

C-2.0 PROGRAM MANAGEMENT

C-2.1 Introduction

At the inception of the *Orange County Stormwater Program*, the Permittees in both Regional Board areas agreed that the County of Orange would be the Principal Permittee and the cities and the Orange County Flood Control District would be Co-Permittees on the permit (all parties are now collectively referred to as Permittees). Principal Permittee and Permittee responsibilities are specified in the Permits and reiterated in the NPDES Stormwater Permit Implementation Agreement (referred to as Implementation Agreement), which additionally provides a funding mechanism for the shared costs of the Program. To further enable the development and implementation of a coordinated countywide program, a management framework was created during the First Permit Term. This management framework has evolved into a four tier structure (Permittees, City Managers' Committee, Technical Advisory Committee (TAC) and Program Committees/Task Forces/Ad Hoc Groups) over the period of the Third Term Permits (see **Section C-2.3**). With the addition of planning expertise to the TAC, it is expected to be the basis for program management over the period of the Fourth Term Permits.

C-2.2 Permittee Responsibilities

C-2.2.1 NPDES Permit Responsibilities

The specific responsibilities of the Principal Permittee and the Permittees are defined in the Permits and the Implementation Agreement or as otherwise identified within separate funding agreements.

Principal Permittee

The role of the Principal Permittee is the same as the other Permittees with the addition of certain overall Countywide program management responsibilities. These responsibilities include the following:

- Initiating, developing and coordinating any area-wide programs and activities necessary to comply with the Third Term Permits;
- Developing and implementing mechanisms, performance standards, etc., to promote uniform and consistent implementation of BMPs among the Permittees;
- Monitoring the implementation of the plans and programs required by the Permits and determining their effectiveness in protecting beneficial uses;
- Providing administrative and technical support and informing the Permittees of the progress of other pertinent municipal programs, pilot projects, research studies, etc.;
- Representing the *Orange County Stormwater Program* before appropriate agencies;
- Developing and executing inter-governmental agreements necessary for program implementation;
- Conducting chemical, biological and toxicological water quality monitoring;

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- Conducting Countywide public education and outreach;
- Participating in watershed management programs and regional and/or statewide monitoring;
- Preparing and submitting unified reports, plans and programs as required by the Permits including the Unified Annual Progress/Program Effectiveness Assessment Report;
- Developing budgets and fiscal analyses; and
- Coordinating the program with affected local government agencies.

The Principal Permittee has no regulatory authority over the Permittees.

Permittees

Each Permittee is responsible for ensuring Permit compliance within its jurisdiction. The main responsibilities of each Permittee include:

- Reviewing, approving and commenting on budgets, plans, strategies, management programs and monitoring programs developed by the Principal Permittee or any sub-committee;
- Implementing the various stormwater management programs as outlined in the Permit and the DAMP within its jurisdiction;
- Establishing and maintaining adequate legal authority;
- Coordinating among internal departments and agencies, as appropriate, to facilitate the implementation of the Third Term Permits and the DAMP;
- Responding to/or arranging for response to emergency situations, such as accidental spills, leaks, illegal discharges/illicit connections, etc., to prevent or reduce the discharge of pollutants to the storm drain systems and waters of the U.S. within its jurisdiction;
- Conducting inspections of and performing maintenance on the infrastructure within its jurisdiction;
- Taking appropriate enforcement actions as necessary within its jurisdictions to ensure compliance with applicable ordinances;
- Conducting and coordinating any surveys and source identification studies necessary to identify pollutant sources and drainage areas;
- Participating in the General Permittee Committee meetings and any sub-committee meetings as necessary; and
- Preparing and submitting all reports or requests for information to the Principal Permittee in a timely fashion.

C-2.3 Accomplishments

C-2.3.1 Agreement for Program Implementation

The Implementation Agreement establishes the responsibilities of the Permittees with respect to compliance with the Permits. The Implementation Agreement also establishes a funding mechanism for the shared costs of the *Orange County Stormwater Program* based on each municipality's area and resident population and includes a provision that

allows newly incorporated cities to become additional parties to the Implementation Agreement.

This Implementation Agreement was originally entered into in December of 1990 and was amended in October of 1993 to include two additional Permittees (Laguna Hills and Lake Forest) and formally establish the TAC. The Implementation Agreement was amended again and fully restated, effective June 25, 2002, to include three additional Permittees (Aliso Viejo, Laguna Woods and Rancho Santa Margarita) and to incorporate modifications to the management structure and cost-sharing formulas.

No changes were made to the Implementation Agreement in the 2008-09 reporting period.

C-2.3.2 Management Framework

The USEPA defines a management framework as *a lasting process for partners working together. It's a support structure making it easier to coordinate efforts – a structure made of agreed upon standard operating procedures, timelines and forums for communicating with each other* (USEPA, 2002¹). A four tier management framework was established in early 2002 to direct the development of the Orange County Stormwater Program (**Figure C-2.1**). This framework was retained in 2008-09 with the addition of Ad Hoc Groups for Orange County Vector Control District coordination and examination of the applicability of the CASQA *Progressive Approach*. It currently comprises:

City Manager's Water Quality Committee

The City Manager's Water Quality Committee provides budget and overall program review and governance direction. The Committee is comprised of several City Managers and is supported by County staff.

