

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

**TIME SCHEDULE ORDER NO. R8-2020-0029
REQUIRING THE COUNTY OF ORANGE JOHN WAYNE AIRPORT**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITIES, AMENDED NOVEMBER 6, 2018 AND
EFFECTIVE JULY 1, 2020 (NPDES PERMIT NO. CAS000001)
WDID NO. 8 30I005741**

The California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) finds:

1. The John Wayne Airport (JWA or Discharger) is owned and operated by the County of Orange. JWA is located at 3160 Airway Avenue in the city of Costa Mesa, California (Facility). This Facility has a total area of 502 acres.
2. The State's General Permit for Storm Water Discharges Associated with Industrial Activities was amended on November 6, 2018 with an effective date of July 1, 2020 (Amended General Permit). The Amended General Permit also serves as a permit under the National Pollutant Discharge Elimination System program, NPDES Permit No. CAS000001.
3. The Facility is an airport and has a Standard Industrial Classification code of 4581 – Airports, Flying Fields, and Airport Terminal Services, which is listed as requiring permit coverage per Attachment A to the Amended General Permit.
4. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge storm water associated with industrial activities into water bodies that have approved Total Maximum Daily Loads (TMDLs) set forth in Attachment E to the Amended General Permit and have identified waste load allocations for industrial storm water discharges. NELs are numeric limits, an exceedance of which is a violation of the Amended General Permit. The NELs require dischargers to limit the concentration of pollutants in their storm water discharges in order to protect water quality.
5. Storm water runoff from JWA discharges to the Santa Ana Delhi Channel which is tributary to Upper Newport Bay and Lower Newport Bay. These water bodies are located within the Newport Bay/ San Diego Creek watershed.
6. Upper Newport Bay and Lower Newport Bay are both identified on California's 2010 Clean Water Act (CWA) section 303(d) List of Impaired Waters as impaired for metals (including copper and zinc).

7. The NELs in the Amended General Permit for the Newport Bay/San Diego Creek watershed were derived from the San Diego Creek and Newport Bay Toxics TMDL established by the U.S. Environmental Protection Agency on June 14, 2002.
8. The NELs that apply to industrial discharges from JWA include copper and zinc and are new and more stringent than the prior regulatory requirements in the previous 1997 Industrial General Permit. These NELs become effective on July 1, 2020 and exceedances of the NELs are subject to mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).
9. JWA considers the primary source of copper and zinc to be related to non-industrial areas and the movement and operation of aircraft, vehicles, and ground support equipment. At JWA, storm water runoff from industrial areas includes the copper and zinc from the transportation sources. In addition, storm water from non-industrial areas co-mingles with storm water from industrial areas in places and this co-mingled runoff is collected at industrial area sampling points, thus copper and zinc are associated with industrial areas at the Facility.
10. These pollutants are present in the storm water samples collected from JWA (November 2019 through April 2020) and have been reported in concentrations that exceed the NELs:

Pollutant	Reported Concentration Range (mg/L)	Final Numeric Effluent Limit (mg/L)
Copper	0.125 – 0.0062	0.00578
Zinc	0.267 – 0.0352	0.095

11. JWA is expected to exceed the NELs for copper and zinc based on the historical monitoring data that has been reported to the State's online Storm Water Multiple Application and Report Tracking System (SMARTS) database by JWA and will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
12. JWA currently performs most maintenance activities indoors (i.e., aircraft mechanical repairs and lubrication activities) and covers exposed engines and electrical components prior to rain events. JWA implements sediment controls in non-industrial areas where sufficient vegetation and surface cover is lacking. JWA also currently conducts a daily sweeping program, quarterly pressuring washing program for the commercial ramp, and quarterly runway cleaning to remove rubber debris.
13. On March 2, 2020, JWA submitted a request for a Time Schedule Order (TSO) to allow for additional time to install new BMPs and implement additional policies in order to achieve compliance with the NELs for copper and zinc. JWA submitted

several subsequent revisions to actions and timelines proposed in the March 2020 TSO request.

