

# DRAFT

STATE WATER RESOURCES CONTROL BOARD  
**ORDER 2017-XXXX-EXEC**  
**AMENDING**  
NPDES NO. CAS000003  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
**ORDER 2012-0011-DWQ**<sup>1</sup>  
STATEWIDE STORM WATER PERMIT  
WASTE DISCHARGE REQUIREMENTS (WDRS)  
FOR  
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. The Statewide Storm Water Permit for the State of California Department of Transportation (Permit) regulates the storm water discharges from the State of California Department of Transportation's (Department) Municipal Separate Storm Sewer System. The State Water Board issued the Permit as a National Pollutant Discharge Elimination System (NPDES) permit under the authority delegated by the U.S. Environmental Protection Agency (U.S. EPA). The Permit was adopted on September 19, 2012, and became effective on July 1, 2013.
2. Attachment VI, section 10.d of the Permit includes requirements for monitoring samples to be analyzed according to test procedures approved in title 40 of the Code of Federal Regulations (C.F.R.) section 136. Attachment II of the Permit includes the approved analytical methods. U.S. EPA promulgated changes in 40 C.F.R. section 136 to the analytical methods for Total Kjeldahl Nitrogen and Total Phosphorous.
3. Section 136 of 40 C.F.R. lists approved analytical methods for enterococcus. Attachment II of the Permit includes EPA Method 1600, which analyzes enterococci in water by membrane filtration. Furthermore, the approved method Enterolert® uses a nutrient indicator that causes enterococci to fluoresce under long-wavelength ultraviolet light. Enterolert® is an effective method since it does not have membrane filters that can become clogged due to high turbidity.
4. Attachment III of the Permit lists the Areas of Special Biological Significance (ASBS) monitoring locations. These locations are representative of storm water discharges that are determined to pose the greatest threat to water quality in the ASBS. On June 13, 2017, Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) staff inspected three discharge locations from the Laguna Point to Latigo Point ASBS that are unsuitable for monitoring due to safety or access limitations caused by landslides. During the same inspection, Los Angeles Water Board staff with Department staff identified three alternate suitable monitoring locations that provide the same representative characterization of the Department's storm water discharges to the Laguna Point to Latigo Point ASBS. The Permit (Section E.5.a.) states that the Executive Director of the State Water Board may

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<sup>1</sup> State Water Board [Order 2012-0011-DWQ](#) as amended by Order WQ 2014-0006-EXEC, Order WQ 2014-0077-DWQ, and Order WQ 2015-0036-EXEC

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authorize revisions to Attachment III, ASBS Priority Discharge Locations, where access limitations or safety considerations make it infeasible to conduct monitoring.

5. The Department, in response to the Santa Ana Water Board Cease and Desist Order (CDO) 00-87, rerouted three discharge locations (labeled IRV007, IRV002, and IRV020) from the Irvine Coast ASBS to an upstream tributary, Muddy Creek. During a January 25, 2017, site inspection, State Water Board staff confirmed that storm water is no longer discharged to the Irvine Coast ASBS from IRV007, IRV002, and IRV020 locations. After conducting a detailed investigation of the drainage infrastructure, the Department further found that the pipe connection from the Pacific Coast Highway to the IRV009 discharge location in the Irvine Coast ASBS was abandoned during a 2005 construction project.
6. Attachment III lists the Irvine Coast ASBS discharge location IRV001 with inaccurate coordinates. The Department has provided more precise coordinates.
7. The General Exception prohibition in the California Ocean Plan<sup>2</sup> is applicable to direct discharges to ASBS. The General Exception prohibition is not applicable to discharges to upstream rivers, creeks or streams that flow into an ASBS. Water quality objectives, including beneficial uses, for upstream rivers and streams are established in Basin Plans adopted by the regional water quality control boards, and regulated by the non-ASBS portion of the Permit. Therefore, the General Exception prohibition implemented through the Permit does not apply to the rerouted discharges from the Irvine ASBS to upstream tributaries.
8. Section E.2.d of the Permit requires implementation of post-construction treatment control best management practices (BMPs) for specified Department projects. The BMP sizing criteria for these specified projects are based on the increase in the impervious area within project limits. The Permit also requires the Department to comply with applicable Total Maximum Daily Loads (TMDLs) across the state, and to construct and implement control measures to treat TMDL pollutants in storm water runoff within the Department's Right-of-Way (ROW). Specifically, the Permit states that, annually, the Department shall achieve 1650 compliance units for TMDL implementation, where a compliance unit is defined as one acre of the Department's ROW, from which the runoff is retained, treated, and/or otherwise controlled prior to discharge. (Attachment IV, section I.B.3) The Permit states that no credit will be given to post-construction BMPs that only meet the minimum requirements of the Permit; at the same time, the Permit states that projects within a TMDL watershed where treatment is provided above and beyond the post-construction requirements of the Permit may receive compliance units. (Attachment IV, section I.B.5.)
9. In some cases, treatment of polluted storm water originating from outside the Department's ROW would improve the storm water quality runoff discharging into the impaired waterbody. For instance, within the North Coast Regional Water Quality Control Board's jurisdiction there are abandoned unpaved logging roads and eroded slopes that discharge pollutants into the sediment-impaired waterbody. By increasing the Department's treatment control capacity for discharges originating outside the ROW, additional volumes of

