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STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of: CITY OF GLENDORA, PETITIONER, VS. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION RESPONDENT	**PETITION FOR REVIEW OF ACTION BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION IN ADOPTING ORDER NO. R4-2012-XXXX, NPDES PERMIT NO. CAS004001, WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4; MEMORANDUM OF POINTS AND AUTHORITIES** [Water Code 13320(a)]

This Petition for Review is submitted on behalf of the of City of Glendora ("City" or "Petitioner"), a municipal corporation located in the County of Los Angeles, pursuant to California Water Code Section 13320 and California Code of Regulations ("CCR") Title 23, Section 2050, for review of Order No. R4-2012-XXXX, NPDES Permit No., CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4, which was adopted by the California

Regional Water Quality Control Board, Los Angeles Region, ("Order") on November 8, 2012.

I. NAME, ADDRESS AND TELEPHONE NUMBERS OF PETITIONER

The Petitioner is the City of Glendora. All written correspondence regarding this matter should be addressed to the following:

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II. SPECIFIC ACTION OF THE REGIONAL BOARD FOR WHICH REVIEW IS SOUGHT

Petitioner requests the State Water Resources Control Board ("State Board") to review the afore-referenced Order for the purpose of overturning the Order and remanding it to the Regional Board for correction. A copy of the Order is attached herewith as **Exhibit "A**." and made a part hereof.

III. DATE OF REGIONAL BOARD'S ACTION

The Regional Board adopted the Order on November 8, 2012.

IV. STATEMENT OF REASONS WHY THE REGIONAL BOARD'S ACTION WAS INAPPROPRIATE OR IMPROPER

1. The Regional Board failed to comply with the Administrative Procedures Act (APA) when it issued a revised tentative Order that included substantial changes unrelated to the original text of the initial tentative Order.

2. The Regional Board failed to comply with federal regulations by: (i) not conducting a reasonable potential analysis ("RPA") when it established a numeric water quality based effluent limitation ("WQBEL") for total maximum daily load ("TMDL") waste load allocations ("WLAs"); (ii) requiring compliance with non-ambient "wet" and "dry" TMDL WLAs in the receiving water based on in-stream monitoring; (iii) not providing a discussion in the administrative record supporting the preference for numeric WQBELs which require absolute compliance with TMDL WLAs (determined by monitoring at the outfall), while not considering other types of federally acceptable WQBELs including BMP-WQBELs and surrogate parameter numeric WQBELs; and (iv) requiring extra-MS4 monitoring and other actions including but not limited to special studies, sediment quality testing, and fish tissue monitoring.

3. The Regional Board failed to comply with precedential State Board Water Quality Orders (WQOs) including: (i)several which affirm that numeric effluent limitations in MS4 permits are not feasible; (ii) WQO 99-05, by compelling compliance with extraneous and overbroad requirements; (iii) eliminating the iterative process contrary to WQO 2001-15; and (iv) allowing watershed management programs (WMPs) and enhanced watershed management programs (EWMPs) as a means of

complying with water quality standards (including TMDLs) contrary to WQO 2001-15.

4. The Regional Board failed to comply with California Water Code ("CWC") Section 13241 notwithstanding that several of the Order's requirements exceed of federal regulations.

5. The Regional Board failed to comply with Article XIIIB of the California Constitution on unfunded mandates because the Order requires compliance with requirements that exceed federal law.

6. The reasons set forth below in the memorandum of points and authorities, incorporated herein by reference.

V. HOW THE PETITIONER IS AGGRIEVED

Petitioner is a Permittee under the Order. Petitioner is responsible for complying with its requirements which exceed federal and State law and are lacking in clarity and are confusing. Failure to correctly comply with the Order exposes Petitioner to liability under the Clean Water Act ("CWA") and the California Water Code ("CWC"). The Order also requires compliance with requirements that are burdensome administratively and extraordinarily costly because the Order incorporates several total maximum daily loads ("TMDLs").

VI. ACTION PETITIONER REQUESTS THE STATE WATER BOARD TO TAKE

1. Invalidate the Order on the grounds that: (i) the Regional Board failed to comply with Administrative Procedure Act ("APA") requirements when it issued a revised tentative Order on October 18, 2012; and (ii) it failed to comply with federal and State law and precedential State Board WQOs.

2. Remand the Order to the Regional Board for correction.

3. Such other and further relief that is just and appropriate.

Dated: December 5, 2012

Leech & Associates

D. Wayne Leech, Attorneys for Petitioner, City of Glendora

MEMORANDUM OF POINTS AND AUTHORITIES

The following is a discussion of the issues the City raises in this Petition. The City also raises other issues that were presented in previous written comments submitted on behalf of the City, copies of which are attached herewith as **Exhibit "B**" and incorporated herein by reference. Further, these issues were presented at Regional Board workshops and public hearings.

1. **Regional Board Failed to Establish the Need for a Water Quality Based Effluent Limitation**

The Regional Board failed to provide adequate justification for incorporating water quality based effluent limitations (WQBELs) in the adopted Order for each of the TMDLs.[1] A WQBEL is an enforceable translation in an MS4 permit for attaining compliance with a total maximum daily load (TMDL) waste load allocation, which serves to protect a beneficial use of a receiving water. Specifically, the Regional Board failed to establish first if discharges from each municipal MS4 have the *reasonable potential to cause*, or *contribute* to an excursion above any [s]tate water quality standard including [s]tate narrative criteria for water quality."[2] According to USEPA guidance:

> *A permit writer can conduct a reasonable potential analysis using effluent and receiving water data and modeling techniques, as described above, or using a non-quantitative approach.*[3]

Federal regulations not only require a reasonable potential analysis (RPA)[4] be performed to determine if an excursion above a water quality standard has occurred, but that the stormwater discharge must be measured against an "allowable" ambient concentration.[5]

Neither the administrative record nor the Order's fact sheet contains any evidence of the Regional Board having performed an RPA in accordance with the two foregoing

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[1]A TMDL is a type of water quality standard.
[2]NPDES Permit Writers' Manual, September 2010, page 6-23.
[3]Ibid.
[4]40 CFR §122.44(d)
[5]Ibid.

approaches. Regarding the first approach, such an analysis would in any case have been impossible to perform given that no outfall ("effluent") monitoring has been required for any Los Angeles County MS4 permit since the MS4 program began in 1990. No intra-MS4 modeling has been conducted either by the Regional Board or by this permittee. Further, while wet and dry weather monitoring data have been generated relative to some TMDLs, such data cannot singularly serve to determine an excursion above a TMDL. Outfall monitoring data also needs to be evaluated against in-stream generated ambient (dry weather) data to make such a determination. As for the second, non-quantitative approach, the Regional Board also failed to provide information in the administrative record indicating that it had performed a non-quantitative analysis based on recommended criteria described in USEPA guidance.

In lieu of conducting either a quantitative or non-quantitative RPA, the Regional Board added a third method of its own invention. In its fact sheet, the Regional Board concluded, based on its reading of the "NPDES Permit Writers" Manual, that: *Reasonable potential can be demonstrated in several ways, one of which is through the TMDL development process*.[6] In essence, the Regional Board is claiming that the same analysis it used to establish a TMDL constitutes a type of RPA. The logic it used to arrive at this conclusion is faulty. A WQBEL is a means of attaining a TMDL WLA, which is typically expressed as a best management practice (BMP). Before a WQBEL can be developed, however, a need for it must be established. As the Writers' Manual points-out:

> *The permit writer should always provide justification for the decision to require WQBELs in the permit fact sheet or statement of basis and must do so where required by federal and state regulations. A thorough rationale is particularly important when the decision to include WQBELs is not based on an analysis of effluent data for the pollutant of concern*.[7]

It is clear that no such rationale is provided in the Regional Board's fact sheet which, in the absence of effluent data derived from outfall monitoring, would have been absolutely necessary to justify the need for a WQBEL. It is possible that outfall monitoring could

[6]Fact Sheet, Attachment "F" Order No. R4-2012-XXXX, MS4 Permit No. CAS004001, page F-33.
[7]Ibid.

demonstrate that existing BMPs implemented through a MS4 permittee's stormwater management plan is already meeting a TMDL WLA, thereby obviating the need for any WQBEL.

The absence of any reference to WQBELs in any of the Regional Board's TMDLs further counters its assertion that the TMDL development process satisfies the RPA requirement for establishing a WQBEL.

Lastly, during the Order's adoption hearing on November 8th, USEPA's Associate Water Division Director John Kemmerer was critical of the Regional Board for not providing any justification in the administrative record for allowing the use of a WMP or a EWMP as a means of meeting TMDLs through the Order.

2. **Numeric Water Quality Based Effluent Limitation Compliance with TMDL Waste Load Allocations is Improper and Arbitrary**

Even had the Regional Board determined the need for WQBELs based on TMDL WLA exceedances detected at the outfall, its definition of a WQBEL is still inconsistent with federal law. It has defined a WQBEL to be the same as a TMDL WLA as the following indicates:

> *This Order establishes WQBELs consistent with the assumptions and requirements of all available TMDL waste load allocations assigned to discharges from the Permittees' MS4s.*[8]

The Order goes on to say:

> *For purposes of compliance determination, each Permittee is responsible for demonstrating that its discharge did not cause or contribute to an exceedance of an applicable water quality-based effluent limitation(s) at the outfall or receiving water limitation(s) in the target receiving water.*[9]

The Regional Board's definition of a WQBEL is incorrect. A WQBEL cannot be a compliance standard in and of itself. Rather, it can only be a means of achieving a TMDL

[8] Order, page 38.
[9] Order, page 144.

