

C-2.0 PROGRAM MANAGEMENT

C-2.1 Introduction

The County of Orange is the Principal Permittee and the cities and the Orange County Flood Control District are Co-Permittees on the permits (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 enable the development and implementation of a coordinated countywide program, a management framework was created during the First Term Permit. This management framework has evolved into a four tier structure (Permittees, City Managers' Water Quality Committee, Technical Advisory Committee (TAC) and Program Committees/Task Forces/Ad Hoc Groups) (see **Section C-2.3**) and 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

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 Fourth 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 Program before appropriate agencies;
- Developing and executing inter-governmental agreements necessary for program implementation;
- Conducting chemical, biological and toxicological water quality monitoring;
- Conducting Countywide public education and outreach;
- Participating in watershed management programs and regional and/or statewide monitoring;
- Preparing and submitting 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.

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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 Fourth 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 receiving waters 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*¹ 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.

The 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

¹ See Section C-2.5.1 for explanation of *Shared Costs*.

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(Aliso Viejo, Laguna Woods and Rancho Santa Margarita) and to incorporate modifications to the management structure and cost-sharing formulas.

The Implementation Agreement was reviewed during the reporting period and amendments intended to clarify the primacy of revised TAC/Planning Advisory Committee (PAC) in land regulation issues were considered by the TAC. While it was anticipated that these amendments would be approved in 2012-13 they will be further finalized in 2013-14.

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, 2002²). 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 the 2012-13 reporting period. 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) and Technical Advisory Committee/Planning Advisory Committee (TAC/PAC).

The TAC serves in a program advisory role and provides policy direction for the program budget, development and implementation. It is comprised of one Public Works Director/City Engineer, or selected representative, from each of the County Supervisor Districts and a representative from the County of Orange. The PAC is comprised of one Planning Director, or selected representative, from each of the County Supervisor Districts and a representative from the County of Orange. The TAC/PAC is convened to address matters related to land development regulation. The PAC does not meet separately from the TAC.

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 Fourth Term Permit (see **Figure C-2.2**).

² <http://www.epa.gov/watertrain/watershedmgt/principle2b.html>

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Task Forces/ Sub-Committees

The *Task Forces/ Sub-Committees* which were active in 2012-13, 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 rule-making and litigation that may affect the 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 water quality monitoring programs, ongoing water quality data evaluation, and special water quality investigations and BMP effectiveness studies.

Watershed Committees

The activities of the south Orange County Watershed committees are reported separately in Watershed Workplans for each watershed planning area.

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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 South Orange County Management Area Executive, Management and Integrated Regional Water Management Plan (IRWMP) stakeholder meetings. These watershed groups focus their activities and discussions on broader watershed issues of concern, such as habitat restoration, integration with water supply 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 Orange County Stormwater Program Representation

The Principal Permittee represents the Permittees at the CASQA, Stormwater Monitoring Coalition (SMC), Southern California Coastal Water Research Program (SCCWRP) and other advisory stormwater fora.

CASQA

Since 1989, CASQA has assisted the State of California, 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 Sub-Committee and Public Information - Public Participation Sub-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 Research Agenda consisting 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 continued to make progress implementing its Research Agenda (see **Section C-3.2.3** for details) in the 2012-13 reporting period.

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Southern California Coastal Water Research Project (SCCWRP)

The Permittees joined the SCCWRP board as an associate member during the 2005-06 reporting period. The SCCWRP is a research institute focusing on the coastal ecosystems of Southern California from watersheds to the ocean. It was formed in 1969 to enhance the scientific understanding of linkages among human activities, natural events, and the health of the Southern California coastal environment; to communicate this understanding to decision makers and other stakeholders; and to suggest strategies for protecting the coastal environment. In the 2012-13 reporting period the Principal Permittee participated as a Commissioner on SCCWRP's governing board and as the Program's representative on the Commission Technical Advisory Group (CTAG).