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<sup>2</sup> See Final Environmental Impact Report, Exception to the California Ocean Plan for Areas of Special Biological Significance Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections  
[http://www.swrcb.ca.gov/water\\_issues/programs/ocean/asbs/docs/asbs\\_eir022112markup.pdf](http://www.swrcb.ca.gov/water_issues/programs/ocean/asbs/docs/asbs_eir022112markup.pdf) at p. 41.

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pollutant-laden storm water could be treated to improve water quality discharging into the impaired waterbody. The Department's projects to increase capacity for treatment of pollutant-laden water originating outside the ROW are above and beyond the post-construction requirements of the Permit and therefore will be considered for TMDL compliance units under Attachment IV, section I.B.5 of the Permit.

10. On April 7, 2015, the State Water Board adopted statewide Trash Provisions<sup>3</sup> to address pervasive impacts trash has on the beneficial uses of our surface waters.
11. The Trash Provisions provide a clear regulatory direction to control trash-related impairments through implementation of trash control measures statewide rather than development of individual water body-specific trash TMDLs. Under this new regulatory approach adopted and implemented after adoption of the Permit, implementation of trash requirements per the Trash Provisions substitutes for implementation of requirements that may otherwise have been required through trash TMDLs.
12. On June 2, 2017, the State Water Board issued the Department an Order pursuant to Clean Water Act section 13383 requesting submission of an implementation plan to comply with the Trash Provisions. The regulation of Trash, as initiated in the issued Clean Water Act section 13383 Order, will be carried over and continued through incorporation of applicable implementation requirements during future Permit reissuance. Due to the Trash Provisions addressing trash-impaired water bodies, the Department's treatment of trash consistent with the Trash Provisions will be eligible for TMDL compliance units under Attachment IV. This Order states that the Department's implementation of specific BMPs listed in its trash implementation plan (as approved by the State Water Board) prior to reissuance of the next Permit, will be eligible for compliance unit credit in accordance with the Permit.
13. In Attachment V, Part 2, sections 1-6, the Permit requires the Department to implement control measures for trash for compliance with Discharge Prohibition 7, Table 4-1 of the San Francisco Bay Regional Water Quality Control Board (San Francisco Water Board) Basin Plan. Implementation of these requirements facilitates implementation of trash control requirements per the Trash Provisions. Therefore, the Department may request compliance unit credit for the corresponding trash implementation actions.
14. Per the above findings, this Executive Order amends the Permit as follows:
  - a. Updates the analytical methods for Total Kjeldahl Nitrogen and Total Phosphorous in the Permit with U.S. EPA's recently promulgated methods,
  - b. Updates the analytical method for Enterococcus in the Permit with 40 C.F.R. section 136.3 method Enterolert®,
  - c. Replaces discharge locations in the Laguna Point to Latigo Point ASBS with representative monitoring locations,
  - d. Removes the Irvine Coast ASBS locations identified in Attachment III,
  - e. Adds a provision to Attachment IV, section I.B allowing a Regional Water Board Executive Officer to approve TMDL compliance unit credits for projects that expand treatment of the TMDL pollutant that originates outside of the ROW, and

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<sup>3</sup> Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash (Ocean Plan) and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, And Estuaries Of California (ISWEBE Plan) to be adopted by the State Water Board. Documents may be downloaded from our website at [http://www.waterboards.ca.gov/water\\_issues/programs/trash\\_control/documentation.shtml](http://www.waterboards.ca.gov/water_issues/programs/trash_control/documentation.shtml).

