



## City of Laguna Beach

### Jurisdictional Runoff Management Program

### Local Implementation Plan (LIP)

In compliance with the San Diego Regional Municipal Storm Water Permit

San Diego Regional Water Quality Control Board

Order Number R9-2013-0001,

As amended by Order Nos. R9-2015-0001 and R9-2015-0100

NPDES NO. CAS109266



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Amended February 2019



## Signed Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the program, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

David Shissler, P.E.

Director of Water Quality

Dated: \_\_\_\_\_

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## Acronyms

<b>303(d)</b>	EPA List of Impaired Waters
<b>ACL</b>	Administrative Civil Liability
<b>ACO</b>	Administrative Compliance Order
<b>AI</b>	Authorized Inspector
<b>APWA</b>	American Public Works Association
<b>AMAL</b>	Average Monthly Action Level
<b>ASBS</b>	Area of Special Biological Significance
<b>AQMD</b>	Air Quality Management District
<b>BAT</b>	Best Available Technology
<b>BCT</b>	Best Conventional Technology
<b>BIA</b>	Building Industry Association
<b>BMP</b>	Best Management Practice
<b>BPJ</b>	Best Professional Judgement
<b>Basin Plan</b>	Water Quality Control Plan for the San Diego Basin
<b>CAP</b>	Household Hazardous Waste Community Awareness Program
<b>CAR</b>	Critical Aquatic Resources
<b>CASC</b>	Countywide Areas Spill Control Program
<b>CASQA</b>	California Stormwater Quality Association
<b>CC&amp;Rs</b>	Covenants, Codes & Restrictions
<b>CDFG</b>	California Department of Fish & Game
<b>CEQA</b>	California Environmental Quality Act
<b>CFR</b>	Code of Federal Regulations
<b>CFS</b>	Cubic Feet per Second
<b>CGP</b>	Construction General Permit
<b>CHP</b>	California Highway Patrol
<b>CIA</b>	Common Interest Areas
<b>CUPA</b>	Certified Unified Program Agency
<b>CWA</b>	Clean Water Act
<b>CWC</b>	Clean Water Code
<b>CZARA</b>	Coastal Zone Act Reauthorization Amendments of 1990
<b>DA</b>	District Attorney
<b>DAMP</b>	Drainage Area Management Plan
<b>DCIA</b>	Directly Connected Impervious Area
<b>DHS</b>	Department of Health Services
<b>DMV</b>	Department of Motor Vehicles
<b>DOT</b>	Department of Transportation
<b>DTSC</b>	Department of Toxic Substance Control
<b>EA</b>	Enforcing Attorney
<b>ECG</b>	Enforcement Consistency Guide
<b>EHS</b>	Environmental Health Services
<b>EOC</b>	Emergency Operations Center
<b>EMC</b>	Event Mean Concentration
<b>EPA</b>	Environmental Protection Agency
<b>EPR</b>	Environmental Performance Reporting
<b>ERP</b>	Enforcement Response Plan

<b>ESA</b>	Environmentally Sensitive Area
<b>CDFG</b>	California Department of Fish & Game
<b>FC</b>	Fecal Coliform
<b>FIM</b>	Fecal Indicator Bacteria
<b>GIS</b>	Geographic Information System
<b>GPM</b>	Gallons per Minute
<b>GPS</b>	Global Positioning System
<b>GRBOD</b>	Geomorphically Referenced Basis of Design
<b>HAZMAT</b>	Hazardous Materials
<b>HCA</b>	Health Care Agency
<b>HHW</b>	Household Hazardous Waste
<b>HMI</b>	Hazardous Materials Incident
<b>HOA</b>	Homeowner's Association
<b>HPWQC</b>	Highest Priority Water Quality Conditions
<b>HSA</b>	Hydrologic Sub Area
<b>HU</b>	Hydrologic Unit
<b>HWI</b>	Hazardous Waste Inspector
<b>IBI</b>	Index of Biological Integrity
<b>IC</b>	Incident Commander
<b>IDDE</b>	Illicit Discharge, Detection and Elimination
<b>ID/IC</b>	Illegal Discharge/Illicit Connection
<b>IPM</b>	Integrated Pest Management
<b>IRWD</b>	Irvine Ranch Water District
<b>IRWMP</b>	Integrated Regional Water Management Plan
<b>IWMD</b>	Integrated Waste Management Department
<b>JPA</b>	Joint Powers Authorities
<b>JRMP</b>	Jurisdictional Runoff Management Plan (Formerly Jurisdictional Urban Runoff Management Plan)
<b>LID</b>	Low Impact Development
<b>LIP</b>	Local Implementation Plan
<b>LC</b>	LIP Coordinator
<b>MDAL</b>	Maximum Daily Action Level
<b>MEP</b>	Maximum Extent Practicable
<b>MOU</b>	Memorandum of Understanding
<b>MPN</b>	Most Probable Number
<b>MRP</b>	Monitoring and Reporting Programs
<b>MS4</b>	Municipal Separate Storm Sewer System
<b>NAL</b>	Non-Stormwater Action Level
<b>NAICS</b>	North America Industry Classification System
<b>NEPA</b>	National Environmental Policy Act
<b>NNC</b>	Notice of Non-compliance
<b>NCCP</b>	Natural Community Conservation Planning Program
<b>NOA</b>	Notice of Applicability
<b>NOI</b>	Notice of Intent
<b>NOT</b>	Notice of Termination
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NSE</b>	Natural Source Exclusion
<b>OC</b>	Orange County
<b>OCC</b>	Orange County Code

<b>OCFA</b>	Orange County Fire Authority
<b>OCFCD</b>	Orange County Flood Control District
<b>OCP</b>	OC Planning
<b>OCPW</b>	OC Public Works (Formerly RDMD)
<b>OCS</b>	Orange County Sanitation District
<b>OCTA</b>	Orange County Transportation Authority
<b>OCW</b>	OC Watersheds (Formerly Watershed & Coastal Resources)
<b>OES</b>	Office of Emergency Services
<b>O&amp;M</b>	Operations & Maintenance
<b>OWTS</b>	On-site Water Treatment System
<b>PDS</b>	Planning & Development Services Department
<b>PEA</b>	Program Effectiveness Assessment
<b>PNIR</b>	Pollution Notification/Investigation Request
<b>PPE</b>	Personal Protective Equipment
<b>PWQC</b>	Priority Water Quality Conditions
<b>QA/QC</b>	Quality Assurance/Quality Control
<b>RAA</b>	Reasonable Assurance Analysis
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RMV</b>	Rancho Mission Viejo
<b>ROWD</b>	Report of Waste Discharge
<b>ROMP</b>	Runoff Management Plan
<b>RP</b>	Responsible Party
<b>SAL</b>	Stormwater Action Level
<b>SAR</b>	Santa Ana Region
<b>SAMP</b>	Special Area Management Plan
<b>SBPAT</b>	Structural BMP Prioritization and Analysis Tool
<b>SCAG</b>	Southern California Association of Governments
<b>SCWRP</b>	Southern California Coastal Water Research Project
<b>SDR</b>	San Diego Region
<b>SDRWQCB</b>	San Diego Regional Water Quality Control Board
<b>SEEP</b>	SmartTimer Edgescape Evaluation Project
<b>SIC</b>	Standard Industrial Classification Code
<b>SOC</b>	South Orange County
<b>SOCWA</b>	South Orange County Wastewater Authority
<b>SOCWMA</b>	South Orange County Watershed Management Area
<b>SR</b>	Spill Responder
<b>SSMP</b>	Sewer System Management Plans
<b>SSO</b>	Sanitary Sewer Overflow
<b>SUSMP</b>	Standard Urban Storm Water Mitigation Plan
<b>SWPPP</b>	Stormwater Pollution Prevention Plan
<b>SWRCB</b>	State Water Resources Control Board
<b>TAC</b>	Technical Advisory Committee
<b>TDS</b>	Total Dissolved Solids
<b>TLR</b>	Target Load Reduction
<b>TMDL</b>	Total Maximum Daily Load
<b>TSS</b>	Total Suspended Solids
<b>UCI</b>	University of California, Irvine
<b>UHWM</b>	Uniform Hazardous Waste Manifest



<b>USEPA</b>	United States Environmental Protection Agency
<b>WAP</b>	Watershed Action Plan (Formerly Watershed Urban Runoff Management Plan)
<b>WDR</b>	Waste Discharge Requirement
<b>WDID</b>	Waste Discharge Identification Number
<b>WDR</b>	Waste Discharge Requirements
<b>WQIP</b>	Water Quality Improvement Plan
<b>WLA</b>	Water Load Allocation
<b>WMA</b>	Watershed Management Area
<b>WMAA</b>	Watershed Management Area Analysis
<b>WQBEL</b>	Water Quality Based Effluent Limitation
<b>WQIP</b>	Water Quality Improvement Plan
<b>WQMP</b>	Water Quality Management Plan
<b>WQO</b>	Water Quality Objective
<b>WSPA</b>	Western States Petroleum Association
<b>WY</b>	Water Year

## Section A-1 INTRODUCTION

This document constitutes the City of Laguna Beach's Local Implementation Program (LIP) otherwise known as the Jurisdictional Runoff Management Program (JRMP). It was prepared as part of a compliance program pursuant to the California Regional Water Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES Permit NO. CAS0109266 (*Fifth Term Permit*). The LIP contains all the information specified for Provision E, Jurisdictional Runoff Management Program (JRMP), and should, for purposes of compliance be considered the JRMP.

This plan describes the activities that the City is undertaking to meet the requirements of the Fifth Term Permit and to protect and improve the quality of the creeks, streams and coastal waters within the urban areas of the San Juan Hydrologic Unit, also referred to as the South Orange County Watershed Management Area (WMA) to which the city contributes runoff. Although the LIP intends to serve as the basis for City compliance during the entire period of the Fifth Term Permit, the LIP is subject to modifications and updates as the City determines necessary, or as directed by the Regional Board.

### A-1.1 BACKGROUND

This plan addresses the impacts to creeks, rivers, streams and coastal waters that can arise from the imprint of urban development on the landscape. Urbanization creates impervious surfaces such as rooftops, driveways, roads and parking lots, which can (1) increase the timing and volume of rainfall runoff (compared to pre-development conditions) and (2) provide a source of pollutants conveyed by rainfall runoff or dry weather runoff into surface water systems.

The environmental consequences of urban area runoff can be loss or impairment of aquatic beneficial uses due to:

- Water quality degradation from increased loadings of sediment, nutrients, metals, hydrocarbons, pesticides, and bacteria;
- Reduced biotic richness, with increased dominance of tolerant species;
- Changes in channel morphology and habitat loss from increased severity and frequency of runoff events;
- Loss of groundwater recharge, and
- Increased water temperatures from solar energy absorption by urban surfaces and elimination of riparian shading.

These impacts have been referred to by Walsh (2005<sup>1</sup>) as the symptoms of “urban stream syndrome” and while these impacts are often mostly attributed to urban stormwater runoff delivered to streams by constructed drainage systems, other stressors, including sanitary sewer overflows, authorized wastewater discharges, and legacy pollutants can also be important determinants of urban stream system condition.

The stormwater pollution control effort, of which this LIP is a part, is the result of four decades of legislative effort beginning with the 1972 Federal Water Pollution Control Act, subsequently known as the Clean Water Act (CWA). In 1987 the Water Quality Act brought stormwater discharges into the National Pollutant Discharge Elimination System (NPDES) program and United States Environmental Protection Agency (USEPA) subsequently issued implementing regulations on November 16, 1990.

In response to these regulations, the City of Laguna Beach, County of Orange, the Orange County Flood Control District and the other incorporated cities of South Orange County (collectively referred to as Permittees<sup>2</sup>) have obtained, renewed and complied with NPDES Stormwater Permits from the San Diego Regional Water Quality Control Board. Each permit renewal has required the Permittees to continue to implement stormwater quality management programs and update and develop additional programs at countywide and watershed scales of implementation to control pollutants in dry and wet weather urban runoff.

The City’s stormwater quality management program reduces pollutant discharges through the implementation of a variety of measures commonly referred to as Best Management Practices (BMPs). BMPs are integral to the city’s construction and maintenance of its urban municipal infrastructure. Regulatory oversight ensures BMP implementation at locations of businesses, commerce and construction activity and public education and outreach encourages adoption of practices protective of water quality in residential areas. When land is developed or re-developed, preparation of a Project Water Quality Management Plan (WQMP) is required for all projects meeting Priority Development Project (PDP) criteria.

Since 1990, the City has cooperated with the County of Orange, the Orange County Flood Control District and the other cities in Orange County (collectively the Orange County Stormwater Program or “Program”). The result of this cooperation has been the development of a series of model stormwater program elements that comprise the county-wide Drainage Area Management Plan (DAMP). In developing this LIP, the City of Laguna Beach has used the DAMP as the foundation for its program development and watershed management plan (see discussion

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<sup>1</sup>Christopher J. Walsh,<sup>1,\*</sup> Allison H. Roy,<sup>2,†</sup> Jack W. Feminella,<sup>3,‡</sup> Peter D. Cottingham,<sup>4,§</sup> Peter M. Groffman,<sup>5,||</sup> and Raymond P. Morgan II<sup>6,#</sup>, "The urban stream syndrome: current knowledge and the search for a cure," *Journal of the North American Benthological Society* 24, no. 3 (September 2005): 706-723.

<sup>2</sup>The terms Copermittee and Permittee are synonymous. Permittee is used for countywide consistency

in **Section A-1.2** regarding the Water Quality Improvement Plan), in effect, act as companion parts of the City's compliance program.

### **A-1.2 REGULATORY REQUIREMENTS**

Section 402(p) of the CWA, as amended by the Water Quality Act of 1987, requires that municipal NPDES Permits include:

1. A requirement to effectively prohibit non-storm water discharges into municipal storm sewers; and
2. Controls to reduce the discharge of pollutants from municipal storm drains to the maximum extent practicable (MEP), including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

Regulations promulgated by EPA on November 16, 1990 (40 CFR 122.26 (d)(2)(iv)) require municipal NPDES permit applicants to develop a management program to effectively address these requirements. According to these regulations the management program, , *“shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.”*

The Fifth Term Permit retains the prescribed program elements of the prior permits and places additional regulatory emphasis on watershed planning with new requirements for the development and implementation of a Water Quality Improvement Plan (WQIP). This plan is intended to guide jurisdictional efforts toward achieving the outcome of improved water quality in discharges and receiving waters by enabling management resources to be directed toward priority water quality constituents of concern and/or underlying priority water quality conditions thereby providing a regulatory basis for addressing both the symptoms and underlying causes of urban stream syndrome.

Currently, some of the Permittees including the City of Laguna Beach are pursuing a subvention of funds from the State to pay for certain activities required by the Order Nos. R9-2009-0002 and Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100, including some of the activities in the LIP. Nothing in this LIP should be viewed as a waiver of those claims or as a waiver of the rights of the City to pursue a subvention of funds from the State to pay for certain activities required by the Fourth and Fifth Term Permits, including the implementation of certain activities in this LIP. In addition, several Permittees, including the City of Laguna Beach,

have filed petitions with the State Water Resources Control Board (SWRCB) challenging some of the requirements of the Fifth Term Permit. Nothing in this LIP should be viewed as a waiver of those claims. Because the SWRCB has not issued a stay of the Fifth Term Permit, Permittees must comply with the Fifth Term Permit's requirements while the SWRCB process is pending.

### **A-1.3 OBJECTIVES OF THE LOCAL IMPLEMENTATION PLAN**

The main objective of this LIP is to fulfill the commitment of the City to present a plan that satisfies the requirements of its Municipal NPDES Stormwater Permit. This document outlines all of the strategies the City will implement to reduce the discharge of pollutants from its storm drain system in accordance with the Fifth Term Permit and therefore identifies both DAMP/LIP and WQIP strategies.

- 1) DAMP/LIP strategies – These strategies are the baseline programs developed on a Countywide or regional basis and which are focused on reducing pollutant discharges from the municipal storm drain system to the MEP.
- 2) WQIP strategies – These strategies go beyond the City's baseline strategies and represent a focus on south Orange County's Highest Priority Water Quality Conditions (HPWQC).

This LIP includes the following programs in subsequent sections:

1. **Section A-2.0** – Framework for program management activities;
2. **Section A-3.0** – Future plan development;
3. **Section A-4.0** – Legal authority for prohibiting unpermitted discharges to the storm drain system and for requiring BMPs in new development and significant redevelopment;
4. **Section A-5.0** – Municipal activities for pollution prevention and treatment to further reduce the amount of pollutants entering the storm drain system;
5. **Section A-6.0** – Educational program to communicate with the public about urban stormwater and non-stormwater pollution and obtain their support in implementing pollution prevention BMPs;

6. **Section A-7.0** – New development and significant redevelopment controls to incorporate appropriate and required post construction nonstructural and structural BMPs into the environmental planning and development review process;
7. **Section A-8.0** – Construction site controls that address appropriate and required practices for erosion and sediment control and on-site hazardous materials and waste management;
8. **Section A-9.0** – Existing development programs to prioritize, inspect and implement programs for commercial and industrial facilities;
9. **Section A-10.0** – Illegal discharges/illicit connections (ID/IC) program to detect and eliminate unpermitted discharges and unauthorized connections to the municipal storm drain system;
10. **Section A-11.0** - Monitoring programs for wet and dry weather to identify areas with water quality problems, to assist in the prioritization of watersheds for analysis and planning, and to assist in the prioritization of pollutants to facilitate the development of specific controls to address these problems; and
11. **Section A-12.0** -City of Laguna Beach Heisler Park Area of Special Biological Significance (ASBS) Compliance Plan

The LIP is the City’s primary mechanism for WQIP strategy implementation and Fifth Term Permit compliance.

#### **A-1.4 PERMITTEE COMMITMENTS**

The Permittees are committed to maintaining the integrity of the receiving waters and their ability to sustain beneficial uses. As such, the Permittees have designed and implemented a countywide baseline stormwater management program in order to be able to periodically re-assess the conditions of the waters within Orange County and help determine the impact, if any, of urban stormwater discharges to the beneficial uses of those waters.

This baseline effort is complemented by the WQIP, which focuses resources on the highest priority water quality conditions. The HPWQC are: pathogen health risk in dry weather, unnatural water balance in dry weather and the geomorphic instability of the channel system. By applying an adaptive management approach, the City and County will continue to analyze and evaluate the appropriateness of the prioritization

## A-1.5 ENVIRONMENTAL SETTING

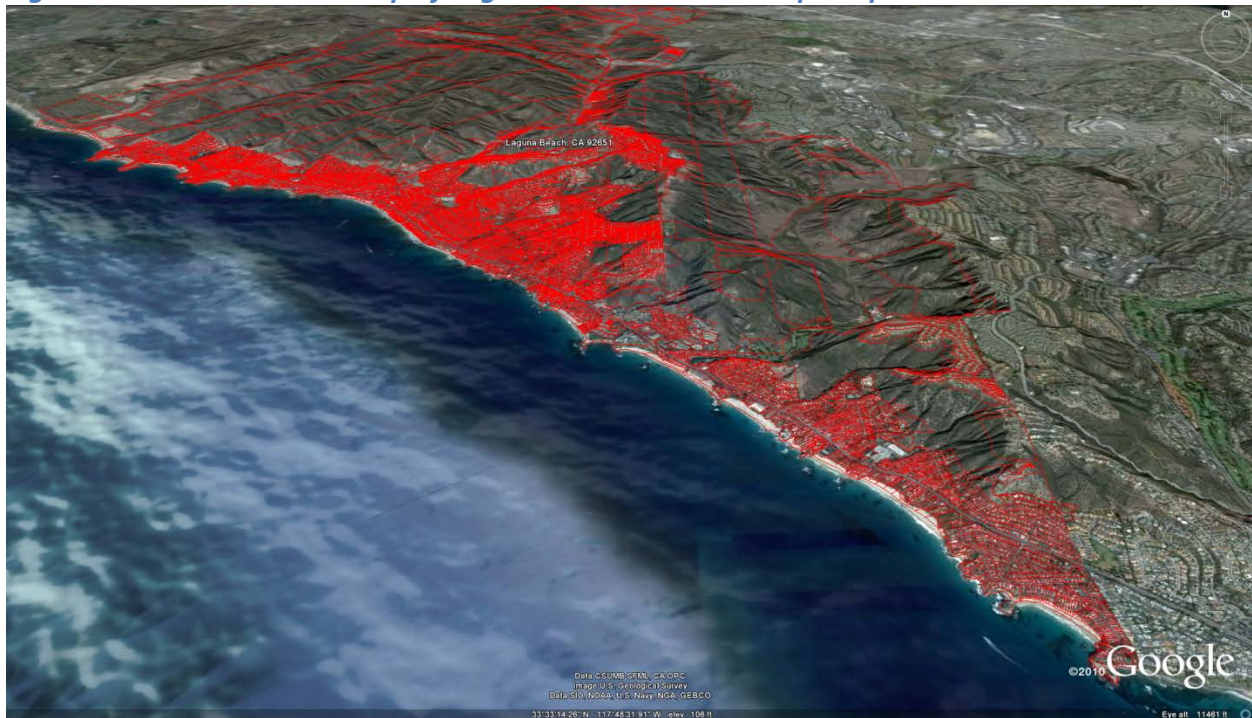
### A.1.5.1 Geography and Climate

Figure A.1.6.1.1 illustrates the regional location of the City of Laguna Beach within the jurisdictional area of Fifth Term Permit. The City covers an area of approximately nine square miles and has a population of approximately 25,000 people. The City is topographically composed of moderate to steep slopes situated within the coastal foothill region, adjacent to the Pacific Ocean. Laguna Beach encompasses about seven miles of Pacific Ocean coastline.

