



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: March 21, 2017

Agenda Item 6a

Approvals:
City Manager [Signature]
Dept. Head [Signature]
Attorney _____
Finance [Signature]

Department: Public Works / Engineering VB
Prepared By: Cynthia Mallett, Environmental Programs Supervisor

Subject: *DRAFT WATER QUALITY IMPROVEMENT PLAN DEVELOPMENT AND DRAFT JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM UPDATE.*

Fiscal Impact: None with this action. However, future implementation programs and maintenance costs will be included in future project Clean Ocean Program budgets.

Summary: This action is to request City Council approval to submit the Draft South Orange County Water Quality Improvement Plan (WQIP) and Draft San Clemente Jurisdictional Runoff Management Plan (JRMP) to the San Diego Regional Water Quality Control Board as a requirement of the fifth term Stormwater Permit.

Background: The Federal Clean Water Act requires municipalities to obtain permits for regulating stormwater and urban runoff. Under the National Pollutant Discharge Elimination System (NPDES) program, these stormwater permits require that municipalities develop and implement stormwater management programs to control and reduce the amount of pollutants discharged from municipal storm drain systems. Since 1990, the City of San Clemente has been subject to these stormwater permits that cover South Orange County. Most recently the Regional Water Quality Control Board (RWQCB) adopted a new NPDES MS4 Permit (Permit) on May 8, 2013 which was amended in February 2015. This Permit requires the South Orange County municipalities to develop a WQIP for the San Juan Hydrologic Unit Watershed Management Area and update their JRMP documents. Thus the South Orange County Cities have developed a WQIP and City staff has updated the San Clemente JRMP. The City of San Clemente's JRMP outlines specific programs to address the highest priority water quality conditions listed in the WQIP. Both the WQIP and JRMP are scheduled to be submitted to the RWQCB by April 1, 2017.

Discussion: The WQIP and JRMP are required documents of Permit Order No. R9-2013-0001. The purpose of the documents is to identify management actions that will protect, preserve, enhance, and restore the water quality and designated beneficial uses of Orange County's creeks, streams and coastal waters on a holistic watershed scale and within each jurisdiction.

The WQIP serves as the overarching document for the San Juan Hydrologic Unit Watershed (Watershed) which includes the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, the County of Orange

and the Orange County Flood Control District (OCFCD), collectively called the Co-permittees.

The Permit requires that the WQIP identify the Highest Priority Water Quality Conditions (HPWQC) associated with storm drain discharges in the Watershed. The WQIP is a new comprehensive planning document that was developed over a two year period. It includes goals, strategies and schedules to address the HPWQCs.

The JRMP identifies specific programmatic Best Management Practices (BMPs) and structural BMPs that the City will implement to address the WQIP HPWQCs applicable to San Clemente waterbodies. The updated JRMP was developed by building off the 2010 JRMP and 2013 JRMP amendments. An example strategy to protect ocean water quality is to work with residents to prevent landscape irrigation runoff (now a Permit prohibition) which is a transport mechanism for pollutants to reach the ocean.

Both of these documents are lengthy and thus are not attached to this report. Attached are summaries of the draft WQIP document, Attachment 1, and draft JRMP updates, Attachment 2 that conform to the new permit. After these two documents are submitted on April 1, 2017, the RWQCB will post these documents on their website and request public comment for a 30-day period. Subsequent to the public comment period, the Copermittees will address public comments and potentially make changes and corrections to these documents where needed.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Authorize the submittal of the Draft South Orange County Water Quality Improvement Plan (WQIP) to the Regional Water Quality Control Board by April 1, 2017;
2. Authorize the submittal of the Draft San Clemente Jurisdictional Runoff Management Plan (JRMP) to the Regional Water Quality Control Board by April 1, 2017; and
3. Authorize the Public Works Director to approve minor corrections to the WQIP and JRMP after a 30-day public review/comment period and annual updates thereafter.