WLA or other water quality standard; it cannot be used to determine an exceedance of a TMDL or any other water quality standard. Further, the WQBEL type that the Regional Board has chosen is a numeric WQBEL, which is inappropriate. As mentioned in several USEPA guidance documents, a WQBEL is a BMP or other action(s) deemed appropriate to attain a TMDL or other water quality standard. The Regional Board's use of numeric WQBELs in meeting TMDL WLAs is arbitrary. While it may be possible to establish a numeric WQBEL that is the same as a TMDL WLA there must be a justification for it because, as USEPA has noted, the need for one would only rarely arise. The administrative record, however, contains no discussion of why the Regional Board chose a numeric WQBEL over a BMP WQBEL – especially given that no excursions above any TMDL has been detected through effluent/outfall monitoring. USEPA's 2010 memorandum on TMDL compliance provides clear guidance on this matter:

> *The permitting authority's decision as to how to express the WQBEL(s), either as numeric effluent limitations or BMPs, including BMPs accompanied by numeric benchmarks, should be based on an analysis of the specific facts and circumstances surrounding the permit, and/or the underlying WLA, including the nature of the stormwater discharge, available data, modeling results or other relevant information.*[10]

Nothing in the Regional Board's administrative record contains a rationale justifying numeric effluent limitations based on the above criteria.

The Regional Board also neglected to discuss other types of numeric WQBELs that are referenced in USEPA's November 2010 memorandum. A follow-up memorandum issued by USEPA in March 2011 clarified that the 2010 memorandum should not be interpreted to mean that only end-of-pipe numeric WQBELs applied to an MS4's outfall must be used. The clarification memorandum explained that the 2010 memorandum *"expressly describes "numeric" limitations in broad terms, including "numeric parameters acting as surrogates for pollutants such as stormwater flow volume or percentage or amount of impervious*

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[10]Revisions to the November 22, 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Waste Load Allocations (WLAs) for Storm Water Sources and NPDES Permits Based on Those WLAs," November 2010, page 2.

cover."[11] The administrative record and the Order's fact sheet mention nothing about these and other numeric WQBELs.

There is also the issue of "feasibility" as it relates to numeric WQBELs. USEPA's 2010 memorandum recommends *where feasible, the NPDES permitting authority exercise its discretion to include numeric effluent limitations as necessary to meet water quality standards.*[12] This view is based on 40 CFR §122.44(k), which authorizes the use of BMPs "when numeric limitations are infeasible." The issue of whether numeric effluent limitations must be included in MS4 permits has been settled by the State Water Resources Control Board (State Board). Starting with Water Quality Order 91-03, the State Board held:

> *... we conclude that numeric effluent limitations are infeasible as a means of reducing pollutants in municipal storm water discharges, at least at this time.*[13]

Although this determination was made over twenty years ago, the State Board's position on this issue has not changed since then, as evidenced by its adoption of the Caltrans MS4 permit in September of 2012. Citing the fact sheet for that permit, the State Board affirmed that:

> *It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges.*[14]

The Caltrans MS4 permit fact sheet also supports the use of BMP WQBELs as a means of meeting TMDLs and other quality standards. The Caltrans MS4 permit is also subject to TMDLs adopted by the Regional Board and USEPA. If the Order is not overturned, Los Angeles County MS4 permittees will be compelled to strictly comply with

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[11]Memorandum from Kevin Weiss, Water Permits Division, USEPA, Washington D.C., March 17, 2011, page 2.
[12]Revisions to the November 22, 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Waste Load Allocations (WLAs) for Storm Water Sources and NPDES Permits Based on Those WLAs," November 2010, page 2.
[13]State Water Resources Control Board Water Quality Order 91-03, page 49.
[14]Fact Sheet for NPDES Permit and Waste Discharges Requirements for State of California Department of Transportation, NPDES Permit No. CAS000003, Order No. 2012-XX-DWG, September 7, 2012, page 9.

numeric WQBELs and RLWs, while Caltrans need only implement WQBEL BMPs to achieve compliance with the same TMDLs.

Moreover, the Order allows the use of BMPs to meet federal TMDLs, presumably until and if the Regional Board and State Board adopt them at a later date as basin plan amendments. Having two compliance standards, one for State adopted TMDLs that require meeting numeric WQBELs and one for USEPA adopted TMDLs that require BMP-WQBELs makes no sense and is unfair – given that all of the TMDLs, when implemented through the Order must follow the same statutory rules and guidance. While the State may impose requirements more stringent than federal regulations it must provide a justification. Inter alia, it must comply with §13241 of the California Water Code (CWC), which calls for consideration of factors such as economics and housing. There is nothing in the record that indicates such an analysis was performed.

Since the Regional Board failed to establish the need for a WQBEL, incorrectly defined a WQBEL as a compliance standard (as opposed to as means of achieving compliance with a TMDL WLA) and provided no justification for requiring a numeric WQBEL, any requirement of the Order that is dependent on compliance or associated with a WQBEL must be voided.

3. Previously Adopted TMDLs Establish Compliance with Waste Load Allocations in the Receiving Water which Exceeds Federal Stormwater Regulations and State Law as they Relate to MS4 Permits

In addition to complying with TMDL WLAs at the outfall, the Order also requires compliance with TMDL WLAs (dry and wet weather) in the receiving water as a "limitation." Examples include, but are not limited to, the metals TMDLs for the Los Angeles River adopted by the State, the metals TMDL for the San Gabriel River adopted by USEPA, the Los Angeles River Bacteria TMDL and the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL. The affected TMDLs all require in-stream monitoring to determine compliance with waste load allocations.

Federal regulations only require two types of monitoring: effluent and ambient:

> *The permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards.*[15]

USEPA defines effluent as outfall discharges. Ambient monitoring is defined by USEPA to mean the:

> *Natural concentration of water quality constituents prior to mixing of either point or nonpoint source load of contaminants. Reference ambient concentration is used to indicate the concentration of a chemical that will not cause adverse impact to human health.*[16]

All TMDLs and other water quality standards are ambient standards as noted in a USEPA commissioned report:

> *… EPA is obligated to implement the Total Maximum Daily Load (TMDL) program, the objective of which is attainment of ambient water quality standards through the control of both point and nonpoint sources of pollution.*[17]

Although some of the TMDLs specify ambient monitoring such as the Los Angeles River Metals and Bacteria TMDLs, the Regional Board has misunderstood ambient monitoring to be a form of in-stream compliance monitoring, along with TMDL effectiveness monitoring. For example, the Los Angeles River Metals TMDL requires Los Angeles County MS4 permittees and Caltrans to submit a coordinated monitoring plan (CMP), which includes both "TMDL effectiveness monitoring and ambient monitoring."[18]

The CMP that was submitted to and approved by the Regional Board proposed a monitoring plan that essentially treats TMDL effectiveness monitoring and ambient monitoring as one of the same, and which collectively serve the purpose of determining compliance with dry and wet weather WLAs based on in-stream monitoring.

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[15]CFR 40 §122.44(d)(viii)(B).
[16]See USEPA Glossary of Terms.
[17]Assessing the TMDL Approach to Water Quality Management Committee to Assess the Scientific Basis of the Total Maximum Daily Load Approach to Water Pollution Reduction, Water Science and Technology Board, National Research Council, page 12.
[18]Total Maximum Daily Loads for Metals and Los Angeles River and Tributaries, U.S. Environmental Protection Agency, Region 9, California Regional Water Quality Control Board, Los Angeles Region, May 27, 2005, page 79.

It is unclear why the Regional Board established two compliance standards, one of which (viz., wet weather WLAs) is clearly not authorized under federal law. One explanation is that it did so because previously adopted TMDLs, some of which date back a few years, assumed that compliance with them would be determined by in-stream monitoring. The Regional Board appears not to have been aware at the time of the TMDLs adoption that attainment of waste load allocations is determined by outfall monitoring. More recently adopted TMDLs, however, such as the Machado Lake Nutrients TMDL, do not require compliance in the receiving water (the lake in this case) but instead compliance at the outfall. The Regional Board has not explained why certain TMDLs are required to be complied with at the outfall while others are required to be complied with in the receiving water.

The purpose of ambient monitoring is to evaluate the health of receiving waters determined during normal states – not when it rains. State-sponsored Surface Water Ambient Monitoring Programs (SWAMPs) recognize that ambient monitoring is only performed during dry weather. As mentioned above, ambient monitoring sets a reference point against which stormwater discharges are measured to determine attainment of water quality standards. While the State and federal-adopted TMDLs call for both dry and wet weather WLAs, federal regulations do not recognize either. It is the ambient standard that operates as a TMDL WLA.

MS4 permits are only required to conduct outfall monitoring for stormwater discharges from the MS4. Dry or non-stormwater discharge monitoring is limited to within the MS4 and for the exclusive purpose of detecting illicit discharges and connections upstream of an outfall at field screening points. Therefore, monitoring or any requirement that lies outside of the outfall is not authorized by federal law.