Laguna Beach is geologically characterized by steep slopes, soils and rock that have historically demonstrated high risk of landslides and surficial failures. Native soils on the slopes and bluff tops are typically expansive clay or bedrock with a low infiltration rate. The few flat, low-lying areas at the base of select major water courses are typically comprised of sedimentary deposits and artificial fill with high permeability and high water table.

Laguna Beach enjoys a mild and pleasant Pacific coastal climate. Annual rainfall averages about 13 inches. It may rain at any time of year, but most rain occurs in the winter months. Because Laguna Beach is surrounded by steep terrain, it has a more moderate microclimate that is markedly different from the areas just a short distance inland. Natural vegetation is fire-adapted, primarily coastal sage with localized areas of coastal chaparral, grassland and riparian woodland.

*Figure A.1.5.1.1 – Parcels Map of Laguna Beach and Local Open Space*



### A.1.5.2 Land Use

Land use in the City of Laguna Beach is predominantly hillside residential, with commercial centers and institutional uses concentrated along the Pacific Coast Highway at the base of the hills and Laguna Canyon Road along the bottom of the largest canyon within City limits.

Laguna Beach is surrounded by a wide band of over 17,000 acres of open space. The majority of the open space is parkland managed by the County of Orange, though the City owns some open space acreage as well. Drainage from large areas of open space, particularly in northern Laguna Beach, flow through City infrastructure prior to reaching the ocean.

The City is essentially fully built-out, with current development activities focused on redevelopment of existing structures. Most new development is residential in nature and occurs on small parcels.

*Figure A.1.5.2.1 – Zoning Map of Laguna Beach*

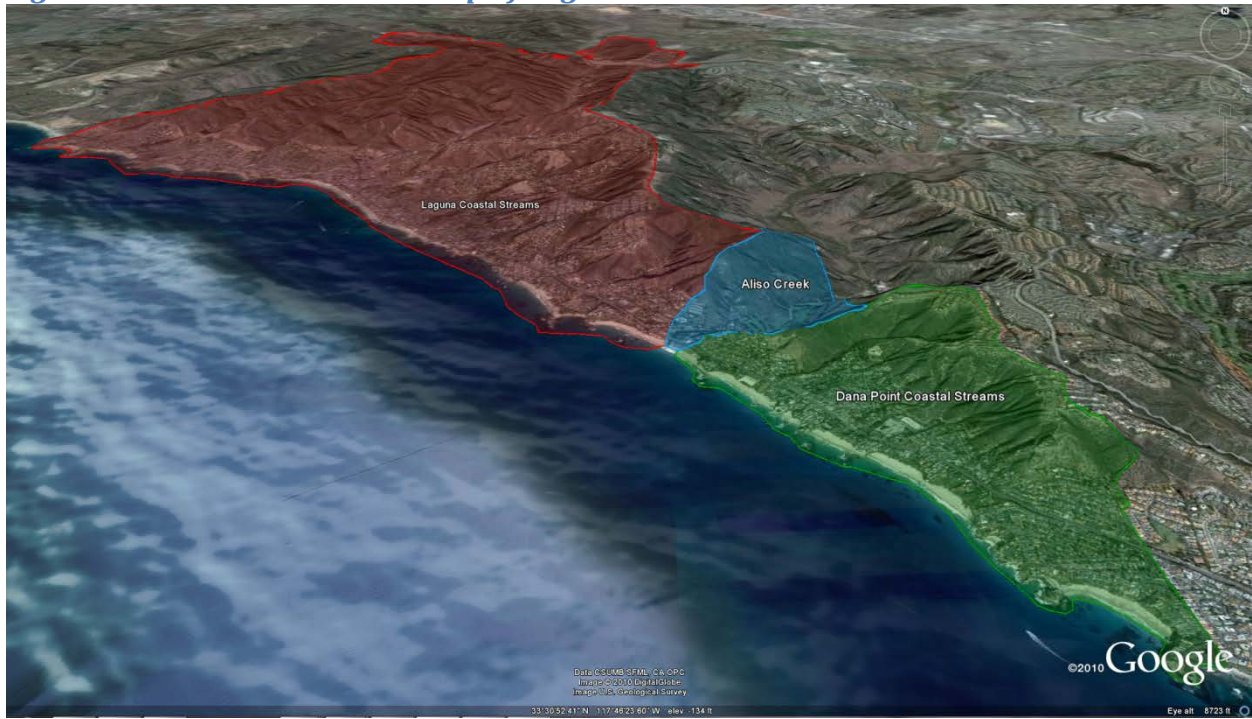


### A.1.5.3 Watersheds

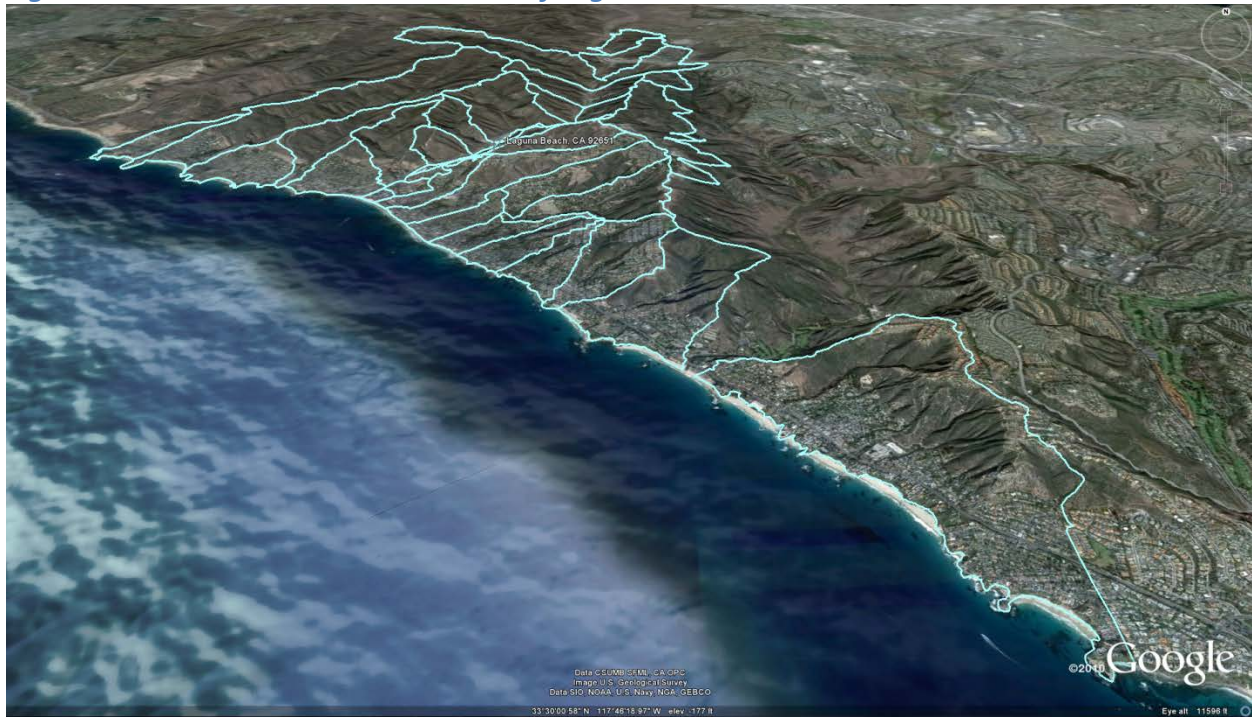
Laguna Beach contains three watersheds within its City limits. The majority of the City, slightly over seven square miles, is within the Laguna Coastal Streams watershed with the remaining two square miles within the Dana Point Coastal Streams Watershed. A small portion, about two tenths of a square mile, of the City falls within the Aliso Creek watershed.



**Figure A.1.5.3.1 – Watershed Map of Laguna Beach**



**Figure A.1.5.3.2 – Subwatershed Areas of Laguna Beach**



## A-1.6 IMPAIRED WATERS/ENVIRONMENTALLY SENSITIVE AREAS

The San Diego Regional Board defines Environmentally Sensitive Areas (ESAs) as those areas that include, but are not limited to:

- All Clean Water Act (CWA) Section 303(d) impaired waters (see below)
- Areas designated as Areas of Special Biological Significance by the SWRCB in the Water Quality Control Plan for the San Diego Region (a.k.a. the Basin Plan and Ocean Plan)
- State Water Quality Protected Areas
- Water bodies designated with the RARE Beneficial Use category by the SWRCB in the Basin Plan (RARE)
- Areas designated as preserves or their equivalent under the Natural Communities Conservation Planning Program (NCCP)
- Any other ESAs identified by the City

ESAs in Laguna Beach are concentrated along the Pacific Ocean shoreline within 200 feet of the mean high tide line, within 200 feet of select areas of the Laguna Canyon Creek channel and within 200 feet of Aliso Creek.

Much of the Pacific Ocean shoreline within the city limits of Laguna Beach is 303(d) listed for indicator bacteria despite demonstrated long-term compliance with water quality objectives. Most of the listed water bodies are recommended for delisting by the San Diego Regional Water Quality Control Board.

*Table A.1.6.1 – Clean Water Act Section 303(d) Waters Listed as Impaired*

<b>Waterbody<sup>1</sup></b>	<b>ESA</b>	<b>Waterbody Area or Segment</b>	<b>Pollutant / Stressor</b>
Laguna Canyon (901.12)	NCCP Area, 303(d) Listed Waterbody	Laguna Canyon Creek	Water Toxicity and Sediment Toxicity
Laguna Canyon (901.12)	303(d) Listed Waterbody	Pacific Ocean Shoreline at Main Beach Creek	Total Coliform <sup>2</sup>
Aliso Creek (901.13)	NCCP Area, 303(d) Listed Waterbody	Aliso Creek	Enterococcus, Fecal Coliform, Total Coliform, Selenium, Phosphorus, Total Nitrogen as N, & Toxicity
Aliso Creek (901.13)	303(d) Listed Waterbody	Aliso Creek mouth (estuary)	Enterococcus, Fecal Coliform, & Total Coliform,
Aliso Creek (901.13)	303(d) Listed Waterbody	Pacific Ocean Shoreline at Aliso Creek mouth	Enterococcus, Fecal Coliform, & Total Coliform,

<b>Waterbody<sup>1</sup></b>	<b>ESA</b>	<b>Waterbody Area or Segment</b>	<b>Pollutant / Stressor</b>
Aliso Creek (901.13)	303(d) Listed Waterbody	Pacific Ocean Shoreline at Aliso Beach, middle	Total Coliform <sup>2</sup> and Enterococcus <sup>3</sup>

Notes on Table A.1.6.1. NCCP = Natural Community Conservation Plan. 1) Value listed in parentheses is the hydrologic unit number as defined in the San Diego Region Basin Plan. 2) 303(d) listing related to Shellfish (SHELL) Beneficial Use impairment, 3) 303(d) listing related to Water Contact Recreation (REC-1) Beneficial Use impairment.

**Table A.1.6.2 – Summary of All Laguna Beach \ Waterbodies with Regional Board Listing Decisions**

<b>Waterbody<sup>1</sup></b>	<b>ESA</b>	<b>Waterbody Area or Segment</b>	<b>Pollutant / Stressor</b>
Laguna Beach Shoreline (901.11)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Cameo Cove/Irvine Cove	Enterococcus, Fecal Coliform, and Total Coliform
Laguna Beach Shoreline (901.11)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Emerald Canyon Creek	Enterococcus, Fecal Coliform, and Total Coliform
Laguna Beach Shoreline (901.11)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Crescent Bay Beach	Enterococcus, Fecal Coliform, and Total Coliform
Boat Canyon (901.11)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Heisler Park	Enterococcus, Fecal Coliform, and Total Coliform
Laguna Canyon (901.12)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Main Beach Creek	Enterococcus, Fecal Coliform, & Total Coliform <sup>2</sup>
Laguna Beach Shoreline (901.12)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Laguna Hotel	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Shoreline (901.12)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Cleo Street	Enterococcus, Fecal Coliform, & Total Coliform
Blue Bird Canyon (901.12)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Bluebird Canyon Road	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Coastal Stream (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Dumond Drive at Victoria Beach	Enterococcus, Fecal Coliform, & Total Coliform

<b>Waterbody<sup>1</sup></b>	<b>ESA</b>	<b>Waterbody Area or Segment</b>	<b>Pollutant / Stressor</b>
Hobo Canyon (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Lagunita Place / Blue Lagoon Place	Enterococcus, Fecal Coliform, & Total Coliform
Aliso Creek (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Aliso Beach, north	Enterococcus, Fecal Coliform, & Total Coliform
Aliso Creek (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Aliso Beach, middle	Fecal Coliform
Aliso Creek (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Aliso Beach, south	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Shoreline (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Camel Point	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Coastal Stream (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at West Street	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Shoreline (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Table Rock Drive	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Shoreline (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at Laguna Lido	Enterococcus, Fecal Coliform, & Total Coliform
Laguna Beach Shoreline (901.13)	303(d) De-Listed Waterbody	Pacific Ocean Shoreline at 1,000 Steps Beach	Enterococcus, Fecal Coliform, & Total Coliform

Notes on Table A.1.6.2. 1) Value listed in parentheses is the Hydrologic Unit Basin number as defined in the San Diego Region Basin Plan, 2) 303(d) listing related to Water Contact Recreation (REC-1) Beneficial Use impairment.

### **A-1.7 CURRENT WATER QUALITY CONDITIONS**

The water quality along the Pacific Ocean shoreline in Laguna Beach is regularly within Ocean Plan objectives for REC-1 standards. During dry weather, the City's twenty-five diversion units reroute nuisance water flows from the largest storm drains to the sanitary sewer system to be treated at the South Orange County Wastewater Authority's (SOCWA) Coastal Treatment Plant, effectively eliminating direct discharge of untreated runoff to the ocean. The dry weather storm drain diversions to the sewer are believed to directly influence the excellent water quality conditions found along the shoreline.

### **A-1.8 PROGRAM ASSESSMENT AND MODIFICATION**

The Program Effectiveness Assessment is the foundation for the Annual Progress Report that is submitted each year to the Regional Boards. This report presents an evaluation of this LIP which is used to determine where modifications within the program may be necessary. It also ensures that an adaptive management process is applied to each of the program components and is used as an effective management tool (See **Section A-3.0**).

## Section A-2 PROGRAM MANAGEMENT

### A-2.1 Introduction

The City's implementation of the LIP and related countywide programs are managed by the Water Quality Department, which administers the stormwater program for the City. In this capacity the Water Quality Department is the lead department responsible for the LIP and other related work plans, program development, implementation, administration, compliance, enforcement, fiscal analysis, budgeting, and reporting. Program management activities conducted by the City of Laguna Beach to implement the LIP involve the following activities:

- Coordination with the Regional Board, Principal Permittee and Permittees on program development;
- Internal coordination with City Departments to implement the LIP;
- Coordination with the Principal Permittee and other Permittees on program development through the WQIP;
- Budget development and resource allocation;
- Capital projects;
- Code enforcement;
- Data collection, analysis and management;
- Compliance reporting.

### A-2.2 External Coordination

The Laguna Beach Water Quality Department participates with the County of Orange, Orange County Flood Control District, and other Orange County cities in the countywide NDPES Stormwater Program. An Implementation Agreement among the 36 Permittees defines the roles, responsibilities, and cost sharing formulas governing the program. Management of the countywide program is performed by means of a committee structure with responsibilities and chairing assigned selectively to the Principal Permittee and the Permittees. These are as follows:

- City Manager's Water Quality Committee: provides budget and overall program review and governance direction; comprised of several City Managers and is attended by County staff.
- City Engineer's Technical Advisory Committee (TAC): serves in a program advisory role to the Permittees and implements policy previously established by the permittees. The TAC is comprised of a City Engineer, or selected representative, from one city in each of the County Supervisorial Districts and a representative from the County of Orange.
- Technical Advisory Committee/Planning Advisory Committee (TAC/PAC) serves in a program advisory role to the Permittees and implements policy previously established by the permittees pertaining to land development. The TAC/PAC is comprised of a City Engineer, or selected representative and a Planning Director or selected representative,

from one city in each of the County Supervisorial Districts and a representative from the County of Orange.

