

2.0 PROGRAM MANAGEMENT

2.1 Introduction

The key elements of program management comprise the Principal Permittee and Permittee relationship, the Implementation Agreement, the structure and hierarchy of committees (termed Management Framework), and policy and program documentation (i.e. the DAMP). 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 also provides a funding mechanism for the shared costs (administration, program development, public education, and environmental monitoring) of the Orange County Stormwater Program. To further support the development and implementation of a coordinated countywide program, a management framework was created during the First Permit Term. With the Third Term Permits this framework has evolved into a four tier structure (Permittees, City Managers' Water Quality Committee, Technical Advisory Committee (TAC) and Program Committees/Task Forces). Concurrently, the DAMP was substantially revised to address the significant escalation in compliance requirements prescribed in the Third Term Permits.

2.2 Accomplishments

2.2.1 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 establish the TAC.

- Implementation Agreement: On June 25, 2002, the Implementation Agreement was amended again and fully restated to include three additional Permittees (Aliso Viejo, Laguna Woods and Rancho Santa Margarita).

2.2.2 Management Framework

The Permittees established (in early 2002) and maintained a tiered management framework consisting of committees, task forces, sub-committees and ad hoc work groups to direct the development and implementation of the Orange County Stormwater Program (**Figure 2.1**). A greater level of participation in all aspects of the program has been evident by high Permittee participation in the management framework. This framework is composed of:

- City Manager's Water Quality Committee
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The City Manager's Water Quality Committee meets as needed to provide budget and overall program review and governance direction.

- City Engineer's Technical Advisory Committee (TAC)

The TAC serves in a program advisory role and provides policy direction on program budget and program 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. 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).

In 2004-05, thirty four (34) out of thirty five (35) Permittees reported 80% or higher participation in the General Permittee Committee.

- Task Forces/ Sub-Committees

The *Task Forces/ Sub-Committees* provide for the continued development of the program in a specified area of program responsibility and oversight. The Task Forces/ Sub-Committees which were active in 2004-05, are:

- Trash and Debris Task Force
 - Purpose: To foster and sustain partnership approaches to dealing with trash and debris in stormwater and urban runoff (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).
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- Data and Information Management Sub-Committee
 - Purpose: To oversee the development and implementation of information technology solutions to program data management and reporting requirements (monthly meeting schedule). Recent products include an internet-based system for preparation of the annual reports/Program Effectiveness Assessments (PEAs).
 - 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 management practice guidance (BMP Fact Sheet IC24). This ad-hoc group has now sunsetted.
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- Watershed Committees
 - Seven Watershed Committees (Newport Bay, 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 regularly since their inception.
 - Other Watershed Committees/Work Groups

The Permittees have also participated in the Newport Bay Executive and Management Committees (the latter held jointly for a period with the Army Corp of Engineers (ACOE) Study Management Team), the Huntington Harbour Water Quality Task Force, the Dana Point Harbor Water Quality Task Force, 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.

- Other Representation/Participation

The Principal Permittee actively represents the Permittees on various advisory stormwater fora, including, California Stormwater Quality Association (CASQA), Southern California Coastal Water Research Project (SCCWRP) (the County, representing the Orange County Stormwater Program, joined SCCWRP in 2005-06), Plastic Debris - Rivers to Sea Project, Nitrogen and Selenium Management Program, and Waste Discharge Requirements (WDR) for Fats, Oils and Grease (FOG) Program.

2.2.3 Program Documentation

The completion of the 2003 DAMP marked the culmination of a major program documentation overhaul and revision that was initiated by the preparation of the Report of Waste Discharge submitted on September 1, 2000. In addition to the revised policy commitments and model programs, the DAMP was expanded through the addition of appendices to include 34 individual jurisdictional LIPs (the Permittees formally identified which departments have responsibility for implementation of each program element), an extensive compendium of training materials, regional and jurisdictional program effectiveness assessment and reporting, and six watershed management plans.

2.2.4 Watershed Mapping

To support the development of the DAMP/Watershed Chapters, GIS-based mapping was undertaken for the S. County area initially to define watershed boundaries. It will be completed for the entire County area by the end of 2006 and will, for the first time, establish definitive watershed and sub-watershed boundaries for Orange County.