4. **Order Requirements Based on Compliance with In-stream TMDL WLAs Must be Voided**

Several TMDLs include requirements to submit implementation plans, monitoring plans, and special studies that are based on compliance with TMDL WLAs determined by in-stream monitoring. These TMDL-related requirements must be voided and re-opened to remove the extra-legal requirements.

5. **Time Schedule Orders Are Inappropriate**

Because the Order incorporates TMDLs with compliance deadlines to meet WLAs based on in-stream monitoring, several permittees will be in an instant state of non-compliance as soon as the Order takes effect. Monitoring results for the Los Angeles River Metals TMDL reveal that no permittee is in compliance with any of the wet weather WLAs for metals. The Order specifies that:

> *Permittees shall comply immediately with water quality-based effluent limitations and/or receiving water limitations to implement WLAs in state-adopted TMDLs for which final compliance deadlines have passed pursuant to the TMDL implementation schedule.*[19]

If a permittee cannot comply with TMDL WLAs either at the outfall or in the receiving water, it has the option of asking the Regional Board for additional time to comply through a Time Schedule Order (TSO), an Administrative Enforcement Action and Remedy under CWC §13300. A permittee can be excused of a violation and enforcement action by, among other things, providing the Regional Board with a *Justification of the need for additional time to achieve the water quality-based effluent limitations and/or receiving water limitations.*[20]

The TSO option is not applicable or appropriate because a violation cannot arise if monitoring detects a WLA exceedance either at the outfall or in the receiving water. A WQBEL, as mentioned, is a means of achieving compliance with a WLA, typically through the implementation of BMPs and other actions. A violation also cannot result if an exceedance is detected in a receiving water because compliance is determined at the outfall. Furthermore, if a permittee is implementing its stormwater quality management plan, in accordance with the Order's RWL provisions, an exceedance cannot result and a violation cannot arise.

6. **Receiving Water Limitations Are Confusing, Unclear, Overbroad and Exceed State Water Quality Order 99-05**

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[19] Order, page 149.
[20] Ibid.

RWL language is required in all California MS4 permits. The Regional Board contends that the RWL contained in the adopted Order is no different from the previous MS4 permit that was adopted in 2001. However, a comparison of the 2001 Order and the adopted Order reveals that they are significantly dissimilar. The 2001 Order and its amendments require compliance with water quality standards and water quality objectives:

> *Discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives are prohibited.*[21]

The adopted Order, on the other hand, requires compliance with RWLs, which it defines as:

> *Any applicable limitation to the applicable water quality objective or criterion for the receiving water as* contained in Chapter 3 or 7 *of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to 40 CFR* §131.38.[22]

This RWL definition is not contained in the previous Order and is defective for the following reasons:

i. It requires compliance only with water quality objectives, which pertain to waters of the State. Water quality standards, which is a federal term applied to the waters of the United States, is absent. Furthermore, the term "criterion" is not defined, making compliance with it impossible.

ii. It is overbroad in that it includes compliance with the entire Basin Plan;[23] all water quality controls plans or policies adopted by the State Water Board – including those adopted by other Regional Boards; 40 CFR §131.38 (*Establishment of numeric*

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[21]NPDES CAS004001, Order No. 01-18, page 23.
[22]Order, Attachment A, Definitions, page A-17.
[23]All water quality control plans adopted by the State could also include basin plans adopted by all Regional Water boards since the State Board must also approve all basins plans.

criteria for priority toxic pollutants for the State of California) and all other federal regulations.

iii. It is vague because it requires compliance with Chapter 3 or 7 of the Basin Plan.

The RWL language in the Order is also inconsistent with precedential State Board Water Quality Order 99-05, which unequivocally requires compliance with storm water management plans as a means of complying with RWLs and, therewith, water quality standards. WQ 99-05 mentions nothing about the need to comply with the other provisions mentioned above.

Further adding to the confusion is the Order's revised fact sheet which states that RWLs *prohibits discharges from the MS4 that cause or contribute to the violation of water quality standards.*[24] The Order, on the other hand, says the following: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.*[25] This begs the question, are permittees required to prohibit discharges that cause or contribute to water quality standards or to receiving waters?

7. **Iterative Process Is Not Per Se Included in the Order**

The iterative process is a standard MS4 feature in State-issued MS4 permits, which is not specifically referred to as an "iterative process" but instead is described in operational terms under the Order's RWL section. Nevertheless, State Water Board Orders have affirmed that the iterative process is a resident MS4 permit feature. Through WQO 2001-15, the State Board explained:

> *… Our language requires that storm water management plans be designed to achieve compliance with water quality standards. Compliance is to be achieved over time, through an iterative approach requiring improved BMPs.*[26]

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[24]Fact Sheet, Attachment "F" Order No. R4-2012-XXXX, MS4 Permit No. CAS004001, page F-35.
[25]Order, page 38.
[26]State Water Board Order WQ 2001-15, page 5.

Eight years later, the State Board re-affirmed that position in WQO 2009-0008:

> *… we will generally not require 'strict compliance' with water quality standards through numeric effluent limitations," and instead "we will continue to follow an iterative approach, which seeks compliance over time" with water quality standards.*[27]

Although the Order's revised fact sheet refers to an iterative process described in the RWL section, the Order does not specifically identify the process as an iterative one. This poses a serious problem. On the one hand, the State Board has determined that an iterative process must be included in MS4 permits, but on the other the 9th Circuit Court in NRDC v. Los Angeles County Flood Control District held there is no "textual support" for the iterative process in the 2001 Order. This ruling, in effect, invalidates an iterative process in any Order unless it is specifically referenced as an iterative process. In other words, it is not enough for a "process" to be described; it must also be called-out as an iterative process. To comply with the State Board orders without running afoul of the 9th Circuit's ruling, the Regional Board must include the term "iterative process" in the Order. It is expected that this and other RWL issues will be resolved once the State Board develops model RWL language.

8. Adaptive Management Process Does Not Comply with the Iterative Process Required of State Board Orders

The Order makes available an adaptive management process (AMP) to permittees that choose to participate in a WMP. The AMP appears to be the iterative process but modified by the Regional Board for use by those permittees that participate in a WMP. However, the AMP does not afford the same protections as the iterative process. Most conspicuous, the AMP does not place a permittee into compliance with RWLs or water quality standards by implementing a stormwater management plan in a timely manner.

The AMP should be struck from the Order because it does not comply with the iterative process requirements referenced in the aforementioned State Board WQOs.

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[27] State Water Board Order WQ 2009-0008, page 8.

9. **Watershed and Enhanced Watershed Management Programs Are Premature and Cannot Provide an Alternative Compliance Approach**

The watershed management program (WMP) and enhanced watershed management program proferred by the Los Angeles County Flood Control District) are compliance options available to permittees. According to the Regional Board they are intended to "incentivize" permittees to participate in a collective permittee program instead of an individual program, which is based soley on the implementation of stormwater quality management plans that include BMPs and other requirements that target TMDL WLAs. The WMP and EWMP on the other hand, take a collective approach to addressing TMDLs through uniform programs, BMPs, and other requirements implemented at a watershed level. The WMP and EWMP enable compliance with WQBELs and RWLs – albeit both requirements are unauthorized under federal stormwater regulations and are contrary to precedential State Board WQOs – unless however they can be regarded as stormwater management plan sub-sets.

The WMP approach, in any case, is unwarranted at this time because none of the MS4s has been characterized -- a requirement specified in CFR 40, §122.26. As mentioned, this is because previous Los Angeles County Orders did not require outfall monitoring. Without outfall data, it is impossible to know if an MS4 is causing or contributing to a TMDL WLA exceedance. Without such data, it is also impossible to know if MS4s have pollution contribution issues in common sufficient to warrant a watershed approach to pollution management.

Further, the WMP and EWMP approaches are based on the faulty premise that compliance with TMDL WLAs is determined: (1) in the receiving water through in-stream, non-ambient monitoring; and (2) by strict compliance with WLAs, expressed as numeric WQBELs, based on outfall monitoring. Therefore, the Order should be revised to treat the WMP and EWMP as stormwater management program options.

10. **Non-stormwater Discharge Prohibitions Exceed Federal Regulations and Are Inconsistent with State Board Water Quality Orders, Confusing, and in Conflict**

The adopted Order contains a significant revision to non-stormwater discharge prohibitions. It reads:

> *Each Permittee shall, for the portion of the MS4 for which it is an owner or operator, prohibit non-storm water discharges <u>through</u> the MS4 to receiving waters …*[28]

The previous (2001) Order, in sharp contrast, required MS4 permittees to *"effectively prohibit non-storm water discharges into the MS4."*[29] The previous Order also provided for several exceptions of non-stormwater discharges that could be legally discharged to the MS4. Non-stormwater discharges that were not exempted were deemed illicit discharges. The adopted Order, on the other hand, revises the non-stormwater discharge prohibition by replacing "to" the MS4 with "through" the MS4 and in the case of TMDL discharges "from the MS4" to a receiving water.

The adopted Order also, oddly, retains from the previous Order the requirement to continue to establish legal authority to prohibit illicit discharges and connections to the MS4. The Regional Board apparently retained this provision to enable permittees to enforce the illicit connection and discharge detection and elimination (ICID-DE) program. So doing, however, creates a conflict with the Order's requirement to treat non-exempted, non-stormwater discharges from the MS4 also as illicit discharges, not only to the MS4 but through and from it as well. This will give rise to much confusion if the Order is not overturned and corrected.