City Engineer's Technical Advisory Committee (TAC)

The TAC serves in a program advisory role and provides policy direction for the program budget, development and implementation. It is comprised of one City Engineer, or selected representative, from each of the County Supervisor Districts and a representative from the County of Orange. One responsibility of the TAC is to determine the need to create internal committees and task forces. Task forces are characterized by Permittee and business / non-governmental organization participation and are convened to bring a partnership approach to issues that would benefit from being addressed collaboratively, such as trash and debris.

General Permittee Committee

The General Permittee Committee is the principal forum for disseminating information for program coordinators. Participation in the General Permittee Committee is a specific requirement of the Santa Ana Regional Board Third Term Permit.

¹ <http://www.epa.gov/watertrain/watershedmgt/principle2b.html>

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Permittee participation in the General Permittee Committee is noted in **Figure C-2.2**.

Headline Indicator – Participation in General Permittee Committee: In 2008-09, thirty-two (32) out of thirty five (35) Permittees reported 80% or higher participation in the General Permittee Committee compared to thirty-one (31) Permittees in 2007-08, twenty-nine (29) Permittees in 2006-07, thirty-three (33) Permittees in 2005-06, thirty four (34) Permittees in 2004-05, and thirty two (32) Permittees reporting 80% or higher participation in 2003-04.

Task Forces/ Sub-Committees

The *Task Forces/ Sub-Committees* which were active in 2008-09, are:

- Trash and Debris Task Force

Purpose: To foster and sustain partnership approaches to dealing with trash and debris in stormwater and urban runoff with the goal of ensuring that such materials do not become the basis for a formal designation of coastal beneficial use impairment.

- Legal/Regulatory Authority Task Force

Purpose: To review the legal authorities that the Permittees have in complying with the permit requirements and recommend changes as needed and to track stormwater related litigation that may affect the Orange County Stormwater Program.

- LIP/PEA Sub-Committee

Purpose: To provide oversight and technical direction to the management of core DAMP/LIP programs, including, Municipal Activities; New Development/Significant Redevelopment; Construction; Existing Development; and Illegal Discharges/Illicit Connections (ID/IC).

- Public Education Sub-Committee

Purpose: To help provide regional consistency and oversight for the stormwater public education program efforts.

- Inspection Sub-Committee

Purpose: To provide a forum for the coordination, investigation, enforcement and training aspects of the existing development inspection program and ID/IC programs.

- Water Quality Monitoring and Science Sub-Committee

Purpose: To provide oversight and technical input for the revision of the

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water quality monitoring programs, ongoing water quality data evaluation, and special water quality investigations and BMP effectiveness studies.

- Water Use Efficiency Task Force (now administered by Municipal Water District of Orange County)

Purpose: To study and support a comprehensive effort to curb urban runoff through efficient water usage in Orange County.

- Ad-Hoc Group – Orange County Vector Control District Coordination

Purpose: To develop a list of recommended BMPs for small public works projects such as roadway turn pockets.

- Ad-Hoc Measurable Goals

Purpose: To investigate applicability of *CASQA Progressive Approach* concepts to the Orange County Stormwater Program.

Watershed Action Plan (WAP) Committees

The Aliso Creek, and combined San Juan Creek/San Clemente Coastal Streams and WAP Committees met during the reporting period. The activities of the south Orange County WAP committees are reported separately in the DAMP/WAP Annual Reports (presented as Exhibits to the Unified Annual Progress Report for the San Diego Region).

Other Regional Committees/Work Groups

Many of the Permittees additionally participate in various watershed management advisory groups. These groups include: the Newport Bay Executive and Management Committees, the Coastal Coalition, and the Aliso Creek Tier I and Tier II stakeholder meetings. These watershed groups focus their activities and discussions on broader watershed issues of concern, such as habitat restoration and flood control in addition to water quality issues resulting from Total Maximum Daily Loads (TMDLs) and special directives.

C-2.3.3 Management Framework- Program Implementation

In addition to the countywide and watershed management framework for program development, the Permittees formally identify the departments with responsibility for implementation of each program element within their jurisdictions. These organizational charts are presented in the LIPs.

C-2.3.4 Watershed Mapping

To support the development of the DAMP/WAPs, Geographical information System (GIS) – based mapping was undertaken, initially for the San Diego Regional Board area,

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to define watershed boundaries. It was completed in the 2006-07 reporting period for all watersheds and, for the first time, has created definitive watershed and sub-watershed boundaries for all of Orange County (see **Figure C-12.1**).

C-2.3.5 Orange County Stormwater Program Representation

The Principal Permittee represents the Permittees on the California Stormwater Quality Association, Stormwater Monitoring Coalition, and other advisory stormwater forums.

CASQA

Since 1989, the CASQA has assisted the State of California, the USEPA, municipalities, special districts and businesses in developing and implementing effective water quality management programs in California. CASQA is a leader in helping California comply with the municipal and industrial NPDES stormwater mandates of the federal Clean Water Act. The Principal Permittee has been active on the Board of Directors, Executive, Program Committee, Policy and Permitting Committee and Public Information - Public Participation Committee.

Stormwater Monitoring Coalition (SMC)

In the 2007-08 reporting period, the SMC's founding agencies renewed their cooperative agreement thereby continuing the basis of their collaboration for an additional 5 year term. In addition, four new member agencies joined the SMC, namely Caltrans, the City of Los Angeles, the State Water Resources Control Board and the US Environmental Protection Agency Region IX - Office of Research and Development.

The first project supported by the SMC was to develop a five-year Research Agenda. The research agenda, published in 2001, consisted of 15 unique projects developed around three main foci: 1) developing a regional monitoring infrastructure; 2) understanding stormwater runoff mechanisms and processes; and 3) assessing receiving water impacts. The SMC has made substantial progress in 2008-09 implementing the Research Agenda (see **Section C-3.2.3** for details).

