

## **2.0 PROGRAM MANAGEMENT**

### **2.1 Introduction**

The major management activities for the Orange County NPDES Stormwater Program include:

- Providing administrative and technical support for the Permittees and the committees within the management structure;
- Developing and executing inter-governmental agreements necessary for program implementation;
- Developing reports and other materials required by the Third Term Permits;
- Developing budgets and fiscal analyses;
- Reviewing and developing policy positions and representing the NPDES Stormwater Program before appropriate agencies;
- Developing BMPs;
- Planning activities needed to direct the program; and
- Program coordination with all affected local government agencies.

In order to more effectively carry out the requirements of the NPDES Stormwater Program, the Permittees in both Regional Board areas agreed during the First Term Permit period that the County of Orange would be the Principal Permittee and the Orange County Flood Control District and the incorporated cities would be Permittees on the permit.

The designation of the County of Orange as the Principal Permittee has provided for cost effective management of the overall stormwater program by combining resources to complete those activities which benefit all of the Permittees. During the Third Term Permit period, the County of Orange will continue as the Principal Permittee and conduct those tasks identified as being the responsibility of the Principal Permittee within the permits.

A more detailed discussion of these management tasks is provided below.

### **2.2 Major Management Activities**

#### 2.2.1 Program Implementation Structure

During the First and Second Term Permit periods, the designated Permittee representatives provided the overall guidance to the NPDES Stormwater Program, including votes when necessary.

In response to the Third Term Permit requirements and the need for the allocation of significant additional resources as well as program development and implementation, the Permittees re-evaluated their program implementation structure in early 2002 and established

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a number of new committees and task force groups to oversee and provide direction for the management and implementation of the NPDES Stormwater Program (**Exhibit 2.I**).

The implementation structure now consists of four major levels of program overview and guidance to the Permittees who are ultimately responsible for program funding approval and permit compliance. As in the past, the Principal Permittee continues to provide administrative support for the various committees which includes maintenance of mailing lists, reserving meeting venues, preparing agendas, notifying participants and providing meeting summaries.

The Principal Permittee has a Stormwater Section that coordinates the countywide compliance activities and submittals to the Regional Boards under direction of the Permittees.

The Permittee committees and Task Force groups are as follows:

### *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 attended 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 development, budget, and implementation. The TAC is comprised of one City Engineer, or selected representative, from each of the County Supervisorial Districts and a representative from the County of Orange.

### *General Permittee Committee*

The General Permittee Committee provides a regional forum to update designated representatives from each Permittee on program development. The Committee periodically evaluates the need for creating standing sub-committees and ad hoc committees as needed in order to accomplish the objectives of the Orange County NPDES Stormwater Program.

### *Sub-Committees/Task Forces*

- TAC Stormwater Utility Funding Sub-Committee

The TAC Stormwater Utility Funding Sub-Committee was formed to evaluate financing options that may be available to the Permittees to help pay for the development and implementation of the stormwater program elements. The committee is open to any city representative and chaired by the Principal Permittee. Although the committee was originally intended to focus on the issues associated with establishing a stormwater utility fund, the focus of the committee has expanded into looking into a broad range of available funding options.

- Data and Information Management Sub-Committee

The Data and Information Management Sub-Committee was formed to oversee the development and implementation of the database management and reporting requirements for the various stormwater program elements. The committee comprises program management and technical staff involved in database and GIS development.

- Legal/Regulatory Authority Task Force

The overall objective of this task force is to review the legal authorities that the Permittees have in complying with the permit requirements and recommending changes as needed.

- Municipal Activities Sub-Committee

The overall objective of the Municipal Activities Sub-Committee is to oversee the development and implementation of the model municipal activities and integrated pesticide management, pesticide and fertilizer programs.

- Public Education Sub-Committee

The overall objective of the committee is to provide regional consistency and oversight for the stormwater public education program efforts and oversee the implementation of the countywide public and business education program.

- New Development/Construction Task Force

The overall objective of the New Development/Construction Task Force is to oversee the development and implementation of the model new development and construction programs as well as the environmental review processes and general plan recommendations.

- Existing Development Task Force

The overall objective of the Existing Development Task Force is to oversee the development and implementation of the model Industrial/Commercial, Residential and Common Interest Area/Homeowners Association programs.

