

APRIL 2010

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**DRAFT**  
**Appendix 2:**  
**Example MS4 Permit**  
**Provisions for the LA River**  
**Watershed Bacteria TMDL Dry**  
**Weather Implementation Plan**

*Prepared for:*

CLEANER RIVERS THROUGH EFFECTIVE STAKEHOLDER-LED TMDLS  
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## A2.1 Introduction

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This **Appendix 2** supports the Dry Weather Implementation Plan (**Section 7**) of the LA River Bacteria TMDL Technical Report. The following presents example language for use to incorporate the TMDL requirements into municipal separate storm sewer (MS4) National Pollutant Discharge Elimination System (NPDES) permits for responsible entities.

### A2.1 MS4 Permit Language for Waste Load Allocations

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The following provides permit language for incorporating waste load allocations (WLAs) into MS4 Permits in the following two subsections:

- Section A2.2.1 – Contains permit language for the first five years of an MS4 permit following the effective date of the TMDL.
- Section A.2.2.2 – Contains permit language for the year six through year 10 of an MS4 permit following the effective date of the TMDL.

The first two permit terms are provided to highlight how monitoring, implementation planning and implementation, as well as WLAs could be incorporated into the MS4 Permit. Subsequent permit terms are not included as they would be assumed to following a similar approach.

#### ***A2.1.1 MS4 Permit Language for first five years of TMDL Implementation***

##### **PART xx - TOTAL MAXIMUM DAILY LOAD PROVISIONS**

- I. Part xx of this Order incorporates provisions to assure that Los Angeles County MS4 Permittees comply with WLAs and other requirements of TMDLs covering impaired waters impacted by the Permittees' discharges.
- II. Each Permittee shall attain the storm water WLAs incorporated into this Order by implementing BMPs in accordance with the TMDL Technical Reports, Implementation Plans, or as identified as a result of TMDL special studies specified in the Basin Plan Amendment.
- III. The Permittees shall comply with the following Waste Load Allocations, consistent with the assumptions and requirements of the Waste Load Allocations documented in the Implementation Plans, including compliance schedules, associated with the State adoption and approval of the TMDL at compliance monitoring points established in each TMDL (40CFR122.44(d)(1)(vii)(B)).
- IV. TMDLs in effect and covered in this Order are the following:
  1. TMDL for Bacteria in the Los Angeles River and Tributaries (Effective date: Month Date, Year)

- V. TMDL WLAs and Other TMDL Provisions Incorporated into this Order are as follows:
1. Los Angeles River and Tributaries Bacteria TMDL (Effective date: Month Date, Year)
    - (a) TMDL WLAs are not incorporated into the permit at this time as final compliance dates exceed the term of this Order.
    - (b) Monitoring:
      1. A Draft TMDL Monitoring Program that demonstrates how Permittees will evaluate ambient conditions and *E. coli* loading from their jurisdiction(s) shall be submitted 18 months after the effective date of the TMDL to the Regional Board Executive Officer (EO) for approval.
      2. The TMDL Monitoring Program shall be initiated within six months of EO approval.
    - (c) Actions required of MS4 permittees in Segment B (upper and middle Reach 2 - Figueroa St to Rosecrans Ave):
      1. An Implementation Plan shall be submitted within 2.5 years after the effective date of the TMDL. If an MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 2.5 years after the effective date of the TMDL.
    - (d) Actions required of MS4 permittees in Segment B Tributaries (Rio Hondo and Arroyo Seco):
      1. An Implementation Plan shall be submitted within 4 years after the effective date of the TMDL. If an MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 4 years after the effective date of the TMDL.
    - (e) Actions required of MS4 permittees in Segment A (upper Reach 2 and Reach 1 - Rosecrans Ave to Willow Street):
      1. An Implementation Plan shall be submitted within 3.5 years after the effective date of the TMDL. If an MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 3.5 years after the effective date of the TMDL.

### ***A2.1.2 MS4 Permit Language for year six through 10 of TMDL Implementation***

#### **PART xx - TOTAL MAXIMUM DAILY LOAD PROVISIONS**

- VI. Part xx of this Order incorporates provisions to assure that Los Angeles County MS4 Permittees comply with WLAs and other requirements of TMDLs covering impaired waters impacted by the Permittees' discharges.
- VII. The Permittees shall attain the dry weather Waste Load Allocations incorporated into this Order by implementing BMPs in accordance with the TMDL Technical Report, Implementation Plan, or as identified as a result of TMDL special studies specified in the Basin Plan Amendment.