Southern California Coastal Water Research Project

The Permittees joined the Southern California Coastal Water Research Project (SCCWRP) board as an associate member during the 2005-06 reporting period. SCCWRP is a joint powers agency that focuses on marine environmental research, including the coordination of cooperative regional monitoring efforts to support the development of management strategies for the entire Southern California Bight.

Nitrogen and Selenium Management Program

The Nitrogen and Selenium Management Program (NSMP) was created in 2005 in response to a general NPDES permit (Order No. R8-2004-0021) issued for the Newport Bay watershed to establish waste discharge requirements for certain groundwater-related discharges and to regulate de minimus discharges. The NSMP is a collaborative

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effort of 21 stakeholders, including various State, county, and local agencies, water districts, and private entities with the goal of developing management strategies and treatment technologies for groundwater dewatering discharges of both selenium and nitrogen for the watershed. A work plan has been developed by the NSMP and approved by the Santa Ana Regional Water Quality Control Board. The work plan focuses on the development of treatment technologies, BMPs, and an offset, trading or mitigation program. The County of Orange is the Chair of the NSMP, providing program leadership and ensuring implementation of the work plan and compliance with the terms of the permit. The NSMP has made substantial progress in 2008-09 implementing its work plan (see **Section C-12.2.2 (SAR)** for details).

Fats, Oils and Grease (FOG) Program

In cities that operate sanitary sewer collection systems, jurisdictional stormwater program managers are often also responsible for jurisdictional compliance with Waste Discharge Requirements (WDR) for Sewage Collection Agencies. This dual responsibility has allowed for the sharing of information and resources and has provided for a greater understanding of the respective programs and challenges.

Countywide Area Spill Containment (CASC) Project (previously TASC)

The Principal Permittee and Orange County Sanitation District are coordinating on a project for sewage spill containment planning and preparedness (see **Section C-3.2.4.**). In 2007 the project was renamed the “*Countywide Area Spill Control (CASC)*” Program to reflect its development from a demonstration project to an implementation program with initial expansion to Orange and Villa Park and subsequent expansion throughout the county area over the next few years.

C-2.4 Assessment

C-2.4.1 Implementation Agreement

Since the inception of the *Orange County Stormwater Program* the Implementation Agreement has been amended to provide for the incorporation of new cities and to formally recognize the role of the TAC. The structure of the Agreement has accommodated the expansion of the program and the significant escalation of shared costs with the adoption of the Third Term Permits. Over the period of the Third Term Permits, the Agreement has served as a model for cost sharing collaboration related to the Newport Bay TMDL compliance effort (including the related Nitrogen Selenium Management Program), Regional Harbor Monitoring Program, and Aliso Creek 13255 Directive.

In early 2009, it was recognized that impending permit renewal would likely be transformative of the land development provisions of the DAMP and that the *Orange County Stormwater Program* would need greater participation by senior representatives of jurisdictional planning functions. It was also recognized that burgeoning TMDL requirements would require additional watershed-specific funding agreements. A review of the Implementation Agreement was undertaken and arising from this review

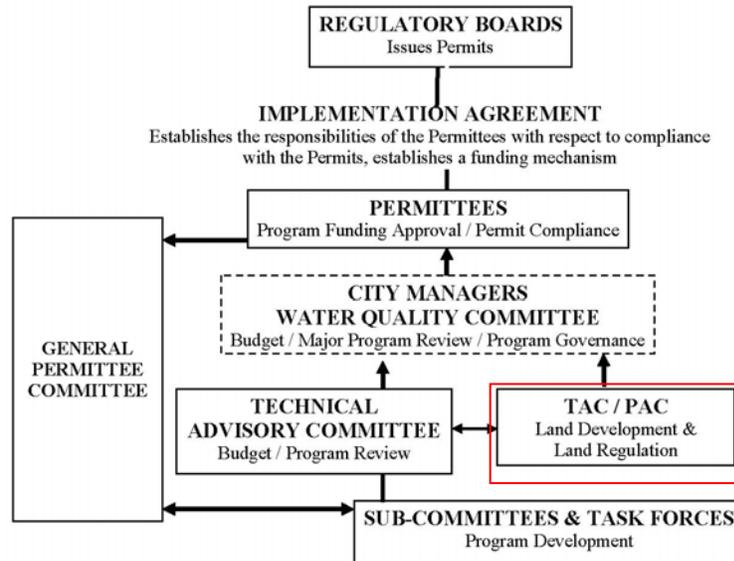
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a decision was made to revise it to recognize the formation of a Technical Advisory Committee/ Planning Advisory Committee (TAC/PAC), to provide for the creation of separate watershed-specific funding agreements, and to clarify the application of overhead charges by the Principal Permittee. Execution of the revised Implementation Agreement by the Permittees will occur in early 2010.