- Water Quality Ordinance Authorized Inspectors Sub-Committee

The Water Quality Ordinance Authorized Inspectors Sub-Committee was established to provide a forum for the coordination, investigation, enforcement, and training aspects of the water pollution response program. The committee will also oversee the development and implementation of the model illegal discharges/illicit connections (ID/IC) programs.

- Water Quality Monitoring and Science Task Force

The Water Quality Monitoring and Science Task Force was formed to provide oversight and technical input for the revision of the water quality monitoring programs and special water quality investigations and BMP effectiveness studies. Specific activities include the San Diego Region Receiving Waters Monitoring Program; the San Diego Region Dry

Weather Monitoring Program; overview assessment of stormwater BMPs for applicability in Orange County; and the revision of the Santa Ana Region Water Quality Monitoring Program.

### 2.2.2 Agreement for Program Implementation

The agreement underpinning County and city cooperation is the NPDES Stormwater Permit Implementation Agreement (subsequently referred to as the Implementation Agreement) which establishes the responsibilities of the Permittees with respect to compliance with the Third Term Permits issued by the Regional Boards. The Implementation Agreement also establishes a funding mechanism for the shared costs of the Orange County NPDES 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.

The Implementation Agreement, originally entered into in December of 1990, was amended in October of 1993 to include two additional Permittees (Laguna Hills and Lake Forest) and formally established the TAC. The Implementation Agreement was amended again, 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. The final, executed Implementation Agreement with the signature pages is included in **Exhibit 2.II**.

### 2.2.3 NPDES Permit Responsibilities

The responsibilities of the Principal Permittee and Permittees are defined within the Implementation Agreement, the Third Term Permits, 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 programmatic and management responsibilities. However, the Principal Permittee has no regulatory authority over the Permittees. The primary responsibilities are:

- 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 Permit and determining their effectiveness in protecting beneficial uses;
- Providing administrative and technical support and informing the Permittees and the TAC of the progress of other pertinent municipal programs, pilot projects, research studies, etc.;
- Representing the Orange County NPDES Stormwater Program before appropriate agencies;
- Developing and executing inter-governmental agreements necessary for program implementation;

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- Conducting chemical and biological water quality monitoring;
- Cooperating in watershed management programs and regional and/or statewide monitoring;
- Developing standardized formats for all reports;
- Preparing and submitting unified reports, plans and programs as required by the Third Term Permits including the unified Annual Progress Report, Program Effectiveness Assessment;
- Developing budgets and unified fiscal analyses and reports; and
- Coordinating the program with affected local government agencies.

### *Permittees*

Each Permittee is responsible for implementing the NPDES Stormwater Program 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 Third Term Permits and 2003 DAMP, including LIP and watershed chapters, within its jurisdiction;
- Establishing and maintaining adequate legal authority;
- Coordinating among internal departments and agencies, as appropriate, to facilitate the implementation of the Permit and the DAMP/LIP;
- 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 municipal 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 jurisdiction 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 of information to the Principal Permittee in a timely fashion.

### 2.2.4 NPDES Permit Reporting Requirements

The Third Term Permits require the preparation of an Annual Progress Report for submittal to the Regional Boards and United States Environmental Protection Agency (USEPA) Region IX no later than November 15 of each year (it should be noted that the San Diego Regional Board administratively approved a Permittee request to modify the Annual Progress Report due date in the Third Term Permit from November 9 to November 15).

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The format of the Annual Progress Report has undergone a major revision as a result of the Third Term Permits, starting with the 2002-03 report as described previously in **Section 1.5.3**. The Annual Progress Report is now an integral component of the Program Effectiveness Assessment in **Appendix C** and includes:

1. Jurisdictional assessments completed individually by each Permittee
2. Watershed assessments based on the watershed chapters with reporting commencing with the 2003-04 Annual Progress Report.
3. Countywide assessment through a Unified Annual Progress Report

The jurisdiction and countywide assessments follow the section format of the 2003 DAMP.

All NPDES submittals are produced under the auspices of the Permittee Committees and the TAC before submission to the Regional Boards. In addition to the Annual Progress Reports, the required submittals may also include any other requirements specified by the Regional Boards pursuant to permit conditions, California Water Code Section 13225 and 13267, or other regulatory provisions.