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Orange County Watersheds (See **Figure 12.1**)

Orange County – Santa Ana Region	South Orange – San Diego Region
San Gabriel / Coyote Creek Watershed (within Orange County)	Laguna Coastal Streams Watershed
Anaheim Bay/Huntington Harbour Watershed	Aliso Creek Watershed
Santa Ana River Watershed (within Orange County)	Dana Point Coastal Streams Watershed
Newport Bay Watershed	San Juan Creek Watershed
Newport Coastal Streams Watershed	San Clemente Coastal Streams Watershed
	San Mateo Creek Watershed (within Orange County)

2.2.5 Fiscal Analyses

Annual fiscal analyses have been conducted since the inception of the Program. Each analysis identifies *shared costs* and *individual costs*. Shared costs are those that fund activities performed by the Principal Permittee. These activities include administration, program development, public education, and environmental monitoring. The projected-shared cost expenditures for the 2005-06 fiscal year, as approved by the Permittees, were \$5,941,160.

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 and Operations and Maintenance Costs refer to normal costs of operation including the cost of keeping equipment and facilities in working order. The total individual Permittee costs for the 2005-06 fiscal year were projected to be \$91,868,883.

The fiscal analysis also requires the identification of 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). **Figure 2.2** shows that general funds continue to support over half the cost of program implementation across Orange County.

2.3 **Assessment**

2.3.1 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. More recently, the Agreement has served as a model for cost sharing collaboration related to the Newport Bay TMDL compliance effort (including the Nitrogen Selenium Management Program), Regional Harbor Monitoring Program, and

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Aliso Creek 13255 Directive. Consequently, it is considered to be an effective basis for cooperation of the Program.

2.3.2 Management Framework

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”*. On the basis of this definition, the current framework continues to effectively serve the Permittees. The Management Framework has enabled 36 local government entities to develop, implement and sustain coordinated regional and watershed-based approaches to water quality protection and management. The Framework provides a basis for all parties, including staff, management, executive management and elected officials to be informed and involved in the planning processes.

In addition to the established framework, an alternate management framework was conceived during the Third Permit Term by County senior management and the City Managers Association Water Quality Committee in the context of developing a countywide strategic approach to water quality protection based upon three watershed management areas. Conceptually endorsed by the County of Orange Board of Supervisors, this alternate structure will continue to be developed over the course of the Fourth Term Permits.

Headline Indicator - Participation in General Permittee Committee: In 2004-05, thirty four (34) out of thirty five (35) Permittees reported 80% or higher participation in the General Permittee Committee compared to thirty two (32) Permittees reporting 80% or higher participation in 2003-04.

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.

While these outcomes point to the value and robustness of the current Framework, there has been significant turnover of staff in jurisdictional program manager positions. This has led to a regulatory agency perception that program managers lack the training and expertise necessary to effectively implement the “stormwater mandate.”

ROWD Commitment:

- Prepare a training schedule and define expertise and competencies for jurisdictional program manager positions.
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2.3.3 Program Documentation

International Organization for Standardization (ISO) 14000 provides criteria for evaluating the efficacy of management system documentation. The DAMP expresses the commitment of the Permittees to NPDES permit compliance and to addressing the adverse impacts of urban runoff on Orange County's creeks, rivers, streams and coastal waters. It establishes objectives, guides the participating organizations toward the development and implementation of BMPs, and commits the Permittees to an iterative process of improvement. It requires the designation of a program manager and assigns responsibilities (through the LIPs) for program implementation. Based upon these considerations, the DAMP meets formal environmental management system expectations for policy documentation. Moreover, the DAMP clearly identifies management procedures and provides for the internal and external communication of both policy and performance. The DAMP is also widely available to interested parties through its posting to www.ocwatersheds.com.