C-2.4.2 Management Framework

The management framework is reviewed annually to ensure it meets program needs. All the committees/task forces have been effective in bringing forward initiatives to meet the requirements of the Third Term Permits and to address program needs under a consensus building production process. However, as noted in Section C-2.4.1, the Permittees will need to significantly revise the land development provisions of the DAMP in 2009-10 to meet new mandates for the inclusion of Low Impact Development (LID) approaches and hydromodification. In

anticipation of this change, the management framework was augmented in mid-2009 and the TAC will now be convened as the TAC/PAC to provide policy direction and oversight in matters related to land development and land regulation. The first meeting of the TAC/PAC occurred on July 13, 2009. The current members of the TAC/PAC are:



TAC Members:

1st District – Marwan Youseff, City of Westminster; 2nd District – Travis Hopkins, City of Huntington Beach; 3rd District – Mark Carroll, City of Irvine; 4th District – Natalie Meeks, City of Anaheim; 5th District – Bill Cameron, City of San Clemente, and OC Public Works – Nadeem Majaj

PAC Members:

1st District – Art Bashmakian, City of Westminster; 2nd District – Mary Beth Broeren, City of Huntington Beach; 3rd District – Charles View, City of Brea; 4th District – Joel Rosen, City of Buena Park; 5th District – Carrie Tai, City of Lake Forest, and OC Public Works – Jess Carbajal

In late 2009, the management framework will be further augmented with the addition of a Permittee Advisory Group (PAG) and a Technical Advisory Group (TAG) to provide stakeholder review during the process of integrating LID and hydromodification

approaches into a revised Model Water Quality Management Plan (WQMP).

C-2.5 Fiscal Analysis

This Section presents a summary of the costs incurred by the Permittees in developing, implementing and maintaining programs in order to comply with the Third Term Permits. It also includes information on the funding sources used by each Permittee. The analysis distinguishes between *shared costs* and *individual costs*.

C-2.5.1 Shared Costs

Shared costs are those that fund activities performed by the Principal Permittee under the stormwater program's Implementation Agreement. Each municipality's contribution to the shared costs is determined by a formula established in the Implementation Agreement, based on the population and land area of each jurisdiction. These activities include compliance program development, reporting, water quality monitoring, and countywide public education.

The program management activities handled by the Principal Permittee include development of model compliance program elements, development and execution of intergovernmental agreements, representation of the Permittees at meetings with other organizations, preparation of compliance reports, budgets and other program documentation, representation of the program before appropriate agencies such as the Regional Boards and the State Water Resources Control Board, procurement and subsequent coordination of consultant studies and coordination with Permittees representatives.

2008-09 Reporting Period

The actual-shared cost expenditures for the 2008-09 reporting period were \$5,180,390.

2009-10 Reporting Period

The shared cost budget for 2009-10, as approved by the Permittees, is \$5,853,220

C-2.5.2 Individual Costs

Individual costs are those incurred by each Permittee arising from its jurisdictional program implementation as documented in the LIPs and comprise capital and operation and maintenance costs:

- Capital Costs - refers to expenditures for land, large equipment, and structures (see **Table C-2.1**); and
- Operations and Maintenance Costs - refer to normal costs of operation including the cost of keeping equipment and facilities in working order (see **Table C-2.2**).

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Table C-2.1: Total Capital Costs

Grand Totals Fiscal Analysis Summary		CAPITAL COSTS						
LIP Program Elements	FY2002-03 Costs	FY2003-04 Costs	FY2004-05 Costs	FY2005-06 Costs	FY2006-07 Costs	FY2007-08 Costs	FY2008-09 Costs	Projected Costs FY2009-10
Public Projects - BMPs	<i>LIP Program Elements pertaining to Capital Costs were tracked differently in 2006-2008 therefore only totals for these years are being reported.</i>				\$5,321,000.00	\$13,344,149.46	\$4,354,703.19	\$9,543,351.00
Construction BMPs for Public Construction Projects					\$8,829,061.00	\$3,040,650.00	\$6,953,596.35	\$3,375,817.00
Other Capital Projects / Major Equipment Purchases					\$2,000,728.00	\$2,265,209.40	\$3,955,792.28	\$4,563,220.00
TOTALS	\$9,522,990.00	\$20,092,235.00	\$13,272,333.00	\$12,535,593.00	\$16,160,789.00	\$18,660,008.86	\$15,264,091.82	\$17,482,388.00