- General Permittee Committee: provides a countywide forum to update designated representatives from each Permittee on program development.
- WQIP Committee: provides a watershed management area forum to engage Permittees in WQIP development, implementation, assessment and adaptive management.
- Sub-Committees/Task Forces/Advisory Groups:
  - Inspection Sub-Committee
  - Legal/Regulatory Authority Task Force
  - Local Implementation Plan/Program Effectiveness Assessment (LIP/PEA) Sub-Committee
  - Public Education Sub-Committee
  - Trash and Debris Task Force
  - Trash Provisions Sub-Committee

The City participates through the representatives shown in **Table A.2.2.1**:

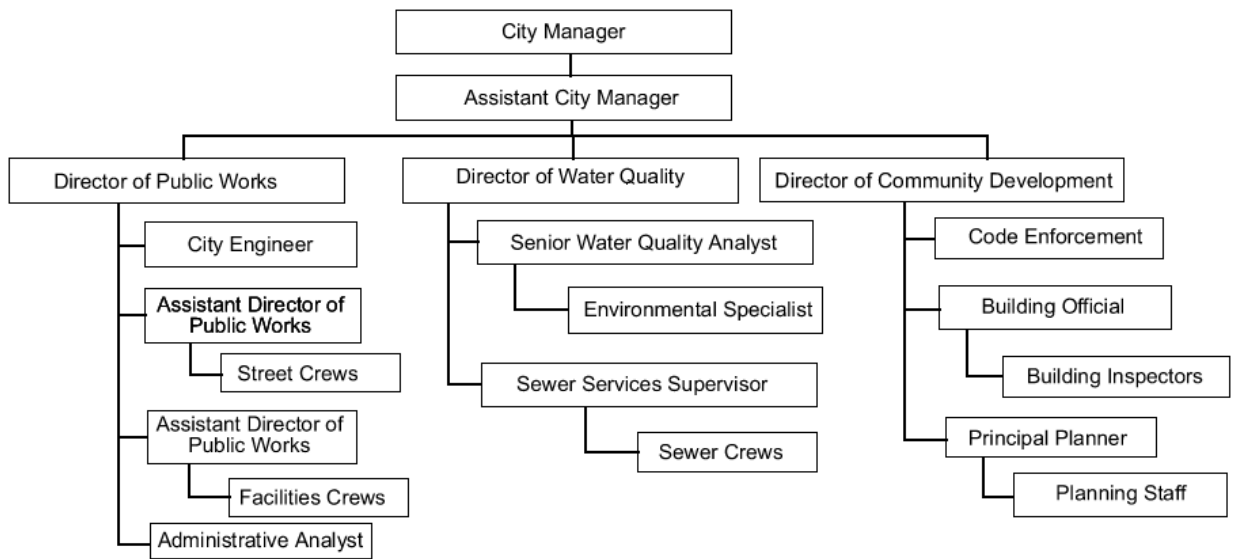
**Table A.2.2.1  
City of Laguna Beach Participation in Countywide Program**

Committee/Task Force	City Department/Division
City Manager Water Quality Committee	City Manager or Designee
General Permittee Committee	Senior Water Quality Analyst
WQIP Committee	Senior Water Quality Analyst
Inspection Sub-Committee	Environmental Specialist
Legal/Regulatory Authority Task Force	Senior Water Quality Analyst
LIP/PEA Sub-Committee	Senior Water Quality Analyst
Public Education Sub-Committee	Sr WQ Analyst/Environmental Specialist

**Table A.2.2.1**  
**City of Laguna Beach Participation in Countywide Program**

Committee/Task Force	City Department/Division
Trash Provisions Sub-Committee	Senior Water Quality Analyst

*Chart A.2.2.2 – Laguna Beach NPDES Organization Chart*





*Table A.2.2.3 – Laguna Beach Departmental Roles and Responsibilities for Implementing the LIP*

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
Section A-2 - Program Management	<b><i>Department of Water Quality</i></b>	Serves as City LIP manager	Prepares annual compliance reports
			Reviews shared budgets and prepared internal City budgets
			Coordinates with Principal Permittee and other Permittees for development and implementation of countywide program
			Coordinates/ensures implementation of LIP by City departments; administers program
			Responds to phone, e-mail, and other input to the City on water quality issues and dispatches appropriate personnel; records responses
			Follows up on problems with City compliance
Section A-3 -Plan Development	<b><i>Department of Water Quality</i></b>	Oversees development of new LIP/WQIP programs	Coordinates between City departments and the Principal Permittee in the development of new programs and BMP effectiveness studies
Section A-4 - Legal Authority	<b><i>Department of Water Quality</i></b>	Certification of adequate legal authority	Reviews legal authority/modifications of ordinances/ legal certification

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
Section A-5 - Municipal Activities	<b>Department of Public Works</b>	Manages storm drain inventory/atlas	Updates or provides Geographic Information System (GIS) with updates to storm drain atlas
	<b>Department of Public Works</b>	Operates and maintains storm drains and flood control facilities	Implements applicable model BMPs, reports actions taken to LIP Management
			Reports to LIP Manager with changes in flood control maintenance program and facilities
	<b>Department of Public Works/ Dept. of Water Quality</b>	Operates and maintains corporate/municipal yards	Implements applicable model BMPs, reports actions taken to LIP Management
			Reports to LIP Manager with changes in corporate/municipal yards
	<b>Department of Public Works</b>	Maintains catch basin stenciling program	Implements stenciling program, reports actions taken to LIP Management
			Reports to LIP Manager with changes in stenciling program
	<b>Laguna Beach Fire Department</b>	Generates emergency and non-emergency firefighting discharges	Implements applicable model BMPs, reports actions taken to LIP Management
	<b>Laguna Beach Fire Department</b>	Operates and maintains fire stations	Implements applicable model BMPs, reports actions taken to LIP Management

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
			Reports to LIP Manager with changes in fire facilities operated
	<b>Laguna Beach Fire Department</b>	Administers the Wildland Fire Defense Program	Implements applicable model BMPs, provides information to LIP Management
	<b>Community Development /Public Works</b>	Operates parks, community centers, and recreational facilities	Implements applicable model BMPs, reports actions taken to LIP Management operated
			Reports to LIP Manager with changes in parks facilities
	<b>Laguna Beach Police Department</b>	Operates and maintains police facilities	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes in police facilities operated
	<b>Laguna Beach Marine Safety Department</b>	Operates and maintains Marine Safety facilities	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes in marine safety facilities operated
	<b>Department of Water Quality</b>	Operates and maintains City Sewer Facilities	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes in sewer related field activities
	<b>Department of Public Works</b>	Operates and maintains parking lots	Implements applicable model BMPs, reports actions taken to LIP Management

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
			Updates LIP Manager with changes in parking facilities operated
	<b>Department of Public Works</b>	Maintains city facilities	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes to City-owned facilities
	<b>Department of Public Works</b>	Manages and maintains city vehicle programs	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes to city vehicle programs
	<b>Department of Public Works</b>	Manages and implements street sweeping	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes to street sweeping
	<b>Department of Public Works</b>	Manages and implements IPM Policy	Implements IPM Policy, reports actions taken to LIP Management
			Updates LIP Manager with changes to pesticide and fertilizer programs for conformance with IPM Policy
	<b>Department of Public Works</b>	Manages and implements landscape maintenance programs	Implements applicable model BMPs, reports actions taken to LIP Management

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
			Updates LIP Manager with changes to landscape maintenance programs
	<b><i>Department of Public Works</i></b>	Manages and implements waste recycling and litter control programs	Implements applicable model BMPs, reports actions taken to LIP Management
			Updates LIP Manager with changes to waste recycling and litter control programs
Section A-6 -Public Education	<b><i>Department of Water Quality</i></b>	Manages education/ outreach program	Attends public meetings
			Provides training and guidance materials to private developers, public, and City staff
			Disseminates information in the City
			Develops City versions of countywide education materials as appropriate
			Participates in one City event per year
	<b><i>Community Development, Building, Water Quality Departments</i></b>	Distribution of public education materials	Provides information to public at City counters
Section A-7 -New Development	<b><i>Community Development /Planning</i></b>	Manages General Plan	Reviews the General Plan for water quality protection

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
	<b><i>Community Development /Planning</i></b>	Manages environmental planning review	Implements use of CEQA checklist to review water quality issues on proposed projects
			Reviews development for water quality issues
	<b><i>Building</i></b>	Processes building permits	Advises applicants of water quality requirements
			Verifies plan compliance with water quality requirements
			Coordinates with Water Quality for project tracking and inspection of water quality requirements
	<b><i>Department of Water Quality</i></b>	Interacts with public	Provides information to permit applicants on water quality requirements
	<b><i>Department of Public Works</i></b>	Manages public works projects	Verifies plan compliance with water quality requirements in public works projects
			Coordinates with Department of Water Quality for project tracking and inspection of water quality requirements in public works projects
Section A-8 - Construction	<b><i>Department of Water Quality</i></b>	Processes building permits	Advises applicants of water quality requirements
			Verifies plan and NOI compliance with water quality requirements, reports actions taken to LIP Management

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
	<b><i>Building/ Water Quality</i></b>	Manages oversight of construction inspection inventory, prioritization and inspection program	Inventories, prioritizes and maps construction sites
			Implement inspections, requires corrective actions to be taken, reports actions taken to LIP Management
	<b><i>Department of Public Works and Department of Water Quality</i></b>	Manages Public works projects and Capital Improvement Project (CIP) projects	Verifies plan compliance with water quality requirements in public works projects and CIPs
			Coordinates with Water Quality for project tracking and inspection of water quality requirements in public works projects and CIPs, reports actions taken to LIP Management
Section A-9 - Existing Development	<b><i>Department of Water Quality</i></b>	Manages oversight of the commercial, industrial, residential inspection program	Inventories, prioritizes and maps facilities
			Implement inspections, require corrective actions to be taken, report actions taken to LIP management
	<b><i>Finance</i></b>	Manages business license application process	Provides commercial and industrial information for the inventory to LIP Manager

**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
	<i><b>Department of Water Quality</b></i>	Interacts with businesses and the public	Provides information to industrial and commercial businesses and the public
Section A-10 – ID/IC	<i><b>Department of Water Quality</b></i>	Operates Water Quality Inspection and Enforcement activities	Reports dumped materials and/or undocumented connections
	<i><b>Department of Water Quality</b></i>	Manages education/outreach program	Distributes public education materials to encourage the reporting of problems
	<i><b>Building</b></i>	Implements construction site inspections	Reports violations of and/or enforce the water quality ordinance
	<i><b>Department of Water Quality</b></i>	Implements the existing development inspections	Report violations of and/or enforces the water quality ordinance
	<i><b>Department of Water Quality</b></i>	Processes notifications/response requests for water pollution problems	Detects and eliminates illegal discharges and illicit connections
	<i><b>Department of Water Quality</b></i>	Responds to water pollution complaints, assesses site, makes notifications, oversees clean-up operations and enforces water quality ordinance	Responds to water pollution complaints in a timely manner and enforces all applicable ordinances



**City of Laguna Beach Internal Implementation of the LIP**

<b>Program Element</b>	<b>Department</b>	<b>Activity</b>	<b>Responsibility Under the Order</b>
	<b><i>Department of Water Quality</i></b>	Manage water quality data received from countywide program	Initiates source investigations through ID/IC program for problems identified through the water quality monitoring program

***Table A.2.2.4 – Laguna Beach Implementation Partnerships***

Sewer Collection, Maintenance and Spill Response – Nye’s Place South	South Coast Water District
Potable Water Supply – Nye’s Place South	South Coast Water District
Potable Water Supply – Nye’s Place North	Laguna Beach County Water District
Water Conservation Code Enforcement	Laguna Beach County Water District
Food Facilities Inspections	Orange County Health Care Agency
Flood Control Facilities Maintenance	Orange County Flood Control District
Highway Maintenance – Sweeping and Storm Drains	CALTRANS
Ocean Water Monitoring	Orange County Health Care Agency
Storm Drain Outfall Monitoring	Orange County Watersheds
Hazardous Materials Spill Response and Investigations	Orange County Watersheds
Watershed Committee Coordination	Orange County Watersheds
Total Maximum Daily Load (TMDL) Program Coordination	Orange County Watersheds

### A-2.2.2 Agreement for Program Implementation

An Implementation Agreement among the 36 Permittees defines the roles, responsibilities, and cost sharing formulas governing the program.

### A-2.2.3 NPDES Permit Responsibilities

The responsibilities of the County of Orange as the Principal Permittee and Permittees as a whole are defined within the Implementation Agreement, the NPDES Permits, or as otherwise identified within separate funding agreements.

The County of Orange as Principal Permittee is responsible for:

1. Serving as liaison between the Permittees in the Watershed Management Area and the San Diego Water Board on general permit issues, and when necessary and appropriate, representing the Permittees in the Watershed Management Area before the San Diego Water Board;
2. Facilitating the development of the WQIP in accordance with the requirements of Provision B of the Fifth Term Permit;
3. Coordinating the submittal of the deliverables required by Provisions F.1, F.2, F.3.a, and F.3.b of the Fifth Term Permit; and
4. Coordinating and developing, with the other Principal Watershed Permittees, the requirements of Provisions F.3.c, F.4, and F.5.b of the Fifth Term Permit.

The Principal Permittee is not responsible for ensuring that the other Permittees within the Watershed Management Area are in compliance with the requirements of this Order.

### A-2.2.4 NPDES Reporting Requirements

(1) **Permittees:** The City completes a Jurisdictional Runoff Management Program Annual Report Form (**Attachment A-2**) covering implementation of its jurisdictional activities from July 1 to June 30, during the annual reporting period. Each Annual Report verifies and documents compliance with the Fifth Term Permit and are due annually on January 31.

(2) **Principal Permittee:** The Principal Permittee is responsible for preparing the Water Quality Improvement Plan Annual Report which is due annually on January 31. This report will include:

1. The receiving water and MS4 outfall discharge monitoring;
2. The progress of the special studies and the findings, interpretations and conclusions of a special study, or each phase of a special study, upon its completion;

3. The findings, interpretations and conclusions from the assessments required pursuant to Provision D.4;
4. The progress of implementing the WQIP, including, but not limited to, the following:
  - The progress toward achieving the interim and final numeric goals for the highest water quality priorities for the Watershed Management Area;
  - The water quality improvement strategies that were implemented and/or no longer implemented by each of the Permittees during the reporting period and previous reporting periods;
  - The water quality improvement strategies planned for implementation during the next reporting period;
  - Proposed modifications to the water quality improvement strategies, the public comments received and the supporting rationale for the proposed modifications;
  - Previous modifications or updates incorporated into the Water Quality Improvement Plan and/or each Permittee's jurisdictional runoff management program document and implemented by the Permittees in the Watershed Management Area; and
  - Proposed modifications or updates to the Water Quality Improvement Plan and/or each Permittee's jurisdictional runoff management program document;

#### **A-2.2.5 Fiscal Analysis**

The stormwater program funding needs are principally driven by:

- The Fifth Term Permit, including the baseline requirements of Provision E and the WQIP requirements of Provision B
- The Bacteria TMDL which is incorporated in to the Fifth Term Permit and which is addressed in the WQIP
- The Special Conditions for Areas of Special Biological Significance (ASBS) for the Heisler Park ASBS which is incorporated in to the Fifth Term Permit and which is addressed in the WQIP

The activities necessary to comply with these requirements are described in this LIP. Examples include, but are limited to, street sweeping, storm drain cleaning, development processing and inspections of facilities used for commerce and business. The City uses the reporting format shown in **Tables A-2.4, A-2.5 and A-2.6** to report on costs (capital, operations and maintenance) and funding sources for these activities.

**Table A-2.4**  
**Fiscal Analysis for City Capital Costs**

City of Laguna Beach	<b>CAPITAL COSTS</b>	
Fiscal Analysis Summary	<b>(land, large equipment, and structures)</b>	
<b>DAMP Program Elements</b>	<b>Current FY Costs</b>	<b>Projected FY Costs</b>
Public Projects – BMPs	This information will be collected annually	This information will be collected annually
Construction BMPs for Public Construction Projects		
Other Capital Projects/Major Equipment Purchases		
<b>TOTALS</b>		

**Table A-2.5**  
**Fiscal Analysis for City Funding Sources**

City of Laguna Beach	<b>FUNDING SOURCES</b>	
Fiscal Analysis Summary	<b>FUNDING PERCENTAGES</b>	
<b>DAMP FUNDING SOURCES</b>	<b>Current FISCAL YEAR</b>	<b>Next FISCAL YEAR</b>
GENERAL FUND	This information will be collected annually	This information will be collected annually
UTILITY TAX/CHARGES		
SEPARATE UTILITY BILLING ITEM		
GAS TAX		
SPECIAL DISTRICT FUND		
OTHERS (Specify)		
Sanitation Fee		
Benefit assessment		
Fleet Maintenance Fund		
Community Services District		
Water Fund		
Sewer & Storm Drain Maintenance Fee		
Grants		
<b>TOTALS (must add up to 100%)</b>		

**Table A-2.6  
Fiscal Analysis for City Funding Sources**

City of Laguna Beach Fiscal Analysis Summary	<b>FUNDING SOURCES</b>	
<b>DAMP FUNDING SOURCES</b>	<b>FUNDING PERCENTAGES</b>	
	<b>Current FISCAL YEAR</b>	<b>Next FISCAL YEAR</b>
GENERAL FUND	This information will be collected annually	This information will be collected annually
UTILITY TAX/CHARGES		
SEPARATE UTILITY BILLING ITEM		
GAS TAX		
SPECIAL DISTRICT FUND		
OTHERS (Specify)		
Sanitation Fee		
Benefit assessment		
Fleet Maintenance Fund		
Community Services District		
Water Fund		
Sewer & Storm Drain Maintenance Fee		
Grants		
TOTALS (must add up to 100%)		

**A-2.3.6 Program Representation**

The Principal Permittee represents the Permittees on the California Stormwater Quality Association (CASQA), the Stormwater Monitoring Coalition, Southern California Coastal Water Research Project (SCCWRP), and other stormwater forums.

## Section A-3 PLAN IMPROVEMENT AND WATERSHED PLANNING

### A-3.1 Introduction

This Section describes the approach taken by the City in developing and updating the Local Implementation Plan (LIP) to maintain a responsive compliance program. Program updates are informed by an adaptive management process focused on addressing high priority water quality issues by revising, adding or deleting BMPs and activities in response to performance assessment and research. This feedback loop forms the framework for revision and improvement of the Program and its documentation

### A-3.2 Plan Development

The Principal Permittee, in conjunction with the City and the other Permittees, have developed a comprehensive framework for storm water management, described in the Drainage Area Management Plan (DAMP), and Water Quality Improvement Plan (WQIP), which are updated as appropriate in conjunction with the Report of Waste Discharge and each new Municipal Permit's findings and requirements. There is now a programmatic county-wide approach for urban stormwater management on two basic levels:

- Implementing a baseline set of source control BMPs and activities that are considered proven and cost-effective, and are recommended for reference in the Permittees' LIPs at the local jurisdictional MS4 level. The LIP addresses non-structural and pollution prevention controls applicable to on-site or in the MS4, as well as localized structural BMPs, as required by Provision E of the Fifth Term Permit and as further determined appropriate by the City.
- A framework for collective action throughout the multi-jurisdictional watershed area, focusing on solving the highest priority water quality issues and conditions, and documenting issues and progress through the WQIP reporting compiled by the Principal/Lead Permittee with input by the Permittees.

#### A-3.2.2 Methodology for Examining Retrofit Opportunities

The Fifth Term Permit requires the City to develop an approach to identify potential retrofit and stream, channel, or habitat projects for existing development. Section A-9.7 describes the City's approach to identifying and implementing retrofit opportunities.

#### A-3.2.3 BMP Selection and Effectiveness Assessment

The Reports of Waste Discharge, the region-wide Annual Unified Reports, the City's Annual LIP PEA Reports, JRMP Annual Reports, and WQIP Annual Reports provide a history of program and BMP activities implemented and progress in meeting water quality standards. The City's current baseline BMPs to reduce, eliminate or mitigate pollutant impacts are summarized in **Sections A-5.0 through A-10.0**. Planned inter-jurisdictional and jurisdictional BMP efforts are summarized in **Exhibit A-3.1**.

New or modified BMPs may be considered on a localized basis or for broader scale implementation. In order to assure that resources for pollution prevention and removal BMPs are strategically expended, the City typically evaluates any potential new structural or preventative BMP technologies or practices on a limited scale, or consults evaluations conducted by others, before considering broader-scale implementation. Implementation is pursued in a prioritized manner on a schedule consistent with available resources. After pilot and/or broader implementation, local effectiveness is assessed to determine if further adjustments or modifications are needed to the BMP implementation or program priorities. These iterative efforts are discussed and reported in the Annual Jurisdictional Work Plan progress updates submitted with the WQIP Annual Report.

BMP effectiveness assessment may be characterized via direct or indirect evidence at one or more of the six California Stormwater Quality Association (CASQA) outcome levels. The BMP selection and effectiveness assessment process may include, but is not limited to, input from the following factors and information sources, as available and applicable:

- A review of technical literature (such as the ASCE/EPA databases)
- A review of existing control programs
- Demonstration or research projects by City or other entities
- Input from vendors, consulting firms, other municipalities, or other agencies
- Water quality and flow data and modeling,
- User and operational/maintenance staff feedback
- Opinion surveys
- Beneficial Use assessment
- Cost and cost/benefit
- Technical feasibility
- Acceptability by the community
- Ease or difficulty of implementation
- Maintenance requirements
- Pollutant prevention/removal performance
- Multiple resource benefits or impacts

The program evaluation framework that is based on the CASQA (CASQA, 2015<sup>3</sup>) method, which presents a hierarchy of potential outcomes at six levels:

- Outcome Level 6: Receiving Water Conditions
- Outcome Level 5: MS4 Contributions
- Outcome Level 4: Source Conditions
- Outcome Level 3: Target Audience Actions
- Outcome Level 2: Barriers & Bridges to Action
- Outcome Level 1: Stormwater Program Activities

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<sup>3</sup> A Strategic Approach To Planning For And Assessing The Effectiveness Of Stormwater Programs, CASQA, 2015  
City of Laguna Beach  
Local Implementation Plan

The City may participate with the Principal Permittee and other Permittees on studies to evaluate the effectiveness and applicability of specific BMPs. It is anticipated that these studies will result in improved knowledge and the potential modification of BMPs cited in the DAMP and incorporated into this LIP.

#### **A-3.2.4 Plan Revision**

Annual progress updates to the LIP are submitted with the WQIP Annual Report. Program assessment and iterative BMP findings, as well as any modifications to the program or to programmatic assessment methods, are reported, along with any corresponding revisions made to the LIP, as appropriate. The LIP is intended to be a dynamic document plan that is evaluated on at least an annual basis by the City or as directed by the Regional Board.

#### **A-3.3.5 Funding Structural Controls**

Expenditures of structural controls include jurisdictional, watershed, and regional WMA activities. Implementation of these structural controls may be funded through the City's General Fund or other funding as identified and approved.