14. JWA has developed and updated a facility specific Storm Water Pollution Prevention Plan (SWPPP) that is currently being implemented and complies with the monitoring and reporting requirements of the Amended General Permit. The facility specific SWPPP dated June 1, 2020 has been recently submitted electronically to the SMARTS database. On November 6, 2019, JWA submitted a modified storm water monitoring plan which was deemed compliant with the General Permit by the Regional Water Board. The monitoring plan was modified to reflect designated areas of industrial activity.
15. Water Code section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
16. Water Code section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385 subdivision (j)(3) allows the Regional Water Board to exempt certain facilities from mandatory minimum penalties when there are exceedances of NELs if the facility is in compliance with a time schedule order issued pursuant to Section 13300 if all of the [specified] requirements are met.
17. To trigger an exemption to mandatory minimum penalties under section 13385, subdivision (j)(3), there must be a TSO or a cease and desist order that specifies the actions that the discharger is required to take to correct violations that would otherwise be subject to subdivisions (h) and (i). Additionally, pursuant to Water Code section 13385, subdivision (j)(3)(B) the Regional Water Board must find that “the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” for one of the listed reasons, including that the “effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”
18. The TSO must establish “a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design,

development and implementation of the control measures that are necessary to comply with the effluent limitation,” (Wat. Code §13385, subd. (j)(3)(C)(i)). The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both (I) Effluent limitations for the pollutant or pollutants of concern and (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii)).

19. The Regional Water Board issues this Order to JWA based on all the findings set forth herein.
20. The time schedule set forth herein ends on August X, 2025. This date does not exceed 5 years.
21. Since the time schedule for completion of additional BMP implementation to comply with the TMDL requirement in the Amended General Permit exceeds one year from the effective date of the NELs, this Order includes interim requirements and dates for their achievement. The interim requirements include interim effluent limitations for copper and zinc and actions the Discharger must implement that will lead to compliance with the NELs in the Amended General Permit.
22. As provided in Water Code section 13385(j)(3)(D), the discharger must also prepare and implement a pollution prevention plan pursuant to section 13263.3 to trigger the exemption to mandatory minimum penalties. [JWA has prepared and is implementing a SWPPP that includes the information required for a pollution prevention plan under section 13263.3, subdivision (d)(2).]
23. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this Order exempts JWA from mandatory minimum penalties only for violations of the NELs for copper and zinc in the Amended General Permit that occur after the effective date of this Order and until the expiration date of this Order. In addition to potential mandatory minimum penalties for violations of final NELs in the Amended General Permit, JWA may be subject to enforcement actions for failure to comply with an interim effluent limitation or other requirement contained in this Order. An exceedance of an interim numeric effluent limit for the purpose of this Order is defined as when the average of the analytical results from samples taken for any single parameter from each discharge point beginning on the effective date of this Order to 2 years and 182 days and from 2 years and 183 days to the expiration date of this Order, respectively, exceed the applicable interim effluent limit. JWA shall comply with Section XI. Monitoring of the Amended Industrial General Permit, including Section XI.C.5 which allows for combined sampling when certain conditions have been met.

24. The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15301 because the Order pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this Order is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this Order is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Regional Water Board.
25. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this Order concerning compliance with waste discharge requirements and provided a 30-day comment period. The Regional Water Board considered all pertinent comments prior to issuing this Order.
26. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with the Water Code section 13320 and the California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found online at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code sections 13300 and 13385, subdivision (j)(3), the County of Orange, as owner and operator of John Wayne Airport (JWA), shall comply with the requirements listed below to ensure compliance with the NELs by August X, 2025 for copper and zinc contained in the Amended General Permit:

1. Comply immediately with the following interim effluent limitations at all industrial discharge points, and interim actions and schedule:

(This area left intentionally blank.)