Table C-2.2: Total Operations and Maintenance Costs

Grand Totals Fiscal Analysis Summary		OPERATIONS AND MAINTENANCE						
LIP Program Elements	FY2002-03 Costs	FY2003-04 Costs	FY2004-05 Costs	FY2005-06 Costs	FY2006-07 Costs	FY2007-08 Costs	FY2008-09 Costs	Projected Costs FY2009-10
Supportive of Program Administration (LIP Section 2.0)	\$4,819,838.43	\$6,521,067.00	\$7,703,458.64	\$12,551,493.25	\$7,387,881.97	\$8,913,685.76	\$12,814,752.16	\$10,539,286.05
Municipal Activities (LIP Section 5.0) Trash & Debris Control (formerly "Litter Control")	\$10,219,958.00	\$16,885,969.00	\$15,343,116.00	\$16,054,596.61	\$3,604,188.47	\$4,162,268.18	\$4,079,461.97	\$4,454,267.01
Municipal Activities (LIP Section 5.0) Drainage Facility Maintenance	\$5,684,495.00	\$6,267,338.07	\$6,549,880.00	\$7,873,395.60	\$6,865,953.38	\$8,277,151.38	\$8,703,537.62	\$9,063,040.00
Municipal Activities (LIP Section 5.0) Street Sweeping	\$13,019,752.00	\$15,687,198.00	\$16,251,018.00	\$17,922,158.00	\$18,368,871.60	\$18,877,702.28	\$20,347,451.48	\$20,035,574.76
Municipal Activities (LIP Section 5.0) Environmental Performance (BMP Implementation)	\$858,373.00	\$2,005,620.07	\$1,477,112.00	\$1,729,249.50	\$10,316,549.15	\$10,866,195.43	\$9,705,021.20	\$10,016,407.94
Municipal Activities (LIP Section 5.0) Pesticide & Fertilizer Management	\$1,144,187.00	\$2,157,786.00	\$1,319,499.00	\$1,555,829.00	\$2,369,505.62	\$4,214,289.19	\$4,314,286.97	\$4,426,876.00
Public Information (LIP Section 6.0) Nonpoint Source Pollution Awareness	\$3,415,047.00	\$386,557.00	\$591,708.00	\$516,456.00	\$587,563.44	\$674,226.24	\$753,371.20	\$777,235.00
Public Information (LIP Section 6.0) Household Hazardous Waste Collection	\$382,334.00	\$462,918.00	\$475,963.00	\$727,507.15	\$4,812,703.06	\$712,581.87	\$668,394.19	\$703,691.00
Requiring New Development BMPs (Supportive of Planning, etc) (LIP Section 7.0)	\$465,817.00	\$528,076.00	\$790,683.50	\$857,592.92	\$1,507,128.18	\$1,487,887.90	\$1,366,271.37	\$1,428,867.50
Requiring Construction BMPs (Supportive of Plan Check & Inspection) (LIP Section 8.0)	\$1,280,147.00	\$1,883,538.00	\$1,399,117.00	\$1,381,805.50	\$2,596,772.25	\$2,278,831.82	\$2,074,518.38	\$2,248,201.00
Existing Development (LIP Section 9.0) Industrial/Comm./HOA Inspections	\$0.00	\$430,374.00	\$1,055,158.00	\$1,621,069.45	\$1,560,951.60	\$1,747,900.17	\$1,866,662.71	\$1,806,725.00
Illicit Connections/Discharge Ident. & Elimination (LIP Section 10.0) Investigations	\$3,716,223.00	\$5,966,327.50	\$5,021,397.00	\$5,058,069.60	\$1,644,572.85	\$1,917,080.90	\$1,912,747.24	\$1,915,485.00
Agency Contribution to Regional Program	NR	NR	NR	NR	\$4,476,077.13	\$5,645,103.94	\$6,192,633.07	\$6,576,184.16
Other - Household Hazardous Waste	NR	NR	NR	NR	NR	\$5,000,000.00	\$5,454,000.00	\$5,395,000.00
Other	\$0.00	\$0.00	\$1,442,767.88	\$2,081,403.00	NR			
TOTALS	\$45,006,171.43	\$59,182,768.64	\$59,420,878.02	\$69,930,625.58	\$66,098,718.70	\$74,774,905.06	\$80,253,109.56	\$79,386,840.42

NR = Not Reported

Figure C-2.1: Management Framework (2008-09 Reporting Period)