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 effort of 21 stakeholders, initially 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. During the reporting period, the efforts of the NSMP have focused on the following: the development of revised selenium TMDL, tissue-based site-specific water quality objectives, and an implementation plan; continued monitoring of fish and bird egg tissue throughout the watershed; special studies; and evaluation of novel selenium treatment technologies (see Sections C-12.3.2.2.2 and C-12.3.2.2.7 (SAR) for details).

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**).

C-2.4 Assessment

C-2.4.1 Implementation Agreement

Since the inception of the 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 and subsequent Fourth Term Permits. It has also served as a model for cost sharing

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collaboration related to the Newport Bay TMDL compliance effort (including the related Nitrogen Selenium Management Program), Regional Harbor Monitoring Program, Aliso Creek 13255 Directive and south Orange County Bacteria TMDLs.

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 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 a decision was made to revise the TAC byelaws 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. This bye-law revision is expected to occur in 2013-14.

C-2.4.2 Management Framework

The management framework is reviewed annually to ensure it meets program needs. All of the committees, sub-committees and task forces have been effective in bringing forward initiatives to meet the requirements of the Fourth Term Permits and to address program needs under a consensus building process. However, Fourth Term Permit requirements for the inclusion of LID and hydromodification approaches into local planning approval processes have necessitated changes to the framework. The management framework was first revised in mid-2009 to enable a TAC/PAC to provide policy direction and oversight in matters related to land development and land regulation. During the reporting period, the members of the TAC/PAC were:

TAC Members:

1st District – TBD; 2nd District –David Webb, City of Newport Beach; 3rd District – Mark Carroll, City of Irvine; 4th District – Mark Vukojevic, City of Anaheim; 5th District – Brad Fowler, City of Dana Point, and OC Public Works –Vincent Gin

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 an OC Public Works representative.

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 Fourth Term Permits. It also includes information on the funding sources used by each Permittee. The analysis distinguishes between *shared costs* and *individual costs*.

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C-2.5.1 Shared Costs

Shared Costs comprise those that fund activities performed by the Principal Permittee under both the Program's Implementation Agreement and separate cost share agreements related to TMDL compliance. The program management activities handled by the Principal Permittee are discussed in **Section C-2.2.1**. Each municipality's contribution to shared costs is determined by a formula established in the Implementation Agreement, based on the population and land area of each jurisdiction.

The shared cost budget for the program for 2012-13, as approved by the Permittees, is \$5,384,056. The actual shared cost expenditures for the Program for 2012-13 are provisionally \$3,512,390. In addition, TMDL cost-share agreement expenditures for 2012-13 include: \$308,696.94 (Sediment TMDL), \$473,548 (NSMP), \$355,794 (Nutrients, Fecal Coliform and Toxics TMDLs), \$68,275 (Coyote Creek Metals TMDL), \$187,934 (Aliso Creek Watershed Agreement), and \$169,595 (San Juan Creek Watershed Agreement).

The shared cost budget for the program for 2013-14 will be \$5,189,517.

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**).

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.

During 2006-07, guidance - *Fiscal Analysis Guidance Manual: Orange County Stormwater Program* – was developed to provide the Permittees with an accurate and auditable basis for compiling and reporting the fiscal impact of the stormwater mandate. The Manual provides guidelines and worksheets which are intended to provide a common understanding and basis for more consistent derivation of the annual costs and it was used for this report.

In reviewing **Table C-2.1** and **Table C-2.2**, it should be noted that purchases of small equipment, with a life of less than 5 years and a value lower than \$5,000, are now included in the operations and maintenance costs. Also, “Capital Costs” now covers longer-life equipment and fixed facilities/BMPs and includes a category that captures an allowance for the cost of construction BMPs for projects implemented as a part of a municipal capital program.

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In 2012-13, the total cost of the activities undertaken by the Permittees implementing the DAMP programs within their jurisdictions are reported to be:

- Total Individual Permittee Costs \$76,771,908

This total compares to \$96,529,223 in 2011-2012, \$83,890,573 in 2010-11, \$78,636,857 in 2009-10, and \$98,872,052 in 2008-09 (see **Figure C-2.3**). A historical review of costs is presented in **Figure C-2.4**.