Additionally, the City can apply to secure funding for structural controls through the following grant and loan programs:

1. Grant Funding Programs:
  - a. OC Go (Measure M) Environmental Cleanup Program
  - b. Proposition 1 – Stormwater Grant Program and IRWM
  - c. Proposition 68 – Parks and Water Bond
  - d. Metropolitan Water District of Southern California Future Supply Action Funding Program (Through partnership with member agencies)
2. Financial Assistance (Loan) Funding Programs:
  - a. Clean Water State Revolving Fund (CWSRF)
  - b. Drinking Water State Revolving Fund (DWSRF) (Through partnership with local water agencies)

#### **A-3.4 EMPLOYEE TRAINING AND OUTREACH**

For an effective stormwater program to be efficiently implemented, its staff must have sufficient knowledge, experience, and skills. The City will provide or require educational activities and training for its direct employees as described in subsequent sections for each baseline program. The Principal Permittee will coordinate, develop and present a number of different training modules in accordance with the *Orange County Stormwater Program Training Program Framework: Core Competencies*. The City will support this effort by requiring the appropriate employees attend training sessions and conduct applicable train-the-trainer sessions, if necessary.



## Exhibit A-3.1

### Planned Inter-jurisdictional and Jurisdictional BMPs



**EXHIBIT A-3.1**  
**SOC IRWM PROJECT**  
**City of Laguna Beach**

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**Project Name:** Bluebird Canyon Diversion Structure Rehab

**Project Type:** Construction

**Project Location:** Bluebird Canyon Drive, West of South Coast Highway

**Project Description:**

The City of Laguna Beach will demolish and rebuild the Bluebird Canyon Outfall and Diversion Structure, allowing increased storm water capture and recycling and providing increased regional water self-reliance. The facility in its entirety is approximately 900 feet of 84-inch reinforced concrete pipe which collects storm water from 402 acres of urban drainage and releases it into the Pacific Ocean. Currently, the Outfall terminates at the beach with a concrete headwall without wing walls.

This rehabilitation will drastically improve the operation and maintenance efforts of the Outfall and diversion structure, and would allow the Outfall to be able to capture, transport, and recycle 100% of dry weather flows. The City will work in partnership with the South Orange County Wastewater Authority (SOCWA) to recycle, reuse, and distribute the flows to over 500,000 homes and businesses in South Orange County. The project will also install a tideflex valve on the Outfall headwall, which is capable of accommodating a design flow rate of 800 cubic feet per second (cfs), giving the Outfall the flexibility it needs to safely capture storm water.

**Primary Benefit - Water Quality:**

Water Quality will be improved by this project. By capturing and recycling dry weather flows, less water is being discharged into the Pacific Ocean. Dry weather urban runoff often contains bacteria, trash, sediment, and other pollutants that are harmful to the environment. Cleaner ocean water and cleaner beaches will help to improve environmental conditions around the project site.

**Secondary Benefit - Water Supply:**

The reconstruction of this Outfall and diversion structure, along with the addition of a tideflex valve, will allow the recycling of 100% dry weather flows. The valve will remain closed until a certain amount of back pressure forces the valve open to release the storm water into the Ocean. Until this threshold is met, the valve will remain closed and any dry weather water flows will be diverted to SOCWA. This project will increase the regional water security and the local water reliability of the surrounding area.

## **Section A-4 LEGAL AUTHORITY**

### **A-4.1 INTRODUCTION**

The City of Laguna Beach establishes, maintains, and enforces adequate legal authority within its jurisdiction to control pollutant discharges into and from its storm drain system. Municipal Code, Chapter 16.01, is the City's Water Quality Control Ordinance (aka Water Quality Ordinance) which is the underpinning of the City's water quality/pollution prevention program. The updated ordinance was adopted on April 14, 2015. The most current and up-to-date version of the Ordinance and the entire City of Laguna Beach Municipal Code is available online at [www.lagunabeachcity.net](http://www.lagunabeachcity.net).

### **A-4.2 REGULATORY REQUIREMENTS**

The Fifth Term Permit, Directive E.1, requires the City to establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means.

### **A-4.3 AUTHORITY TO CONTROL POLLUTANT DISCHARGES**

The City's Water Quality Ordinance (Chapter 16.01 of the Laguna Beach Municipal Code) is the principal legal foundation of the City's water quality/pollution prevention program. This legal authority enables the city to:

- Control the contribution of pollutants in discharges of runoff associated with industrial and construction sites;
- Prohibit all identified illicit discharges not otherwise allowed;
- Prohibit and eliminate illicit connections to the MS4;
- Control the discharge of spills, dumping or disposal of materials other than storm water into its MS4;
- Require compliance with conditions in City's ordinance, permits, contracts or orders;
- Utilize enforcement mechanisms to require compliance with storm water ordinances, permits, contracts, or orders;
- Control the contribution of pollutants from one portion of the MS4 to another portion of the MS4 through interagency agreements among other MS4 owners;
- Carry out all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with local ordinance and permits and with this Order, including the prohibition on illicit discharges to the MS4;
- Require the use of BMPs to prevent or reduce the discharge of pollutants into the MS4s from storm water to the maximum extent practicable (MEP); and

- Require documentation on the effectiveness of BMPs implemented to reduce the discharge of storm water pollutants to the MS4 to the Maximum Extent Practicable (MEP).

#### A.4.3.1 Other City of Laguna Beach Pollution Prevention Codes/Ordinances

In addition to the City’s water quality ordinance, other City ordinances also address water quality protection and pollution prevention and contribute to a comprehensive water quality / pollution prevention program. All ordinances are available on the City’s website:

[www.lagunabeachcity.net](http://www.lagunabeachcity.net).

**Table 4.3.1 Other Pollution Prevention Related Codes**

Title	Name	Content
6	Animals	Requires pet owners to pick up their pet waste and dispose of it appropriately.
7	Health and Sanitation	Establishes ordinances against plastic bags, styrofoam, smoking prohibition city wide
11	Streets and Sidewalks	Street work, excavations, coastal development permits
14	Buildings and Construction	Establishes plumbing, building and swimming pool code, design review, green building code and chemical toilets
15	Fire	California Fire Code
17	Sewers	Establishes sewer design, construction, maintenance, grease control, laterals, pretreatment and connections.
18	Beach and Parks	Standards for Marine Protected Areas
19	Water Efficient Landscaping	Establishes water management practices and water waste prevention for existing landscapes
22	Excavating Grading and Filling	Establishes landscaping, design standards, permitting, inspections, certifications, erosion and sediment control responsibilities and the powers and duties of the building official
25	Zoning	Establishes land use plan and procedures for processing coastal development permits within the City’s coastal zone.

#### A-4.4 WATER AND SEWER AGENCIES POLLUTION PREVENTION STRATEGIES

The South Coast Water District (SCWD) provides sewer and water to the citizens in the southern portion of the City. Laguna Beach County Water District (LBCWD) supplies water in the areas of the City not served by SCWD. These agencies enforce regulations and implements programs that contribute to the overall effectiveness of the City’s water quality/pollution prevention program. The City closely coordinates with both agencies. Related agency Ordinances are listed below in **Table A.4.4.1**.

*Table 4.4.1 Separate Agency Pollution Prevention Ordinances:*

Agency	Name of Ordinance	Date Adopted or Effective	Website	Water Quality / Pollution Prevention Issue Addressed
South Coast Water District	Ordinance # 190 Waste Discharge Pre-Treatment & Source Control Programs		<a href="http://www.scwd.org">www.scwd.org</a>	Sewer spill prevention
South Coast Water District	Grease Control Ordinance # 201	2/21/06	<a href="http://www.scwd.org">www.scwd.org</a>	Sewer spill prevention
South Coast Water District	Water Conservation Ordinance #206	4/23/09	<a href="http://www.scwd.org">www.scwd.org</a>	Irrigation runoff control Wash water control

#### A-4.5 ROLES AND RESPONSIBILITIES BEYOND THE CITY’S JURISDICTION

Although the City has a robust enforceable regulatory framework in place, there are agencies, industries and programs that may have either complimentary and/or conflicting authority that may extend beyond the authority of the City. Collaboration with the following agencies, industries and programs, by both the regulators and the regulated communities, is necessary for a comprehensive and effective water quality program. Some discharges, industries or programs within Laguna Beach may be regulated under separate permits or under the jurisdiction of other agencies where the City has limited or no authority. The following list includes some agencies and programs that are beyond City authority that may affect receiving water quality:

- Reclaimed water use is regulated under a separate permit (Order 97-52) administered by the Regional Board.
- Hydrostatic Test & Potable Water is regulated by the Regional Board (Order R9-2010-0003).
- The Aliso Creek sewer treatment outfall is regulated by the Regional Board under Order R9-2014-0098.
- Caltrans is regulated by State and the Regional Board under Order 2012-0011-DWQ.
- Phase II MS4s are regulated by State and the Regional Board under Order 2013-0001-DWQ.
- On-site disposal systems (OSDS), agricultural & nursery discharges, animal operations and aerially discharged wastes over land are each regulated under one of eleven (11) conditional “waivers” administered by the Board.
- Construction projects impacting one acre or greater are regulated by the General Construction Permit administered by the Board. Note: As mandated in R9-2001-0002, the City must check applicants for coverage, if required, and comply with certain reporting provisions.
- Discharges from utility vaults and underground structures are regulated under Order 2014-0174--DWQ, administered by State Water Board.
- Industrial sites are regulated under the Industrial Permit administered by the Board. As mandated in R9-2001-0002, the City must check for coverage, if required, and comply with certain inspection & reporting provisions.
- Pesticides used in the state are registered by the Department of Pesticide Regulation (DPR).\*
- Air contaminants, including fugitive dust, are regulated by the Air Quality Management District (AQMD).
- Leaking Underground Storage Tanks (LUST), Landfills, regulations on water reuse, Restaurant Inspections, Ocean Water Protection - Beach Closures & Warnings Monitoring Program (per AB411), Used Oil Recycling, etc. are overseen by Orange County Health Care Agency.
- Hazardous Waste Inventory and Emergency Planning is regulated by the Orange County Fire Authority as the Administering Agency (AA).
- Hazardous Waste Transport, Treatment, Storage & Disposal are regulated by the Department of Toxic Substances Control (DTSC).

\*In California, DPR, SWRCB and RWQCB have mandates and authorities bearing on pesticides and water quality. In order to promote cooperation to protect water quality from the adverse effects of pesticides, DPR and the SWRCB signed a Management Agency Agreement (MAA). The MAA, and its companion document, "The California Pesticide Management Plan for Water Quality," strive to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. The agreement, along with a companion implementation plan, was developed to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. In 2003, additional guidance was developed to provide a framework to cooperatively respond to the

presence of pesticides in surface water. An executive charter was developed in 2012 to improve communication at the management level. The City looks forward to seeing additional outcomes of this MAA coordination and implementation, as pesticides have been noted as a pollutant of concern in water bodies within Orange County.

#### A-4.6 ENFORCEMENT

The City's Water Quality Ordinance includes adequate legal authority, to the extent permitted by California and Federal Law and subject to the limitations on municipal action under the constitutions of California and the United States, to enter, inspect and gather evidence (pictures, videos, samples, documents, etc.) from industrial, construction and commercial establishments. Sanctions are in place to allow the City to progressively and decisively take enforcement actions against any violators of their Water Quality Ordinance. The City intends to use the Enforcement Response Plan (**Exhibit A-4.1**) in concert with the Enforcement Consistency Guide for Water Quality Ordinance Implementation.

The detection, elimination and enforcement activities undertaken by the City are described further in **DAMP Section 10.0**. Authorized Inspector(s) (AI) are assigned to investigate compliance with and detect incidences of violations of the City's Water Quality Ordinance. In addition to prohibiting unpermitted discharges, the Water Quality Ordinance also provides the legal authority for requiring BMPs in new development and significant redevelopment found in **DAMP Section 7.0**.

The City of Laguna Beach has key departments and staff responsible for overseeing, implementing, and enforcing City ordinances. These departments and staff members are identified in **Table A-4.3**.

#### A-4.7 ASSESSMENT

The City has concluded that the City's ordinances grant the City the adequate legal authority necessary to implement and enforce the requirements of the permit and a Statement of Legal Authority **Exhibit A-4.2** signed by legal counsel, was completed to certify that the City of Laguna Beach has the legal authority to implement and enforce the requirements in 40 CFR 122.26(d)(2)(i)(A-F).

**Table A-4.3**  
**City of Laguna Beach Water Quality Related Functions**

Function	City Department / Staff	Description of Department's Functions	Department's Water Quality Related Functions	Ordinance Department Enforces
NPDES Program Management/ Coordination	Water Quality Department	Program Manager for City of Laguna Beach Stormwater Program	<ul style="list-style-type: none"> <li>• <i>Administers and enforces the City Water Quality Ordinance</i></li> <li>• <i>Coordinates with County-wide stormwater program</i></li> <li>• <i>Coordinates with Community Development, provides training and guidance materials to private developers and City employees and managers</i></li> </ul>	Title 16
Public Works	Public Works Engineering	Oversight of construction of most Public Works Projects for the City	<ul style="list-style-type: none"> <li>• <i>Conducts inspections of City projects and activities that require a permit under a Public Works-administered program</i></li> <li>• <i>Reviews proposed designs for certain City projects</i></li> <li>• <i>Maintains certain City projects</i></li> </ul>	Not Applicable
Public Works	Public Works/ Operations & Maintenance	Maintains City public facilities and resources	<ul style="list-style-type: none"> <li>• <i>Cleans City streets</i></li> <li>• <i>Cleans and maintains the City MS4</i></li> </ul>	



Public Works	Public Works Fleet	Maintains City non-emergency vehicle fleet	<ul style="list-style-type: none"> <li>• <i>Assures inclusion of appropriate BMPs into areas of fleet maintenance</i></li> </ul>	Not Applicable
Public Works	Public Works Analyst	Maintains and Manages City Waste Hauling Franchise Agreement	<ul style="list-style-type: none"> <li>• <i>Develops and distributes public education material concerning the proper disposal of household hazardous waste.</i></li> <li>• <i>Develops and distributes public education materials designed to increase recycling.</i></li> <li>• <i>Administers municipal solid waste collection, recycling, and planning for the City</i></li> <li>• <i>Administers City-wide waste hauling franchise Agreement</i></li> </ul>	Title 7
Community Development	Building Department	Reviews building permit applications for water quality and other requirements necessary to issue permits; enforces building codes	<ul style="list-style-type: none"> <li>• <i>Enforces development, clearing, and grading ordinances and plans and related state laws</i></li> <li>• <i>Issues building permits for development projects and imposes conditions on such permits</i></li> </ul>	Title 17 Title 25
Community Development	Planning	Reviews plans for environmental impacts; administers CEQA process for the City	<ul style="list-style-type: none"> <li>• <i>Evaluates the potential environmental impacts of proposed projects for CEQA and other purposes, and provides recommendations to lead agencies, Planning Commission, and Design Review Board concerning potential project impacts and means to mitigate those impacts</i></li> </ul>	Title 25
Community Development	Building Dept.	Reviews building permit applications for water quality and other requirements necessary to issue permits; enforces Building Code	<ul style="list-style-type: none"> <li>• <i>Administers and enforces the Building code</i></li> <li>• <i>Issues building permits for development projects and imposes conditions on such permits</i></li> </ul>	Title 14

Public Works	Maintenance Staff	Maintains recreational facilities	<ul style="list-style-type: none"> <li>• <i>Designs/constructs and maintains City Recreational Facilities</i></li> </ul>	Not Applicable
Fire Department		Administers the Wildland Fire Defense Program	<ul style="list-style-type: none"> <li>• <i>Implements treatment protocols for fuel modification zones subject to Coastal Development Permitting</i></li> <li>• <i>Monitors Fuel Modification BMPs for effectiveness</i></li> </ul>	CA Gov't Code Nuisance Abatement Authority or Coastal Development Permit specific to the site
City Clerk			<ul style="list-style-type: none"> <li>• <i>Administers the agenda of the City Council meetings and is responsible for posting notices for public hearings including public hearings required by CEQA</i></li> </ul>	Not Applicable
City Attorney		City's Legal Counsel	<ul style="list-style-type: none"> <li>• <i>Advises the City Council and City departments on legal aspects of stormwater related matters</i></li> <li>• <i>Assists as a liaison with the RWQCB and staff, and a liaison with other jurisdictions</i></li> <li>• <i>Assists City Departments in developing resolutions and ordinances</i></li> <li>• <i>Supports administrative enforcement by City departments</i></li> <li>• <i>Serves as attorney for the City in some civil enforcement actions related to urban runoff</i></li> </ul>	Not Applicable

			<ul style="list-style-type: none"> <li>• <i>Participates in Legal Authority Sub-Committee</i></li> </ul>	
Water Quality			<ul style="list-style-type: none"> <li>• <i>Coordinates and directs the urban-runoff related efforts of City departments</i></li> <li>• <i>Advises the City Council on the policy and economic aspects of urban runoff related matters</i></li> </ul>	

**NOTES:**

All ordinance references are to ordinances of the County of Orange or to ordinances of the Orange County Flood Control District.

The following is a list of acronyms used in this table:

BMP	Best Management Practice
CEQA	California Environmental Quality Act
MS4	Municipal Separate Stormwater Sewer System
NPDES	National Pollutant Discharge Elimination System
RWQCB	Regional Water Quality Control Board

## Exhibit A-4.1

### Enforcement Response Plan



# Exhibit A-4.2

## Statement Of legal Authority



## Section A-5 MUNICIPAL ACTIVITIES

### A-5.1 INTRODUCTION

Municipal facilities within the city include public parks, administration buildings, fire stations, police facilities, community facilities, sports fields and a number of other city owned properties. The City also conducts activities and operations to maintain the urban infrastructure such as street and sidewalk repair, and storm drain system cleaning and maintenance. Stormwater BMPs and programs associated with these facilities and activities are described below. Integrating water quality protection into routine municipal programs will support both the principal requirements of the Fifth term Permit and effectively address two of the HPWQCs identified in the WQIP, specifically, unnatural water balance in dry weather and pathogen health risk.

### A-5.2 MUNICIPAL PROGRAM MANAGEMENT

For overall program management information, please refer to Section A.2.

Implementation of the municipal program is assigned to the departments responsible for municipal activities regulated by the permit.

**Figure A.5.2.1- NPDES Municipal Activities Responsibilities Chart**  
Maintenance and Inspection Responsibilities by Department

Water Quality	Public Works
<ul style="list-style-type: none"><li>- Sewer lift stations</li><li>- Sewer pipelines</li><li>- Diversion structures</li><li>- Program management</li><li>- Database administration</li><li>- Staff training</li><li>- Reporting</li></ul>	<ul style="list-style-type: none"><li>- Infrastructure construction</li><li>- Storm drain catch basins</li><li>- Storm drain pipelines</li><li>- Public parks</li><li>- Public beaches</li><li>- Public parking lots</li><li>- Public buildings</li><li>- Recreational facilities</li><li>- Fertilizers and pesticides</li><li>- Solid waste and recycling facilities</li><li>- Household hazardous waste facilities</li><li>- Street sweeping</li><li>- Medians</li><li>- Fleet and transit</li></ul>

### A-5.3 SOURCE IDENTIFICATION/INVENTORY

The City maintains a database with a watershed-based inventory of municipal areas and activities. The inventory includes the name, address, and a description of the area/activity; which pollutants are potentially generated by the area/activity; whether the area/activity is adjacent to an Environmentally Sensitive Area; and identification of whether the area/activity is tributary to a Clean Water Act Section 303(d) water body segment and generates pollutants for which the water body segment is impaired.

### A.5.4 MODEL MUNICIPAL BMP IMPLEMENTATION

Pollution Prevention: The City of Laguna Beach has integrated pollution prevention methods into its municipal program and requires their use by all municipal departments, personnel, and

contractors, where appropriate. City staff performs operations at fixed facilities, within field programs, and at drainage facilities according to baseline procedures established in the Model Maintenance Program. The Water Quality Department coordinates with Fire, Police and Marine Safety Departments to ensure that BMPs are utilized when non-emergency activities with the potential to create water pollution are undertaken. Pollution prevention methods and specific BMPs are detailed in the CASQA BMPs handbooks. Pollution Prevention methods are assessed, verified and evaluated for effectiveness during municipal facility inspections. Municipal facility and activity inspections are documented and entered into the City's water quality database. Data from these inspections is compiled annually.