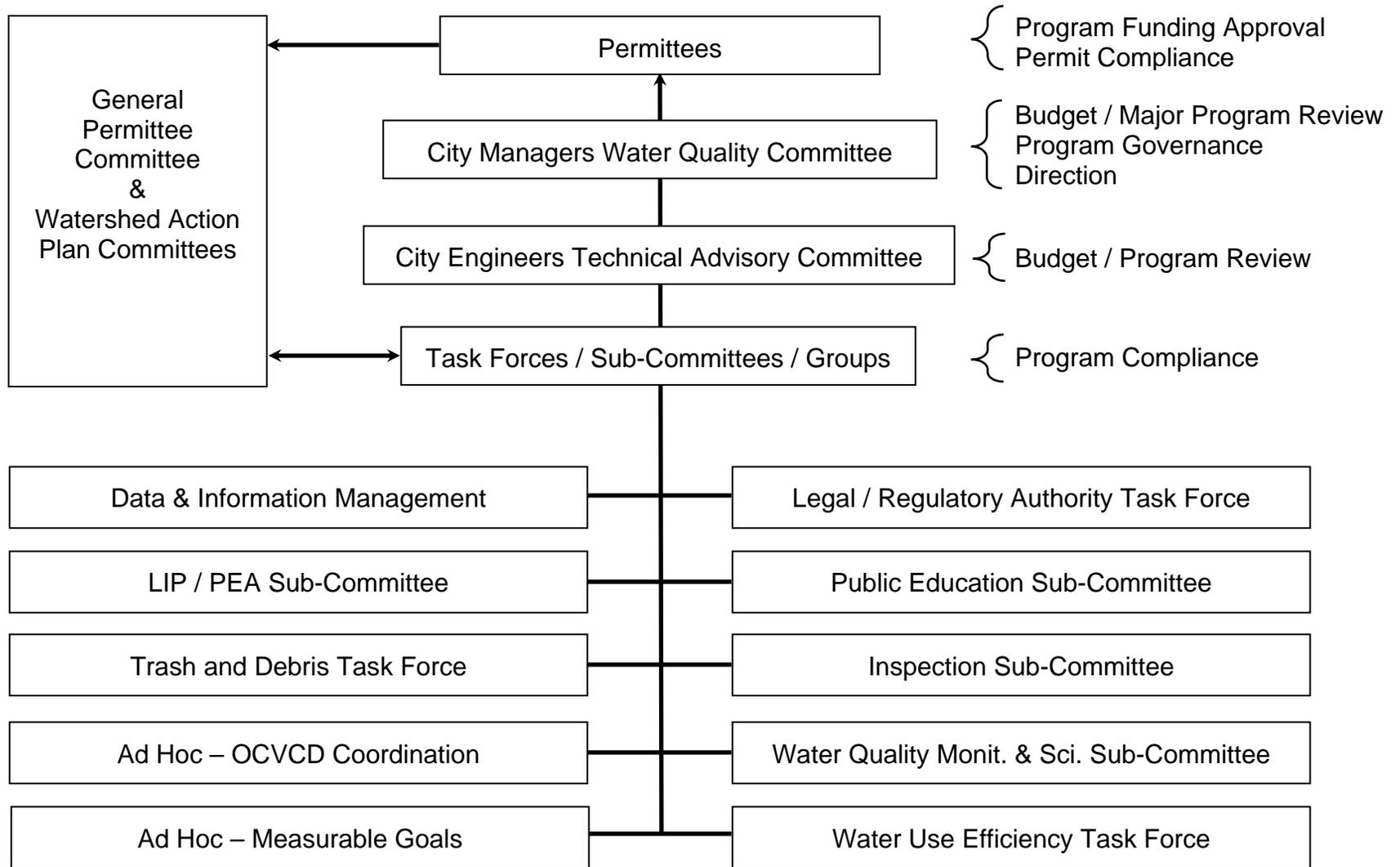


Figure C- 2.2: General Permittee Meeting Attendance

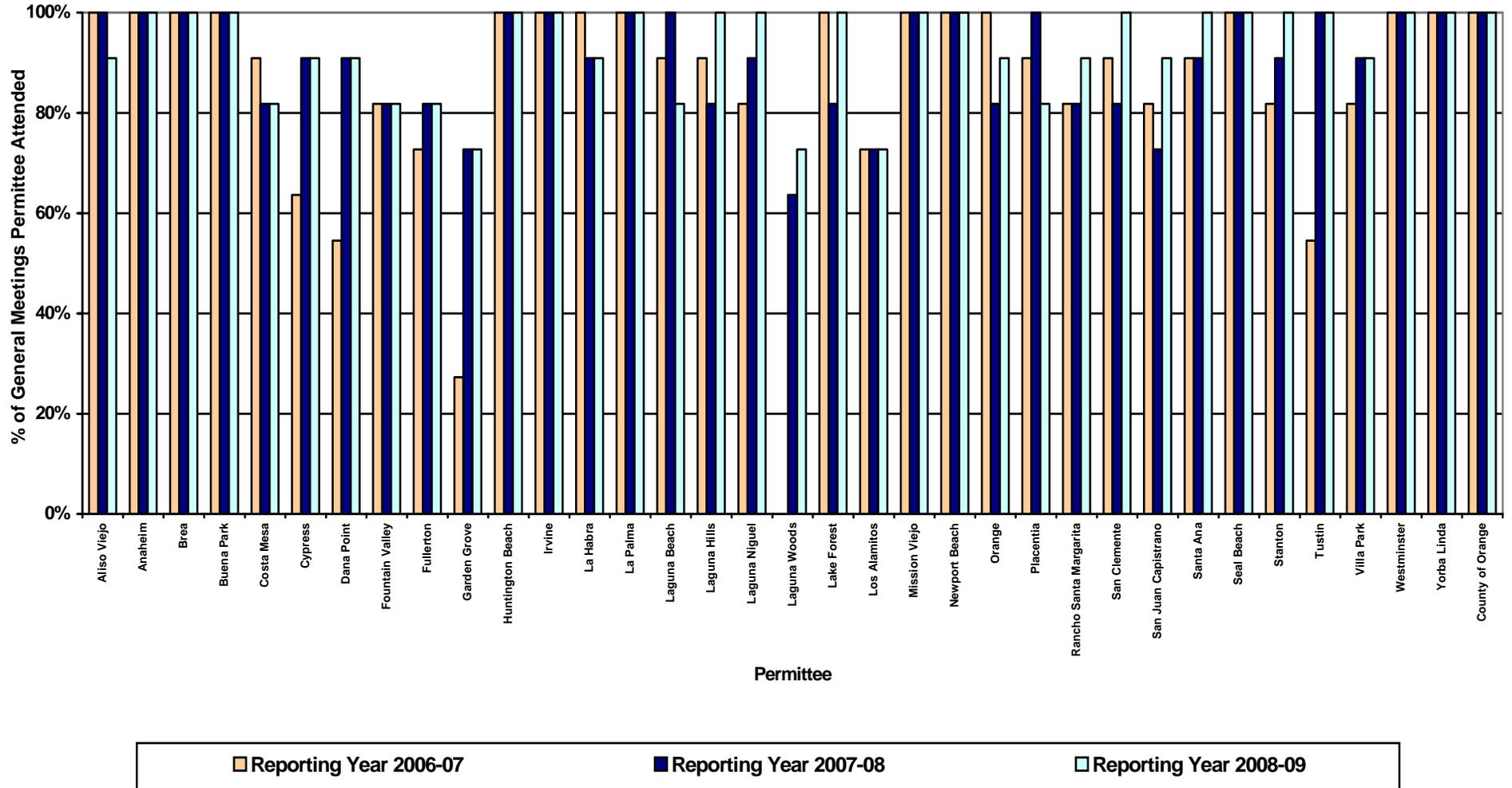