The Regional Board's revised non-stormwater provision is not authorized under federal stormwater regulations. Nevertheless, the Regional Board attempts to rely on 40 CFR §122.26(a)(3)(iv) to assert that an MS4 permittee is only responsible for discharges of storm water and non-storm water from the MS4. The Regional Board's citation mentions nothing about permittees being responsible for stormwater and non-storm from the MS4. Instead, it states that C*o-permittees need only comply with permit conditions relating to <u>discharges</u> from*

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[28]Order, page 27.
[29]NPDES CAS004001, Order No. 01-182, December 13, 2001, page 16.

the municipal separate storm sewer system. But the term "discharges" here refers to stormwater discharges only. Beyond this, CFR 40 §122.26 mentions nothing about prohibiting non-stormwater or illicit discharges from or through the MS4.

Instead, 402(p)(B)(ii) of the Clean Water Act, clearly specifies that MS4 permits *"shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers.* Nothing in this section or anywhere else in the Clean Water Act authorizes a prohibition of non-stormwater discharges "through" or "from" the MS4. In fact, the Regional Board cites no legal authority either in the Order or in the most recent fact sheet to support changing the discharge prohibition from "to" or "into" the MS4 to "through" or "from" the MS4.

It should also be noted that all MS4 permits in California adhere to 402(p)(b)(ii). This includes the State Board's recently adopted Caltrans MS4 permit and its draft Phase II MS4 permit, which is scheduled for adoption in January of next year.

Further, the Regional Board's revision of the non-stormwater discharge prohibition is totally inconsistent with USEPA's guidance*: Illicit Discharge Detection and Elimination A Guidance Manual for Program Development and Technical Assessments.* The manual is based on federal non-stormwater discharge prohibition into the MS4. It provides for specific actions, tasks, and monitoring methodologies to enable MS4 permittees to comply with the illicit connection and discharge detection and elimination program (ICID/DE), which is a federal stormwater requirement. Changing the non-stormwater discharge prohibition to regulate non-stormwater discharges through and from the MS4 would render useless the ICID/DE manual and its purpose.

The Regional Board bases its radical revision of the non-stormwater discharge prohibition on the need to prevent polluted dry weather discharges, including those subject to TMDL regulation, from entering the MS4. When Congress adopted 402(p)(B), it was aware that non-stormwater discharges could contribute to in-stream impairments of beneficial uses. However, the means for achieving this objective is the ICID-DE program.

Prohibiting non-stormwater discharges to the MS4 effectively reduces and in some cases eliminates illicit discharges to receiving waters by controlling the source of the discharges within the limitations of its local authority. To that end, MS4 permittees are

required to establish legal authority to make an illicit discharge or connection a municipal violation, which if not halted, would require the discharge to be permitted under an authority other than the municipality.[30] In addition, the ICID-DE program requires monitoring to field screen for illicit connections and dumping in accordance with procedures specified in 40 CFR §122.26(d)(1)(iv)(D). An effective field screening program should significantly reduce non-stormwater discharges to the MS4 by eliminating or permitting them at the source.

Requiring compliance instead with prohibiting non-stormwater discharges through and from the MS4 would place the onus of treating all non-stormwater discharges -- including those over which a municipality has no control – exclusively on permittees.

Another compelling argument against requiring compliance with non-stormwater discharges through and from the MS4 is that it would frustrate municipal code enforcement in halting non-stormwater discharges through or from the MS4. Observing and detecting an unauthorized non-stormwater discharge through or from the MS4 is far more difficult than observing a non-stormwater discharge to the MS4. To ferret-out non-exempted stormwater discharges once it is through an MS4 component such as an enclosed storm drain or in a catch basin would require frequent monitoring not only at the outfall but upstream of it as well.

Then there is the issue of enforcement. If a non-stormwater discharge is detected through monitoring from a manhole point it would be difficult if not impossible to determine legally who or what caused the impermissible non-stormwater discharge. Detecting a non-stormwater discharge to the MS4, prior to it entering a storm drain or catch basin (where the discharge cannot be readily be seen), or being discharged from an outfall, is much easier. If a suspected or actual illicit discharge is identified, a municipal permittee can quickly respond to it through a code enforcement citation and would not have to be concerned about evidence issues if the violation is challenged. Further complicating matters is that there are dischargers that are covered under separate NPDES permits that are allowed to discharge to the MS4. If an exceedance for a dry weather TMDL discharge is detected by outfall monitoring covering a drainage area that includes NPDES permitted discharges, how would anyone know who or what caused the exceedance? This creates a very real evidentiary problem -- not unlike the

[30]Federal Register Volume 55, No. 222, 47990.

one the 9th Circuit Court dealt with in NRDC v. LACFCD concerning both non-storm water and stormwater exceedances detected in receiving waters.

11. **Monitoring Requirements Exceed Federal Requirements**

The Order's monitoring requirements contained in Attachment E, Monitoring and Reporting Program are excessive. They require outfall and receiving water monitoring to comply with wet and dry weather TMDL WLAs. As mentioned earlier, such requirements are not authorized under federal regulations. Federal regulations only require outfall monitoring to evaluate MS4 stormwater discharges against ambient standards in the receiving water to determine exceedances.

Further, the "end of the regulatory line" for MS4 permits is stormwater discharges from the outfall. Such stormwater discharges must be controlled to the maximum extent practicable (MEP). As noted, non-stormwater discharges only require a prohibition to the MS4. Although non-stormwater discharge monitoring is required under federal regulations, it is limited to intra-MS4 field screening for the purpose of identifying and detecting illicit discharges and connections. Nothing in CFR 40 §122.26 requires the performance of tasks that lie outside of the MS4. This includes, but is not limited to in-stream monitoring, fish tissue testing, special studies, and sediment testing.

The Regional Board contends, however, that federal regulations do in fact authorize it to require extra-MS4 monitoring. It cites several federal regulations to support this claim, which as explained below, are not persuasive.

- Clean Water Act Section 308 is inapplicable because it pertains to maintaining records, submitting reports, maintaining monitoring equipment, and sampling effluents in accordance with such sampling methods. The use of the term "effluents" can only apply to point source discharges, not in-stream. Since federal regulations only require outfall monitoring of stormwater discharges, effluent can only mean stormwater discharges from the outfall. This supports the argument that MS4 monitoring is restricted to stormwater discharges and non-stormwater discharge monitoring is limited to intra-MS4 field screening for illicit discharges and connections.

- 40 CFR §123.25 is irrelevant because it merely asserts that States may go beyond federal monitoring requirements. This is not disputed. Nevertheless, if the

Regional Board chooses to exceed federal monitoring requirements it must comply with CWC section 13241, which includes but is not limited to an analysis of economic and housing impact considerations. That analysis has not been done by the Regional Board.

- CFR 40 §122.41(h) does not apply because it refers to a permittee's duty to provide permit-related information to the "Director." It cannot be used to justify requiring a permittee to perform any monitoring requirement that the Director wishes.

- CFR 40 §122.41(j) is inapplicable because it deals with the permitting agency's right to inspection and entry to an NPDES permitted facility.

- CFR 40 §122.41(k) is inapplicable because it is exclusively concerned with permittee signatory requirements relating to applications, reports, and other information submitted to the permitting agency's Director.

- CFR 40 §122.41(l), is inapplicable because it requires a permittee to notify the permitting agency's Director of any changes to a permitted facility.

- CFR 40 §122.44(i), which although pertains to monitoring requirements affecting MS4 permittees, only specifies requirements relating to pollutant measurements and the volume of effluent discharged from outfalls. It does not authorize a permitting agency to require extra-MS4 monitoring. Further, its reference to taking measurements in internal waste streams and pollutants in intake water relates to "influent" discharges associated with sewage treatment and industrial facilities.

- CFR 40 §122.48 is inapplicable because it is exclusively concerned with recording and reporting results.

- CFR 40 §122.26(d)(2)(i)(F) applies only to the permittee's responsibility to: *Carryout out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.* It confers no authority upon the Regional Board to require permittees to perform extra-MS4 monitoring.

- CFR 40 §122.26(d)(2)(iii)(D) applies to the permittee's responsibility to propose *a monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or*

the location of in-stream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment. This provision does not give the Regional Board the authority to require extra-MS4 monitoring. It only allows a permittee to select outfalls or field screening points (which are intra-MS4). Field screening refers to a specific procedure for selecting outfalls and manhole points to be used to facilitate detection and elimination of illicit discharges and connections. A permittee may propose in-stream stations as alternatives to outfalls or field screening points (manholes upstream of an outfall) in the absence of these facilities. This is because there are areas of the Country where there are no outfalls or manhole points but instead only in-stream points from which monitoring can be performed.

- CFR 40 §122.42(c) is irrelevant because it governs annual reporting and has nothing to do with monitoring.

All requirements contained in the Order's MRP that call for extra-MS4 permit monitoring must be voided.

Finally, the Order fails to require illicit connection and discharge field screening which is a mandatory requirement specified under federal stormwater regulations.[31] Field screening includes a procedure for identifying field screening points (outfalls and manholes) and taking non-stormwater discharge samples for analysis of prescribed constituents including pH, total chlorine, total copper, total phenol, and detergents (surfactants).