Attachments:

1. Summary of Draft Water Quality Improvement Plan
2. Summary of changes to the Draft San Clemente Jurisdictional Runoff Management Plan

Notification: Coastal Advisory Committee

South Orange County Water Quality Improvement Plan Summary
A surface water quality improvement plan for South Orange County

The South Orange County Water Quality Improvement Plan (WQIP) is a watershed-based planning document that serves as the framework for eleven South Orange County Cities (Copermittees) when implementing their Jurisdictional Runoff Management Plans (JRMPs). It is a new document required to be developed in order to be compliant with the 2015 Stormwater Permit (Permit). This new Permit shifts the emphasis from prescribed activities to attainment of water quality standards, although some prescriptive requirements remain from previous Permits. The purpose of the WQIP is to

- Identify High Priority Water Quality Conditions (HPWQC) in the San Juan Hydrologic Unit based on a list of Priority Water Quality Conditions (PWQCs)
- Develop goals, strategies and schedules to address the HPWQC

Identification of High Priority Water Quality Conditions

The Copermittees first developed the following HPWQCs based on available monitoring data, public input and Permit requirements.

1. Human Pathogen Health Risk

The goals for this HPWQC are:

- Protect human health in the Pacific Ocean where there is high intensity of recreational use by reducing discharge of human pathogens
- Meet bacteria load reduction requirements identified in the Bacteria Total Maximum Daily Load (TMDL) which affects the San Clemente Pacific Ocean shoreline.
- Demonstrate required load reductions (goals) through structural and non-structural measures (strategies) over a specific time frame (schedules).

2. Unnatural Water Balance/Flow Regime

The goal for this HPWQC is to return streams to more natural dry weather flow regimes by eliminating unnatural dry weather inputs from the MS4

Benefits include:

- Various expected WQ improvement outcomes
- Support for monitoring and assessment

This HPWQC specifically addresses water runoff that come from unnatural sources such as irrigation runoff, mobile businesses that discharge water to the storm drain system, and many others.

Channel Erosion/Geomorphologic Impacts

The goal for this HPWQC is to reduce excess erosion and rehabilitate (or improve) geomorphic form and function for stream reaches identified as impacted by Hydromodification.

This HPWQC is more applicable to other South Orange County cities that have natural streams and rivers that have not been structurally engineered. The San Clemente watersheds that drain to beach segments affected by the Bacteria TMDL have engineered channels and underground storm drain systems. The City will prioritize its jurisdictional efforts on the first two HPWQCs.

South Orange County Water Quality Improvement Plan Summary A surface water quality improvement plan for South Orange County

Strategies to address HPWQCs

WQIP strategies are BMPs that the Copermitees will collectively implement within a specific watershed to address one or more of the HPWQCs. Jurisdictional strategies are specific to each City and will address one or more of the HPWQCs listed in the WQIP. Strategies can be programmatic strategies such as public education and municipal employee training, or structural strategies such as installing devices in the storm drain systems to capture trash before it is released to receiving waters such as the ocean.

The San Clemente Jurisdictional Runoff Management Plan provides the details on the programmatic and structural strategies to address two HPWQCs listed in the WQIP, the Human Pathogen Health Risk and the Unnatural Water Balance/Flow Regime.

Schedules

The Permit requires that the Copermitees identify a timeframe, or schedule, of when they will meet specific goals related to the HPWQCs. Since the City is subject to the Bacteria TMDL, there are specific bacteria levels and time frames the City needs to meet over a twenty year time period to address the Human Pathogen Health Risk. To address the Unnatural Water Balance/Flow Regime HPWQC, the City's stormwater staff will utilize its inspection and enforcement capacity to reduce the number of non-stormwater flows and will collaborate with the City's water conservation staff to implement strategies that prevent irrigation runoff.

Document Submittal and RWQCB Webpage Location

The WQIP is required to be submitted to the Regional Water Quality Control Board on April 1, 2017. A thirty day public comment period will ensue after the RWQCB posts the documents to their website at this location:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/wqip.shtml

Scroll down the webpage until you reach the South Orange County (San Juan Hydrologic Unit) header where links to the draft documents and appendices will be located.