In 2013-14, the total cost of the activities to be undertaken by the Permittees implementing the DAMP programs within their jurisdictions (capital costs + operations and maintenance costs) is estimated to be:

- Total Individual Permittee Costs \$87,332,996

C-2.5.3 Funding Sources

The funding sources used by the Permittees include: General Fund, Utility Tax, Separate Utility, Gas Tax, and Special District Fund, Others (Sanitation Fee, Fleet Maintenance, Community Services District, Water Fund, Sewer & Storm Drain Fee, Grants, and Used Oil Recycling Grants) (see **Figure C-2.5, 2013-13 Funding Sources**, and **Figure C-2.6, 2013-14 Projected Funding Sources**). The contributions of volunteer groups are not included in this assessment.

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Table C-2.1: Total Capital Costs

Grand Totals	CAPITAL COSTS					
Fiscal Analysis Summary						
LIP Program Elements	FY2008-09 Costs	FY2009-10 Costs	FY2010-11 Costs*	FY2011-12**	FY2012-13	Projected Costs FY2013-14
Public Projects - BMPs	\$4,354,703.19	\$3,506,068.64	\$5,230,961.74	\$8,851,782.00	\$7,485,145.83	\$14,605,636.00
Construction BMPs for Public Construction Projects	\$6,953,596.35	\$2,854,099.50	\$2,087,113.00	\$7,948,846.85	\$3,119,362.97	\$1,865,211.20
Other Capital Projects / Major Equipment Purchases	\$3,955,792.28	\$1,287,921.24	\$2,155,736.20	\$1,169,557.50	\$1,414,979.75	\$2,145,769.00
TOTALS	\$15,264,091.82	\$7,713,089.38	\$9,473,810.94	\$17,970,186.35	\$12,019,488.55	\$18,616,616.20

Note: Some LIP Program Elements are tracked differently by each City and have been combined for Unified Reporting. Please see individual City PEA's for a discussion of their costs and projected costs.

* Totals do not include the Cities of Los Alamitos and Placentia.

** Totals do not include the Cities of Los Alamitos, Placentia and San Juan Capistrano.

***Totals missing Laguna Niguel, Newport Beach and San Juan Capistrano

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Table C-2.2: Total Operations and Maintenance Costs