The Order also requires monitoring for outfall municipal action levels (MALs). This monitoring requirement is an addition to conducting outfall monitoring for TMDL compliance. The Order states that the purpose of municipal action level (MAL) sampling is to *determine the effectiveness of a Permittee's storm water management program in reducing pollutant loads from a particular drainage area and in order to assess compliance with the MEP standard.*[32] The Order fails to explain what criteria are to be used to determine compliance with MEP and how it relates to compliance with water quality standards.

The Order's fact sheet also bases the need for MAL monitoring on the need to evaluate *the effectiveness of individual post-construction BMPs in reducing pollutant loads*

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[31] 40 CFR §122.26(d)(1)(iv)(D).

[32] Order, Attachment F, Fact Sheet, page F-31.

and assessing compliance with the MEP standard.[33] But the fact sheet does not explain how MAL monitoring results, based on outfall sampling, can be helpful in this regard. Stormwater discharges contain pollutants from a multiplicity of sources. Therefore, how can MAL sampling results be used to determine if post-construction BMPs or any other BMPs such as street sweeping are effective? Further, there is no explanation of what "effective" means here.

Beyond this, it is not clear why MAL monitoring at the outfall is required given that outfall monitoring for TMDL compliance is also a requirement; and that many of the MAL constituents overlap TMDL constituents, including metals (copper, zinc, lead, and selenium), toxics, and bacteria. What is more, federal stormwater regulations also require outfall monitoring for specific constituents. MAL and TMDL monitoring requirements duplicate outfall monitoring requirements called-out in CFR 122.26, which specifies:

> *For samples collected and described under paragraphs (d)(2)(iii)(A)(1) and (A)(2) of this section, quantitative data shall be provided for: the organic pollutants listed in Table II; the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of appendix D of 40 CFR part 122, and for the following pollutants*:
>
> *Total suspended solids (TSS)*
> *Total dissolved solids (TDS)*
> *COD*
> *BOD5*
> *Oil and grease*
> *Fecal coliform*
> *Fecal streptococcus*
> *pH*
> *Total Kjeldahl nitrogen*
> *Nitrate plus nitrite*
> *Dissolved phosphorus*
> *Total ammonia plus organic nitrogen*
> *Total phosphorus*[34]

This raises the following question: why did the Regional Board fail to require outfall monitoring for federally prescribed constituents while requiring monitoring for MAL constituents, which is not a federal requirement?

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[33] Ibid.
[34] 40 CFR §122.26(d)(2)(A)(3).

Beyond this, the purpose of MALs, as referenced in a USEPA commission study is to provide a sensible alternative to TMDL compliance – not to only evaluate the performance of a specific BMP or to determine MEP for MEP sake. The report explains:

> *The action level would be set to define unacceptable levels of stormwater quality (e.g., two standard deviations from the median statistic, for simplicity). Municipalities would then routinely monitor runoff quality from major outfalls. Where an MS4 outfall to surface waters consistently exceeds the action level, municipalities would need to demonstrate that they have been implementing the stormwater program measures to reduce the discharge of pollutants to the maximum extent practicable. The MS4 permittees can demonstrate the rigor of their efforts by documenting the level of implementation through measures of program effectiveness, failure of which will lead to an inference of noncompliance and potential enforcement by the permitting authority.*[35]

The addition of MAL monitoring confuses compliance, is duplicative, and increases the cost of monitoring unnecessarily.

The Order prescribes monitoring requirements for new developments without justification. The Order requires New Development and Re-development BMP effectiveness tracking, the objectives of which are to:

> *... track whether the conditions in the building permit issued by the Permittee are implemented to ensure the volume of storm water associated with the design storm is retained on-site as required by Part VI.D.7.c.i. of this Order*.[36]

This monitoring requirement is premature and is not authorized under federal stormwater regulations because no outfall monitoring has been conducted to determine if exceedances of TMDLs, MALs, or federally mandated constituents have occurred. This type of use-specific monitoring assumes the existence of a pollution problem that has yet to be determined. This and any other monitoring requirement needs to be struck from the Order until outfall monitoring demonstrates that exceedances have occurred and that monitoring specific to complete new development and redevelopment projects is necessary to address such exceedances.

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[35]Urban Stormwater Management in the United States, Committee on Reducing Stormwater Discharge Contributions to Water Pollution, National Research Council, 2008, page 444.

[36]Order, Attachment E – Reporting Program, Page E-39.

12. **Regional Board Violated the Administrative Procedures Act**

The Regional Board violated the Administrative Procedures Act (APA) when it issued a revised tentative Order on October 18, 2012. This action resulted in substantial changes that should have triggered a 45 day review and comment period.

October 18, 2012, the Regional Board posted a revised tentative Order that contained substantial revisions to the initial tentative Order issued on June 6, 2012. Most salient is the revision to the WMP and the addition of the EWMP.

In the June 6th tentative Order, the WMP allows Permittees to achieve compliance with TMDLs by customizing strategies and implementing control measures, and BMPs on a watershed level, *through each Permittee's stormwater management program and/or collectively by all participating Permittees.*[37] The WMP option also requires a prohibition on causing or contributing to exceedances of RWLs and non-storm water action levels.

In the revised tentative Order the WMP was substantially changed and a new compliance option was introduced: the EWMP. The WMP was revised by removing compliance with TMDLs and replacing it with programs to *ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP).*[38] The revised WMP also resulted in the deletion of the requirement to ensure that discharges from the MS4 do not cause exceedances of non-stormwater action levels. It was replaced with ensuring that non-stormwater discharges are effectively prohibited.[39] There was explanation in the fact sheet posted on October 18th of why these revisions were made.

The EWMP constitutes a substantial change because it provides an additional compliance option. It offers Permittees the ability to comply with all TMDLs by participating with the Los Angeles County Flood Control District (LACFCD) in doing "multi-benefit" regional projects. The purpose of such projects is to control MS4 discharges of stormwater, if feasible, through a stormwater control design standard that would retain *the 85th percentile,*

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[37]Tentative Order, page 45.
[38]Revised Tentative Order, page 49.
[39]Ibid.

24-hour storm event for the drainage areas tributary to projects.[40] The EWMP would place participating Permittees into compliance with numeric WQBELs (applicable to the outfall) and receiving water limitations.[41]

The Regional Board should not have adopted the final Order because of its failure to comply with California Government Code §11346.8(c), which states:

> *No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5 [setting out notice requirements], unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9."*

It is clear that the revisions made to the revised tentative Order were substantial and that they are not sufficiently related to the original text of June 6th tentative Oder. The EWMC provides a new compliance option not discussed in the tentative Order – an option that is separate and distinct from the WMC. A 45 day review and comment period should have been triggered by the addition of the EWMC, which would have been given affected parties the opportunity to comment on the legality of the proposed alternative and to ask for clarification. The EWMC, which enables compliance with TMDLs by partnering with the LACFCD to do regional projects, may not be legally valid because: (1) it has not been identified as a WQBEL (a BMP or a numeric surrogate parameter such as flow or impervious cover) which is the legal means of achieving compliance with TMDL WLAs; and (2) it is not clear if the EWMC is in and of itself a stormwater management plan, which determines compliance with RWLs, or is a sub-set of one. There is also the question of whether an MS4 permit can be used to

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[40]Revised Tentative Order, page 50.

[41]It is not clear what receiving water limitations refers to here: compliance with TMDLs, all non-TMDL water quality standards, or with stormwater quality management plans, which is the primary means of complying with receiving water limitations according to State Board WQ 99-05.

compel compliance with TMDLs through projects such as infiltration facilities that would be sited outside an MS4. Then there is the issue of cost: how much will the EWMC option cost versus the non-enhanced WMP and individual permittee compliance option?

Further, the October 18th Order resulted in a substantial revision to the WMC affecting compliance. It changed the compliance requirement from implementing control measures and BMPs on a watershed-level to programs (which is not explained or defined in the revised tentative Order or fact sheet) that would ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP). This is a substantial revision because it alters how WMP compliance is determined. This revision should have also triggered a new 45 day review and comment period.

13. **Order Violates Water Code Section 13241**

The Order contains several requirements that exceed federal stormwater regulations including but not limited to the following:

- Requiring compliance with TMDL WLAs in the receiving water, albeit federal regulations only require compliance at the outfall, based on federally prescribed stormwater discharge monitoring.

- Requiring compliance with and monitoring of wet weather TMDL WLAs in the receiving water, albeit federal regulations only require compliance with ambient TMDLs based on a comparative measurement of stormwater discharges from monitoring at the outfall.

- Requiring compliance with a numeric WQBEL albeit the Regional Board's failure to perform an RPA to justify the need for WQBEL.

- Requiring compliance with infeasible numeric WQBELs.

- Requiring compliance with non-stormwater discharge prohibitions applied through and from the outfall as opposed to only to the MS4 per federal regulations.

CWC section 13241 requires a consideration of factors including economic and housing impacts if Order requirements exceed federal law. No such analysis was performed by the Regional Board.