City of San Clemente Jurisdictional Runoff Management Plan Summary of Changes

The San Diego Regional Water Quality Control Board (RWQCB) adopted Permit Order R9-2013-0001, NPDES Municipal Separate Storm Sewer Systems Permit (MS4) in 2013 which was amended in February 2015 to include Cities in South Orange County. The City of San Clemente is required to update its Jurisdictional Runoff Management Plan (JRMP) previously known as the Local Implementation Plan (LIP) as a result of the updated JRMP built off the 2010 JRMP. A summary of the updates to the San Clemente JRMP are outlined below. The Sections of the JRMP have stayed the same, except where noted.

Section 1 – Introduction

- Updated history of City's stormwater program (Section 1.2).
- Updated 303(d) List and Bacteria TMDL List (Table 1.1).
- Updated land use summary (Table 1-2).
- Updated LIP-Permit reference table (Table 1-3).

Section 2 – Program Management

- Updated City organizational chart (Figure 2-1).
- Updated background discussion on City's urban runoff fee program and associated Fee Tables (Section 2.3.2).
- Updated Annual Reporting due dates and requirements. (Section 2.4).

Section 3 – Jurisdictional Work Plan

- Updated description of jurisdictional and watershed approaches including new discussion on WQIP and examining retrofit opportunities (Section 3.1).
- Updated program assessment framework discussion to reflect new California Stormwater Quality Association program assessment guidance (Section 3.2).
- Removed High Priority Water Quality Problems and Sources summary section and added new Water Quality Monitoring and Improvement Strategies section discussion (Section 3.4) describing regional monitoring programs, DAMP/LIP baseline BMPs and WQIP improvement strategies.
- Updated Best Management Practice (BMP) selection and effectiveness summary to reflect WQIP framework and moved to Section 3.3.

Section 4 – Legal Authority

- Includes background on Federal and State regulations (Sections 4.1 and 4.2).
- Includes references to the Stormwater Runoff Code and other Municipal Codes that reduce pollutants in stormwater discharges
- Developed an updated Statement of Adequate Legal Authority required to be submitted by the City Attorney (Attachment A).
- Inserted information about the Bacteria TMDL
- Updated Construction General Permit Information
- Updated Industrial General Permit Information

**City of San Clemente Jurisdictional Runoff Management Plan
Summary of Changes**

Section 5 – Municipal Activities

- Updated list of impaired waters (Section 5.2)
- Updated Used Oil Disposal summary (Section 5.2.3)
- Updated Household Hazardous Waste summary (Section 5.2.4).
- Updated Litter Control summary (5.2.5)

Section 6 – Public Education

- Updated Countywide Model Public Education Program information

Section 7 – New Development/Redevelopment

- No significant changes

Section 8 – Construction

- No significant changes

Section 9 – Existing Development

- No significant changes

Section 10 – Illegal Discharges & Illicit Connections

- Added examples of illegal discharges including irrigation runoff
- Incorporated discussion linking illegal discharge and illicit connection program to addressing HPWQCs defined in WQIP
- Revised Dry Weather Monitoring (Section 10.1.1) to reference new WQIP defined monitoring programs and added new Permitted Discharge and Water Impoundments Inventory strategy (Section 10.1.4).
- Included new City Enforcement Response Plan as an appendix and revised Enforcement and Follow-up (Section 10.4) accordingly.
- Updated Capacity, Management, Operations and Maintenance (CMOM) Program description (Section 10.5.1).
- Updated Spill Response (Section 10.5.2) to reflect current procedures and removed language that may be construed as an inadequate response to abate water quality impacts.

Section 11 – Water Quality Monitoring

- Section removed and a discussion of WQIP Monitoring and Assessment Program added to Section 3.

Section 12 – Watershed Work Plan

- Section removed and a discussion of WQIP related watershed planning added to Section 3.