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Exhibits

Exhibit 2.I Management Framework

Exhibit 2.II Program Implementation Agreement

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;
- Planning and implementation needed to direct and implement the program;
- Developing BMPs;
- Developing reports and other materials required by the Fourth Term Permits;
- Developing budgets and fiscal analyses;
- Reviewing and developing policy positions and representing the NPDES Stormwater Program before appropriate agencies; 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 Fourth 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 Management Framework

The management framework 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.

In addition there are a number of working groups - committees, sub-committees, ad hoc working groups, and task forces - that provide input and guidance to address various program implementation issues. These are further described below.

Committees

The following committees formed from the NPDES permittees and their roles are as follows:

City Manager's Water Quality Committee

The City Manager's Water Quality Committee meets annually and 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 on program development and program 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. It meets 4-6 times annually.

General Permittee Committee

The General Permittee Committee is the principal forum for disseminating information for program coordinators. The Committee meets monthly (except November). 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 and Ad-hoc Working Groups

Sub-Committees and ad-hoc working groups provide for the continued development of the program in a specified area of program responsibility and oversight. The groups currently active include the following:

- LIP/PEA Sub-Committee

Purpose: To provide oversight and technical direction to the management of core DAMP/Local Implementation Plan (LIP) programs (Bi-monthly meeting schedule).

- Public Education Sub-Committee

Purpose: To provide regional consistency and oversight for the stormwater public education program efforts (Monthly meeting schedule). The sub-committee directs development and dissemination of all education and outreach materials.

- Inspection Sub-Committee

Purpose: To provide a forum for the coordination, investigation, enforcement and training aspects of the existing development inspection program and Illegal Discharges/Illicit Connections (ID/IC) programs (Bi-monthly meeting schedule). Recent products include the Investigative Guidance Manual and self-audit checklist

- Water Quality 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 (Quarterly meeting schedule).

- Ad-Hoc Group – Wastewater Disposal

Purpose: To develop a list of BMPs for the disposal of washwater/wastewater generated by mobile businesses. The Group was convened specifically to address wastewater disposal issues and worked cooperatively with the sewerage agencies to produce best practice guidance (BMP Fact Sheet IC24).

- Watershed Action Plan Sub-Committees

Six Watershed Action Committees (Laguna Coastal streams, Aliso Creek, Dana Point Coastal Streams, San Juan Creek, San Clemente Coastal Streams, and San Mateo Creek) were established and have met bi-annually since their inception.

Task Forces

Periodically task forces are formed to address specific issues relevant to the Permittees and community. These task forces are characterized by external participation. The following task forces are currently in existence:

- 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 (quarterly meeting schedule). Recent products include a strategic assessment of Orange County's trash and debris control efforts.

- 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 (quarterly meeting schedule).

- Water Use Efficiency Task Force

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

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;
- 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 Fourth 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 2006 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 Fourth Term Permits will 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).

The Annual Progress Report is now an integral component of the Program Effectiveness Assessment in **Appendix C** and includes:

- Jurisdictional assessments completed individually by each Permittee
- Watershed assessments based on the watershed chapters with reporting commencing with the 2003-04 Annual Progress Report.

- Countywide assessment through a Unified Annual Progress Report

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/catch basin 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 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 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 Third Term Permit period, significant examples of such an approach were a greater level of participation in regional monitoring and research programs coordinated by SCCWRP, and the joint participation with Riverside and San Bernardino Counties in the Santa Ana Stormwater Quality Standards Study being undertaken through SAWPA. These examples represented a collective opportunity for the County to cooperatively participate in an integrated watershed monitoring program and development of appropriate stormwater quality standards and cost-effective means of achieving water quality goals and meet a common permit objective.

This coordination on monitoring has further developed into a region-wide monitoring and 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 (Caltrans) **Richard had a ? next to this**

The Principal Permittee has actively coordinated with Caltrans 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

MANAGEMENT FRAMEWORK

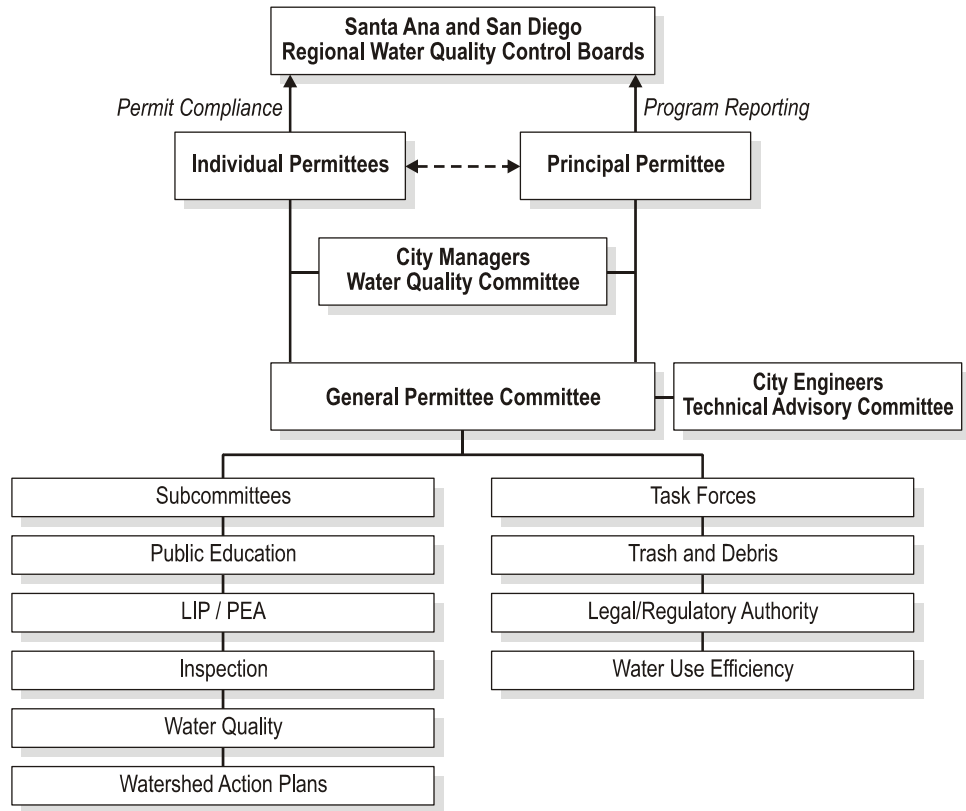


EXHIBIT 2.II

PROGRAM IMPLEMENTATION AGREEMENT