Year	Interim Action Plan	Completion Date
<p style="text-align: center;">1</p> <p>(August X, 2020 through June 30, 2021)</p>	<p>Task 1.a: BMP Pilot Study (Initial Phase)</p> <p>JWA will evaluate and install storm water BMPs, including storm water catch basin filter inserts and filter socks with media designed to target metals, in selected sub-drainage areas. The BMP pilot study will be used to assess effectiveness at reducing copper and zinc concentrations. JWA has selected several drainage areas for the initial phase including catch basins located in the southeastern portion of the airport (JWA 3-4 drainage area) and northcentral portion of the airport (JWA 4-6 drainage area), as well as trench drains in the commercial ramp area.</p>	<p>June 30, 2021</p>
	<p>Task 2.a: Industrial Activity Exposure (Evaluation):</p> <p>JWA will evaluate industrial and commercial activities including leaseholds, Fire Department, SNA Fuel, and Maintenance Department activities to assess whether activities/areas could be modified to eliminate or reduce exposure to storm water in order to meet the No Exposure Certification (NEC) requirements. The evaluation may lead to operational changes and/or facility modifications. Operational changes or facility modifications identified as part of the evaluation, if any, will be submitted to as part of the Annual Progress Report.</p>	<p>June 30, 2021</p>
	<p>Task 3.a: Commercial Ramp Improvement (Initial Engineering Evaluations):</p> <p>JWA will complete an initial evaluation of the commercial ramp area that will include a conceptual level hydrology evaluation for the commercial ramp drainage area better understand volumes/flow rates associated with storm events and potential enhanced management options. A summary of the evaluations will be provided in the Annual Progress Report.</p>	<p>June 30, 2021</p>

Year	Interim Action Plan	Completion Date
<p style="text-align: center;">1</p> <p>(August X, 2020</p>	<p>Task 4.a: Maintenance Laydown Yard Improvement (Engineering Evaluation):</p> <p>The maintenance laydown yard is in the southeastern portion of the airport and is currently used for storage of materials and solid waste collection bins. The area is unpaved and covered in gravel. JWA has commissioned an engineering study to evaluate alternative layouts for the area, surface improvements, and structural BMP improvements for the adjacent storm drain (monitoring location JWA 3-4). The engineering evaluation is expected to be completed by end of 2020. Based on the completed engineering evaluation, JWA will select improvements to move forward with design/implementation. Selected improvements and the estimated schedule will be summarized in the Annual Progress Report.</p>	<p>June 30, 2021</p>
<p>through June 30, 2021)</p> <p>(continued)</p>	<p>Task 5.a: General Aviation Improvement Plan (GAIP) (Select and Award Leases for Fixed-Based Operators)</p> <p>The GAIP is a planned re-development effort for a significant portion of the airport, including those areas where industrial activities occur. The GAIP is a multi-year process, requiring individual leaseholders to design and construct improvements. In conjunction with this re-development, the airport is evaluating segregation of industrial and non-industrial drainage systems to support improvements in industrial storm water discharge management. Tenants will be required to develop Water Quality Management Plans (WQMPs) for the areas to be redeveloped, and to implement additional structural storm water treatment controls, if necessary, to address metals and other pollutants of concern from each leasehold.</p> <p>Under this task, contracts and leases are expected to be awarded to selected tenants before end of 2020. If there are delays incurred as a result of revenue impacts associated with COVID-19 impacts to air travel, JWA will provide updated information as soon as available. An update on the status of the GAIP project will be provided in the Annual Progress Report.</p>	<p>June 30, 2021</p>