While the comprehensive nature of the current documentation supports the implementation of the Program, it can be perceived as overwhelming in its complexity to both jurisdictional program coordinators who lack a long period of program association and outside constituencies seeking insights into the program. Moreover, the active consideration being given by regulators (e.g. the SWRCB's Blue Ribbon Panel) to possible future inclusion in NPDES permits of quantitative measures, including effluent limitations, underscores regulatory agency and environmental advocate perception of there being undue complexity and challenge with respect to establishing discharger accountability. It is possibly a perception which is being reinforced by overly comprehensive and complex program documentation. The Permittees started to address this issue of accessibility with the publication of the "popular format" *Orange County Stormwater Program Progress in 2002-2003* report and this document's subsequent acclaim points to the need for the more regular use of "popular" format reports. However, to address both the need for the DAMP to be more "accessible" and the Permittees' interest in validating a regulatory framework for stormwater predicated upon an auditable management system, the DAMP must more succinctly demonstrate to all constituencies that policies, objectives, and targets are properly identified and are being met, that regulatory compliance is being achieved, and that the planning processes provide for iterative improvement.

DAMP Modification:

- Revise the DAMP for greater consistency with established Environmental Management System (EMS) principles and improved accessibility to different constituencies and levels or readership.

2.3.4 Fiscal Analyses

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The significant year-to-year variability in reported program costs (**Figure 2.3**), which cannot be attributed to changes in program management, point to the clear need for an assessment of the fiscal reporting process.

ROWD Commitment:

- Prepare a fiscal reporting strategy based upon a review of the fiscal analysis reporting section of the PEA, to better define the expenditure and budget line items included in the fiscal report.
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Figure 2.1: Orange County Municipal NPDES Management Framework