**Minimum BMPs:** The City of Laguna Beach requires appropriate BMPs for all municipal areas and activities. The designated minimum BMPs for municipal areas and activities are specific. Minimum BMPs are detailed in the CASQA BMPs handbooks. Additional BMPs are utilized for special events such as Fourth of July and Patriots Day that are expected to generate significant trash and litter. Special event BMPs are chosen and implemented by the Deputy Director of Public Works based on institutional knowledge and conditions on the ground during the events. Minimum BMPs are assessed, verified and evaluated for effectiveness during municipal facility inspections. Minimum BMPs are tracked in the City's municipal facilities inventory and inspection database.

**BMPs for ESAs and 303(d) Impairments:** The City of Laguna Beach requires appropriate BMPs be utilized for municipal areas and activities tributary to CWA Section 303(d) impaired water body segments when an area or activity generates pollutants for which the water body segment is impaired. The City of Laguna Beach requires appropriate BMPs for municipal areas and activities within or directly adjacent to or discharging directly to coastal lagoons, the ocean, or other receiving waters within environmentally sensitive areas. BMPs are specified based on the parameters detailed in the CASQA BMP Handbooks. Designated BMPs are assessed, verified and evaluated for effectiveness during municipal facility inspections.

**Implemented BMPs:** The City of Laguna Beach implements BMPs and any additional measures necessary for each municipal area or activity within its jurisdiction. All BMPs are assessed, verified and evaluated for effectiveness during municipal facility inspections and during normal maintenance activities.

#### **A-5.5 BMP IMPLEMENTATION FOR PESTICIDES, HERBICIDES AND FERTILIZERS**

The City of Laguna Beach implements BMPs to reduce the contribution of storm water pollutants associated with the application, storage, and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to MS4s and receiving waters. Designated BMPs are assessed, verified and evaluated for effectiveness during municipal facility inspections and are tracked in the City's NPDES database. Such BMPs include:

- (a) Annual training and certification for municipal contract applicators;

- (b) The Orange County DAMP Integrated Pest Management (IPM) guidelines are utilized by the City to implement measures that rely on non-chemical solutions;
- (c) The use of native vegetation where appropriate;
- (d) Schedules for irrigation modified to reduce runoff of chemical fertilizers and pesticides;
- (e) SmartTimers and low flow irrigation heads are used where appropriate to reduce fertilizer and pesticide runoff; and
- (f) The collection and proper disposal of unused pesticides, herbicides, and fertilizers through waste management contractors.

#### **A-5.6 BMP IMPLEMENTATION FOR FLOOD CONTROL STRUCTURES**

Designated BMPs are assessed, verified and evaluated for effectiveness during municipal facility inspections. Most flood control structures in the City are owned, inspected and maintained by the County. For the few remaining structures:

- (a) The City implements procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies.
- (b) The City includes water quality protection measures, where feasible, when retrofitting existing flood control structural devices.
- (c) The City evaluates its existing flood control devices on an ongoing basis, identifying devices causing or contributing to a condition of pollution, identifying measures to reduce or eliminate the structure's effect on pollution, and evaluating the feasibility of retrofitting the structural flood control device. Evaluations of flood control devices are tracked in the City's NPDES database.

#### **A-5.7 BMP IMPLEMENTATION FOR STREET SWEEPING PUBLIC STREETS**

The City implements a sweeping program for municipal roads, streets, highways, and parking facilities to optimize pickup of trash and debris based on land uses, trash collection schedules, seasonal factors (e.g., special events, tourism, etc.) and inspections of municipal areas/activities. Sweeping is tracked in the City's NPDES database. All city streets are swept once a week, downtown and coastal areas once a day. Sweeping activities are conducted seven days per week during the summer season and six days per week in the winter. Current street sweeping maps and schedules are available on the City's website, [www.lagunabeachcity.net](http://www.lagunabeachcity.net). Additional sweeping beyond mapped routes takes place as needed during special events and during peak summer visitation. In order to maximize debris pickup, parking restrictions are in place and rigorously enforced in targeted areas, such as the streets draining to the Heisler Park ASBS. Downtown area sidewalks are regularly swept and pressure washed with full recovery BMPs.



#### **A-5.8 OPERATIONS AND MAINTENANCE OF MS4 STRUCTURAL CONTROLS**

The City of Laguna Beach inspects and maintains proper operation of all municipal structural treatment control BMPs designed to reduce storm water pollutant discharges to or from its MS4s and related drainage structures. The primary treatment control BMP in City storm drains are the twenty-five diversion units and sixteen CDS units in operation on the largest sub-watersheds in town during the dry season. Diversions serve the dual purpose of rerouting nuisance flows from the storm drain to the sewer and capturing trash, organics and sludge in screens and sumps. Sewer crews are responsible for maintaining the diversion/CDS units. Crews inspect the units once per month, clean out debris and sludge as necessary, and verify proper operation. Records of inspection and maintenance activities are tracked in the City's Lucity database and OC Stormwater Tools Database. Records of flow diverted are maintained by the South Orange County Wastewater Authority.

The City of Laguna Beach implements a schedule of maintenance activities for the MS4 and MS4 facilities (catch basins, storm drain inlets, open channels, etc). The maintenance activities include:

- Inspection and removal of accumulated waste at least once a year for all MS4 facilities;
- Open channels are cleaned of litter as needed;
- Waste removed is disposed of pursuant to applicable laws in the City's waste transfer facility in the corporation yard located on Laguna Canyon Road; and
- Crews take measures as appropriate to eliminate waste discharges during MS4 maintenance and cleaning activities. Measures include full recovery of jetter water using vacuum equipment, placing sandbags if necessary, and blocking storm drain pipes during cleaning operations as required.

#### **A-5.9 SANITARY SEWER INFILTRATION TO MS4**

The City of Laguna Beach implements controls and measures to prevent and eliminate infiltration of seepage from municipal sanitary sewers to MS4s through routine preventive maintenance of the sanitary sewer system.

City sewer crews work seven days per week cleaning and inspecting sewer lines throughout the City. The sanitary sewer system is divided into zones which are prioritized by cleaning frequency. Cleaning frequency is determined by institutional knowledge and the results of root regrowth studies commissioned by the City. All City-owned sewer lines are subdivided into 46 cleaning zones and each zone is cleaned at least once per year. 21 of the 46 zones are tagged for bi-annual cleaning and six of the zones are further tagged for quarterly cleaning. Sewer line cleaning is managed and tracked using LuCity. Since 2000, the City has implemented a comprehensive sewer lining project in which aging sewer lines were assessed, prioritized and then lined. Lining a deteriorating sewer pipe involves temporarily bypassing the flow, and epoxy lining the pipe. The City is currently involved in a five year robust sewer inspection effort and is lining areas identified in need of repair.

The City implements controls to limit infiltration of seepage from municipal sanitary sewers to MS4 where necessary. The controls include:

- (a) Plan checking for construction and new development,
- (b) Incident response training for municipal employees that identify sanitary sewer spills;
- (c) Code enforcement inspections;
- (d) MS4 maintenance and inspections;
- (e) Interagency coordination with South Coast Water District, South Orange County Wastewater Authority and the State's Sanitary Sewer Overflow (SSO) reporting and tracking system; and
- (f) Training of municipal staff and contractors conducting field operations on the MS4 or municipal sanitary sewer.

New private construction and significant remodels are required to conduct a private sewer lateral inspection and certification by a qualified plumber as a step in the building permit process. The City's Fats, Oils and Grease (FOG) program, requires new restaurants, ownership changes and significant restaurant remodels to install a new grease interceptor in the sewer lateral.

#### **A-5.10 INSPECTION OF MUNICIPAL AREAS AND ACTIVITIES**

The City of Laguna Beach inspects high priority municipal areas and activities at least annually. Select city maintenance employees are trained as NPDES water quality inspectors to perform inspections on their daily rounds. Documentation of inspections may be tracked using employee schedules, inspection forms, facility cleaning and inspection logs or other means as appropriate. Inspections and facility priorities are also tracked as applicable in the City's NPDES permit database. The City of Laguna Beach regularly inspects the following high priority municipal areas and activities:

- (a) High priority Roads, Streets, Highways, and Parking Facilities owned by the City;
- (b) Flood Management Projects and Flood Control Devices owned by the City;
- (c) City owned areas and activities tributary to a CWA section 303(d) impaired water body segment, where an area or activity generates pollutants for which the water body segment is impaired.
- (d) City owned areas and activities within or adjacent to or discharging directly to coastal lagoons, the ocean, or other receiving waters within environmentally sensitive areas;
- (e) Municipal Facilities:
  - Active or closed municipal landfills;
  - Publicly owned sanitary sewage collection system;
  - Solid waste transfer facilities;
  - Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles, power washing; and
  - Household hazardous waste collection areas.

- (f) City parks and recreation facilities;
- (g) City owned special event venues following special events (festivals, sporting events, etc.); and
- (h) Other municipal areas and activities that the City has determined may potentially contribute a significant pollutant load to the MS4.

Other municipal areas and activities are inspected as needed and in response to water quality data, valid public complaints, and findings from municipal or contract staff. Inspection frequency also reflects the priorities set forth in the WQIP. Based upon site inspection findings, The City of Laguna Beach implements all follow-up actions necessary to comply with the Fifth Term Permit.

#### **A-5.11 MANAGEMENT OF FUEL MODIFICATION ZONES**

The City implements treatment protocols for fuel modification zones subject to coastal development permitting (**Exhibit A-5.1**). The procedures outlined in the protocol include but are not limited to: sensitive species protection; special considerations for management near blue-line streams; protocols for herbicide use; erosion control measures; and site monitoring and documentation. The City's Fire Department is responsible for implementing the program and monitors BMPs for effectiveness. Additional mitigations are employed if sound evidence shows BMPs are insufficient.

In Fuel Management Zones subject to Public Nuisance Abatement management, sites are subject to biennial biological and geological review for presence of sensitive species, grazing practice adherence to City treatment protocol, geologic stability assessment, and related concerns. Blue line streams, presence of sensitive species, and steep slopes exceeding 45% are pre-identified and avoided by grazing, or treated by hand methods, as appropriate.

#### **A-5.12 ENFORCEMENT OF MUNICIPAL AREAS AND ACTIVITIES**

To ensure compliance, the City of Laguna Beach will implement enforcement procedures as described in Enforcement Response Plan (Exhibit A-4.1).

#### **A-5.13 TRAINING AND EDUCATION**

For an effective stormwater program to be efficiently implemented, its staff must have sufficient knowledge, experience, and skills. The Principal Permittee will coordinate, develop and present a number of different training modules in accordance with *The Orange County Stormwater Program Training Program Framework: Core Competencies*. The City will support this effort by requiring the appropriate employees to attend training sessions, and conduct applicable train-the-trainer sessions, if necessary.

# Exhibit A-5.1

## Treatment Protocols for Fuel Modification Zones





## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

The intent of this protocol is to define City procedures for achieving compliance with regulation of the California Coastal Commission, California Environmental Quality Act (CEQA), California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service, (et. al.) regarding fuel modification in zones requiring a Coastal Development Permit.

Fuel Modification Zones (FMZ's) are managed by the City of Laguna Beach under two different approaches;

- a. Public Nuisance Abatement sites – Those legacy sites which have a history of long-term grazing disturbance. These sites and their associated management by goat grazing predates the adoption of the Coastal Act and has been judged by the State Attorney General as exempt from the act as a pre-existing condition. This generally refers to sites grazed by goats in FMZ's 1-10.
- b. Coastal Development Permit sites- Those sites subject to the Coastal Act for which a Coastal Development Permit must be obtained for fuel modification. This treatment protocol guides fuel modification for these sites, which includes all zones currently maintained under Coastal Development Permits (FMZ's 10-15), and all program expansion sites planned for future development.

### Reduction of Fire Behavior Potential

The objective of any fuel modification treatment shall be to achieve at least an average 75% reduction in potential wildfire fire line intensity (energy release), as measured by flame length and rate of spread. In general, a 50% reduction of fuel loading, accomplished by the parameters of this protocol will achieve such a reduction. (*Fuel Modification Impacts to Potential Fire Behavior- A Case Study for the City of Laguna Beach, Rohde, 2017, and Catastrophic Wildfire Assessment- City of Laguna Beach, Franklin, 2013*).

### Treatment Area Determination:

Fuel Modification treatments will generally be limited to those areas that are within 100 feet of developed properties or structures. Treatments outside of these areas will be limited to removal of targeted invasives, general non-natives weeds control, or tree thinning and dead branch removal. Fuel modification outside of the 100 foot zone shall be conducted with intent to minimize impacts to adjacent intact habitats, serve as partial on-site mitigation for fuel modification impacts when required, or for prevention of fire branding over the fuel break.

The primary methods for vegetation management shall consist of grazing or hand crew modification. Other methods including mechanical mastication, prescribed burning, mass herbicide use, crushing, chaining, or other means of mechanical conversion have been generally eliminated from consideration for environmental, risk, or social/political concerns.



## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

### Geotechnical Findings:

Proposed FMZ's shall be evaluated by a qualified geologist for geologic stability and flood/debris movement potential. Treatment within areas determined to be geologically unstable in the geotechnical report may be modified or eliminated. Unstable sites may include historic landslide or debris flow areas, unstable soil or rock structure, or similar sites.

### Archeological/Paleontological Findings:

Proposed FMZ's shall be evaluated for archeological and paleontological resources in accordance with CEQA requirements. Such evaluation requires solicitation of tribal interests, survey of data sources for known resources, and site survey. Areas determined to have a presence of identified archaeological and/or paleontological resources may require fuels treatment to be modified or eliminated.

### Sensitive Species Protection:

For all Coastal Development Permit FMZ's, a qualified biologist shall inspect proposed fuel modification sites for the presence of sensitive species prior to the initiation of work. If the presence of sensitive species are identified, a trained biological monitor shall be present at all times while work is conducted in the immediate vicinity of identified habitat to ensure no accidental takings occur, and sensitive species are protected. Crews conducting fuel modification work shall receive instruction and training in sensitive species management and avoidance prior to initiation of work.

Sensitive species include those identified in the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), the California Environmental Quality Act (CEQA), the Natural Community Conservation Planning Act (NCCPA), California Penal Code Section 384a, or by Federal designation in the Endangered Species Act (F-ESA). Sensitive species shall not be disturbed by fuel modification activities.

Sensitive plant species of principal concern in Laguna Beach include:

1. Big-leaved Crownbeard (*Verbesina dissita*)
2. Intermediate Mariposa Lilly (*Calochortus weedii* var. *intermedius*)
3. Many-Stemmed Dudleya (*Dudleya multicaulis*)
4. Fish's Milkwort (*Polygala cornuta* var. *fishae*)
5. Cliff Spurge (*Euphorbia misera*)
6. Catalina Mariposa Lily (*Calochortus catalinae*)
7. Coulter's Matillija Poppy (*Romneya coulteri*)
8. Western Dichondra (*Dichondra occidentalis*)
9. Laguna Beach Life-forever (*Dudleya stolonifera*)
10. Many-stemmed Dudleya (*Dudleya multicaulus*)



## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

Whenever sensitive plant species are identified, they will be protected by establishing a flagged, 15-foot buffer around all specimens of the sensitive species, inside of which no material shall be initially removed. Such presence and limits shall be effectively communicated to project contractors. Based upon the species identified, its ecology and phenology, hand removal of non-native vegetation within the 15 foot buffer may be initiated at the direction of the biological monitor, if it is determined to be ecologically beneficial for the identified species. For Big-Leaved Crownbeard (*Verbesina dissita*), the potential shading/nurse plant benefit of non-native shrubs would be considered before removing non-native shrubs with such a determination to be made by the biological monitor.

To avoid impacts to nesting and migratory birds, including the Coastal California Gnatcatcher (*Poliophtila californica*), removal of vegetation should occur outside of nesting season (February 1 to August 31 in upland habitats) as much as is practicable. If work is conducted during nesting season, a qualified biologist will conduct a Nesting Bird Survey in the work area within 48 hours of the commencement of work. If any are found, a buffer zone will be flagged around the nesting site(s) in compliance with the biologist's recommendations before work commences. Contractor personnel will be directed to check all vegetation for nests before cutting and to cease work in the area immediately if one is found, until a qualified biologist can assess it. If work ceases for more than two days, another nesting bird survey will be required before work can re-commence.

### Grazing Treatment Protocols:

Goats will be used to implement grazed fuel modification treatment in areas of Low to Moderate Habitat Value as defined in the *Laguna Beach Biological Resources Inventory*, (Marsh et. al 1983, see Appendix). To determine habitat value for this purpose, Laguna Beach City GIS maps based on the above-referenced document will be initially referenced, and modified as necessary based on site visits by a qualified biologist to reflect current conditions.

- a. The fur and hooves of all goats will be cleaned of seeds and debris before arriving at the treatment area and when being moved between enclosures to prevent the spread of invasive plant species.
- b. No more than 75 goats will be permitted per acre.
- c. Goats shall remain in secure enclosures at all times.
- d. Sensitive plant species shall be protected from trampling or consumption by establishing the secure enclosures a minimum distance of at least 15 feet between sensitive plants and the limits of grazing.
- e. Grazing animals shall be moved periodically to ensure enough vegetative cover remains to promote erosion control, inhibit dust, and preserve view aesthetics.
- f. Goat grazing shall be preferred for removal of nonnatives, or native herbaceous species. Up to 80% of the native and 100% of the non-native species in this cover type may be removed in such areas.



## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

- g. Goat grazing in woody (Coastal Marine Chaparral) or woody-herbaceous (Coastal Sage Scrub) chaparral species shall be limited to removal of 50% of the vegetative cover, and, and provide for a shaded fuel break outcome.
- h. Goat grazed fuel breaks should generally be limited to 100 foot width. Panned areas may be extended to a maximum 150 feet when physical obstructions such as rock outcrops, cliffs, water courses etc. prevent reasonable establishment of pens at 100 foot width.
- i. Goats shall be used for brush reduction only and shall be immediately removed when the brush clearance has been accomplished.
- j. A targeted invasive control plan will be implemented in all future goat-grazed areas to prevent invasive species from propagating and impacting adjacent intact habitat.
- k. Where practicable and environmentally appropriate, goat grazing may be used as the maintenance method for areas which required initial clearance by hand crews.

### Hand Crew Treatment Protocols:

Hand crews will be used to implement fuel modification in areas of High or Very High Habitat Value as defined in the *Laguna Beach Biological Resources Inventory, (Marsh et. al 1983, see Appendix)*. To determine habitat value for this purpose, Laguna Beach City GIS maps based on the above-referenced document will be initially referenced, and modified as necessary based on site visits by a qualified biologist to reflect current conditions.

The initial phase of vegetation removal shall include the following steps:

- a. Fuel Modification will be conducted by hand crews with chainsaws, brush-cutters and other hand tools.
- b. Hand crew fuel modification conducted in high or very high value habitat shall generally be limited to a width of 100 feet.
- c. Crews will cut down all non-native vegetation (including unmaintained ornamental vegetation) and dead/dying native vegetation and carefully remove dead branches from trees and large shrubs. As noted above, an exception may be made where non-native shrubs are providing shading/nurse plant benefits for Big-Leaved Crownbeard, as determined by the biological monitor.
- d. Special care will be exercised to distinguish dormant native vegetation from dead/dying native vegetation.
- e. Tree-form shrubs (e.g. Laurel Sumac (*Malosma laurina*), Toyon (*Heteromeles arbutifolia*), Lemonade Berry (*Rhus integrifolia*)) that are over 6 feet tall will be carefully pruned of their lower branches to increase the Crown Base Height to 50% of the plant height. For example, a 10-foot-tall plant would have its lower branches removed to a height of 5 feet. Branches will be pruned to within 1 inch or less of the branch crown. Southern Maritime Chaparral shrub species shall be left fully intact except as noted below, and not pruned initially.
- f. For large tree species within FMZ's, non-native trees (*Pinus*, *Eucalyptus*, *Washingtonia*, et. al.) shall be considered for removal on a case-by-case basis, taking into consideration their potential ignitability, potential to spread fire from or across the FMZ, and property/tree ownership. Native





## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

- g. large trees (*Quercus*, *Platanus*, et. al.) shall be pruned of dead components, and lower small branches removed to a height of 8 feet or one half their height, whichever is less, so as to disrupt “fuel ladder” potential. Dead and down tree components on the ground below large trees shall be removed. No more than three trees may be retained in a single grouping or cluster of trees. A minimum distance of 20 feet shall be maintained between mature tree canopies.
- h. Remaining shrub clusters shall not exceed 400 square feet, except in the presence of sensitive species. Spacing between shrub clusters shall generally be at least 6 feet width.

