Regional Board Hearing

Presentation of
Orange County Permittees

by

County of Orange

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/ Mary Anne Skorpanich
February 11, 2015
Presentation

⇒ Regional Permit Enrollment
⇒ Key Policy Issues
  • Compliance
  • State of the Environment in South Orange County – Bridging the Analytic Gap
⇒ Pathway Forward
Regional Permit Process

Regional Permit Alternate Timeline

<table>
<thead>
<tr>
<th>Region</th>
<th>Timeline</th>
<th>Event</th>
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<tbody>
<tr>
<td>San Diego</td>
<td>Third Term</td>
<td>Mandatory Participation in Regional Permit</td>
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<tr>
<td>Orange County</td>
<td>Fourth Term Permit</td>
<td>12/16/14 Enroll in Regional Permit</td>
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<tr>
<td>Riverside</td>
<td>Fourth Term Permit</td>
<td>11/10/15 Ext. to December 2017</td>
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Legend:
- ★ Permit Adoption
- Red Permit Expiration
- ⚫ Report of Waste Discharge Submittal
Regional Permit Enrollment

Wait! Here is our ROWD
Response to Comments

- **126** pages, most in response to County of Orange
- **58** “disagree” statements
- **53** “no change to Tentative Order” statements
- **17** “agree” statements
- **Zero** changes in response to legal comments

- Regional Permit in 2013 made consideration of the South Orange County ROWD largely irrelevant to the process
- A separate permit for south Orange County, as was requested, could have made the ROWD relevant
Regional Permit Enrollment

Key Policy Issues
  • Compliance
  • State of the Environment in South Orange County - the Analytic Gap

Pathway Forward
Permit Compliance

A.2.a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters.

A.4. Each Copermittee must achieve compliance with... A.2.a of this Order through timely implementation of control measures.
Impacts

- Reverse process from LA and Santa Ana Regions
- Most agency permits in compliance from Day 1
- System was not setup to make flood control operators adhere to the same standards as other point source dischargers
- Is sky falling? Not in OC but active lawsuits/NOIs in CA/U.S.
- Prioritization at risk
- Material changes to WQIP process if 2015-16 compliance
Depending on the sources of FIB affecting a particular receiving water and the manner in which MS4 permit compliance is assessed, dry weather standards may be attainable in some cases, but consistently attaining standards under wet weather conditions may be infeasible.
Pathway to Compliance Needed

Permittees

Compliance
Regional Permit Enrollment

Key Policy Issues
  • Compliance
  • State of the Environment in South Orange County – bridging the Analytic Gap

Pathway Forward
Bridging the Analytic Gap

Findings must “bridge the analytic gap between the raw evidence and ultimate decision or order.” WQ Order 95-4
Our Water Quality Priorities

![Bar graph showing mean CCME index for different water quality parameters under dry and wet weather conditions. The parameters include Bacteria, Nutrient, Dissolved Solids, Pesticides, and Metals. The graph indicates an increasing concern as the index for Metals is significantly higher compared to other parameters.]
FIB: Dry Weather-Beaches
FIB: Dry Weather-Inland Streams

**Running 30-Day Fecal Coliform Geomean**
Aliso Creek - CTPJ01

**Running 30-Day Enterococcus Geomean**
Aliso Creek - CTPJ01

Annual monitoring period is August through September. Minimum of 5 samples/30-day period.
FIB: Model Control Program

- **Non Structural BMPs**
  - Irrigation Runoff Reduction
  - SSO Reductions
  - LID
  - Pet Waste Management
  - Control of ID/IC
  - Inspection
  - Animal Facility
  - Drain Cleaning
  - **Wildlife Control**

- **Structural BMPs**
  - Low Flow Diversion
  - Low Flow Treatment
  - **Regional Basins**
  - **Channel Restoration**
FIB: Dry Weather Diversions
FIB: Wildlife Control
FIB: Wet Weather
FIB: Structural BMPs

→ BMP Effectiveness - Enterococci

Credit: Kacen Clapper, OCPW
FIB: Channel Restoration

➔ BMP Effectiveness - Enterococci

Credit: Kacen Clapper, OCPW
State of the Environment Tells Us

- Compliance with A.2.a is unattainable in wet weather for FIB

- Successful dry weather bacteria BMPs appear ineffective in providing meaningful wet weather reductions

- Successful wet weather BMPs and ecological restoration projects appear to be ineffective for FIB removal in wet weather

- It makes the case for a compliance pathway
Regional Permit Enrollment

Key Policy Issues
  • Compliance
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A Pathway Forward
A Pathway Forward

1. A compliance pathway is needed for south Orange County

A.2.a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters

A.4. Each Copermittee must achieve compliance with... A.2.a of this Order through timely implementation of control measures
A Pathway Forward

Findings must “bridge the analytic gap between the raw evidence and ultimate decision or order.”

WQ Order 95-4

2. The Permit and Fact Sheet should reflect the “State of The Environment” in south Orange County

Note: See proposed text
A Pathway Forward

3. The Response to Comments and the lack of consideration of the ROWD and the “State of the Environment Report” reaffirm that the Regional Permit process is not responsive to our Program and needs to be re-evaluated
Questions

Permittees Compliance Pathway

State of Environment

Compliance

2015 Permit