Grand Totals Fiscal Analysis Summary	OPERATIONS AND MAINTENANCE COSTS					
	LIP Program Elements	FY2008-09 Costs	FY2009-10 Costs	FY2010-11 Costs*	FY2011-12 Costs**	FY2012-13
Supportive of Program Administration (LIP Section 2.0)	\$12,814,752.16	\$8,572,341.52	\$8,844,170.80	\$8,366,777.01	\$8,618,212.50	\$9,648,688.04
Municipal Activities (LIP Section 5.0) Trash & Debris Control (formerly "Litter Control")	\$4,079,461.97	\$11,280,896.09	\$19,307,869.45	\$18,113,885.70	\$8,018,846.23	\$8,105,293.23
Municipal Activities (LIP Section 5.0) Drainage Facility Maintenance	\$8,703,537.62	\$8,587,571.04	\$8,452,225.64	\$8,410,688.71	\$7,553,893.68	\$8,776,123.20
Municipal Activities (LIP Section 5.0) Street Sweeping	\$20,347,451.48	\$16,231,064.45	\$16,104,993.58	\$16,393,512.19	\$16,832,131.66	\$17,061,951.15
Municipal Activities (LIP Section 5.0) Environmental Performance (BMP Implementation)	\$9,705,021.20	\$1,761,158.32	\$1,955,555.52	\$7,094,551.81	\$2,569,511.81	\$2,724,806.30
Municipal Activities (LIP Section 5.0) Pesticide & Fertilizer Management	\$4,314,286.97	\$3,076,024.45	\$1,977,922.36	\$2,294,513.91	\$2,571,450.03	\$2,726,966.89
Public Information (LIP Section 6.0) Nonpoint Source Pollution Awareness	\$753,371.20	\$683,714.77	\$747,256.37	\$653,782.22	\$716,722.66	\$738,566.36
Public Information (LIP Section 6.0) Household Hazardous Waste Collection	\$668,394.19	\$569,583.00	\$442,537.57	\$516,974.28	\$451,768.42	\$495,977.32
Requiring New Development BMPs (Supportive of Planning, etc) (LIP Section 7.0)	\$1,366,271.37	\$1,229,331.85	\$1,277,025.53	\$1,139,984.62	\$1,192,309.81	\$1,283,809.53
Requiring Construction BMPs (Supportive of Plan Check & Inspection) (LIP Section 8.0)	\$2,074,518.38	\$2,347,873.76	\$2,349,710.04	\$2,462,964.92	\$2,637,047.37	\$2,706,062.81
Existing Development (LIP Section 9.0) Industrial/Comm./HOA Inspections	\$1,866,662.71	\$1,376,602.39	\$1,489,298.68	\$1,699,196.65	\$1,659,217.76	\$1,711,462.00
Illicit Connections/Discharge Ident. & Elimination (LIP Section 10.0) Investigations	\$1,912,747.24	\$3,153,492.27	\$1,686,845.31	\$1,461,270.37	\$1,708,807.64	\$1,689,611.80
Agency Contribution to Regional Program	\$6,192,633.07	\$5,234,669.61	\$5,346,833.92	\$5,168,244.17	\$4,988,801.71	\$5,139,894.64
Other - Household Hazardous Waste	\$5,454,000.00	\$4,425,327.00	\$4,158,636.00	\$4,387,309.00	\$4,957,917.00	\$5,682,867.00
Other		\$1,952,982.30	\$275,881.53	\$395,381.70	\$275,780.79	\$224,300.00
TOTALS	\$80,253,109.56	\$70,923,767.82	\$74,416,762.28	\$78,559,037.25	\$64,752,419.05	\$68,716,380.26

Note: Some LIP Program Elements are tracked differently by each City and have been combined for Unified Reporting. Please see individual City PEA's for a discussion of their costs and projected costs.

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Figure C-2.1: Orange County Municipal NPDES Management Framework (2012-13 Reporting Period)