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- f. Adds a provision to Attachment IV, section I.B allowing the Department to receive compliance units for requirements in accordance with an approved trash implementation plan under the newly adopted Trash Provisions and for the San Francisco Water Board-specific trash implementation requirements in Attachment V.
15. The State Water Board circulated this proposed Executive Order (including the proposed Permit amendments as specified in Attachment A of this Executive Order) for a 30-day public review and comment period. Written public comments were due by 12 noon on October 30, 2017.

**IT IS HEREBY ORDERED THAT:** Order 2012-0011-DWQ is amended as shown in Attachment A of this Executive Order. The amended 2012 Order is effective upon the date of the Executive Director's approval.

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Date

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Eileen Sobeck,  
Executive Director

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ATTACHMENT A  
TO  
**ORDER 2017-XXXX-EXEC**  
**AMENDING**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
NPDES NO. CAS000003  
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STATEWIDE STORM WATER PERMIT  
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## ATTACHMENT II

**Monitoring Constituent List**  
**(Not Applicable to ASBS Discharges)**

Constituent	Analytical Method	Reporting Limit <sup>4</sup>	Units
<i>WATER COLUMN CHEMISTRY</i>			
<b>Conventional Pollutants</b>			
...			
<b>Nutrients</b>			
Total Kjeldahl Nitrogen (TKN)	EPA <del>351.3</del> <b>351.2</b>	100	µg/L
Nitrate as Nitrogen (NO <sub>3</sub> -N)	EPA 300.0	100	µg/L
Phosphorous (Total)	EPA <del>365.2</del> <b>365.1</b>	30	µg/L
...			
Enterococcus	<b>EPA-1600</b> <b>Enterolert</b>	2	CFU/100mL
<i>WATER COLUMN TOXICITY</i>			
Chronic <sup>5</sup>	EPA 821-R-02-013	Pass/Fail	

<sup>4</sup> Reporting limits should be sufficient to detect the presence of a constituent based on the applicable Regional Water Board Basin Plan. If no limit is specified in the Basin Plan, the reporting limit specified in this table will be used. If no limit is specified in this table, then the Regional Boards shall be consulted.

<sup>5</sup> To calculate either a Pass or Fail of the effluent concentration chronic toxicity test at the IWC, the instructions in Appendix A in the National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA/833-R-10-003) shall be used.

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## ATTACHMENT III

### AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) PRIORITY DISCHARGE LOCATIONS

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
...				
ALT004	4	Laguna Point to Latigo Point	-119.059097	34.08609
MUG005	4	Laguna Point to Latigo Point	-119.03821	34.083896
ALT005	4	Laguna Point to Latigo Point	-119.054291	34.085415
ALT006	4	Laguna Point to Latigo Point	-119.048653	34.085361
<b>MUG008</b> <b>ALT007</b>	4	Laguna Point to Latigo Point	<b>-119.047752</b>	<b>34.085297</b>
MUG010	4	Laguna Point to Latigo Point	-119.014826	34.070804
MUG013	4	Laguna Point to Latigo Point	-118.993551	34.065445
MUG016	4	Laguna Point to Latigo Point	-118.987069	34.062852
ALT008	4	Laguna Point to Latigo Point	-118.985931	34.062325
MUG028	4	Laguna Point to Latigo Point	-118.974165	34.058928
ALT009	4	Laguna Point to Latigo Point	-118.975975	34.059978
<b>MUG031</b> <b>MUG014</b>	4	Laguna Point to Latigo Point	<b>-118.968706</b> <b>-118.989433</b>	<b>34.056265</b> <b>34.063880</b>
MUG041	4	Laguna Point to Latigo Point	-118.964271	34.053461
MUG046	4	Laguna Point to Latigo Point	-118.960862	34.052112
MUG048	4	Laguna Point to Latigo Point	-118.9594833	34.05172
MUG049	4	Laguna Point to Latigo Point	-118.9594333	34.05165
MUG051	4	Laguna Point to Latigo Point	-118.957316	34.050937
ALT011	4	Laguna Point to Latigo Point	-118.939404	34.045355
MUG053	4	Laguna Point to Latigo Point	-118.95539	34.050248
MUG059	4	Laguna Point to Latigo Point	-118.9515	34.048835
MUG058	4	Laguna Point to Latigo Point	-118.95042	34.048355
ALT010	4	Laguna Point to Latigo Point	-118.948184	34.047873
MUG061	4	Laguna Point to Latigo Point	-118.94834	34.047675
MUG077	4	Laguna Point to Latigo Point	-118.9345833	34.04513
MUG078	4	Laguna Point to Latigo Point	-118.934358	34.045431
MUG070	4	Laguna Point to Latigo Point	-118.9320000	34.04600
MUG066	4	Laguna Point to Latigo Point	-118.924654	34.04714
MUG073	4	Laguna Point to Latigo Point	-118.922723	34.046418
MUG135	4	Laguna Point to Latigo Point	-118.897426	34.041983
MUG147	4	Laguna Point to Latigo Point	-118.894154	34.041553
MUG150	4	Laguna Point to Latigo Point	-118.889212	34.040872
MUG187	4	Laguna Point to Latigo Point	-118.869505	34.039285
SAD0950	4	Laguna Point to Latigo Point	-118.8385500	34.02699
SAD0960	4	Laguna Point to Latigo Point	-118.8375000	34.02619
SAD0970	4	Laguna Point to Latigo Point	-118.8364600	34.02535

