

**California Regional Water Quality Control Board  
San Diego Region**

**DRAFT UPDATES & ERRATA**

**to the  
AUGUST 12, 2009 PUBLIC RELEASE DRAFT**

**of the**

**Waste Discharge Requirements for Discharges of Runoff from  
the Municipal Separate Storm Sewer Systems (MS4s)  
Draining the Watershed of the County of Orange, the  
Incorporated Cities of Orange County, and the Orange County  
Flood Control District within the San Diego Region**

**Tentative Order No. R9-2009-0002  
NPDES NO. CAS0108740**

***ERRATA & UPDATES AS OF  
18 November 2009***

*Errata for the August 12, 09 Public Release Draft as of 18 November 09*

This document represents tentative updates and errata to the August 12, 2009 release of Tentative Order No. R9-2009-0002. The errata represent minor clarifications and reference mistakes identified by Staff and/or in the response to comments on the August 12, 2009 public release of draft Tentative Order No. R9-2009-0002. The updates include changes made as a result of meetings and conversations with the Copermittees following the July 01, 2009 public hearing and in response to comments on the August 12, 2009 public release of draft Tentative Order No. R9-2009-0002.

**Permit Errata**

**Page 16**

Finding E.11. Replace ““section 122.33(d)(1)(vii)(B) with “*section 122.44(d)(1)(vii)(B).*”

**Page 21**

Section B.4. The following should be added to the second sentence following the word “control”: “, *pursuant to section B.2,*”

**Page 22.**

Section C.1

Line 5: Insert word “*non*” after “excuse” and before “compliance.”

Replace last sentence with “*In addition, compliance with Section C of this Order requires that an exceedance of an NEL must result in one of the following outcomes:*”

**Page 22**

Section C.2. Replace sentence with “*Each Copermittee, beginning not later than three years following adoption of this Order, shall begin the non-storm water dry weather numeric effluent monitoring as described in Attachment E of this Order.*”

**Page 22-24**

Footers for this section have been changed to reflect Section “C” rather than “D”.

**Page 23**

Table 4.2.a. Under the “Saltwater (CTR)” column switch “*MDEL*” and “*AMEL*.”

**Page 23-24**

Table 4.a-b. Footnote B insert “*No more than 10 percent of total samples may exceed 400 per 100 ml*” before the word “During.”

**Page 25**

Section D.2. Insertion of the word “*major*” in the second sentence prior to “outfall.”

**Page 31**

Section F.1.c.8. Move section F.1.c.8 to F.1.d.11. Add to the beginning of the last sentence: “*Where regional LID implementation has been shown to be technically infeasible (per section F.1.d.7.b),*” Replace the word “*substitution*” with “*waiver*” and change reference of “F.1.d.(8)” to “*F.1.d(7).*”

**Page 36**

Add to Footnote 16 Section F.1.D.6: “*This section only applies to those PDPs not implementing LID capable of meeting the design storm criteria for the entire site and meeting technical infeasibility eligibility.*”

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**Page 36**

Section F.1.d.4.c.iii. Change reference of “*F.1.d.(8)*” to “*F.1.d(7)*.”

**Page 36**

Section F.1.d.4.d.ii. Add the following after “BMPs are technically infeasible”:  
“*per section F.1.d.(7)(b)*”

**Page 54 and 63**

Section F.2.g.2. and F.3.b.4.b. Add the following after “JRMP annual report”: “*if submitted prior to the rainy season.*”

**Page 72**

Section F.4.e.1. Insert the word “*required*” in the second sentence before “numeric effluent limitations.”

**Page 79**

Section I. The reference to Finding *E.12* has been corrected to *E.10*.

**Attachment E**

Section II.C. “*Dry Weather Non-Storm Water Effluent Limitations*” has been corrected to read “*Non-storm Water Dry Weather Effluent Limitations.*”

Section II.C.a.1. The word “*all*” has been removed from the sentence for clarification.

Section II.C.b.5. Remove “*where exceedances are detected and eliminate the source causing the exceedance of the criteria*” for clarification purposes.

Section II.C.b.(3) Replace the word “*under*” with “*undergo*”

Section E.II.1. Replace “*October 1, 2009 through September 30, 2010*” with “*October 1, 2010 through September 30, 2011*”.

Table 2. Insert “*(excluding bacteriological)*” after “Urban Stream Bioassessment.”

**Fact Sheet**

All tentative errata to the August 12, 2009 version of the Tentative Order listed above will be also be reflected in the Tentative Order Fact Sheet.