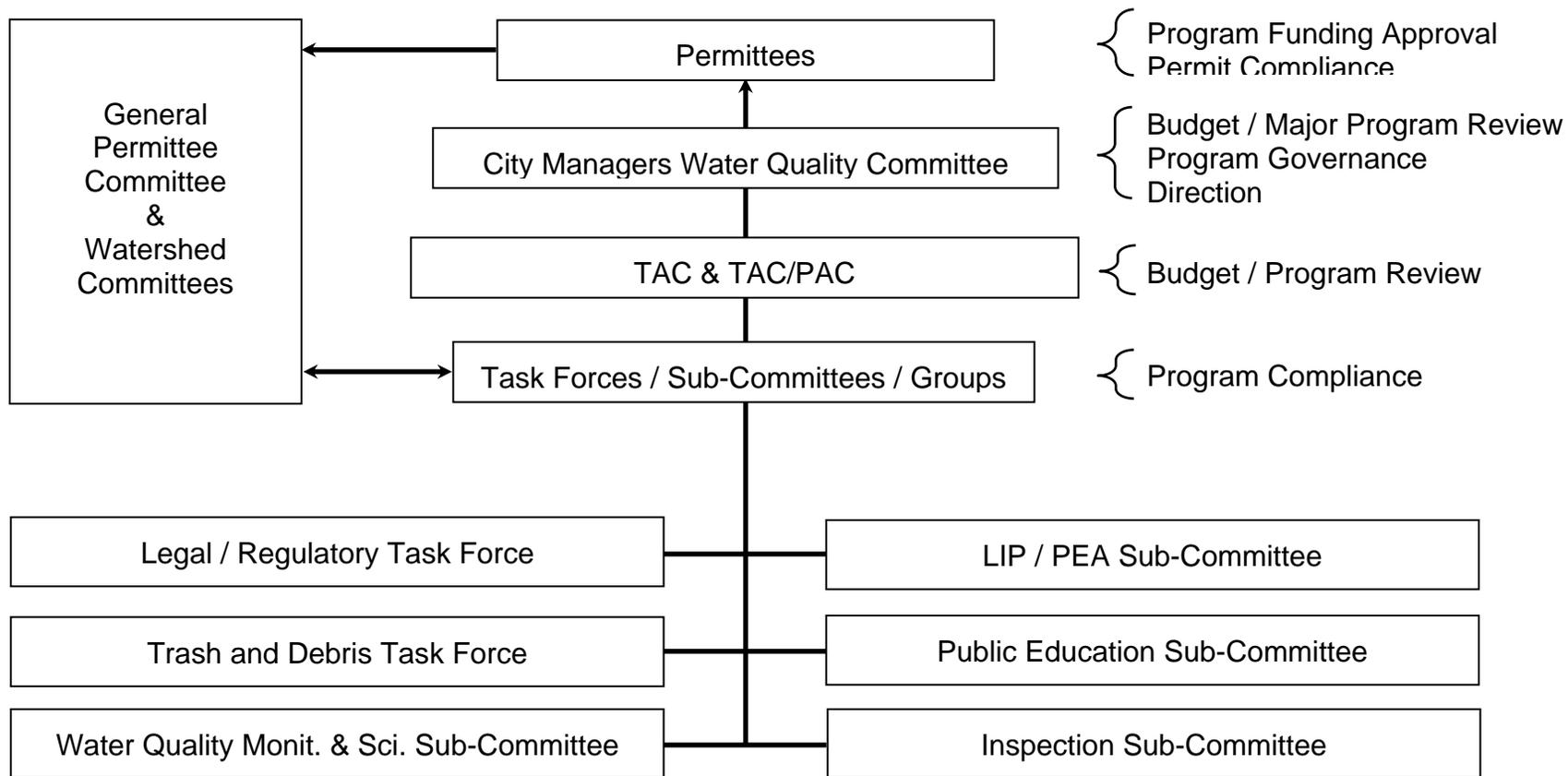


Figure C- 2.2: General Permittee Meeting Attendance