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Sample ID	Regional Board	ASBS Name	Longitude	Latitude
SAD0980	4	Laguna Point to Latigo Point	-118.8348600	34.02435
MUG318	4	Laguna Point to Latigo Point	-118.834316	34.023879
SAD0990	4	Laguna Point to Latigo Point	-118.8326600	34.02302
SAD1000	4	Laguna Point to Latigo Point	-118.8303400	34.02123
MUG355	4	Laguna Point to Latigo Point	-118.829258	34.02122
SAD1030	4	Laguna Point to Latigo Point	-118.827049	34.018711
SAD1040	4	Laguna Point to Latigo Point	-118.8256600	34.01748
SAD1050	4	Laguna Point to Latigo Point	-118.8249200	34.01700
SAD1060	4	Laguna Point to Latigo Point	-118.8225400	34.01559
ALT017	4	Laguna Point to Latigo Point	-118.777059	34.025805
MUG346	4	Laguna Point to Latigo Point	-118.783588	34.02508
MUG283		Laguna Point to Latigo Point	-118.765915	34.02589
<b>MUG010</b>	4	Laguna Point to Latigo Point	<b>-119.014826</b>	<b>34.070804</b>
<b>IRV020</b>	<b>8</b>	<b>Irvine Coast</b>	<b>-117.840190</b>	<b>33.576001</b>
<b>IRV009</b>	<b>8</b>	<b>Irvine Coast</b>	<b>-117.830393</b>	<b>33.566251</b>
<b>IRV007</b>	<b>8</b>	<b>Irvine Coast</b>	<b>-117.828078</b>	<b>33.565343</b>
IRV001	8	Irvine Coast	<b>-117.81858</b> <b>-117.81777</b>	<b>33.558</b> <b>33.55749</b>
<b>IRV002</b>	<b>8</b>	<b>Irvine Coast</b>	<b>-117.821484</b>	<b>33.560705</b>

## ATTACHMENT IV

### Add Section I.B.6 Implementation (p. 4):

6. Upon approval by the applicable Regional Water Board Executive Officer, the Department may receive compliance units for acreage outside of the Department's ROW, when treating TMDL pollutant-laden storm water originating from that acreage that flows into the Department's storm water treatment systems within the Department's ROW.

### Add Section I.B.7 Implementation (p. 4):

7. On June 2, 2017, the State Water Board issued the Department an Order pursuant to Clean Water Act (CWA) section 13383 requiring submission of an implementation plan to comply with the Trash Provisions. The implementation of trash control measures listed in the implementation plan per the CWA section 13383 Order (as approved by the State Water Board) is eligible for TMDL compliance unit credits in accordance with this Order. Implementation of trash control measures to comply with the San Francisco Bay Region-specific requirements for trash in Attachment V, Part 2, sections 1-6 is also eligible for compliance unit credits in accordance with this Order.