14. **Order Violates Unfunded Funded Mandate Provision of the California Constitution**

Article XIIIB, Section 6 of the California Constitution requires subvention of funds to reimburse local governments for state-mandated programs in specified situations. Notwithstanding the Regional Board's assertion to the contrary, the Order imposes on permittees requirements that exceed federal regulations which, therefore, constitute unfunded mandates. The federal regulations that have been exceeded are the same as those that should have triggered a CWC section 13241 analysis.

XI. SERVICE OF PETITION

This Petition is being served upon the following parties via electronic mail and U.S. mail:

State Water Resources Control Board
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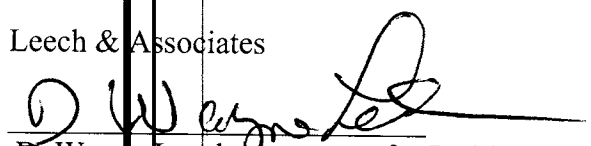
Respectfully Submitted,

Dated: December 7, 2012

Leech & Associates



D. Wayne Leech, Attorneys for Petitioner
City Attorney

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, Candy Garcia, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action; my business address is 11001 Valley Mall, Suite 200, El Monte, CA 91731.

On December 10, 2012, I served upon the interested party(ies) in this action the following described document(s): **PETITION FOR REVIEW OF ACTION BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION IN ADOPTING ORDER NO. R4-2012-XXXX, NPDES PERMIT NO. CAS004001, WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4; MEMORANDUM OF POINTS AND AUTHORITIES**

/XX/ **MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as set forth below. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at El Monte, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

/xx / **E-MAIL:** By transmitting a true copy thereof by e-mail to the person or office, as indicated, at the address(es) and e-mail addresses set forth below.

SEE ATTACHED SERVICE LIST

/XX/ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on this 10TH day of December, 2012, at El Monte, California.

Candy Garcia

Service list

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ATTACHMENT A – DEFINITIONS

The following are definitions for terms in this Order:

Adverse Impact
A detrimental effect upon water quality or beneficial uses caused by a discharge or loading of a pollutant or pollutants.

Anti-degradation Policies
Laws, policies and regulations set forth and state and federal statutes and regulations e.g., *Statement of Policy with Respect to Maintaining High Quality Water in California,* State Board Resolution No. 68-16; 40 CFR section 131.12.

Applicable Standards and Limitations
All State, interstate, and federal standards are limitations to which a "discharge" or a related activity is subject under the CWA, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," and pretreatment standards under sections 301, 302, 303, 304, 306, 307, 308, 403 and 404 of CWA.

Areas of Special Biological Significance (ASBS)
All those areas of this state as ASBS, listed specifically within the California Ocean Plan or so designated by the State Board which, among other areas, includes the area from Mugu Lagoon to Latigo Point: Oceanwater within a line originating from Laguna Point at 34° 5' 40" north, 119° 6'30" west, thence southeasterly following the mean high tideline to a point at Latigo Point defined by the intersection of the mean high tide line and a line extending due south of Benchmark 24; thence due south to a distance of 1000 feet offshore or to the 100 foot isobaths, whichever distance is greater; thence northwesterly following the 100 foot isobaths or maintaining a 1,000-foot distance from shore, whichever maintains the greater distance from shore, to a point lying due south of Laguna Point, thence due north to Laguna Point.

Arithmetic Mean (μ)
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$
where:
Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Authorized Discharge
Any discharge that is authorized pursuant to an NPDES permit or meets the conditions set forth in this Order.

Authorized Non-Storm Water Discharge

REVISED TENTATIVE

Authorized non-storm water discharges are discharges that are not composed entirely of storm water and that are either: (1) separately regulated by an individual or general NPDES permit and allowed to discharge to the MS4 when in compliance with all NPDES permit conditions; (2) authorized by USEPA[50] pursuant to sections 104(a) or 104(b) of CERCLA that either (i) will comply with water quality standards as applicable or relevant and appropriate requirements ("ARARs") under section 121(d)(2) of CERCLA or (ii) are subject to (a) a written waiver of ARARs by USEPA pursuant to section 121(d)(4) of CERCLA or (b) a written determination by USEPA that compliance with ARARs is not practicable considering the exigencies of the situation, pursuant to 40 CFR section 300.415(j); or (3) necessary for emergency responses purposes, including flows from emergency fire fighting activities.

Automotive Service Facilities
A facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to storm water.

Average Monthly Effluent Limitation (AMEL)
The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Bacteria Total Maximum Daily Load (TMDL) Dry Weather
Defined in the Bacteria TMDLs as those days with less than 0.1 inch of rainfall and those days occurring more than 3 days after a rain.

Bacteria Total Maximum Daily Load (TMDL) Wet Weather
Defined in the Bacteria TMDLs as a day.with 0.1 inch or more of rain and 3 days following the rain event.

Baseline Waste Load Allocation
The Waste Load Allocation assigned to a Permittee before reductions are required. The progressive reductions in the Waste Load Allocations are based on a percentage of the Baseline Waste Load Allocation. The Baseline Waste Load Allocation for each jurisdiction was calculated based on the annual average amount of trash discharged to the storm drain system from a representative sampling of land use areas, as determined during the Baseline Monitoring Program. The Baseline Waste Load Allocations are incorporated into the Basin Plan at Table 7-2.2.

Basin Plan
The Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments.

Beneficial Uses

[50] These typically include short-term, high volume discharges resulting from the development or redevelopment of groundwater extraction wells, or USEPA or State-required compliance testing of potable water treatment plants, as part of a USEPA authorized groundwater remediation action under CERCLA.

The existing or potential uses of receiving waters in the permit area as designated by the Regional Water Board in the Basin Plan.

Best Management Practices (BMPs)
BMPs are practices or physical devices or systems designed to prevent or reduce pollutant loading from storm water or non-storm water discharges to receiving waters, or designed to reduce the volume of storm water or non-storm water discharged to the receiving water.

Bioaccumulative
Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Biofiltration
A LID BMP that reduces storm water pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. As described in the *Ventura County Technical Guidance Manual*, studies have demonstrated that biofiltration of 1.5 times the storm water quality design volume (SWQDv) provides approximately equivalent or greater reductions in pollutant loading when compared to bioretention or infiltration of the SWQDv.[51] Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Order is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to Executive Officer approval). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

Bioretention
A LID BMP that reduces storm water runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the *in-situ* soil. As defined in this Order, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated in this Order as biofiltration.

Bioswale
A LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect storm water runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

Carcinogenic
Pollutants are substances that are known to cause cancer in living organisms.

REVISED TENTATIVE

[51] Geosyntec Consultants and Larry Walker Associates. 2011. *Ventura County Technical Guidance Manual for Stormwater Quality and Control Measures, Manual Update 2011. Appendix D.* Prepared for the Ventura Countywide Stormwater Quality Management Program. July 13, 2011. pp. D-6 – D-15.

Coefficient of Variation (CV)
CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Commercial Development
Any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities; mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

Commercial Malls
Any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

Conditionally Exempt Essential Non-Storm Water Discharge
Conditionally exempt essential non-storm water discharges are certain categories of discharges that are not composed entirely of storm water and that are allowed by the Regional Water Board to discharge to the MS4, if in compliance with all specified requirements; are not otherwise regulated by an individual or general NPDES permit; and are essential public services that are directly or indirectly required by other State or federal statute and/or regulation. These include non-storm water discharges from ~~potable~~ drinking water supplier distribution system releases ~~water sources~~ and non-emergency fire fighting activities. Conditionally exempt essential non-storm water discharges may contain minimal amounts of pollutants, however, when in compliance with industry standard BMPs and control measures, do not result in significant environmental effects. (See 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

Conditionally Exempt Non-Storm Water Discharge
Conditionally exempt non-storm water discharges are certain categories of discharges that are not composed entirely of storm water and that are either not sources of pollutants or may contain only minimal amounts of pollutants and when in compliance with specified BMPs do not result in significant environmental effects. (See 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

Construction
~~Any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.~~Construction activity includes any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the

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integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage is required if more than one acre is disturbed or the activities are part of a larger plan.

Control
To minimize, reduce, eliminate, or prohibit by technological, legal, contractual or other means, the discharge of pollutants from an activity or activities.

Daily Discharge
Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Daily Generation Rate (DGR)
The estimated amount of trash deposited within a representative drainage area during a 24-hour period, derived from the amount of trash collected from streets and catch basins in the area over a 30-day period.

Dechlorinated/Debrominated Swimming Pool Discharge
Swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term does not include swimming pool filter backwash.

Detected, but Not Quantified (DNQ)
DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Development
Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

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~~**Dilution Credit**~~
~~Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.~~

Directly Adjacent
Situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

Director
The Director of a municipality and Person(s) designated by and under the Director's instruction and supervision.

Discharge
When used without qualification the "discharge of a pollutant."

Discharging Directly
Outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

Discharge of a Pollutant
Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Disturbed Area
An area that is altered as a result of clearing, grading, and/or excavation.

Drinking Water Supplier Distribution Systems Releases
Sources of flows from drinking water supplier storage, supply and distribution systems including flows from system failures, pressure releases, system maintenance, distribution line testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and minor non-invasive well maintenance activities not involving chemical addition(s). It does not include wastewater discharges from activities that occur at wellheads, such as well construction, well development (i.e., aquifer pumping tests, well purging, etc.), or major well maintenance. For the purposes of this Order, drinking water supplier distribution system releases include treated and raw water (from raw water pipelines, reservoirs, storage tanks, etc.) that are dedicated for drinking water supply.