Figure C-2.3: Total Individual Permittee Costs

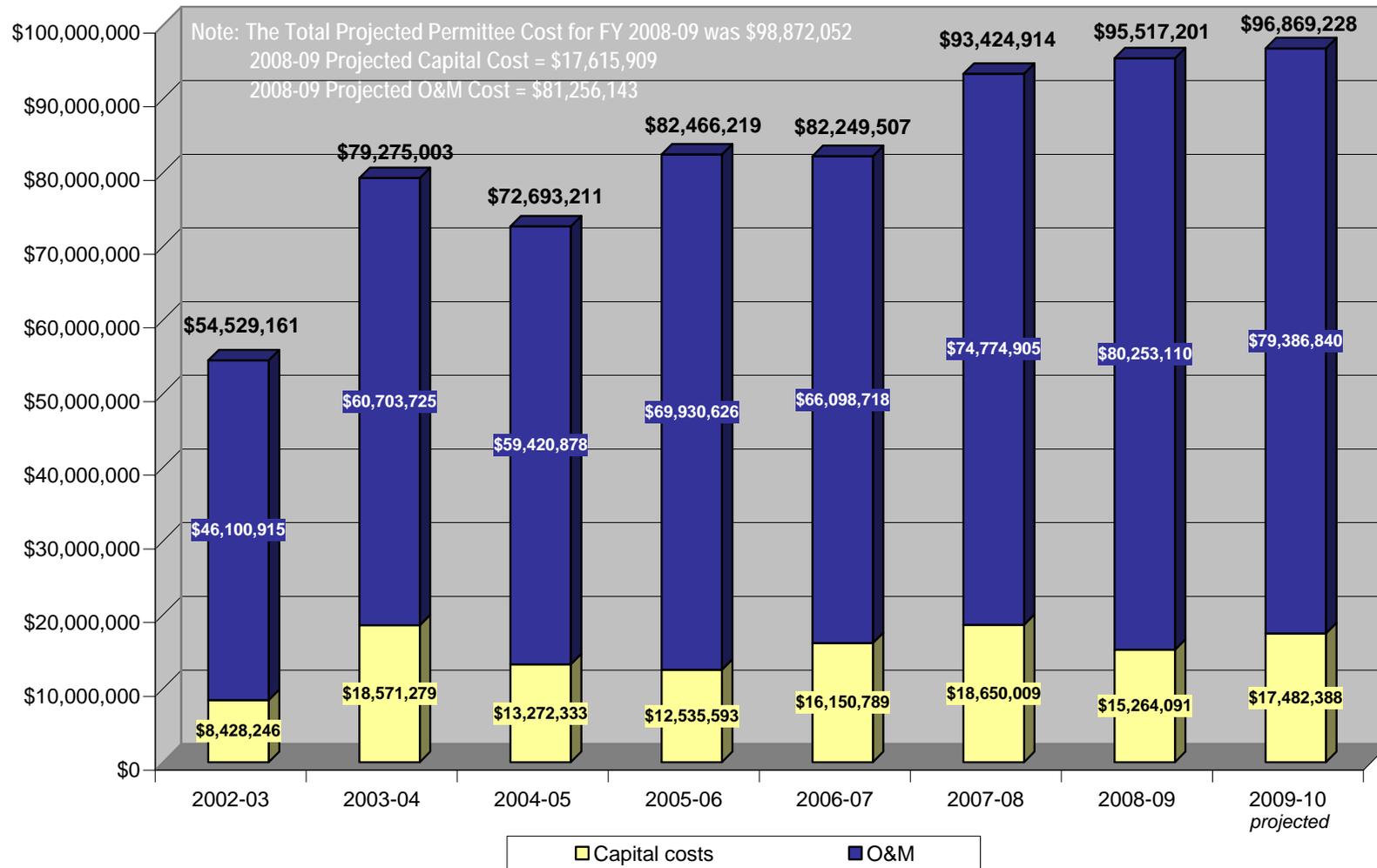


Figure C-2.4: Historical Review of Total Individual Permittee Costs