### 2.2.5 Fiscal Analysis

The Principal Permittee is responsible for preparing draft annual budgets for shared program costs, to be approved by the Permittees. In addition, the Principal Permittee is responsible for tracking shared program cost expenditures and preparing financial reports that are distributed to the Permittees.

The total cost to each Permittee for the area-wide stormwater program is the sum of shared costs plus individual costs.

$$\text{Total Cost to Permittee} = \text{Shared Costs} + \text{Individual Costs}$$

#### *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.

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.

### *Individual Costs*

Individual costs are those incurred by each Permittee through implementation of its LIP. These BMPs include a wide range of activities, such as street sweeping, litter control and emergency spill response, facility inspection, drain inlet/catchbasin stenciling and dissemination of public education materials.

The individual costs are comprised of capital and operation and maintenance costs:

- Capital Costs – refers to expenditures for land, large equipment, and structures;
- Operation and Maintenance Costs - refer to normal costs of operation including the cost of keeping equipment and facilities in working order.

The sum of the capital and operation and maintenance costs is the total cost that each Permittee has incurred individually to meet the requirements of the Third Term Permits through the implementation of its LIP.

### 2.2.6 Program Representation

The Principal Permittee represents the Permittees on the California Stormwater Quality Association, the Water Resources Committee of the American Public Works Association, the Stormwater Research Program of the Water Environment Research Foundation, and other stormwater forums. Information on the activities of these organizations is provided to the Permittees on a regular basis.

### 2.2.7 Permittees Having Watershed Boundaries Outside Those Covered by Santa Ana and San Diego Regional Board Third Term Permits

Those Permittees in compliance with the Third Term Permits shall not be responsible for the portions of their drainage areas that extend to other Regional Board jurisdictions.

### 2.2.8 Coordination with Other Agencies

Successful implementation of the Orange County NPDES Stormwater Program requires cooperation and coordination with other public agencies or organizations within and adjacent to Orange County that have programs or activities that have an impact on stormwater.

### *Southern California Counties*

During the Second Term Permit period, a significant example of such an approach was the joint participation with Riverside and San Bernardino Counties in the Bight '98 regional monitoring program, which was coordinated by SCCWRP. This represented a collective opportunity for the three Counties to cooperatively participate in an integrated watershed monitoring program and meet a common permit objective. The Permittees are continuing to coordinate in these regional studies by participating in Bight '03 with a particular focus on wet weather water quality from the Santa Ana River.

This coordination on monitoring has further developed into a region-wide monitoring and

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research cooperative program with the neighboring counties, SCCWRP and the three Regional Boards. This coordination has resulted in several ongoing and planned cooperative projects.

### *California Department of Transportation (Cal Trans)*

The Principal Permittee has actively coordinated with Cal Trans through respective attendance at NPDES meetings. This joint participation has allowed for the sharing of information and resources and has provided for a greater understanding of the respective programs and challenges.

### *Phase II Agencies*

The Permittees anticipate that there may be additional opportunities for cooperative efforts with other stormwater dischargers that may be permitted separately under Phase II of the federal stormwater regulations. These dischargers include federal and state lands, including, but not limited to military bases, national forest, hospitals, colleges and universities; and highways; utilities and special districts; and Native American tribal lands.

### *Orange County Agencies*

Coordination with other county agencies has and continues to occur on many levels, The following are some examples (see later DAMP sections for more information.)

- Coordination on common public education messages. For example, joint public education flyers have been coordinated with Orange County Sanitation District for sewer spills and food facilities and with Orange County Integrated Waste Management on a brochure for household hazardous waste.
- Coordination on public outreach events. For example, municipal agencies participate together at the Orange County Fair and the Children's Water Festival.
- Coordination on school outreach programs. For example, after school programs have been developed in conjunction with the Department of Education to provide stormwater education materials.
- Coordination on preventing sanitary sewer overflows. For example, the Tustin Area Spill Control demonstration project has been coordinated with the Orange County Sanitation District.

## EXHIBIT 2.I

### PROGRAM IMPLEMENTATION STRUCTURE

# Exhibit 2.1

## Orange County Municipal NPDES Stormwater Program Implementation Structure