Year	Interim Action Plan	Completion Date
<p style="text-align: center;">2 (July 1, 2021 through June 30, 2022)</p>	<p>Task 1.b: BMP Installation (Expanded phase)</p> <p>Based on initial pilot study findings as identified in Task 1.a and monitoring results collected through the monitoring program, JWA will implement additional BMPs in selected drainage areas (catch basin inserts and/or filter socks). Selected improvements and installation dates will be summarized in the Annual Progress Report.</p>	<p>June 30, 2022</p>
	<p>Task 3.b: Commercial Ramp Improvements (Development, Review and Evaluation of Potential Improvement Alternatives)</p> <p>Based on the results of the initial evaluation (Task 3.a), JWA will further develop, review, and evaluate the feasibility and cost-benefit of potential improvements for the commercial ramp area. Potential improvement alternatives, if selected, will be summarized in the Annual Progress Report, along with projected design/construction timelines.</p>	<p>June 30, 2022</p>
	<p>Task 5.b: GAIP (Review and Approval of Leaseholder Design Plans)</p> <p>JWA will review and approve redevelopment design plans, including Water Quality Management Plans, submitted by the selected tenants/leaseholders. This process is anticipated to begin in January 2021 and continue through at least December 2022. JWA will be requiring leaseholders, through lease agreements, to modify drainage and install advanced storm water treatment controls to meet applicable discharge requirements. The specific technologies proposed by leaseholders to treat storm water will be reviewed and approved by JWA. An update of the design review/approval status will be provided in the Annual Progress Report.</p>	<p>June 30, 2022</p>
	<p>Task 5.c: GAIP (Construction Phase)</p> <p>JWA anticipates that phased construction of GAIP will begin during the July 1, 2021-June 30, 2022 period. While the specific phases of the construction will be dependent on Tasks 9.a and 9.b, JWA will provide an update of construction progress/schedule, including completed drainage and water quality improvements, if any, for the redeveloped portions of the airport in the Annual Progress Report.</p>	<p>June 30, 2022</p>

Year	Interim Action Plan	Completion Date
<p>3 (July 1, 2022 through June 30, 2023)</p>	<p>Task 1.b: BMP Installation (Expanded phase) JWA will continue to evaluate the need to implement additional BMPs (i.e., catch basin inserts and/or filter socks) based on monitoring program results and effectiveness of previously implemented BMPs. Selected improvements, if any, and installation dates will be summarized in the Annual Progress Report.</p>	<p>June 30, 2023</p>
	<p>Task 5.c: GAIP (Construction Phase) JWA anticipates that phased construction of GAIP will be progressing. While the specific phases of the construction will be dependent on Tasks 5.a and 5.b, JWA will provide an update of construction progress/schedule, including drainage and water quality improvements for the redeveloped portions of the airport in the Annual Progress Report. Through lease agreements, JWA will require leaseholders to modify drainage and install advanced storm water treatment controls to meet applicable discharge requirements. At least one of the redeveloped leaseholds is anticipated to have modified drainage and installed advanced storm water treatment controls by the end of Year 3 of this Order. The specific technologies proposed by leaseholders to treat storm water will be reviewed and approved by JWA as part of Task 5.b.</p>	<p>June 30, 2023</p>
<p>4 (July 1, 2023 through June 30, 2024)</p>	<p>Task 1.b: BMP Installation (Expanded phase) JWA will continue to evaluate the need to implement additional BMPs (i.e., catch basin inserts and/or filter socks) based on monitoring program results and effectiveness of previously implemented BMPs. Selected improvements, if any, and installation dates will be summarized in the Annual Progress Report.</p>	<p>June 30, 2024</p>

