

## EXECUTIVE SUMMARY

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The Orange County Stormwater Program (the Program) is a cooperative municipal regulatory compliance initiative focused on the management of urban and stormwater runoff for the protection and enhancement of Orange County's creeks, rivers, streams, and coastal waters. The primary objective of the Program is to fulfill the commitment of the County of Orange, the Orange County Flood Control District and the cities of Orange County (collectively, the "Permittees"), to develop and implement a program that satisfies the requirements of area-wide municipal National Pollutant Discharge Elimination System (NPDES) permits (specifically, Regional Water Quality Control Board Orders R8-2002-0010 (Santa Ana Regional Board) and R9-2002-0001 (San Diego Regional Board), subsequently referred to as the Third Term Permits).

The purpose of this document is to comply with the requirement for an annual submittal by November 15 of a progress report. This report discusses the Permittees' Third Term Permit compliance activities over the period July 1, 2008 to June 30, 2009, and includes a description of all activities that were conducted during the reporting period and an assessment of program effectiveness. It is the third of three annual progress reports following major program reviews completed in mid-2006 [the *Reports of Waste Discharge (ROWD)*] submitted to the Santa Ana and San Diego Regional Water Control Boards (Santa Ana and San Diego Regional Boards) in July and August 2006, respectively. Delays to the adoption of the Fourth Term Permits mean that this report is an additional Third Term Permit Annual Report.

The Program's accomplishments represent the culmination of the continued development and almost 7 years of implementation of a program that was substantially revised to meet the requirements of the Third Term Permits. The focus of this report is on 2008-09, and it will be the final annual report required by the Third Term Permits. Summary statistics in many instances are provided for the entire period of the Third Term Permits. Programmatic accomplishments in 2008-09 and over the entire term of the permits include:

- Completion of the 2003 DAMP including 34 jurisdictional Local Implementation Plans (LIPs) (**DAMP Appendix A**), a formal training program (**DAMP Appendix B**) a program effectiveness assessment strategy (**DAMP Appendix C**), and 7 Watershed Action Plans (WAPs) (**DAMP Appendix D**) (**Section C-2.0**);
- Establishment of regional and watershed-based planning processes targeting the control of pollutants in urban runoff and completion of studies to evaluate the effectiveness and applicability of various source control and treatment control Best Management Practices (**DAMP Appendix D**) (**Section C-3.0**);
- Validation, through independent administrative and trial court review, of the robustness of the Permittees' local legal authority for DAMP implementation (**Section C-4.0**);
- Development and implementation of (1) a Model Municipal Activities program at 1,637 municipal facilities in 2008-09, and a (2) Model Integrated Pest Management Guidelines for which there is evidence of increasing influence (**Section C-5.0**);
- Development and implementation of a public education program that has created over 89 million media impressions in 2008-09, 532,386,182 media impressions over the period of the Third Term Permits, and produced measurable and positive changes in public awareness and behavior as demonstrated by surveys (**Section C-6.0**);
- Development and implementation of a Model Water Quality Management Plan (WQMP) based program for land development and re-development, the approval of over 226 project WQMPs in 2008-09, the approval of project WQMPs covering over 10% of the regulated land area in Orange County over the period of the Third Term Permits,

- and the creation and ongoing development of a web-based expert system to support coastal urban wetland management (**Section C-7.0**);
- Development and implementation of a Model Construction Program under which 497 enforcement actions were taken in 2008-09 and 10,965 enforcement actions were taken over the period of the Third Term Permits (**Section C-8.0**);
  - Development and implementation of a Model Industrial/Commercial Program under which over 9,081 commercial and industrial facilities and 25,027 food service establishments facilities have been subject to local regulatory review and 860 enforcement actions were taken in 2008-09 (**Section C-9.0**);
  - The development and implementation of a programmatic framework for handling complaints of water pollution under which 4,302 complaints were investigated in 2008-09, 22,024 complaints were investigated over the period of the Third Term Permits, the countywide use of a telephone hotline for the reporting by the public of water quality concerns increased, and enhanced cooperative local agency procedures and practices for sewage spill response were implemented (**Section C-10.0**);
  - Development and full implementation of the innovative Third Term Permit water quality monitoring programs and development and implementation of a sophisticated environmental data management system (Labtrack) (**Section C-11.0**), and
  - Implementation of the DAMP/Watershed Action Plans (WAPs) and programs of Enhanced BMPs in the San Diego Regional Board area (**Section C-12.0**), completion of a WAP for the Newport Bay, and significant progress toward completion of WAPs for all the North Orange County watersheds.

In assessing the effectiveness of the Program, the Permittees evaluated a series of performance metrics termed Headline Measures. These measures are intended to confirm program implementation and validate achievement of outcomes. The basis of this approach draws on the hierarchical taxonomy of programmatic outcomes, being advocated by the California Stormwater Quality Association (CASQA), which creates a framework for defining the relationships between compliance actions and, ultimately, positive changes in water quality.

In the 2006 Report of Waste Discharge (ROWD), the evaluation of the Program was additionally informed by (1) the findings of the Countywide water quality monitoring programs, (2) a series of consultative workshops conducted with jurisdictional program coordinators, (3) reviews of audit reports and other Regional Water Quality Control Board (RWQCB) correspondence and meetings with RWQCB staff, and (4) the receiving water limitations provisions of the Permits.

The Program assessment for the ROWD resulted in a series of proposed program modifications supportive of 3 major themes. These themes are:

Theme 1 - Iterative Management: Developing and implementing new BMP programs including Integrated Pest Management (IPM) approaches for pesticide toxicity, BMPs for the architectural use of copper and zinc in new development, and new BMPs and for municipal trash and debris control.

Theme 2 - Enhancing implementation: Defining the expertise and competencies of staff with program implementation responsibilities and to develop staff skills and expertise through a strategic approach to training. Also, commitments to develop program guidance documentation and standards for source and treatment control BMPs.

Theme 3 - Enhancing watershed-based water quality planning: Completing 11 Watershed Action Plans to establish countywide and watershed-based water quality planning processes across Orange County.

The evaluation of Headline Measures considered in this report did not produce any conclusions that warranted a revision to the proposed program modifications identified in the ROWD. Indeed, the findings appear to continue to validate both the major themes and recommendations of the ROWD and prior annual reports. Progress on effecting those recommendations has been limited pending adoption of Fourth Term permits. However, with the adoption of the Fourth Term Permit by the Santa Ana Regional Board on May 22, 2009, many of the proposed program modifications became specific compliance requirements with a 6 month or 12 month completion schedule. The status of each of the proposed modifications is noted in each section of the report and summarized, together with the Fourth term Permit compliance milestones, in **Section C-13.0**.