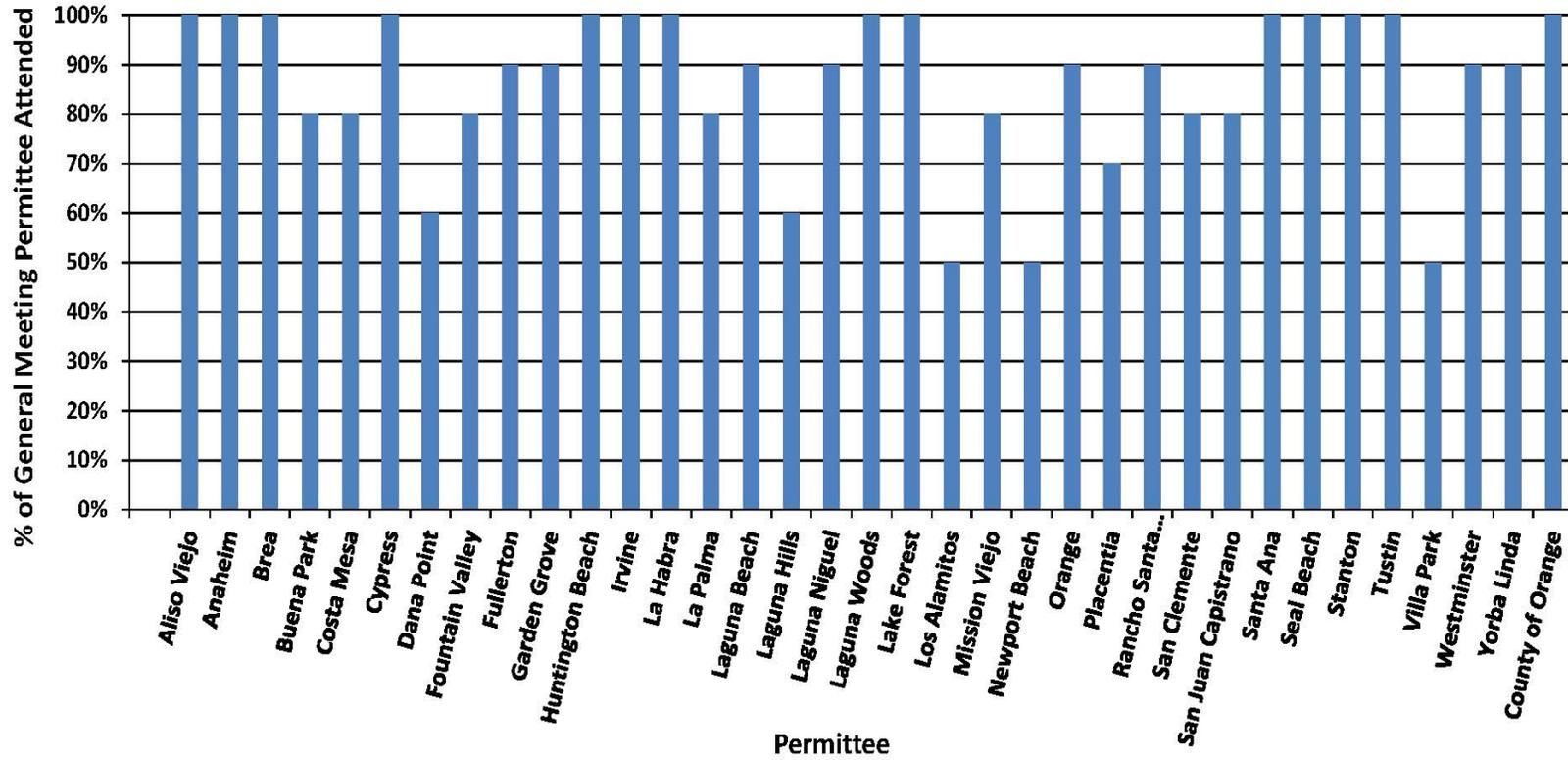


Figure C-2.3: Total Individual Permittee Costs

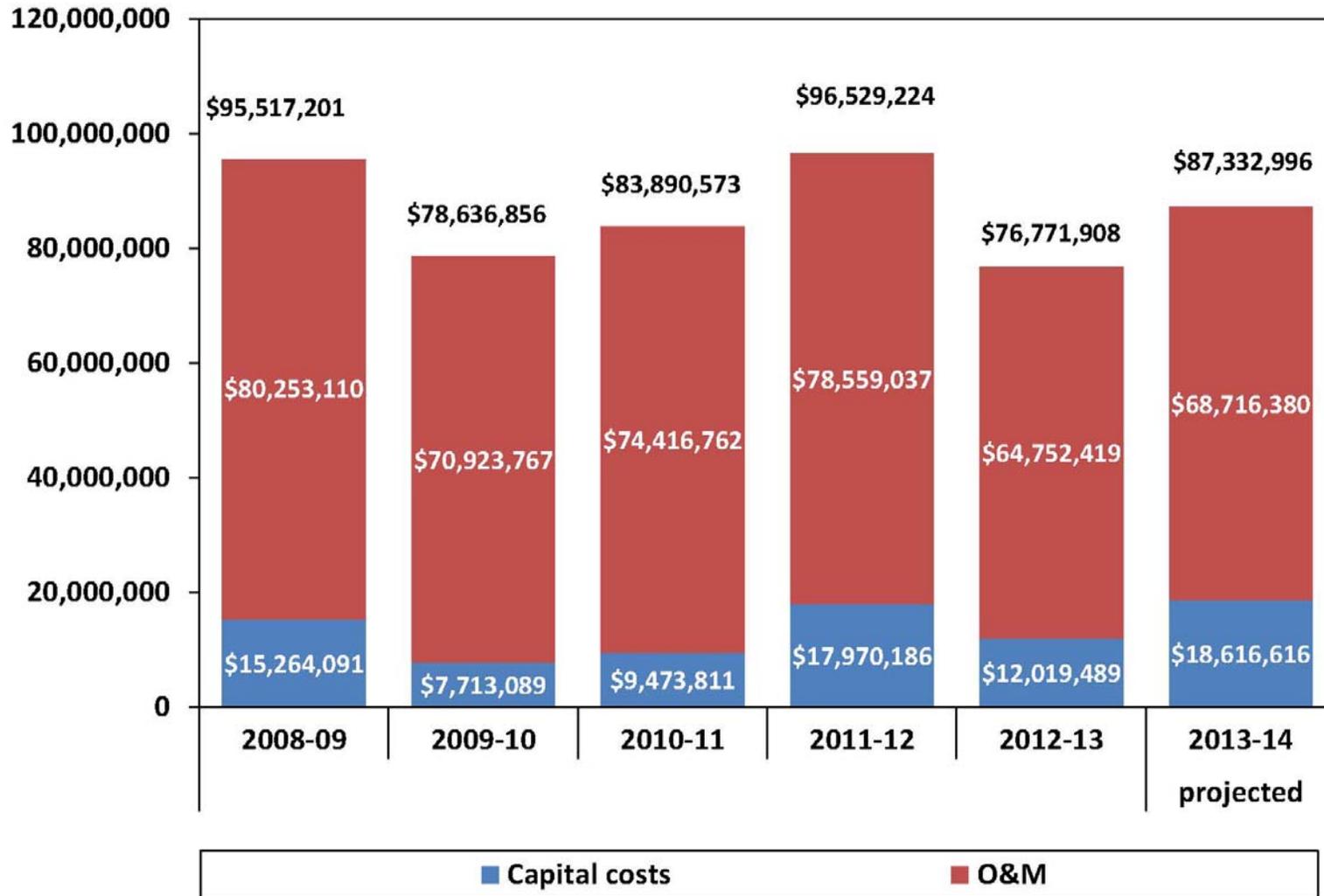