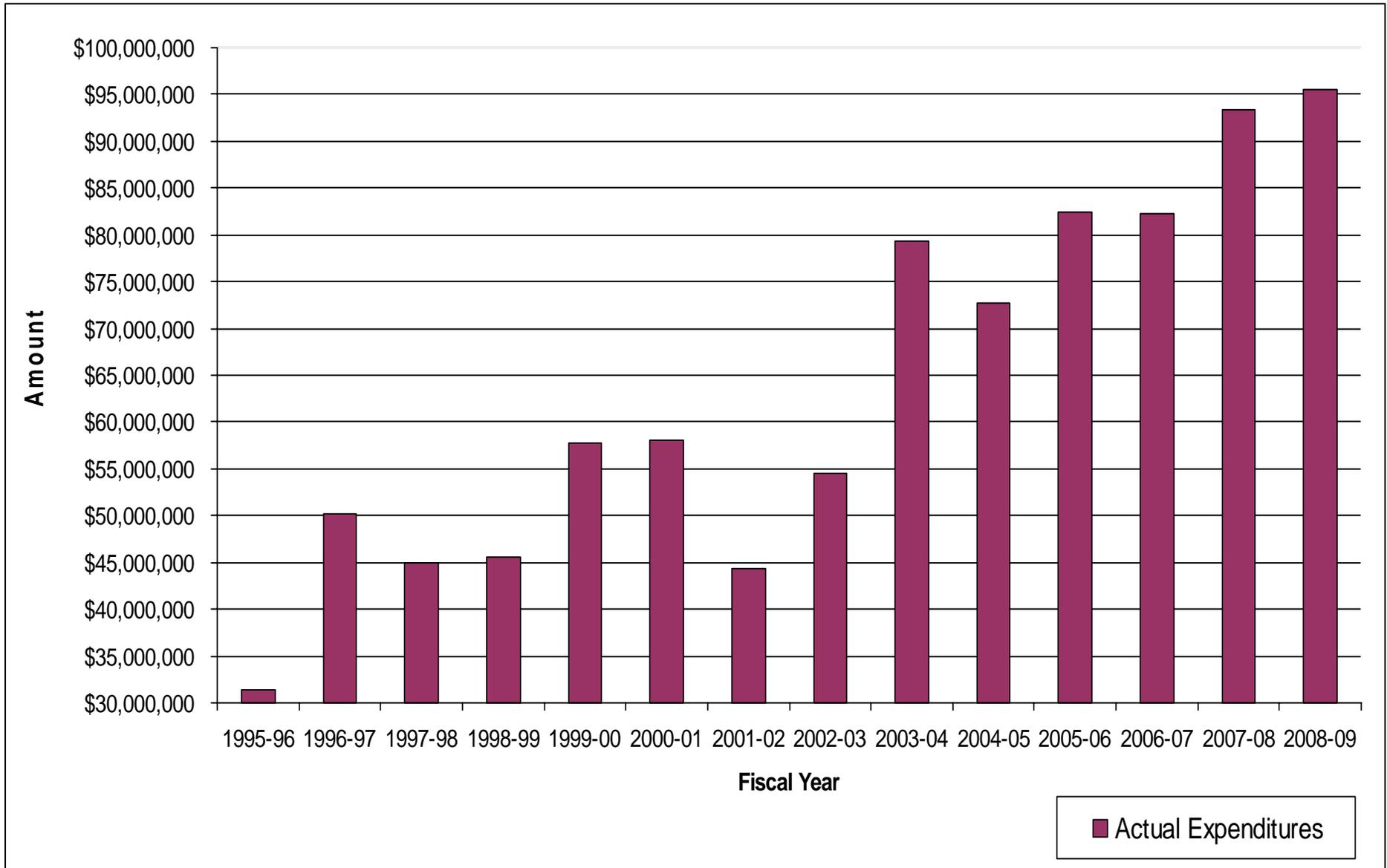


Figure C-2.5: 2008-09 Actual Funding Sources

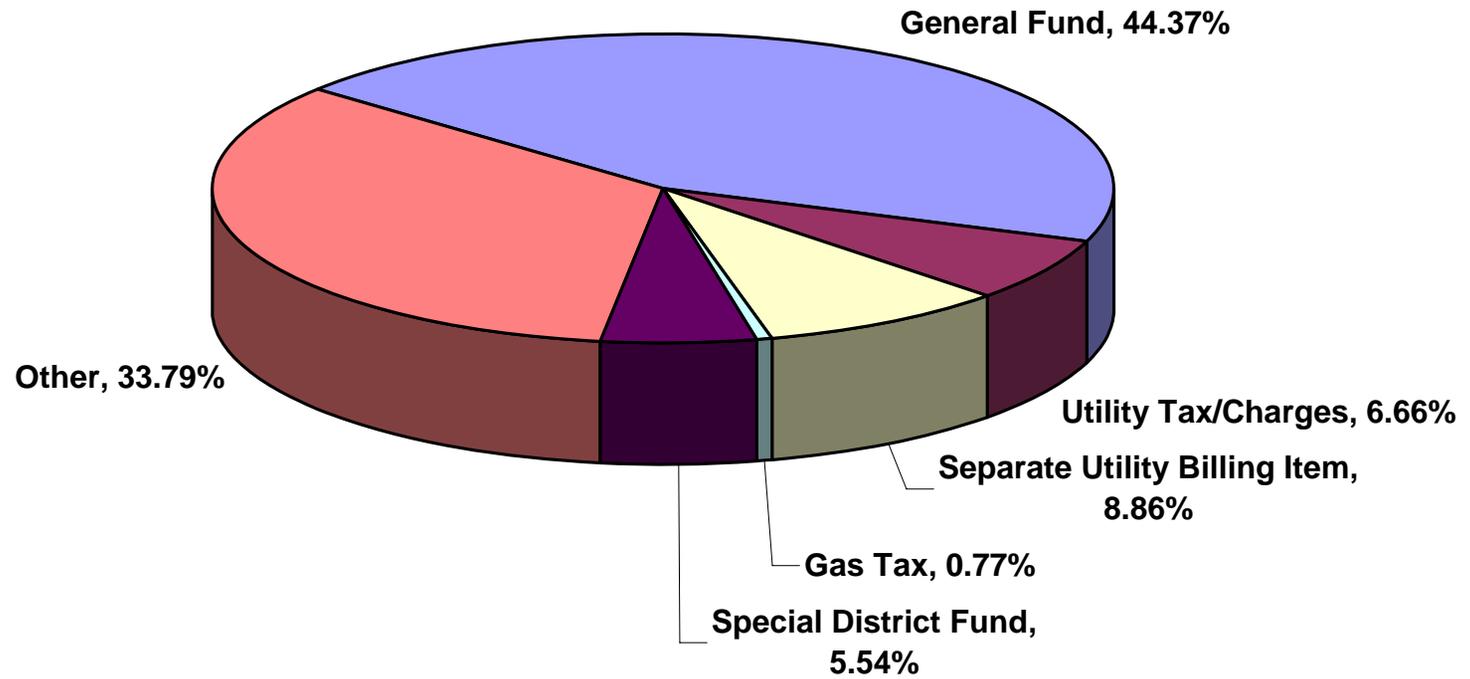


Figure C-2.6: 2009-10 Projected Funding Sources