Effective Impervious Area (EIA)

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EIA is the portion of the surface area that is hydrologically connected to a drainage system via a hardened conveyance or impervious surface without any intervening median to mitigate the flow volume.

Effluent Concentration Allowance (ECA)
ECA is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in USEPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Effluent Limitation
Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the U.S. (40 CFR § 122.2).

Enclosed Bays
Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Environmentally Sensitive Areas (ESAs)
An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by a Permittee as environmentally sensitive.

Estimated Chemical Concentration
The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries
Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point

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upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in California Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Existing Discharger
Any discharger that is not a new discharger. An existing discharger includes an "increasing discharger" (i.e., any existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its permitted discharge after the effective date of this Order).

Flow-through treatment BMPs
Flow-through treatment BMPs include modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

Full Capture System
Any single device or series of devices, certified by the Executive Officer, that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. The Rational Equation is used to compute the peak flow rate:

$$Q = C \times I \times A,$$

Where:
Q = design flow rate (cubic feet per second, cfs);
C = runoff coefficient (dimensionless);
I = design rainfall intensity (inches per hour, as determined per the Los Angeles County rainfall isohyetal maps relevant to the Los Angeles River watershed), and
A = sub-drainage area (acres).

General Construction Activities Storm Water Permit (GCASP)
The general NPDES permit adopted by the State Board which authorizes the discharge of storm water from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP)
The general NPDES permit adopted by the State Board which authorizes the discharge of storm water from certain industrial activities under certain conditions.

Green Roof
A LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

Hillside

Property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

Hydrologic Unit Code (HUC)
A standardized watershed classification system in which each hydrologic unit is identified by a unique hydrologic unit code (HUC). The HUC may consist of an eight (8) to twelve (12) digit number. The 8-digit HUC identifies an area based on four levels of classification: region, sub-region, hydrologic basin, and hydrologic sub-basin. The Watershed Boundary Dataset includes the 12-digit HUC delineation, which further divides each hydrologic unit into watersheds and sub-watersheds based on scientific information and not administrative boundaries. The Watershed Boundary Dataset is the highest resolution and the most detailed delineation of the watershed boundaries. The mapping precision has been improved to a scale of 1:24,000.

Illicit Connection
Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

Illicit Discharge
Any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in Part III.A.1.d.

Illicit Disposal
Any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water.

Improved drainage system
An improved drainage system is a drainage system that has been channelized or armored. The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

Industrial/Commercial Facility
Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

Industrial Activities Storm Water General Permit (IASGP)

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The general NPDES permit adopted by the State Water Board, which authorizes the discharge of storm water from certain industrial activities under certain conditions.

Industrial Park
A land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

Infiltration BMP
A LID BMP that reduces storm water runoff by capturing and infiltrating the runoff into in-situ soils or amended on-site soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.[52]

Inland Surface Waters
All surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Inspection
Entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research.;
2. Request for entry;
3. Interview of facility personnel;
4. Facility walk-through.
5. Visual observation of the condition of facility premises;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit conference (to discuss preliminary evaluation); and,
9. Report preparation, and if appropriate, recommendations for coming into compliance.

In the case of restaurants, a Permittee may conduct an inspection from the curbside, provided that such "curbside" inspection provides the Permittee with adequate information to determine an operator's compliance with BMPs that must be implemented per requirements of this Order, Regional Water Board Resolution No. 98-08, County and municipal ordinances, and the SQMP.

Instantaneous Maximum Effluent Limitation
The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation

[52] Some types of infiltration BMPs such as dry wells, may meet the definition of a Class V, deep well injection facility and may be subject to permitting under U.S. EPA requirements.

The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Institutional Controls
Programmatic trash control measures that do not require construction or structural modifications to the MS4. Examples include street sweeping, public education, and clean out of catch basins that discharge to storm drains.

Integrated Pest Management (IPM) is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties.

Large Municipal Separate Storm Sewer System (MS4)
All MS4s that serve a population greater than 250,000 (1990 Census) as defined in 40 CFR 122.26 (b)(4). The Regional Water Board designated Los Angeles County as a large MS4 in 1990, based on: (i) the U.S. Census Bureau 1990 population count of 8.9 million, and (ii) the interconnectivity of the MS4s in the incorporated and unincorporated areas within the County.

Local SWPPP
The Storm Water Pollution Prevention Plan required by the local agency for a project that disturbs one or more acres of land.

Low Impact Development (LID)
LID consists of building and landscape features designed to retain or filter storm water runoff.

Major Outfall
Major municipal separate storm sewer outfall (or ‘‘major outfall’’) means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more). (40 CFR § 122.26(b)(5))

Maximum Daily Effluent Limitation (MDEL)
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.

Maximum Extent Practicable (MEP)
In selecting BMPs which will achieve MEP, it is important to remember that municipalities will be responsible to reduce the discharge of pollutants in storm water to the maximum extent practicable. This means choosing effective BMPs, and rejecting applicable BMPs only where

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other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive. The following factors may be useful to consider:

1. Effectiveness: Will the BMP address a pollutant of concern?
2. Regulatory Compliance: Is the EMP in compliance with storm water regulations as well as other environmental regulations?
3. Public acceptance: Does the BMP have public support?
4. Cost: Will the cost of implementing the BMP have a reasonable relationship to the pollution control benefits to be achieved?
5. Technical Feasibility: Is the BMP technically feasible considering soils, geography, water resources, etc.?

After selecting a menu of BMPs, it is of course the responsibility of the discharger to insure that all BMPs are implemented.

Median
The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (*n*) is odd, then the median = $X_{(n+1)/2}$. If *n* is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the *n*/2 and *n*/2+1).

Method Detection Limit (MDL)
MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in 40 CFR Part 136, Attachment B (revised as of July 3, 1999).

Minimum Level (ML)
ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

~~**Mixing Zone**~~
~~Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.~~

Municipal Separate Storm Sewer System (MS4)
A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

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management agency under section 208 of the CWA that discharges to waters of the United States;

(ii) Designed or used for collecting or conveying storm water;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

(40 CFR § 122.26(b)(8))

National Pollutant Discharge Elimination System (NPDES)
The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program."

Natural Drainage System
A natural drainage system is a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

New Development
Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

Non-Storm Water Discharge
Any discharge into the MS4 or from the MS4 into a receiving water that is not composed entirely of storm water.

Not Detected (ND)
Sample results which are less than the laboratory's MDL.

Nuisance
Anything that meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.; (3) occurs during, or as a result of, the treatment or disposal of wastes.

Ocean Waters
The territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Outfall

A point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances with connect segments of the same stream or other waters of the United Sates and are used to convey waters of the United States. (40 CFR § 122.26(b)(9))

Parking Lot
Land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

Partial Capture Device
Any structural trash control device that has not been certified by the Executive Officer as meeting the "full capture" performance requirements.

Permittee(s)
Co-Permittees and any agency named in this Order as being responsible for permit conditions within its jurisdiction. Permittees to this Order include the Los Angeles County Flood Control District, Los Angeles County, and the cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

Persistent Pollutants
Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Planning Priority Projects
Those projects that are required to incorporate appropriate storm water mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments)
2. A 100,000 or more square feet of impervious surface area industrial/ commercial development (1 ac starting March 2003)
3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539)
4. Retail gasoline outlets
5. Restaurants (SIC 5812)
6. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces

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7. Redevelopment projects in subject categories that meet Redevelopment thresholds
8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and9. Those projects that require the implementation of a site-specific plan to mitigate post-development storm water for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development storm water quality, where the following project characteristics exist:
   a) Vehicle or equipment fueling areas;
   b) Vehicle or equipment maintenance areas, including washing and repair;
   c) Commercial or industrial waste handling or storage;
   d) Outdoor handling or storage of hazardous materials;
   e) Outdoor manufacturing areas;
   f) Outdoor food handling or processing;
   g) Outdoor animal care, confinement, or slaughter; or
   h) Outdoor horticulture activities.

Point Source
Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (40 CFR § 122.2)

Pollutant Minimization Program (PMP)
PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to California Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollutants
Those "pollutants" defined in CWA §502(6) (33.U.S.C.§1362(6)), and incorporated by reference into California Water Code §13373

Pollution Prevention
Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in California Water Code Section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental

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medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Potable Water
Water that meets the drinking water standards of the US Environmental Protection Agency.

~~**Potable Water Distribution Systems Releases**~~
~~Sources of flows from drinking water storage, supply and distribution systems including flows from system failures, pressure releases, system maintenance, distribution line testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and minor non-invasive well maintenance activities not involving chemical addition(s). It does not include wastewater discharges from activities that occur at wellheads, such as well construction, well development (i.e., aquifer pumping tests, well purging, etc.), or major well maintenance.~~

Project
All development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065).

Rain Event
Any rain event greater than 0.1 inch in 24 hours except where specifically stated otherwise

Rainfall Harvest and Use
Rainfall harvest and use is an LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

Rare, Threatened, or Endangered Species (RARE)
A beneficial use for waterbodies in the Los Angeles Region, as designated in the Basin Plan (Table 2-1), that supports habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened, or endangered

Raw Water
Water that is taken from the environment by drinking water suppliers with the intent to subsequently treat or purify it to produce potable water. Raw water does not include wastewater discharges from activities that occur at wellheads, such as well construction, well development (i.e., aquifer pumping tests, well purging, etc.), or major well maintenance.