Figure C-2.4: Historical Review of Total Individual Permittee Costs

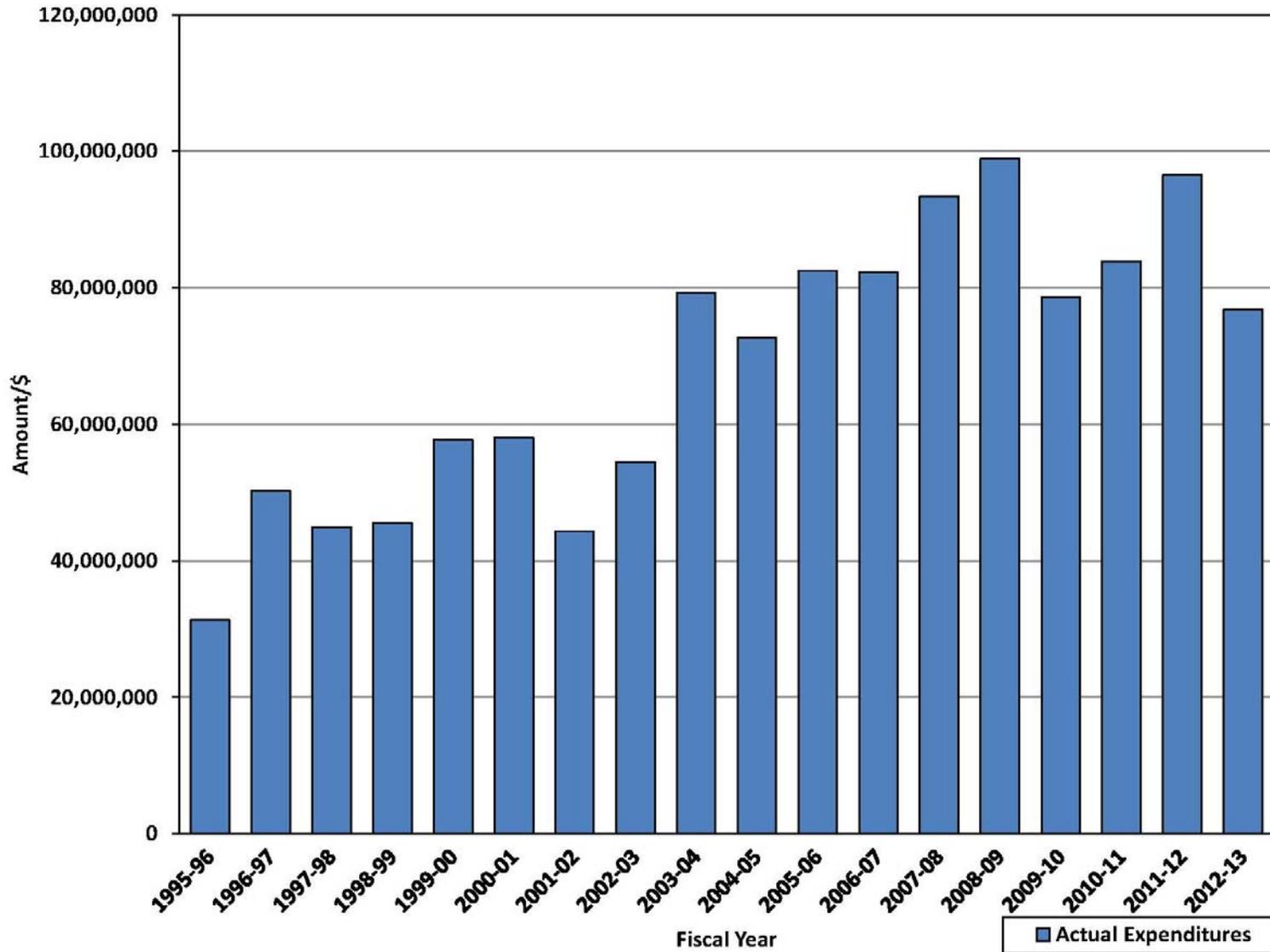