- VIII. The Permittees shall comply with the dry weather Waste Load Allocations, consistent with the assumptions and requirements of the Waste Load Allocations documented in the Implementation Plans, including compliance schedules, associated with the State adoption and approval of the TMDL at compliance monitoring points established in the TMDL Monitoring Program (40 CFR 122.44(d)(1)(vii)(B)).
- IX. TMDLs in effect and covered in this Order are the following:
1. TMDL for Bacteria in the Los Angeles River and Tributaries (Effective date: Month Date, Year)
- X. TMDL WLAs and Other TMDL Provisions Incorporated into this Order are as follows:
1. Los Angeles River and Tributaries Bacteria TMDL (Effective date: Month Date, Year)
    - (a) TMDL WLAs
      1. Permittees in Segment B (upper and middle Reach 2 - Figueroa St to Rosecrans Ave):
        - a. Permittees that submitted and completed the implementation of an EO approved LRS within 10 years after the effective date of the TMDL, the WLA is incorporated into this permit as the implementation of BMPs as outlined in an EO approved LRS and the implementation of BMPs, if necessary, in subsequent LRSs.
        - b. Permittees that did not submit a LRS or did not complete the implementation of an EO approved LRS, the numeric WLA is incorporated into this permit as a final WLA 10 years after the effective date of the TMDL as  $472 \times 10^9$  MPN/day, prorated according to the proportional drainage area of the Permittee in the Segment B subwatershed.
      2. TMDL WLAs for the remaining segments and tributaries are not incorporated into the permit at this time as compliance dates exceed the term of this Order.
    - (b) Monitoring:
      1. Ambient Monitoring
        - a. Ambient Monitoring shall be conducted as outlined in the Regional Board Executive Officer (EO) Los Angeles River Bacteria TMDL Monitoring Program.
      2. Compliance Monitoring
        - a. Compliance Monitoring for Segment B shall be conducted as outlined in the Regional Board Executive Officer (EO) Los Angeles River Bacteria TMDL Monitoring Program.
    - (c) Actions required of Permittees in Segment B (upper and middle Reach 2 - Figueroa St to Rosecrans Ave):
      1. Permittees that have chosen to implement the TMDL through a LRS, shall:
        - a. complete implementation of the LRS within 4 years after EO approval of the LRS, expected to be 7 years after the effective date of the TMDL; and,

- b. submit a report detailing the implementation of the LRS as well as monitoring information and evaluation of attainment of the numeric WLA within 7 years after EO approval of the LRS, expected to be 10 years after the effective date of the TMDL.
    - 2. Permittees shall continue to implement BMPs regardless of process by which Permittees have chosen to implement the TMDL.
- (d) Actions required of Permittees in Segment B Tributaries (Rio Hondo and Arroyo Seco):
  - 1. Permittees that have chosen to implement the TMDL through a LRS, shall complete implementation of the LRS within 4 years after EO approval of the LRS, expected to be 8.5 years after the effective date of the TMDL.
- (e) Actions required of Permittees in Segment A (upper Reach 2 and Reach 1 - Rosecrans Ave to Willow Street):
  - 1. Permittees that have chosen to implement the TMDL through a LRS, shall complete implementation of the LRS within 4 years after EO approval of the LRS, expected to be 9 years after the effective date of the TMDL.
- (f) Actions required of Permittees in Segment A Tributaries (Compton Creek):
  - 1. An Implementation Plan shall be submitted within 6 years after the effective date of the TMDL. If an MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 6 years after the effective date of the TMDL.
- (g) Actions required of Permittees in Segment E (Reach 6 – LA River headwaters [confluence with Bell Creek and Calabasas Creek] to Balboa Boulevard):
  - 1. An Implementation Plan shall be submitted within 5.5 years after the effective date of the TMDL. If an MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 5.5 years after the effective date of the TMDL.
  - 2. Permittees that have chosen to implement the TMDL through a LRS, shall complete implementation of the LRS within 4 years after EO approval of the LRS, expected to be 10 years after the effective date of the TMDL.
- (h) Actions required of Permittees in Segment E Tributaries (Dry Canyon Creek, McCoy Creek, Bell Creek, and Aliso Canyon Wash):
  - 1. An Implementation Plan shall be submitted within 9.5 years after the effective date of the TMDL. If a MS4 permittee chooses to submit a LRS as outlined in the TMDL Staff Report, the LRS shall be submitted within 9.5 years after the effective date of the TMDL.