Where there is still over 50% vegetative cover after the above material has been removed, the contractor will remove healthy live vegetation in accordance with the hierarchical list below, beginning with the first species listed, then in descending order through the list until 50% vegetative cover has been attained:

1. Coastal Goldenbush (*Isocoma menziesii*)
2. California Buckwheat (*Erigonium fasciculatum*),
3. Black Sage (*Salvia mellifera*)
4. California Sagebrush (*Artemisia californica*)
5. Monkeyflower (*Mimulus aurantiacus*)
6. Laurel Sumac (*Malosma laurinus*)
7. Toyon (*Heteromeles arbutifolia*)
8. Lemonade Berry (*Rhus integrifolia*)

Stumps will be cut to within 4” or less of the ground. Thinning of healthy, live vegetation will be done in a dispersed manner to avoid creating new large openings. All healthy specimens of Southern Maritime Chaparral species including Bush Rue (*Cneoridium dumosum*), Spiny Redberry (*Rhamnus crocea*) and Bigpod Lilac (*Ceanothus megacarpus*) will be retained.

### Treatment of Water Courses

Pampas Grass and other invasive plant removal and herbicide treatment will be the primary vegetation management within a 25-foot buffer on either side of any “blue-line” ephemeral drainages or stream courses (as listed by USGCS map or City Website) that cross the treatment areas. For long drainages which may form a corridor through which fire may be ushered into residences at the head of drainages, additional site-specific steps may be implemented to establish breaks in fuel continuity within these corridors on a site-specific basis consistent with best environmental practice.

### Herbicide Use

Herbicides may be used for spot treatment of invasive species when identified as appropriate by the site biologist. Herbicides shall be specific to the intended use and be used in such a manner as to not pose



## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

excessive risk to nearby sensitive species or water courses. Herbicides shall not be used on a landscape scale to defoliate large expanses of fuels.

### Erosion Control

The preponderance of roots of perennial plants will be left in place to minimize erosion. Mulch and other erosion control measures (such as straw wattles and/or jute netting) will be installed as necessary for additional protection without being obtrusive, as recommended in site geotechnical reports. Haul paths will be minimized and rehabilitated with mulch or other methods as deemed appropriate by the project biologist. Areas of relatively low slope (i.e., below 33% or 1:3 grade) will be mulched to an adequate depth to minimize weed propagation and ongoing maintenance needs.

### Disposal of Cut Materials

All dead and cut material will be disposed of properly. All non-native material will be removed from the site, placed in a truck or dumpster and hauled to a green waste recycler. City contractors will generally be conditioned within their contracts to pay all dump fees related to disposal. Native material will be chipped and used as mulch on-site in areas of moderate slope to reduce erosion and weed propagation. Native material unable to be reused on site will be hauled to a green waste recycler, though efforts will be made to reuse as much native material on site as possible.

Native vegetation under 3 inches in diameter, live or dead, may be processed with hand tools on site and spread in place as mulch as an alternative to hauling and chipping, if it is cut into pieces not exceeding 12 inches, lays flat on the ground, does not cover remaining native plant species and total mulch depth does not exceed 12 inches. All coarse non-native material (e.g., woody debris, Pampas Grass leaves), live or dead, must be removed from the site, including any material dumped in the Project Area by residents or others. Fine material treated with herbicide (e.g., non-native grasses and annual weeds) may be left on site.

### Additional Mitigations

Additional site mitigations may be considered when recommended or required by environmental permitting agencies on a case-by-case basis.

### Trash and Litter Found On-site

Trash and litter found throughout the Project Area will be removed from the site and hauled to a landfill.

### Site Monitoring and Documentation

An annual monitoring report shall be prepared by the City detailing the following:

1. Dates and locations of vegetation treatment or modification
2. Treatment methods utilized by site



## Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting

3. Number of acres managed
4. Photos of treatment sites, pre- and post- treatment
5. Description of any violations or failure to meet conditions of the Coastal Development Permit

### HABITAT CLASSIFICATION

The following definitions are utilized in the classification of habitat types within the City of Laguna Beach: (Excerpt from: *Laguna Beach Biological Resources Inventory, Marsh et. al 1983 pp. 35-36*)

*Biological Value Mapping is based on the parameters of habitat integrity and extent, faunal use, and presence of endangered, rare, or locally unique biota. From these, a ranking system was developed of low, medium, high, and very high value habitat. These habitats are classified as follows:*

#### **LOW VALUE HABITAT:**

*Disturbed, impacted sites, often dominated by ruderals, annual plants, and escaped horticulturals. Such areas are usually highly fragmented by, or are contiguous to urban development. These sites are biologically simplified and are of low faunal carrying capacity. Low value habitats do not possess biological constraints to urban development, but may, if developed, be areas where spillover impact adversely affects contiguous higher value settings*

#### **MODERATE VALUE HABITAT:**

*These sites may contain either native vegetation of a specific community type, or ornamental species in a setting providing horizontal and vertical structural diversity. The sites are usually, however, limited in area extent, being contiguous to urban development. Thus their faunal carrying capacity, and often, the native floral species diversity, is lower than "high value" habitats described below.*

#### **HIGH VALUE HABITAT:**

*These are extensive areas dominated by indigenous plant communities which possess good species diversity. They are often, but not always, linked to extensive open space areas, within or outside of the city, by wild-fauna transversable open space corridors. Their faunal carrying capacity is good to excellent, many areas are utilized as bedding and foraging sites by mule deer or possess large resident populations of avifauna or native small animals.*

#### **VERY-HIGH VALUE HABITAT:**

*These include the habitats of endangered, rare, or locally unique native plant species (including disjunct and outpost populations). Also included are areas of southern oak Woodland and natural (not irrigation augmented) springs and seeps. Among the very-high value habitats inventoried are areas of significant rock outcrop exposures, because of the assemblages of sensitive plant species which often occupy such settings.*

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## Section A-6 PUBLIC EDUCATION

### A-6.1 INTRODUCTION

The City of Laguna Beach supports and participates in the countywide public education program, *H<sub>2</sub>OC*, which is also the principal means of ensuring compliance with the public education and outreach elements of the Fifth Term Permit. In addition to this effort, the City conducts local programs to additionally increase awareness and foster environmental protective behaviors. The Department of Water Quality is responsible for the City's NPDES Public Education and Outreach efforts.

### A-6.2 REGULATORY REQUIREMENTS

The federal regulations require a description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials (Federal Register/Vol. 55, No. 222, p. 48071). In addition, the regulations also specify education programs for construction site operators and a program to facilitate public reporting of illicit discharges. The Public Education Program was developed as a model for fulfilling the public education requirements of Section E.7 of the Fifth term Permit.

### A-6.3 COUNTY OUTREACH PROGRAMS

The City of Laguna Beach supports *H<sub>2</sub>OC*, the dynamic countywide outreach campaign. This campaign is built upon a foundation of cooperative Permittee development of programs and materials, implementation at Countywide and city levels, and the validation of its success through the use of opinion surveys and other direct measures of public behavior.

Education efforts of *H<sub>2</sub>OC* follow a two-pronged approach comprising large-scale broad residential and business outreach as part of a foundational campaign and small-scale behavior-based action campaigns to build a base of residents from which the Education Program can document adoption of specific BMPs.

The NPDES Public Education Sub-Committee (Committee) comprised of Permittee representatives meets monthly to collaboratively direct *H<sub>2</sub>OC*. The City participates in the Committee to ensure program strategies and materials developed are appropriate to residents and businesses within the city.

The objectives of the Model Public Education Program are to provide the following:

- Increase urban runoff pollution awareness
- Increase awareness for specific segments of the community of the importance of participation in controlling non-point source pollution;
- Provide information on alternative behaviors and practices that can contribute to controlling non-point source pollution;
- Provide the public with opportunities to participate in the development, implementation, and refinement of the Water Quality Improvement Plan (WQIP); and

- Track public awareness in the educational programs and changes in behavior toward activities more protective of water quality.

### **A-6.3.1 Foundational Campaign Elements**

The foundational campaign forms the underpinning of H<sub>2</sub>OC based on maintaining a consistent water quality message and includes overall program branding, school and business outreach, pollutant-specific and residential program outreach and annual development and implementation of a media plan. The primary goal of the foundational campaign is to achieve permit compliance by increasing knowledge of residents and businesses and changing behavior over time. The success of these efforts is measured through the achievement of impressions and building engagement in H<sub>2</sub>OC.

### **A-6.3.2 School Outreach**

H<sub>2</sub>OC uses agreements and relationships with organizations that outreach to school-aged children to deliver messaging on pollution prevention. These organizations, such as the Orange County Department of Education (OCDE), Discovery Science Center (DSC), the Pacific Marine Mammal Center, and the Ocean Institute, provide an avenue for disseminating materials and messaging in a format conducive to student learning. Materials developed to inform children of stormwater pollution prevention behaviors are designed to encourage adoption of BMPs at school and in the home, as well as meet California Content Standards.

### **A-6.3.3 Business Outreach**

The City will continue to distribute materials developed specifically for food service establishments (FSEs), mobile businesses, automotive service centers and detailing establishments, pet care businesses, pest control operators, landscape service companies, gasoline service stations and the land development and construction industry. Previously developed Outreach to the construction industry will be supplemented by materials promoting residential and commercial implementation of LID techniques, retrofitting of existing development and encouragement of infiltration.

### **A-6.3.4 Pollutant-specific Outreach**

Outreach materials are developed for residents and businesses in Orange County regarding specific pollutants of concern and reviewed annually and updated by H<sub>2</sub>OC as needed. City-specific materials supplement these efforts ensuring that pollution issues specific to the city are adequately addressed. Pollutant-specific outreach include proper use and disposal of pesticides and fertilizers, proper disposal of pet waste, residential automobile washing and proper disposal of household hazardous waste. Pollutant-specific outreach to businesses will focus on water conservation, reduction of metals in runoff and proper use and disposal of chemicals and other hazardous wastes.

### A-6.3.5 Residential Program

The Residential Program includes recommendations (“*Tips*”) for pollution-prevention methods for residential areas. Specific pollution prevention practices identified for each residential activity that poses a threat to water quality are provided in activity fact sheets presented in **Exhibit A-9.1**. The City uses the implementation strategies discussed in **Section A-9.5.4** to encourage pollution prevention in residential areas.

In addition, the City will facilitate proper management and disposal of used oil, toxic materials and other household hazardous wastes (HHWs) by providing education and opportunities for disposal at local HHW collection events.

### A-6.3.6 Speakers Bureau

A speakers’ bureau was developed for *H<sub>2</sub>OC* to supplement the previous outreach efforts through local Chambers of Commerce. On behalf of the Permittees the County as Principal Permittee distributes requests for presentations to local groups such as Chambers of Commerce, Rotary Clubs, Kiwanis Clubs, Key Clubs, National Honor Society groups and environmental groups (e.g. Sierra Club). The Water Quality Department also reaches out to local groups for speaking engagements and outreach at their meetings. The Department presents annually at the City’s “Leadership Laguna” forum.

### A-6.3.7 Common Interest Areas/Homeowner Association Activities Program

The Common Interest Area (CIA) / Homeowner Association Area (HOA) Activities Program includes specifications for pollution-prevention methods for CIA/HOA areas and is described in **DAMP Section 9.6** and **Section A-9.6**.

### A-6.3.8 Action Campaigns

To document sustainable behavior change, *H<sub>2</sub>OC* pairs general pollution prevention outreach (via the Foundational Campaign) with localized action campaigns that focus on changing specific behaviors in small, community-based target groups. The action campaigns utilize Community-Based Social Marketing (CBSM)<sup>4</sup> techniques to document focused behavior change.

Community-Based Social Marketing involves four basic steps:

- Identifying barriers and motivators to an activity;
- Developing a strategy that utilizes tools to leverage those barriers and motivators in order to affect behavior change;
- Pilot the strategy; and
- Evaluate the strategy and refine it for future implementation.

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<sup>4</sup> McKenzie-Mohr, Doug & Smith, William (1999). *Fostering sustainable behavior: An introduction to community-based social marketing*. Gabriola Island, B.C.: New Society ([www.CBSM.com](http://www.CBSM.com))

By simplifying campaign messaging and requesting adoption of specific BMPs, *H<sub>2</sub>OC* seeks to remove the uncertainty caused by offering a large number of stormwater pollution-preventing behaviors in favor of one single high-impact action.

### ***H<sub>2</sub>OC Overwatering is Out***

The ultimate goal of the *Overwatering is Out* action campaign is to improve water quality through eliminating residential irrigation runoff. This is accomplished by encouraging residents to sign up for program messaging (i.e. tips to reduce overwatering) and to commit to making changes to their irrigation habits or landscape to reduce runoff. Built into the program is also the ability to quantify behavior changes that are the direct result of the action campaign.

## **A-6.4 CITY EDUCATION PROGRAM**

The City of Laguna Beach supports the *H<sub>2</sub>OC Overwatering is Out* action campaign found at [www.h2oc.org](http://www.h2oc.org). The City implements a city-specific public education campaign to complement *H<sub>2</sub>OC* to address local issues and target constituencies that are best reached through a local rather than a countywide effort. The City produces residential mailers to target a specific educational initiative, typically once per year when feasible. The most recent initiatives were focused on irrigation as a prohibited discharge.

### **A-6.4.1 Public Education Material Distribution**

The City makes water quality educational materials available to its residents at public facilities. These include the Water Quality Department counter, City Hall Cashier counter, the City Hall Permit counter, a kiosk upstairs at City Hall and at the Community Center. In addition, materials are directly mailed to residences and distributed by staff as needed for specific activities. Materials are also available online at [www.clbwq.org](http://www.clbwq.org) and [H2OC.org](http://H2OC.org).

### **A-6.4.2 Employee Training and Outreach**

In addition to the overall comprehensive training effort, the City conducts broad educational outreach on water quality issues to the City employees. Training is typically in the form of department level presentations tailored to their role with the City.

The following training approaches have been identified:

- Disseminating information in City Hall update e-mails to all staff;
- Field training;
- Holding meetings with departments to help fine-tune public outreach based on their experiences and observations. For example, a certain department representative might say that the residents or businesses it works with have a good understanding of one concept, but need more information about another. Based on this information, the City can produce or obtain educational materials that address these issues.

### A-6.4.3 Outreach Events

The City of Laguna Beach participates in at least one community, regional or countywide event per year. Materials developed by H<sub>2</sub>OC encourage the public to report illegal discharges/dumping and include the hotline reporting number. Brochures and other materials also reference the countywide website H2OC.org; contained therein are brochures, factsheets and other outreach materials covering a wide range of topics from household use of fertilizers and pesticides to pet care to automotive maintenance activities.

### A-6.4.4 Industrial/Commercial and Construction Outreach

#### *Outreach to Industrial Site Owners and Operators*

The City distributes educational materials during inspections to educate industrial facility owners and operators about BMPs. These efforts target employees, property management and focus on specific industrial activities. The Industrial/Commercial Program is further described in **DAMP Section 9.2** and **Section A-9.2**.

The following approaches have been identified:

- Mailing or delivering brochures with information about regulations, requirements and industry-specific BMPs to industrial site owners/operators;
- Distributing BMP information and educating owners and operators during inspections or other interactions with City staff (**DAMP Section 9.2.3** and **Section A-9.2.3** of this LIP);
- Providing information when industrial companies apply for and/or renew business licenses or permits; and
- Conducting seminars or workshops for targeted industries that have a high potential for pollution. The workshops would cover BMPs for pollution prevention and how their actions can help protect water quality.

#### *Outreach to Commercial Site Owners and Operators*

During commercial facility inspections, target audiences for BMP materials include employees, property management, owners and merchant associations. The Industrial/Commercial Program is further described in **DAMP Section 9.2** and **Section A-9.2** of this LIP.

The following approaches have been identified:

- Providing information about BMPs and regulations when commercial owners apply for or renew business licenses or permits;
- Mailing or delivering brochures on regulations, requirements and business-specific BMPs;
- Distributing BMP information and educating owners and operators during inspections or other interactions with City staff (**DAMP Section 9.2.3** and **Section A-9.2.3** of this LIP); and



- Conducting seminars or workshops for targeted commercial sites that have a high potential for pollution. The workshops would cover BMPs for pollution prevention and how their actions can help protect water quality. The City may partner with neighboring cities in a common watershed to maximize attendance and understanding of businesses' responsibilities in the watershed.

#### *Outreach to Construction Site Contractors/Developers*

The City of Laguna Beach distributes BMP and pollution prevention information, including erosion and sediment control, low impact development (LID) techniques, runoff control and pollutants of concern during construction site inspections. The Construction Program is further described in **DAMP Section 8.2** and **Section A-8.2** of this LIP.

The following approaches have been identified:

- Distributing BMP materials to developers, contractors, residential owners and construction companies when City permits are issued;
- Distributing BMP materials at construction sites within the City;
- Sending a letter to construction sites prior to each rainy season re-emphasizing how runoff is created and reminding the operators to update their BMPs;
- Maintaining a supply of information materials at City offices and facilities for interested parties to obtain during business hours throughout the year; and
- Requiring that companies submitting construction bids for City Requests for Proposals (RFPs) include language agreeing to follow BMPs.

#### **A-6.4.5 Outreach to Quasi-Governmental Agencies/Districts**

The City works to reach agencies such as water districts, school districts, transportation agencies, utility districts, and service providers (i.e. waste haulers).

The following approaches have been identified:

- Providing regulatory and BMP information based on the industry (i.e., information about oil spills and cleanup methods for transportation agencies);
- Forming partnerships with agencies to help distribute information through means such as billing inserts; and
- Educating personnel during inspections or other interactions

#### **A-6.4.6 Residential, General Public and School Outreach**

##### *Outreach to Residential Community and General Public*

Educating the residential community and general public within the City of Laguna Beach is key to a successful outreach plan. The City has opportunities to supplement the Countywide Program

through its daily interactions with its citizenry and in accordance with the Residential Program described above in **Section A-6.2.7**, in **DAMP Section 9.5** and **Section A-9.5** of this LIP.

The following approaches have been identified:

- Publishing information about urban runoff and stormwater pollution issues on the City's website and providing links to other related websites such as H2OC.org;
- Maintaining a supply of brochures and promotional materials at public buildings including City Hall, libraries and community centers;
- Participating in community events by hosting a booth with information and promotional materials;
- Presenting information to community or social groups, as requested;
- Storm drain plaques reminding residents that materials entering the storm drain goes to the ocean;
- Working with other jurisdictions, including the Principal Permittee and other Permittees, on joint outreach programs;
- Providing the public with opportunities to participate in the development, implementation, and refinement of the WQIP, and publishing details of these opportunities on the City's website.

#### Outreach to School Children

Education activities targeting school children informs the next generation of adults at an early age and can be a conduit for providing information to parents.

The following approaches have been identified for school children:

- Offering child-friendly brochures, coloring books or promotional materials to schools and school districts within the City;
- Offering to provide speakers or educational materials such as video clips for assemblies;
- Participating in the Countywide Program to develop a comprehensive school program in conjunction with the Principal Permittee and other Permittees, water agencies and school districts.

## Section A-7 DEVELOPMENT PLANNING COMPONENT

### A-7.1 INTRODUCTION

Watershed urbanization can adversely impact waterways and coastal waters and give rise to the symptoms of Urban Stream Syndrome (**Section A-1.1**). To reduce these impacts, the city has established design standards for new development and significant redevelopment projects that require implementation of BMPs including Low Impact Development (LID) techniques, Hydromodification controls, source controls and treatment controls. Implementation of these design standards ensures that the hydrologic impacts that can arise from watershed imperviousness are mitigated and consequently this key element of the Program addresses all of the HPWQCs identified in the WQIP.

#### A-7.1.1 Program Overview

The New Development and Significant Redevelopment Program links new development BMP design, construction and operation to the earlier phases of new development project planning encompassed by the General Plan, environmental review process and discretionary development planning and review and approval processes. The General Plan specifies policies that guide new development. The environmental review process examines impacts from proposed new development with respect to the General Plan policies and many environmental issues, including water quality, and includes consideration of mitigation measures to reduce any identified significant impacts.

