

Attachment 2

Proposed Basin Plan Amendments (“clean” version)

These amendments are proposed to be incorporated in the Basin Plan in Chapter 6 Total Maximum Daily Loads (TMDLs).

Attachment 1 shows the proposed amendments using strikeout/bold-underline format.

Amend CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLs)

Newport Bay Watershed

3.a. FECAL COLIFORM TMDLS

A prioritized, phased approach is specified in these TMDLs to address pathogen indicator bacteria in both Upper and Lower Newport Bay (Bay). This approach is appropriate, given the complexity of the problem, the paucity of relevant data on bacteriological sources and fate, the expected difficulties in identifying and implementing appropriate control measures, and uncertainty regarding the nature and attainability of the shellfish (SHEL) beneficial use in the Bay. The phased approach is intended to allow for additional monitoring and assessment to address areas of uncertainty and for future revision and refinement of the TMDLs based on new data and information.

Table 6-1f summarizes the TMDLs, including Waste Load Allocations (WLAs) for point sources of fecal coliform inputs and Load Allocations (LAs) for nonpoint source inputs. As shown, the TMDLs, WLAs, and LAs are established to assure compliance with water contact recreation (REC-1) standards no later than December 30, 2014, and with SHEL standards no later than December 31, 2030. WLAs are specified for vessel waste and urban runoff, including stormwater, the quality of which is regulated under a County-wide NPDES permit issued by the Santa Ana Water Board. This runoff is thus regulated as a point source, even though it is diffuse in origin. LAs are specified for fecal coliform inputs from agricultural runoff, including stormwater, and natural sources. The TMDLs are to be adjusted, as appropriate, based upon completion of the studies contained in Table 6-1g. Upon completion of these studies, an updated TMDL report will be prepared summarizing the results of the studies and making recommendations regarding implementation of the TMDLs. The results of the studies may lead to recommendations for changes to the TMDLs specified in Table 6-1f to assure compliance with existing Basin Plan standards (objectives and beneficial uses). The study results may also lead to recommendations for changes to the Basin Plan objectives and/or beneficial uses. If such standards changes are approved through the

Basin Plan amendment process, then appropriate changes to the TMDLs would be required to assure attainment of the revised standards. Revision of the TMDLs, if appropriate, would also be considered through the Basin Plan amendment process.

Upon completion and consideration of the studies and any appropriate Basin Plan amendments, a plan for attainment of the TMDLs specified in Table 6-1f, or with approved revised TMDLs, will be established. It is expected that this plan will specify a phased compliance approach, based on consideration of such factors as geographic location, the priority assigned by the Santa Ana Water Board to specific locations for control actions (see Section 3.a.ii, "Beneficial Use Assessment"), season, etc. Interim WLAs, LAs, and compliance dates that lead to ultimate compliance with the TMDLs will be established.

The TMDLs and allocations contain a significant margin of safety. The margin of safety can be either incorporated implicitly through analytical approaches and assumptions used to develop the TMDLs or added explicitly as a separate component of the TMDLs. A substantial margin of safety is implicitly incorporated in the TMDLs as the TMDLs do not apply criteria for dilution, natural die-off, and tidal flushing. The TMDLs, WLAs, and LAs are established at concentrations equivalent to the water quality objectives.

(The following table was updated under Resolution Nos. R8-2017-0019 and R8-2022-0017)

Table 6-1f: Total Maximum Daily Loads, Waste Load Allocations, and Load Allocations for Fecal Coliform in Newport Bay

Total Maximum Daily Loads for Fecal Coliform in Newport Bay	Waste Load Allocations for Fecal Coliform in Urban Runoff, Including Stormwater, Discharges to Newport Bay	Load Allocations for Fecal Coliform in Agricultural Runoff, Including Stormwater, Discharges to Newport Bay	Load Allocations for Fecal Coliform from Natural Sources in All Discharges to Newport Bay	Waste Load Allocations for Vessel Waste
REC-1 Standards: As soon as possible but no later than December 30, 2013			In Effect	In Effect
5-Sample/30-days Geometric Mean less than 200 organisms/100 mL, and not more than 10% of the samples exceed 400 organisms/ 100 mL for any 30-day period.	5-Sample/30-days Geometric Mean less than 200 organisms/100 mL, and not more than 10% of the samples exceed 400 organisms/ 100 mL for any 30-day period.	5-Sample/30-days Geometric Mean less than 200 organisms/ 100 mL, and not more than 10% of the samples exceed 400 organisms/ 100 mL for any 30-day period.	5-Sample/30-days Geometric Mean less than 200 organisms/100 mL, and not more than 10% of the samples exceed 400 organisms/ 100 mL for any 30-day period.	0 MPN/100 mL No discharge.
SHEL Standards: As soon as possible but no later than December 31, 2030				In Effect
Monthly Median less than 14 MPN/100 mL, and not more than 10% of the samples exceed 43 MPN/100 mL.	Monthly Median less than 14 MPN/100 mL, and not more than 10% of the samples exceed 43 MPN/100 mL.	Monthly Median less than 14 MPN/100 mL, and not more than 10% of the samples exceed 43 MPN/100 mL.	Monthly Median less than 14 MPN/100 mL, and not more than 10% of the samples exceed 43 MPN/100 mL.	0 MPN/100 mL No discharge.