environmental impacts of the projects they approve for development. CEQA applies to projects that are considered discretionary and does not apply to ministerial projects, which involve the use of established standards or objective measurements. A ministerial project may be made discretionary by adopting local ordinance provisions or imposing conditions to create decision-making discretion in approving the project. In the alternative, Permittees may establish standards and objective criteria administratively for storm water mitigation for ministerial projects. For water quality purposes, the Regional Board considers that all new development and significant redevelopment activity in specified categories, that receive approval or permits from a municipality, are subject to storm water mitigation requirements.
2. The objective of this Order is to protect the beneficial uses of receiving waters in Los Angeles County. To meet this objective, this Order requires that the SQMP specify BMPs that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, Permittees are to assure that storm water discharges from the MS4 shall neither cause nor contribute to the exceedance of water quality standards and objectives nor create conditions of nuisance in the receiving waters, and that the discharge of non-storm water to the MS4 has been effectively prohibited.
3. The SQMP required in this Order builds upon the programs established in Order Nos. 90-079, and 96-054, consists of the components

recommended in the USEPA guidance manual, and was developed with the cooperation of representatives from the regulated community and environmental groups. The SQMP includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost-effective measures to minimize discharge of pollutants to the receiving water. The various components of the SQMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water and urban runoff to the maximum extent practicable. Provisions of the SQMP are fully enforceable under provisions of this Order.

4. The emphasis of the SQMP is pollution prevention through education, public outreach, planning, and implementation as source control BMPs first and then Structural and Treatment Control BMPs next. Successful implementation of the provisions of the SQMP will require cooperation and coordination of all public agencies in each Permittee's organization, among Permittees, and with the regulated community.

[PERMIT LANGUAGE CONTINUES AS ADOPTED IN ORDER 01-182]