Year	Interim Action Plan	Completion Date
<p style="text-align: center;">4</p> <p>(July 1, 2023 through June 30, 2024) (continued)</p>	<p>Task 5.c: GAIP (Construction Phase)</p> <p>JWA anticipates that phased construction of GAIP will be progressing. Through lease agreements, JWA will require leaseholders to modify drainage and install advanced storm water treatment controls to meet applicable discharge requirements. The specific technologies proposed by leaseholders to treat storm water will be reviewed and approved by JWA as part of Task 5.b. While the specific phases of the construction will be dependent on Tasks 5.a and 5.b, JWA will provide an update of construction progress/schedule, including drainage and water quality improvements for the redeveloped portions of the airport in the Annual Progress Report.</p>	<p style="text-align: center;">June 30, 2024</p>
<p style="text-align: center;">5</p> <p>(July 1, 2024 through June 30, 2025)</p>	<p>Task 1.b: BMP Installation (Expanded phase)</p> <p>JWA will continue to evaluate the need to implement additional BMPs (i.e., catch basin inserts and/or filter socks) based on monitoring program results and effectiveness of previously implemented BMPs. Selected improvements, if any, and installation dates will be summarized in the Annual Progress Report.</p> <p>Task 5.c: GAIP (Construction Phase)</p> <p>JWA anticipates that phased construction of GAIP will be progressing. Through lease agreements, JWA will require leaseholders to modify drainage and install advanced storm water treatment controls to meet applicable discharge requirements. JWA anticipates additional leaseholds will have modified drainage and installed advanced storm water treatment controls by the end of Year 5 of this Order. The specific technologies proposed by leaseholders to treat storm water will be reviewed and approved by JWA as part of Task 5.b. While the specific phases of the construction will be dependent on Tasks 5.a and 5.b, JWA will provide an update of construction progress/schedule, including drainage and water quality improvements for the redeveloped portions of the airport in the Annual Progress Report.</p>	<p style="text-align: center;">June 30, 2025</p> <p style="text-align: center;">June 30, 2025</p>

Year	Pollutant	Interim Effluent Limit	Compliance Date
2.5 (August X, 2020 through December 31, 2022)	Copper Zinc	0.10712 mg/L 0.242 mg/L	December 31, 2022
5 (January 1, 2023 through August X, 2025)	Copper Zinc	0.02962 mg/L 0.149 mg/L	August X, 2025

The foregoing interim effluent limitations and interim actions are in effect from August X, 2020 through August X, 2025. During this time, the County of Orange shall comply with the interim actions and associated schedule based on JWA's TSO request submission dated March 2, 2020, as well as subsequent modifications made after initial correspondence with the Regional Water Board in late May 2020.

Compliance with the interim effluent limitations in this Order shall be determined at years 2.5 and 5 and shall be based on the average pollutant levels discharged from each discharge point beginning on the effective date of this Order to 2 years and 182 days and from 2 years and 183 days to the expiration of this Order, respectively. Regional Water Board staff will review JWA's monitoring and sampling data and calculate the average pollutant levels discharged from each discharge point to determine whether each discharge point is in compliance with the applicable interim effluent limitation. If JWA does not comply with the applicable interim effluent limit at year 2.5 or year 5, the Regional Water Board will deem JWA to have been in violation of the applicable interim effluent limit dating back to the first sampling event for the compliance period and JWA may be subject to enforcement actions, including mandatory minimum penalties pursuant to Water Code section 13385, subdivisions (h) and (i). In considering whether enforcement action is appropriate, the Regional Water Board will consider all monitoring and sampling data submitted by JWA.

2. Submit, electronically through the SMARTS database, annual progress reports to demonstrate compliance with the interim actions per the above schedule in addition to other reporting requirements pursuant to the Amended General Permit by July 1 of each year. The Regional Water Board will review the annual progress reports and other reporting to determine whether JWA has completed the required interim action plan items and whether JWA has complied with the interim effluent limitations. The Regional Water Board may require JWA to submit additional information as reasonably necessary to determine compliance with this Order.
3. All technical and monitoring reports required under this Order are reasonably required pursuant to Water Code section 13383. The Regional Water Board needs the required information in order to determine compliance with this Order and the Amended General Permit.

4. All other provisions of the Amended General Permit that are not in conflict with this TSO remain in full force and effect.
5. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6. If JWA fails to comply with any provisions of this Order, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Regional Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
7. This Time Schedule Order is effective on August X, 2020.

SO ORDERED.

Hope Smythe, Executive Officer

Date