

California Regional Water Quality Control Board  
Santa Ana Region

July 1, 2003

**ITEM:** 17

**SUBJECT:** Orange County Municipal Storm Water Permittees' Model Water Quality Management Plan (WQMP)

**DISCUSSION:**

On January 18, 2002, the Santa Ana Regional Water Quality Control Board (Board) adopted Order No. R8-2002-0010, NPDES No. CAS618030, Areawide Urban Storm Water Runoff Permit for Orange County and the Incorporated Cities (OC MS4 Permit). The OC MS4 Permit regulates the discharge of storm water from municipal separate storm sewer systems (MS4) to waters of the U. S. This Board and other Southern California Regional Boards have adopted a number of similar MS4 permits. One of the most discussed issues during the re-adoption process was the requirement for control of pollutants from new/re-development projects. The MS4 permittees are required to develop and implement structural Best Management Practices (BMPs), sized according to the sizing criteria specified in the Permit, or other equivalent control measures to reduce/eliminate the discharge of pollutants from new developments and significant re-developments.

The 1990 OC MS4 Permit and Drainage Area Management Plan (DAMP), a plan developed by the Orange County permittees that describes their storm water program, contained some of the first requirements for the implementation of structural and non-structural BMPs with new development. Owners of new development were required to develop Water Quality Management Plans (WQMPs) that described how storm water and urban runoff would be controlled at the new development through the use of BMPs selected from an existing menu. These BMPs included nonstructural controls like pollutant education brochures for new owners, common area litter control, and street sweeping; and structural controls like apartment complex car wash racks connected to the sanitary sewer, common area runoff-minimizing landscape design, and covers & enclosures for trash bins.

The 1996 MS4 Permit for Los Angeles County, adopted by the Los Angeles Regional Board, required the County to submit Standard Urban Storm Water Mitigation Plans (SUSMPs). The SUSMPs are plans that designate BMPs that must be used in specified categories of development projects. The County submitted SUSMPs, but the Regional Board approved the SUSMPs only after making revisions. The Executive Officer issued the revised SUSMPs on March 8, 2000 and upon appeal, the action was upheld in a precedential decision by the State Board in Order WQ-2000-11, on October 5, 2000.

With that precedential decision, the State Board required that the SUSMPs, or its equivalent, be included in all future Phase I MS4 permits. When the Orange County MS4 permittees initiated the renewal of the OC MS4 Permit in September 2000, they stated their desire to adapt their existing WQMP program to meet the requirements of the SUSMP program, rather than abandon the existing program. Additionally, the permittees wanted to be able to make use of 'regional' or 'watershed' based treatment BMPs, some in the form of constructed wetlands for treatment of storm water and urban runoff, to reduce the need for site-by-site or tract-by-tract treatment BMPs.

Over the past one and a half years, the staffs of Irvine Ranch Water District, The Irvine Company and the County of Orange have been discussing with various regulatory entities the possibility of incorporating constructed, treatment wetlands that they refer to as "Natural Treatment Systems" or "NTS", at various points of the Orange County Flood Control District system, throughout central and south Orange County. Board staff has reviewed and prepared comments on a draft EIR for the NTS system.

On March 1, 2003, in compliance with Section XII.B.1 of the OC MS4 Permit, the permittees submitted a copy of the updated WQMP and an updated version of Chapter 7 of the DAMP that addresses New Development and Significant Redevelopment. Furthermore, electronic copies of these documents were posted on the County's storm water web site for public review [Attachment B]. Staff has reviewed the submitted documents and overall, found that the model WQMP is consistent with the intent of Section XII.B of the OC MS4 Permit. On May 21, 2003, a comment letter [Attachment A] was sent by staff to the County, as the Principal Permittee, providing a list of discrepancies, deficiencies, and items requiring further clarification in the submitted WQMP and Chapter 7 of the DAMP. Staff also forwarded this comment letter, the link to the permittee-submitted documents and a request for public comment, to over 200 interested parties who have signed up to be notified by email, of developments in the OC MS4 Permit.

The OC MS4 Permit states that by October 1, 2003, the submitted WQMP must be approved by the Executive Officer as providing an equivalent or superior degree of treatment as structural treatment BMPs at each new development and significant redevelopment or those sized, structural treatment BMPs will be required. The process that must be followed for the approval of submittals under the OC MS4 Permit is identified in Section XIX.1 (Provisions). "All reports submitted by the permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved significant issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer."

At the July 1, 2003 Board meeting, staff will provide an overview of the proposed WQMP, staff's comments on the plan, and the Board will seek comments from the public on the WQMP. This staff report and links to all relevant documents are posted on the Board's website at:

[http://www.swrcb.ca.gov/rwqcb8/html/oc\\_permit.html](http://www.swrcb.ca.gov/rwqcb8/html/oc_permit.html)

If no significant comments are received at the July 1, 2003 Board meeting, the Executive Officer proposes to approve the WQMP prior to October 1, 2003, after it is revised as per the attached comments (Attachment A) from staff.