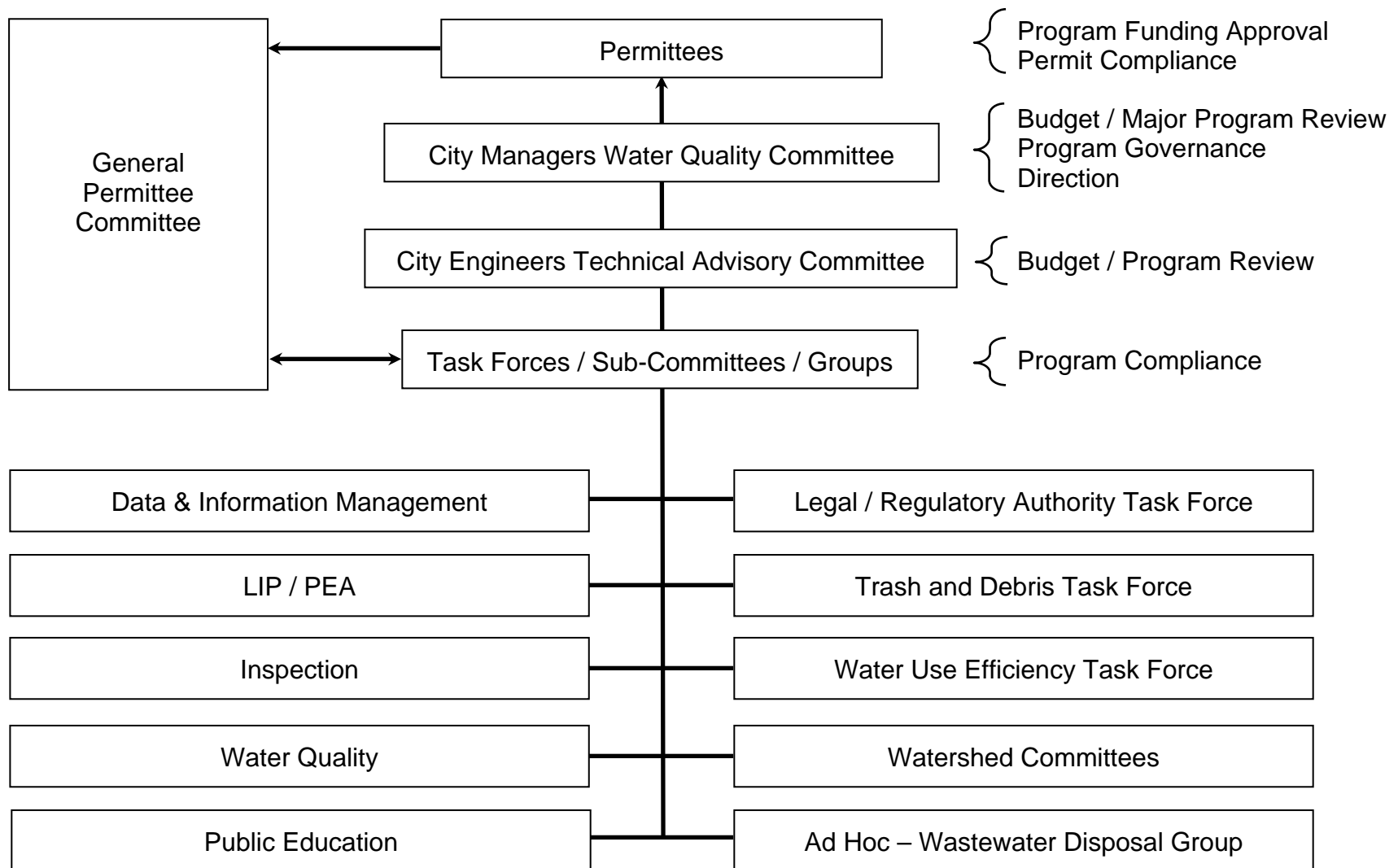


Figure 2.2: 2004-05 Funding Sources

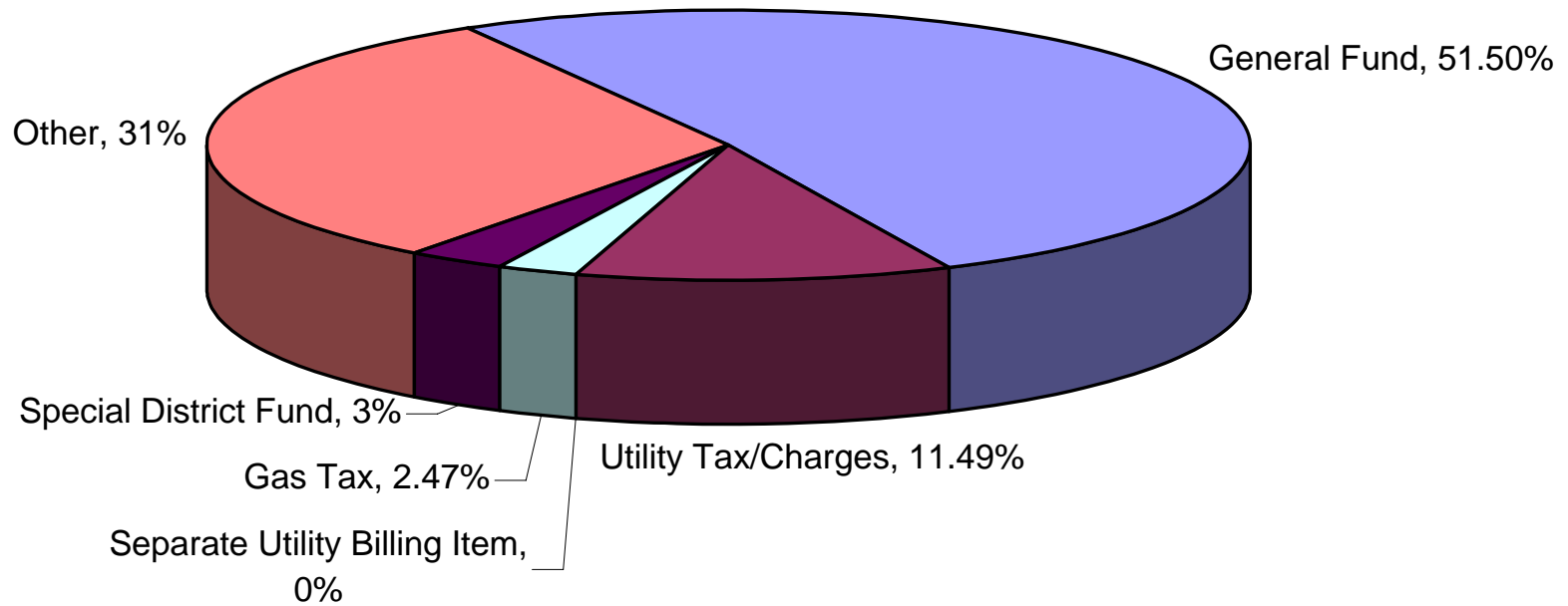


Figure 2.3: Historical Review of Total Individual Permittee Costs