Receiving Water
A “water of the United States” into which waste and/or pollutants are or may be discharged.

Receiving Water Limitation
Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region

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(Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.

Redevelopment
Land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Regional Administrator
The Regional Administrator of the Regional Office of the USEPA or the authorized representative of the Regional Administrator.

Reporting Level (RL)
RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the State Implementation Policy (SIP) in accordance with Section 2.4.2 of the SIP or established in accordance with Section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Residual Water
In the context of this Order, water remaining in a structural BMP subsequent to the drawdown or drainage period. The residual water typically contains high concentration(s) of pollutants.

Restaurant
A facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

Retail Gasoline Outlet
Any facility engaged in selling gasoline and lubricating oils.

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

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2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

Runoff
Any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

~~**Satellite Collection System**~~
~~The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.~~

Screening
Using proactive methods to identify illicit connections through a continuously narrowing process. The methods may include: performing baseline monitoring of open channels, conducting special investigations using a prioritization approach, analyzing maintenance records for catch basin and storm drain cleaning and operation, and verifying all permitted connections into the storm drains. Special investigation techniques may include: dye testing, visual inspection, smoke testing, flow monitoring, infrared, aerial and thermal photography, and remote control camera operation.

Sidewalk Rinsing
Means pressure washing of paved pedestrian walkways with average water usage of 0.006 gallons per square foot, with no cleaning agents, and properly disposing of all debris collected, as authorized under Regional Water Board Resolution No. 98-08.

Significant Ecological Areas (SEAs)
An area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan.

Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

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3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas.

Significant Natural Area (SNA)
An area defined by the California Department of Fish and Game (DFG), Significant Natural Areas Program, as an area that contains an important example of California's biological diversity. The most current SNA maps, reports, and descriptions can be downloaded from the DFG website at ftp://maphost.dfg.ca.gov/outgoing/whdab/sna/. These areas are identified using the following biological criteria only, irrespective of any administrative or jurisdictional considerations:

1. Areas supporting extremely rare species or habitats.
2. Areas supporting associations or concentrations of rare species or habitats.
3. Areas exhibiting the best examples of rare species and habitats in the state

Site
The land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

Source Control BMP
Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

Source of Drinking Water
Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

SQMP
The Los Angeles Countywide Stormwater Quality Management Program.

Standard Deviation (σ)
Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:
x is the observed value;
μ is the arithmetic mean of the observed values; and

n is the number of samples.

State Storm Water Pollution Prevention Plan (State SWPPP)
A plan, as required by a State General Permit, identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-stormwater Discharges and reduce Pollutants in Stormwater Discharges during activities covered by the General Permit.

Storm Water
Storm water runoff, snow melt runoff, and surface runoff and drainage related to precipitation events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

Storm Water Discharge Associated with Industrial Activity
Industrial discharge as defined in 40 CFR 122.26(b)(14).

Stormwater Quality Management Program
The Los Angeles Countywide Stormwater Quality Management Program, which includes descriptions of programs, collectively developed by the Permittees in accordance with provisions of the NPDES Permit, to comply with applicable federal and state law, as the same is amended from time to time.

Structural BMP
Any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

SUSMP
The Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP shall address conditions and requirements of new development.

Total Maximum Daily Load (TMDL)
The sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background.

Toxicity Identification Evaluation (TIE)
A set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.

Toxicity Reduction Evaluation (TRE)
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These

procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

Trash Excluders
Any structural trash control device that prevents the discharge of trash to the storm drain system or to receiving waters. A trash exclude may or may not be certified by the Executive Officer as meeting the "full capture" performance requirements.

Treatment
The application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

Treatment Control BMP
Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Unconfined ground water infiltration
Water other than waste water that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (See 40 CFR § 35.2005(20).)

Uncontaminated Ground Water Infiltration
Water other than waste water that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (See 40 CFR § 35.2005(20).)

USEPA Phase I Facilities
Facilities in specified industrial categories that are required to obtain an NPDES permit for storm water discharges, as required by 40 CFR 122.26(c). These categories include:

i. facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards (40 CFR N)
ii. manufacturing facilities
iii. oil and gas/mining facilities
iv. hazardous waste treatment, storage, or disposal facilities
v. landfills, land application sites, and open dumps
vi. recycling facilities
vii. steam electric power generating facilities
viii. transportation facilities
ix. sewage of wastewater treatment works
x. light manufacturing facilities

Vehicle Maintenance/Material Storage Facilities/Corporation Yards
Any Permittee owned or operated facility or portion thereof that:

i. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase I facilities;
ii. Performs fleet vehicle service/maintenance on ten or more vehicles per day including repair, maintenance, washing, and fueling;
iii. Performs maintenance and/or repair of heavy industrial machinery/equipment; and
iv. Stores chemicals, raw materials, or waste materials in quantities that require a hazardous materials business plan or a Spill Prevention, Control, and Counter-measures (SPCC) plan.

Water Quality-based Effluent Limitation
Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the U.S. necessary to achieve a water quality standard.

Waters of the State
Any surface water or groundwater, including saline waters, within the boundaries of the state.

Waters of the United States or Waters of the U.S.

a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
b. All interstate waters, including interstate "wetlands";
c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

    1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    3. Which are used or could be used for industrial purposes by industries in interstate commerce;
d. All impoundments of waters otherwise defined as waters of the United States under this definition;
e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
f. The territorial sea; and

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g. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR section 423.22(m), which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with USEPA.

Wet Season
The calendar period beginning October 1 through April 15.

ACRONYMS AND ABBREVIATIONS

AMEL	Average Monthly Effluent Limitation
ASBS	Areas of Special Biological Significance
B	Background Concentration
BAT	Best Available Technology Economically Achievable
Basin Plan	*Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BMPP	Best Management Practices Plan
BPJ	Best Professional Judgment
BOD	Biochemical Oxygen Demand 5-day @ 20 ℃
BPT	Best Practicable Treatment Control Technology
C	Water Quality Objective
CCR	California Code of Regulations
CEEIN	California Environmental Education Interagency Network
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CTR	California Toxics Rule
CV	Coefficient of Variation
CWA	Clean Water Act
CWC	California Water Code
Discharger	Los Angeles County MS4 Permittees
DMR	Discharge Monitoring Report
DNQ	Detected But Not Quantified
ELAP	California Department of Public Health Environmental Laboratory Accreditation Program
ELG	Effluent Limitations, Guidelines and Standards
Ep	Erosion potential
ESCP	Erosion and Sediment Control Plan
EWMP	Enhanced Watershed Management Program
Facility	Los Angeles County MS4s
GIS	Geographical Information System
gpd	gallons per day
HUC	Hydrologic Unit Code
IC	Inhibition Coefficient
IC_{15}	Concentration at which the organism is 15% inhibited
IC_{25}	Concentration at which the organism is 25% inhibited
IC_{40}	Concentration at which the organism is 40% inhibited
IC_{50}	Concentration at which the organism is 50% inhibited
IC/ID	Illicit Connection and Illicit Discharge Elimination
IPM	Integrated Pest Management
LA	Load Allocations
LID	Low Impact Development
LOEC	Lowest Observed Effect Concentration
LUPs	Linear Underground/Overhead Projects

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µg/L	micrograms per Liter
MCM	Minimum Control Measure
mg/L	milligrams per Liter
MDEL	Maximum Daily Effluent Limitation
MEC	Maximum Effluent Concentration
MGD	Million Gallons Per Day
ML	Minimum Level
MRP	Monitoring and Reporting Program
MS4	Municipal Separate Storm Sewer System
NAICS	North American Industry Classification System
ND	Not Detected
NOEC	No Observable Effect Concentration
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
NTR	National Toxics Rule
OAL	Office of Administrative Law
PIPP	Public Information and Participation Program
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
QSD	Qualified SWPPP Developer
QSP	Qualified SWPPP Practitioner
Ocean Plan	*Water Quality Control Plan for Ocean Waters of California*
RAP	Reasonable Assurance Program
REAP	Rain Event Action Plan
Regional Water Board	California Regional Water Quality Control Board, Los Angeles Region
RGOs	Retail Gasoline Outlets
RPA	Reasonable Potential Analysis
SCP	Spill Contingency Plan
SEA	Significant Ecological Area
SIC	Standard Industrial Classification
SIP	State Implementation Policy (*Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California)*
SMR	Self Monitoring Reports
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
SWQDv	Storm Water Quality Design Volume
SWQPA	State Water Quality Protected Area
TAC	Test Acceptability Criteria
Thermal Plan	*Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California*
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load

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TOC	Total Organic Carbon
TRE	Toxicity Reduction Evaluation
TSD	Technical Support Document
TSS	Total Suspended Solid
TU_c	Chronic Toxicity Unit
USEPA	United States Environmental Protection Agency
WDR	Waste Discharge Requirements
WDID	Waste Discharge Identification
WET	Whole Effluent Toxicity
WLA	Waste Load Allocations
WMA	Watershed Management Area
WMP	Watershed Management Program
WQBELs	Water Quality-Based Effluent Limitations
WQS	Water Quality Standards
%	Percent

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