The development planning and permit approval processes carry forward requirements in the form of CEQA commitments and mitigation measures, conditions of approval, design specifications, tracking, and inspection and enforcement actions. These three “front-end” planning processes must be coordinated and linked to the later phases of BMP design, construction and operation for new development/significant redevelopment to help ensure storm water quality protection features are planned, evaluated and selected, and designed in accordance with goals for the protection of water quality and other environmental resources.

The key staff that is responsible for overseeing, implementing, and enforcing the new development/redevelopment program is the Senior Water Quality Analyst in the Water Quality Department, as well as Zoning, Planning and Building staff.

The Community Development Department is responsible for:

- Implementing the policies and objectives of the City set forth in the General Plan and Zoning Ordinance
- Reviewing proposed developments for consistency with standards and policies relating to land use, and preservation of the environment

- Preparing for and supporting discretionary review and approval actions taken by the Planning Commission, Design Review Board and City Council related to new development and significant redevelopment projects
- Overseeing that all building construction complies with adopted codes, and that permitting and licensing systems are efficient and serve the needs of the public, as well as the City.

The Public Works Department is responsible for:

- Administration of public improvement projects and ensuring construction in the public right-of-way complies with adopted codes and engineering standards.
- Administration of building improvement projects and ensuring construction complies with adopted codes and engineering standards.

The Water Quality Department is responsible for:

- Administration of sewer related public improvement projects with adopted codes and engineering standards.
- Administration of sewer building improvement projects and ensuring construction complies with adopted codes and engineering standards.

## A-7.2 GENERAL PLAN

During the period of the Fourth Term Permit, the city reviewed and revised as necessary its General Plan or equivalent plan, (e.g., Comprehensive, Master, or Community Plan) for the purpose of providing effective water quality and watershed protection principles and policies that direct land-use decisions and require implementation of consistent water quality protection measures for all development and redevelopment projects.

## A-7.3 CEQA ENVIRONMENTAL REVIEW PROCESS

During the period of the Fourth Term Permit, the city reviewed and revised as necessary its environmental review process to include requirements for evaluation of water quality effects and identification of appropriate mitigation measures.

## A-7.4 REQUIREMENTS FOR ALL DEVELOPMENT PROJECTS

During project review, approval, and permitting, the City shall require new development and significant redevelopment projects to address the quality and quantity of stormwater runoff through the incorporation of permanent (post-construction) BMPs in project design. The City shall require project-specific Water Quality Management Plans (Project WQMPs) for all private and public projects that qualify as one of the Priority Project Categories listed in **Table A-7.1**.

The City shall require completion of a project-specific Non-Priority Project Water Quality Checklist for all public and Private Projects that:

- Do not qualify as one of the Priority Project Categories but meet one of the following criteria:
- Fall under the planning and building authority of the city
- Do not meet any of the Priority Development Project categories, and
- Have a significant nexus to water quality

**Table A-7.1. Priority Project Categories**

<b>Priority Project Categories</b>
New development projects that create 10,000 square feet or more of impervious surfaces (collectively over the entire project site). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
Redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
<p>New and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site), and support one or more of the following uses:</p> <p>(i) Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812).</p> <p>(ii) Hillside development projects. This category includes development on any natural slope that is twenty-five percent or greater.</p> <p>(iii) Parking lots. This category is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.</p> <p>(iv) Streets, roads, highways, freeways, and driveways. This category is defined as any paved impervious surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles.</p>

New or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface (collectively over the entire project site), and discharging directly to an Environmentally Sensitive Area (ESA). "Discharging directly to" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESA (i.e. not commingled with flows from adjacent lands).

New development projects, or redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, that support one or more of the following uses:

(i) Automotive repair shops. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

(ii) Retail gasoline outlets (RGOs). This category includes RGOs that meet the following criteria: (a) 5,000 square feet or more or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.

New or redevelopment projects that result in the disturbance of one or more acres of land and are expected to generate pollutants post construction

The Model WQMP and TGD contain all the information specified for the BMP Design Manual and should for purposes of compliance be considered to be a BMP Design Manual<sup>5</sup>.

The primary difference between a Priority Project and a Non-Priority Project is that Priority Projects are required to fully evaluate and incorporate LID BMPs to meet the quantitative requirements of the Permit and/or demonstrate infeasibility and participate in alternative compliance options, whereas Non-Priority Projects must incorporate all applicable source control BMPs and incorporate to the extent possible site design BMPs and implement LID BMPs where applicable and feasible.

#### **A-7.5.1 Public Agency Projects**

The City has incorporated the requirement for a Project WQMP into the process of planning, design, approval, and construction oversight of its public agency projects that qualify as Priority Projects based on similar characteristics as one of the categories listed in Table A-7.2. Depending upon the type of public agency project being planned or designed, the City's or the design architect/engineering contractor will prepare the Project WQMP for a public facility project.

<sup>5</sup> The BMP Design Manual was previously referred to as the Standard Storm Water Mitigation Plan under Order No. R8-2009-0002.

The City may develop a separate “Master Project WQMP” for all anticipated future projects with similar characteristics based upon the requirements outlined in this document. A Master Project WQMP would list all of the qualifying streets, roads, and highways projects anticipated to occur within the City’s jurisdiction over a given time period and the proposed methods of compliance with this Model WQMP.

A WQMP is not required for public agency projects consisting of routine maintenance activities, such as trenching and resurfacing associated with utility work, pavement grinding, resurfacing existing roadways, sidewalks, pedestrian ramps, or bike lanes on existing roads, and routine replacement of damaged pavement, such as pothole repair.

### A-7.5.2 Conditions of Approval

The City uses the following standard conditions of approval to protect receiving water quality from the short-term and long-term impacts of new development and redevelopment:

#### *General Conditions*

The following conditions will be applied by the City to the project identified in A-7.5.1:

- Prior to the issuance of any building permits for projects that disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, the applicant shall demonstrate that coverage has been obtained under California’s Construction General Permit ( Order 2009-0009-DWQ by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
- Prior to the issuance of any building permits or prior to recordation upon subdivision of land if determined applicable by City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - Discusses regional or watershed programs (if applicable),
  - Identifies selected LID and Hydromodification (as applicable) BMPs,
  - Identifies any applicable waivers, alternative programs, and Treatment Control BMPs,
  - Incorporates the applicable Source Control BMPs,
  - Describes long-term operation and maintenance requirements for BMPs,
  - Identifies the entity that will be responsible for long-term operation and maintenance of the BMPS, and
  - Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

Prior to building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:

- Demonstrate that all LID, Hydromodification and other structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications,
- Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
- Demonstrate that an adequate number of copies of the project’s approved final Project WQMP are available for the future property occupants,
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (optional if included in final Project WQMP).

### A-7.5.3 Review and Approval of Project WQMPs

Project WQMPs are required to be submitted as conceptual or preliminary during the discretionary or land use entitlement phase, with the level of detail to ensure the project design meets the LID permit requirements. The level of detail in a Conceptual/ Preliminary Project WQMP can vary somewhat depending upon the level of detail known at the time discretionary project approval is sought, but the minimum requirements listed in the Model WQMP and TGD must be satisfied. The city may request additional information and submittal before approving a Conceptual/ Preliminary Project WQMP.

The review and approval of a Project WQMP is one of the last critical points at which the city can impose conditions or standards that will minimize the impacts of urban runoff and stormwater pollution on local water resources. The city may request additional information and submittal before approving a Project WQMP. Prior to issuance of building permits, the project applicant must update the Conceptual/Preliminary Project WQMP and submit the completed Project WQMP for review and approval. The Model WQMP and TGD will be used as a guide for preparation of a Conceptual/Preliminary WQMP and/or a Project WQMP. The WQMP Template can be used by a project proponent to complete a Preliminary/Conceptual and/or Final WQMP for a specific project.

When reviewing Conceptual/Preliminary WQMPs and Project WQMPs submitted for approval, Permittees will assess the potential project impacts on receiving waters and ensure that the Project WQMP adequately identifies such impacts, including all pollutants and conditions of concern. The city will examine all identified BMPs, as a whole, to ensure that they address the pollutants and conditions of concern identified within the Project WQMP. LID and Hydromodification control BMPs should be considered and incorporated at the earliest conceptual planning stages of a project for early review, to potentially avoid necessary project changes and delays during the review and approval process. For all projects requiring discretionary or land use entitlement actions, a Conceptual or Preliminary WQMP should be submitted as part of the application for project approval during the environmental review phase (CEQA) and must be submitted prior to approval of entitlements and Planning Commission approval of a project or other public hearing.



The City will determine when a Conceptual or Preliminary WQMP must be submitted during the planning process for different planning actions which may vary depending upon the phase of planning for the Project. However, it is strongly recommended that the Conceptual or Preliminary WQMP be prepared and submitted during the preparation of environmental documentation for compliance with CEQA. The local jurisdiction will assure that a final Project WQMP is submitted for review and approval prior to issuance of grading or building permits.

A Conceptual or Preliminary WQMP supports the CEQA process and provides documentation to support a checklist for an initial Study and Negative Declaration or Mitigated Negative Declaration, or serves as the basis for the water quality section of an EIR. It should also serve as the basis for the Lead Agency and Responsible Agency to conclude that the MEP standard is being met by serving as the basis that selected BMPs will not have the potential to cause significant effects and/or that the effects have been mitigated, and “are not significant with mitigation”. The Conceptual or Preliminary WQMP should be circulated with the CEQA document or summarized within the circulated CEQA document.

The Final Project WQMP must be consistent with the Conceptual or Preliminary WQMP. If there are any substantial differences, the City must make a determination that the differences do not diminish the effectiveness of the BMPs to mitigate or address the project’s potential impacts to water quality. Furthermore, any changes must not result in any new environmental impacts not previously disclosed in the local jurisdiction’s circulated environmental document(s). If the changes diminish the project’s ability to mitigate or address its water quality impacts, or result in previously undisclosed environmental impacts, the City should require that the project be subject to further environmental review.

The Permittees recognize the importance of understanding the physical, chemical and biological conditions of the receiving waters at a watershed scale and the impact of incremental projects on these conditions and will continue to enlarge their understanding of receiving waters on a watershed scale through implementation of the watershed chapters of the DAMP. This information will assist in providing a strong linkage between the planning process and the development review and permitting process as required by the Permits. The Project WQMP is a project planning level document and as such is not expected to contain final BMP design drawings and details (these will be in the construction plans). However, the Project WQMP must identify and locate selected BMPs, provide design parameters including hydraulic sizing of treatment BMPs and contain sufficient BMP detail to ensure the BMPs are adequately sized. BMP fact sheets can be used in conjunction with project-specific design parameters and sizing to convey design intent. The Technical Guidance Document contains a number of BMP fact sheets that can be used for most LID BMPs. There are a number of resources listed in the Model WQMP for Site Design, Source Control, and Treatment Control BMPs that should be considered to guide the design and implementation of the BMPs.

Each Project WQMP will be stored within the City’s files, and will continue with the property after the completion of the construction phase. The City may require that the terms, conditions and

requirements be recorded with the County Recorder's office by the property owner or any successive owner as authorized by the Water Quality Ordinance. In lieu of recordation, the City may require the Project WQMP to include a Notice of Transfer Responsibility Form, which serves to notify the City that a change in ownership has occurred and notify the new owner of its responsibility to continue implementing the Project WQMP

#### **A-7.5.4 Review and Approval of Non-Priority Project Water Quality Plans**

The review and approval of a Non-Priority Project Water Quality Checklist follows similar considerations as review of Project WQMPs.

#### **A-7.5.5 Plan Check: Issuance of Building Permits**

The construction plans submitted by the applicant for plan check must incorporate all of the structural BMPs identified in an approved Project WQMP. Therefore, the City will require applicants to obtain approval of the final Project WQMP prior to issuing a building permit. Final building WQMP plan sets shall include a signed stamp from the City peer reviewer indicating that the plans follow the information presented in the approved WQMP.

The final Project WQMP must include calculations to support the structural integrity of the selected LID or treatment control BMP as appropriate and be prepared by or under the direction of a California Registered Civil Engineer and affixed with their stamp.

#### **A-7.5.6 Permit Closeout, Certificates of Use, and Certificates of Occupancy**

The Project WQMP continues with the property after the completion of the construction phase and the City may require that the terms, conditions and requirements be recorded with the County Recorder's office by the property owner or any successive owner as authorized by the Water Quality Ordinance. The Project WQMP shall be included in the Real Property File at the city that is provided upon sale or transfer of property.

Accompanying this is a close out of permits and issuance of certificates of use and occupancy. The City will use this juncture to assure satisfactory completion of all requirements in the Project WQMP by requiring the applicant to:

- Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications,
- Demonstrate that an O&M Plan has been approved for all structural BMPs within the Project WQMP,
- Demonstrate that a mechanism or agreement acceptable to the City has been executed for the long-term funding and performance of BMP operation, maintenance, repair, and/or replacement.
- Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,

- Demonstrate that an adequate number of copies of the Project WQMP are available onsite, and
- For industrial facilities subject to California’s General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, demonstrate that coverage has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number

The O&M Plan for structural BMPs that is prepared by the applicant for private sector projects shall describe and/or include:

- Structural BMPs
- Employee responsibilities and training for BMP operation and maintenance
- Operating schedule
- Maintenance frequency and schedule
- Specific maintenance activities
- Required permits from resource agencies, if any
- Forms to be used in documenting maintenance activities
- Recordkeeping requirements (at least 5 years)
- At a minimum, the City shall require the annual verification of inspection and maintenance of all structural BMPs.

*Public Agency Projects*

For public agency projects, upon completion of construction when contract close-out occurs, the responsibility for operation and maintenance of the structural BMPs will transfer from the contractor to the appropriate Permittee department and become part of the Municipal Activities Program (Section A-5), unless transfer of responsibility of the BMP has occurred through contracts, lease agreements, or maintenance agreements. Should responsibility be transferred, the City will negotiate satisfactory operation and maintenance standards with the entity accepting the operation and maintenance responsibilities.

## **Section A.8 – CONSTRUCTION COMPONENT**

Construction and grading activities are a potential source of pollutants in all phases of execution. Consequently, effective management of construction projects occurs throughout the City of Laguna Beach by implementing ordinances, performing inspections, requiring BMPs and undertaking enforcement actions. Local regulatory oversight of construction therefore directly supports both the principal requirements of the Fifth Term Permit and effectively addresses two of the HPWQCs identified in the WQIP, specifically, unnatural water balance in dry weather and pathogen health risk.

### **A-8.1 ORDINANCE UPDATE**

The City of Laguna Beach reviews and updates its grading ordinances and other ordinances as necessary to achieve full compliance with the municipal MS4 permit, including requirements for the implementation of all designated BMPs and other measures.

### **A-8.2 SOURCE IDENTIFICATION**

The City of Laguna Beach maintains an updated watershed based inventory of all construction sites within its jurisdiction. Construction projects include those covered by a State Construction General Permit, City Building Permit, or Public Works activities that result in the disturbance of soil such as soil movement, grading excavation, clearing, road construction, structure construction, or structure demolition; and projects involving uncovered storage of materials and wastes such as dirt, sand or fertilizer; or exterior mixing of cement products such as concrete, mortar or stucco.

The inventories do not include building permits for electrical, mechanical and interior plumbing work, wall signs, temporary mobile homes and trailers, temporary power poles, changes of use in existing buildings, and interior tenant improvements and remodels.

### **A-8.3 SITE PLANNING AND PROJECT APPROVAL PROCESS**

The City considers potential water quality impacts prior to approval and issuance of construction and grading permits with the following measures:

- (1) Each construction permit requires proposed construction sites to implement designated BMPs and other measures so that illicit discharges into the MS4 are prevented and storm water pollutants discharged from the site will be reduced to the maximum extent practicable and will not cause or contribute to a violation of water quality standards.
- (2) Prior to permit issuance, the project proponent's erosion and sediment control plan (or equivalent construction BMP plan) is required to comply, and is reviewed to verify compliance, with the City's ordinances, and the Fifth Term Permit.
- (3) Prior to permit issuance, the City verifies that project proponents subject to California's statewide Construction General Permit for storm water discharges associated with construction activities, (hereinafter Construction General Permit), have obtained coverage.

#### A-8.4 BMP IMPLEMENTATION

(1) The City has designated a minimum set of BMPs and other measures to be implemented at all construction sites. The designated minimum set of BMPs includes:

(a) Management Measures:

- (i) Pollution prevention, where appropriate;
- (ii) Development and implementation of a site-specific runoff management plan;
- (iii) Minimization of areas that are cleared and graded to only the portion of the site that is necessary for construction;
- (iv) Minimization of exposure time of disturbed soil areas;
- (v) Minimization of grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible;
- (vi) Temporary stabilization and reseeded of disturbed soil areas as rapidly as feasible;
- (vii) Wind erosion controls;
- (viii) Tracking controls;
- (ix) Non-stormwater management measures to prevent illicit discharges and control storm water pollution sources;
- (x) Waste management measures;
- (xi) Preservation of natural hydrologic features where feasible;
- (xii) Preservation of riparian buffers and corridors where feasible;
- (xiii) Evaluation and maintenance of all BMPs, until removed; and
- (xiv) Retention, reduction, and proper management of all storm water pollutant discharges on site to the MEP standard.

(b) Erosion and Sediment Controls:

- (i) Erosion prevention. Erosion prevention is to be used as the most important measure for minimizing erosion on the site;
- (ii) Sediment controls. Sediment controls are to be used as a supplement to erosion prevention for keeping sediment on-site during construction;
- (iii) Slope stabilization must be used on all active slopes during rain events regardless of the season and on all inactive slopes during the rainy season and during rain events in the dry season; and
- (iv) Permanent revegetation or landscaping as early as feasible.

(c) Enhanced BMPs are required for construction sites zoned "ESA", and discharging to 303(d) listed water bodies or ASBS. Enhanced BMPs are site and activity specific and must be approved on a case-by-case basis by the Community Development Department. Approval is based on effectiveness of enhanced BMPs in treating runoff for anticipated pollutants generated by the site with respect to receiving water impairments.

(i) Active Sediment Treatment (AST) are required for sediment at construction sites (or portions thereof) that are determined to be an exceptional threat to water quality. In evaluating the threat to water quality, the following factors are considered by the City:

- [a] Soil erosion potential or soil type;
- [b] The site's slopes;

- [c] Project size and type;
  - [d] Sensitivity of receiving water bodies to sediment contamination;
  - [e] Proximity to receiving water bodies;
  - [f] Anticipated non-storm water discharges;
  - [g] Ineffectiveness of other BMPs;
  - [h] Proximity and sensitivity of aquatic threatened and endangered species of concern;
  - [i] Known effects of AST chemicals; and
  - [j] Any other relevant factors.
- (d) Designated minimum BMPs and any additional measures necessary to comply with the Fifth Term Permit are required to be maintained at each construction site year-round. BMP implementation requirements may vary based on wet and dry seasons. BMP implementation must address unseasonal rain events that may occur during the dry season (May 1 through September 30).

The City has designated construction-specific BMPs as set forth in DAMP. Copies of the corresponding BMP fact sheets can be found on the County of Orange’s website at: <http://www.ocwatersheds.com/documents/bmp/constructionactivities>.

#### **A.8.5 Inspection of Construction Sites**

The City prioritizes and conducts construction site inspections for compliance with its ordinances, permits, and the Fifth Term Permit. Priorities for inspecting sites consider the nature and size of the construction activity, topography, and the characteristics of soils and receiving water quality.

- (1) During the wet season, the City inspects all High Priority construction sites (meeting any of the following criteria) at least once every two weeks:
- (a) Sites 30 acres or more in size with rough grading or active slopes occurring during the wet season;
  - (b) Sites one acre or more, and tributary to a CWA section 303(d) water body segment impaired for sediment or within or directly adjacent to, or discharging directly to, the ocean or a receiving water within an ESA; and
  - (c) Other sites determined by the Permittees or the Regional Board as a significant threat to water quality. In evaluating threat to water quality, the following factors are considered:
    - (i) soil erosion potential;
    - (ii) site slope;
    - (iii) project size and type;
    - (iv) sensitivity of receiving water bodies;
    - (v) proximity to receiving water bodies;
    - (vi) non-storm water discharges;
    - (vii) past record of non-compliance by the operators of the construction site; and
    - (viii) any other relevant factors.