Changes for the August 12, 09 Public Release Draft as of 18 November 09

**Permit Changes**

**Page 1**

Finding A.4. The following new finding shall be added to the Tentative Order:  
*“The Fact Sheet / Technical Report for the Order No. R9-2009-0002, NPDES No. CAS0108740, Waste Discharge Requirements for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District Within the San Diego Region includes cited regulatory and legal references and additional explanatory information and data in support of the requirements of this Permit. This information, including any supplements thereto, and any response to comments on the Tentative Orders, is hereby incorporated by reference into these findings.”*

**Page 7**

Finding D.1.h. The following language has been added to the second sentence to explain the derivation of Storm Water Action Levels (SALs): *“The SALs were computed using as the 90<sup>th</sup> percentile of the data-set, utilizing the statistically based...”*

**Page 15**

Finding E.9. Add the following after the last sentence of Finding E.9: *“The State's Office of Administrative Law (OAL) approved the TMDLs on September 15, 2009. The effective date of the TMDLs is the date of OAL approval. USEPA approved the TMDLs on October 26, 2009.”*

**Page 17-18**

Add Finding E.13: *“In addition to federal regulation cited in the Fact Sheet / Technical Report for the Order No. R9-2009-0002, monitoring and reporting required under Order No. R9-2009-0002 is required pursuant to authority under CWC section 13383.”*

**Page 31 and 85**

Section F.1.d. For the first sentence, replace *“12 months”* with *“two years.”*  
For the last sentence of the opening paragraph: Strike all words under *“(3)”* and *“(4),”* replace the word *“and”* with *“to,”* and add the word *“and”* before *“(2).”*  
Section K.2.a.1. Replace *“365 days”* with *“two years.”*

**Page 34**

Section F.1.d.4.a.iv. Replace the word *“detain”* with *“retain.”*

**Page 36**

Section F.1.d.4.d.ii. For the last sentence, replace *“the design storm volume”* with *“the total volume of the biofiltration BMP, including pore space and prefilter detention volume, must be sized to hold at least 0.75 times the design storm volume that is not retained onsite by LID retention BMPs.”*  
Section F.1.d.4.d.iii. Replace the word *“may”* with *“must.”*

**Page 47**

Section F.1.h.3.b. Addition of word *“estuaries,”* following *“ocean waters, enclosed bays,”*

**Page 72**

F.4.e.2.c. Replace *“two”* with *“five.”*

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**Page 75**

Section G.3. Add the following after the first sentence: *“If within 30 days of submittal, the Regional Board has not taken an action, the Workplan shall be deemed acceptable.”*

**Page 75**

Section G.5. Add the following after “30-day public review of the Watershed Workplan”: *“prior to submittal for acceptance by the Regional Board Executive Officer.”*

**Page 79**

Section I.1.c. The following has been added to this section to distinguish between the different time schedules for wet and dry weather: *“for wet weather and 2014 for dry weather.”*

**Attachment C: Definitions**

A definition has been added for retain: *“Retain - to keep or hold in a particular place, condition, or position without discharge to surface waters”*

The definition for biofiltration has replaced the word “detain” with “retain” and the citation has been removed.

A definition has been added for MDEL: *“means the highest allowable daily discharge of a pollutant, over a calendar day (or 24 hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.”*

**Attachment E: Monitoring and Reporting**

TMDL Monitoring Plan has been added as follows: *“A TMDL Monitoring Plan must be developed to comply with TMDL Resolution No. R9-2008-0027. The monitoring plan must be submitted within 365 days of Order adoption.”*

**Tentative Order Fact Sheet**

All tentative changes to the August 12, 2009 version of the Tentative Order listed above will be also be reflected in the Tentative Order Fact Sheet.

The following discussion regarding General NPDES permits has been added to the Fact Sheet:

**“GENERAL CRITERIA**

*Non-storm water discharges may contain pollutants which result from various activities that occur within areas draining into the MS4. This includes, but is not limited to, illicit discharges and connections, exempted categories of discharge not a source of pollutants (40 CFR 122.26(d)), and discharges into the MS4 covered under a separate NPDES permit. As such, existing and proposed discharges of non-storm water from MS4s:*

- a) Result from similar activities through the MS4 system;*
- b) Are the same type of waste;*

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- c) *Require similar effluent limitations for the protection of the Beneficial Uses of the receiving waters;*
- d) *Require similar monitoring;*
- e) *Are under the control of the owner and operator of the MS4 system; and*
- f) *Are more appropriately regulated under a general permit than individual permits”*

**Page 70 of the Fact Sheet**

Finding D.2.g. In the third sentence replace “*are needed*” with “*allowed.*”

**Page 177 of the Fact Sheet**

Broad Legal Authority: Add “13383,” after “CWC section 13377,”

TENTATIVE