Figure C-2.5: 2012-13 Funding Sources

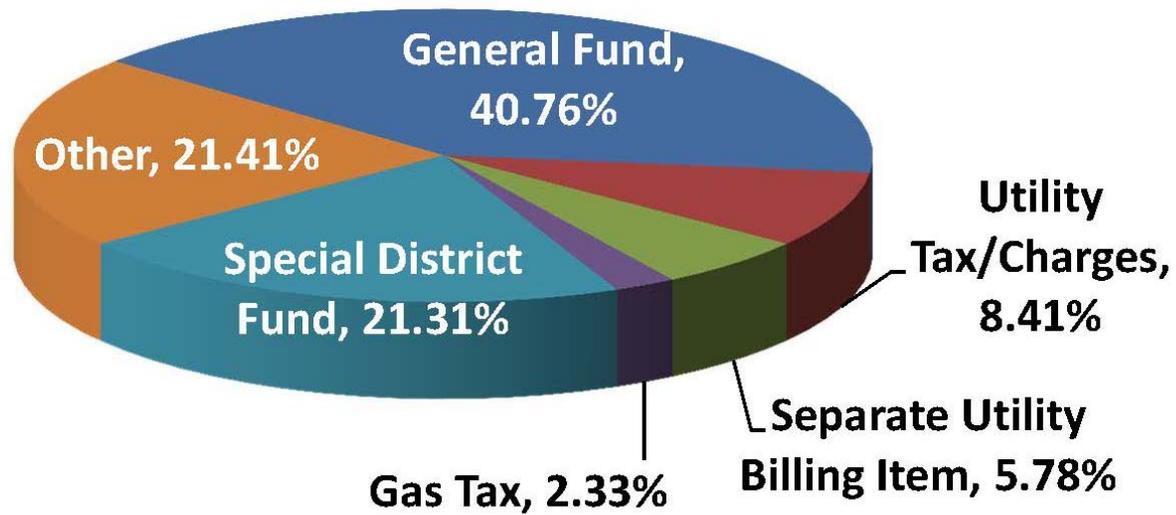


Figure C-2.6: 2013-14 Funding Sources