- (2) During the wet season, the City inspects all construction sites draining to the Heisler Park ASBS once per week.
- (3) During the wet season, the City inspects all Medium Priority construction sites with one acre or more of soil disturbance (not meeting the High Priority criteria) at least monthly.
- (4) During the wet season, the City inspects Low Priority construction sites less than one acre in size as needed to ensure compliance with its ordinances and the Fifth Term Permit.
- (5) All construction sites are inspected as needed during the dry season. High Priority sites are inspected at least once in August or September each year.
- (6) Based upon site inspection findings, the City may re-inspect, exercise enforcement actions or require enhanced BMPs on any site.
- (7) Inspections of construction sites include, at a minimum:
  - (a) Check for coverage under the Construction General Permit (Notice of Intent (NOI) and/or Waste Discharge Identification No.) during initial inspections;
  - (b) Assessment of compliance with City ordinances and permits related to runoff, including the implementation and maintenance of designated minimum BMPs;
  - (c) Assessment of BMP effectiveness;
  - (d) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff;
  - (e) Education and outreach on storm water pollution prevention, as needed; and
  - (f) Creation of a written and electronic inspection report.
- (8) The City tracks the number of inspections for each inventoried construction site throughout the reporting period to verify that each site is inspected at the minimum frequencies required.

#### **A-8.6 ENFORCEMENT OF CONSTRUCTION SITES**

- (1) The City utilizes an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of the Water Quality Ordinance (see Exhibit A-4.1 Enforcement Response Plan). This enforcement process includes authorizing construction site inspectors to take immediate enforcement actions when appropriate and necessary. The enforcement process includes appropriate sanctions such as stop work orders, non-monetary penalties, fines, bonding requirements, and/or permit denials for noncompliance.
- (2) The City responds to complaints received from third-parties and reports to the Regional Board when corrective actions have been implemented, as appropriate.

#### **A-8.7 REPORTING OF NON-COMPLIANT SITES**

- (1) In compliance of the notification requirements in Provision E.6 of the Fifth Term Permit, the Regional Board will be notified when the City issues a stop work order or other high level enforcement to a construction site in its jurisdiction as a result of storm water violations.
- (2) The City will annually notify the Regional Board of all construction sites with alleged violations prior to the rainy season. Information provided shall include, but not be limited to, the following:
  - (a) WDID number if enrolled under the General Construction Permit
  - (b) Site Location, including address

(c) Current violations or suspected violations

#### **A-8.8 TRAINING AND EDUCATION**

The County of Orange coordinates, develops and presents a number of different training modules in accordance with the Orange County Stormwater Program Training Program Framework: Core Competencies. The City supports this effort by requiring the appropriate employees to attend training sessions, including annual pre-wet season training, if necessary.

Throughout the planning, development, permitting and construction process, the City educates project applicants, developers, contractors, property owners, and other responsible parties of the requirements of the Fifth Term Permit and the City's ordinances. The training and education provided through the City's website, handouts, permit requirements, interaction with Community Development Department staff and any other means deemed appropriate for the situation. Topics listed below are addressed:

- (a) The importance of educating all construction workers in the field about storm water issues and BMPs through formal or informal training;
- (b) Federal, State, and local water quality laws and regulations applicable to construction and grading activities;
- (c) Site design, source control, pollution prevention, and treatment BMPs;
- (d) General runoff concepts; and
- (e) Other topics of local importance, including local water quality conditions.

Additional training and education requirements for municipal staff and contractors are described in the Section A.6



## **Section A-9 EXISTING DEVELOPMENT**

### **A-9.1 INTRODUCTION**

The City of Laguna Beach requires industrial and commercial facilities to implement pollution prevention BMPs and properly maintain any structures incorporated at development or re-development. Businesses are inventoried and the City ensures BMPs are implemented through education, inspections, and enforcement. A parallel program is implemented in residential areas with an emphasis on education and outreach rather than inspections. This local regulatory oversight of the built environment supports both the principal requirements of the Fifth Term Permit and effectively addresses two of the HPWQCs identified in the WQIP, specifically, unnatural water balance in dry weather and pathogen health risk.

#### **A-9.1.1 Overview**

The existing development component of this plan is comprised of eight programs: industrial, commercial, food facility, mobile business, residential, common interest and homeowner association areas, retrofitting existing development, and a training program.

The City's Water Quality Department oversees and coordinates with other City Departments as needed to implement various components of the Existing Development Program.

#### **A-9.1.2 Regulatory Requirements**

The program described in this section confirms with Section E.5. of the Fifth Term Permit.

### **A-9.2 INDUSTRIAL/COMMERCIAL PROGRAM**

The City of Laguna Beach Industrial/Commercial Program includes specifications for pollution-prevention methods for industrial and commercial areas and activities located within the City. Specific pollution prevention practices that are generally recognized in each Discharger's industry or business, or for that Discharger's activity, as being effective and economically advantageous, were certified by the City. The City through an inspection program will verify implementation of pollution-prevention methods by industrial and commercial facilities.

#### **A-9.2.1 Source Identification and Facility Inventory**

The City of Laguna Beach annually updates a watershed-based inventory of all commercial and industrial facilities within its jurisdiction. The components that comprise the inventory include:

- All industrial facilities located within the City's jurisdiction
- All commercial facilities listed in Table 9-2 from DAMP Section 9.2.1 that are located within the City's jurisdiction.
- Watersheds where each industrial or commercial facility is located
- Potential pollutants and activities with the potential to discharge pollutants

- Industrial or commercial discharges into, or adjacent to, an Environmentally Sensitive Area (ESA).
- Industrial or commercial discharges into an ESA that include pollutants of concern.
- Industrial or commercial areas discharging to an Area of Special Biological Significance (ASBS).

The City's inventory database includes the following information about each identified industry or commercial facility within the City's jurisdiction:

- Business Name;
- Physical Address Information;
- Mailing Address Information;
- Business Contact Name
- Emergency Contact
- Lot Size
- SIC Code;
- Industrial-Specific Information
- Commercial-Specific Information
- Watershed;
- GIS Information;
- Local Licensing/Permits
- Potential pollutants
- Proximity to and/or discharge to ESA;/ASBS
- Pollutants of concern into an ESA
- Comments/Notes.

#### **A-9.2.2 Prioritization for Inspection**

The City of Laguna Beach prioritizes industrial and commercial facilities within its inventory as needed based on the findings of the City's inspection program and the following factors:

- Type of activity conducted and SIC code;
- Materials used at the facility;
- Amount and type of wastes generated;
- Pollutant discharge potential;
- Non-stormwater discharges;
- Size of facility;
- Proximity to receiving water bodies;
- Sensitivity of receiving water bodies;
- Whether the facility is subject to the General Industrial Permit or an individual NPDES permit;

- Whether the facility has filed a No Exposure Certification/Notice of Non-Applicability;
- Facility design;
- Total area of the site, area of the site where industrial or commercial activities occur, and area of the site exposed to rainfall and runoff;
- The facility’s compliance history; and
- Any other relevant factors

### A-9.2.3 BMP Implementation

The City of Laguna Beach has designated a minimum set of activity-specific BMPs for industrial and commercial facilities (see **Tables A-9.1 and A-9.2** below) that are appropriate to prevent or mitigate pollution generated from the specific activities at each site. The corresponding fact sheets are presented in **Exhibit A-9.1**.

**Table A-9.1**

#### *Industrial Activity BMPs*

<b>BMP Fact Sheet</b>	<b>Activity</b>
IC1.	AIRPLANE MAINTENANCE AND REPAIR
IC2.	ANIMAL HANDLING AREAS
IC3.	BUILDING MAINTENANCE
IC4.	CARPET CLEANING
IC5.	CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
IC6.	CONTAMINATED OR ERODIBLE SURFACES AREAS
IC7.	LANDSCAPE MAINTENANCE
IC8.	NURSERIES AND GREENHOUSES
IC9.	OUTDOOR DRAINAGE FROM INDOOR AREAS
IC10.	OUTDOOR LOADING/UNLOADING OF MATERIALS
IC11.	OUTDOOR PROCESS EQUIPMENT OPERATIONS AND MAINTENANCE
IC12.	OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND CONTAINERS

<b>BMP Fact Sheet</b>	<b>Activity</b>
IC13.	OVER WATER ACTIVITIES
IC14.	PAINTING, FINISHING, AND COATINGS OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT
IC15.	PARKING AND STORAGE AREA MAINTENANCE
IC16.	POOL AND FOUNTAIN CLEANING
IC17.	SPILL PREVENTION AND CLEANUP
IC18.	VEHICLE AND EQUIPMENT FUELING
IC19.	VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR
IC20.	VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
IC21.	WASTE HANDLING AND DISPOSAL
IC22.	EATING AND DRINKING ESTABLISHMENTS
IC23.	FIRE SPRINKLER TESTING/MAINTENANCE

**Table A-9. 2**  
**Commercial BMPs**

Activities/Sources	BMP Fact Sheets
Automobile mechanical repair, maintenance, fueling, or cleaning	IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Airplane mechanical repair, maintenance, fueling, or cleaning	IC1. AIRPLANE MAINTENANCE AND REPAIR IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Boat mechanical repair, maintenance, fueling, or cleaning	IC13. OVER WATER ACTIVITIES IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Equipment repair, maintenance, fueling, or cleaning	IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Automobile and other vehicle body repair or painting	IC14. PAINTING, FINISHING, AND COATINGS OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR
Mobile automobile or other vehicle washing	IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Automobile (or other vehicle) parking lots and storage facilities	IC15. PARKING AND STORAGE AREA MAINTENANCE
Retail or wholesale fueling	IC18. VEHICLE AND EQUIPMENT FUELING
Pest control services	IC7. LANDSCAPE MAINTENANCE IC21. WASTE HANDLING AND DISPOSAL
Eating or drinking establishments	IC22. EATING AND DRINKING ESTABLISHMENTS

<b>Activities/Sources</b>	<b>BMP Fact Sheets</b>
Mobile carpet, drape or furniture cleaning	IC4. CARPET CLEANING
Cement mixing or cutting	IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
Masonry	IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
Building Maintenance and Light Construction	IC3. BUILDING MAINTENANCE <i>IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING</i> IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS
Outdoor Activities	IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS IC9. OUTDOOR DRAINAGE FROM INDOOR AREAS IC10. OUTDOOR LOADING/UNLOADING OF MATERIALS IC11. OUTDOOR PROCESS EQUIPMENT OPERATIONS AND MAINTENANCE IC12. OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND CONTAINERS
Painting and coating	IC14. PAINTING, FINISHING, AND COATINGS OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT
Botanical or zoological gardens and exhibits	IC2. ANIMAL HANDLING AREAS IC7. LANDSCAPE MAINTENANCE IC8. NURSERIES AND GREENHOUSES
Landscaping	IC7. LANDSCAPE MAINTENANCE
Nurseries and greenhouses	IC8. NURSERIES AND GREENHOUSES
Golf courses, parks and other recreational areas/facilities	IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS IC7. LANDSCAPE MAINTENANCE
Cemeteries	IC7. LANDSCAPE MAINTENANCE
Pool and fountain cleaning	IC16. POOL AND FOUNTAIN CLEANING
Marinas	IC13. OVER WATER ACTIVITIES
Port-a-Potty servicing	IC21. WASTE HANDLING AND DISPOSAL

The City encourages the implementation of the designated BMPs at each industrial and commercial facility based on site-specific conditions in order to limit that facility's impact upon receiving water quality.

## **A-9.2.4 Inspection, Monitoring and Enforcement**

### **A-9.2.4.1 Inspections**

The City of Laguna Beach annually inspects at least 20 percent of the industrial and commercial sites inventoried as described in **Section A-9.2.1** (excluding food facilities, which are addressed by **Section A-9.3.** and mobile businesses, which are addressed by **Section A-9.4**). Other inspection frequencies are based on the factors described in Section A-9.2.2 and section E.5. of the Fifth Term Permit.

In general the City of Laguna Beach will conduct one of two types of inspections:

#### **Compliance Inspections**

Initial compliance inspections will be announced so that the inspector can meet with responsible facility official(s) (e.g., owner, superintendent, compliance manager, engineering consultant, etc.) in order to provide more efficient communication of the storm water requirements and inspection goals. The inspection will focus on current facility operations and activities, BMPs currently in use, and the effectiveness of those BMPs. This inspection will also focus on verifying inventory spreadsheet information and, whenever possible, provide outreach education to facility staff. All re-occurring compliance inspections will cover the same information as an initial compliance inspection, but will typically be unannounced in order to verify compliance and that BMPs are being effectively implemented.

#### **Follow-up Inspections**

For those facilities deemed to be non-compliant, the Permittee will perform a follow-up compliance inspection after the correction notice compliance deadline. Generally, these inspection will be similar to Advisory Inspection except that a) they will focus primarily on areas where a facility was deemed to be non-compliant and b) the inspections may be announced or unannounced, depending on which course of action the Permittee deems will be most conducive to continued facility compliance.

Should an inspected site demonstrate continued non-compliance, the City will coordinate the notification of appropriate agencies. An incident or practice of non-compliance that requires a hazardous materials emergency response will be considered a threat to human or environmental health and will be reported to the RWQCB and to appropriate hazardous waste management agencies. The City will provide oral notification to the RWQCB within 24 hours of the discovery of a non-compliant site meeting the criteria listed below. This will also be followed by written notification within 5 days of the discovery.

Criteria to be used to determine whether an event of non-compliance poses a threat to human or environmental health include the following:

- The event poses a significant or imminent threat to the quality of surface or ground waters and/or their beneficial uses.

- The event results in a spill or discharge of hazardous materials in excess of reportable quantities (as listed in 40 CFR Part 117 or 302).
- The event results in a spill or discharge of hazardous materials requiring a hazardous materials emergency response.

#### **A-9.2.4.2 Enforcement**

City inspectors with enforcement authority will issue enforcement actions to industrial and commercial facility owners and operators determined to be out of compliance. The inspectors will document each observed violation. Depending on the severity of the violation, enforcement actions can range from a verbal warning to civil or criminal court actions with monetary fines.

If a City inspector observes a significant and/or immediate threat to water quality, action will be taken to require the facility owner and/or operator to immediately cease the discharge.

City inspectors will apply or recommend any of the enforcement steps as appropriate based on the Enforcement Response Plan (**Exhibit A-4.1**). The City of Laguna Beach will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

#### **A-9.2.5 Outreach and Education**

The outreach strategy for reaching industrial businesses is in the form of informational brochures, workshops, and letters.

### **A-9.3 FOOD SERVICE FACILITIES INSPECTION PROGRAM**

In accordance with F.3.b(3)(d) of the San Diego Order, the Orange County Health Care Agency (OCHCA), on behalf of the Permittees conducts initial water quality inspections on all food service facilities. Contract inspectors and Water Quality Department staff perform additional inspections and follow up as needed. All food facilities are inspected annually and those in the Heisler Park ASBS drainage are inspected twice during the wet season. Water quality issues are documented and included in the OCHCA's monthly reports. Follow-up inspections on facilities with water quality issues confirm the implementation of best management practices for pollution prevention that address the following activities:

- Trash storage and disposal;
- Grease storage and disposal;
- Maintenance of trash collection area and grease interceptors;
- Proper discharge of wash water (e.g., from floor mats, driveways, sidewalks, etc.);
- Identification of outdoor sewer and MS4 connections; and
- Education of property managers when grease and/or trash facilities are shared by multiple facilities.



#### A-9.4 MOBILE BUSINESS PROGRAM

To address Section F.3.b(3)(a) of the Fifth Term Permit the City participates in the mobile surface cleaner business program. The mobile surface cleaner businesses addressed in this program are those which provide one or more of the following services:

- Cleaning (e.g., power sweeping, washing) driveways and parking lots;
- Cleaning building exteriors (except sand blasting, window cleaning);
- Driveway cleaning (e.g., power sweeping, washing) services;
- Parking lot cleaning (e.g., power sweeping, washing); services;
- Power washing building exteriors;
- Pressure washing (e.g. buildings, decks, fences); and
- Steam cleaning building exteriors

##### A-9.4.1 Mobile Business Inventory

The City of Laguna Beach updates as needed the list of mobile surface cleaner businesses that report their business address as being within the City.

##### A-9.4.2 Best Management Practice (BMP) Implementation

The City of Laguna Beach has designated a minimum set of activity-specific BMPs for mobile surface cleaner businesses, which are presented in the form of a Surface Cleaner BMP Fact Sheet which describes options for wastewater disposal.

##### A-9.4.3 Enforcement

City inspectors with enforcement authority will issue enforcement actions to mobile business owners and operators determined to be out of compliance as detailed in **DAMP Section 9.2.4**. The inspectors will document each observed violation. Depending on the severity of the violation, enforcement actions can range from a verbal warning to civil or criminal court actions with monetary fines.

If a City inspector observes a significant and/or immediate threat to water quality, action will be taken to require the mobile business owner and/or operator to immediately cease the discharge.

The enforcement mechanisms available to inspectors, as detailed in **DAMP Section 9.2.4**, are as follows (in increasing order of severity):

- Notice of Non-compliance
- Administrative compliance orders
- Cease and desist orders
- Infractions and misdemeanors

While these measures typically escalate in enforcement action, they are not required to be issued in the exact order presented here. City inspectors will apply or recommend any of the enforcement steps as appropriate based on the enforcement consistency guide (**DAMP Section 4, Exhibit 4.1**). The City of Laguna Beach will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

## **A-9.5 RESIDENTIAL PROGRAM**

The program described in this section was developed pursuant to Section E.5. of the Fifth Term Permit and **DAMP Section 9.5**.

### **A-9.5.1 Program Overview**

The City of Laguna Beach Residential Program includes specifications for pollution-prevention methods for residential areas and activities located within the City. Specific pollution prevention practices that are recognized for each residential activity with high potential to pose a threat to water quality, as being effective and economically advantageous, are provided in the activity fact sheets presented in **Exhibit A-9.1**. The City will use the implementation strategies discussed in **Section A-9.5.4** to encourage pollution prevention.

### **A-9.5.2 Source Identification and Inventory**

The City of Laguna Beach has identified the following potential areas and activities that pose a high threat to water quality by following the procedure outlined in **DAMP Section 9.5.2**.

- *Automobile repair, maintenance, washing and parking;*
- *Home and garden care activities and product use (pesticides, herbicides, and fertilizers);*
- *Disposal of trash, pet waste, green waste, and household hazardous waste (e.g., paints, cleaning products);*
- *Any other residential source that the Copermittee determines may contribute a significant pollutant load to the MS4;*
- *Any residential areas tributary to a CWA section 303(d) impaired water body, where the residence generates pollutants for which the water body is impaired; and*
- *Any residential areas within or directly adjacent to or discharging directly to a coastal lagoon, the ocean, or other receiving waters within an environmentally sensitive area.*

These residential activities are assumed to occur with equal likelihood in all residential areas within the City's jurisdiction. The implementation of the residential program is designed to address these activities on a citywide basis.

### A-9.5.3 Best Management Practice Requirements

The City of Laguna Beach has designated a minimum set of activity-specific BMPs for residential activities, as set forth in **DAMP Section 9.5** and modified according to City requirements. The City has selected the BMPs shown in **Table A-9.3** below that are appropriate to prevent or mitigate pollution generated from the specific activities typical of residences within the jurisdiction. The corresponding BMP fact sheets are included as **Exhibit A-9.1**. The City requires the implementation of the designated BMPs at each residence to limit the potential impact of the residential activities on receiving water quality.

**Table A-9.3**  
**Designated Residential Activities BMPs**

Activity	BMP Fact Sheet
Automobile Repair and Maintenance	R-1
Automobile Washing	R-2
Automobile Parking	R-3
Home and Garden Care Activities	R-4
Disposal of Pet Wastes	R-5
Disposal of Green Wastes	R-6
Household Hazardous Waste BMPs	R-7
Water Conservation	R-8

#### *Septic Systems*

A limited number of residential properties within the City utilize an onsite wastewater treatment system (septic system). The City established an inventory of the properties with confirmed or suspected to have a septic system. The existing developments on septic systems are relegated to homes located in select areas of the City. The City will work with the County as lead Permittee and through the WQIP pathogen health risk assessment to ensure maintenance verifications.

### A-9.5.4 Program Implementation

The implementation of the residential program will rely on education and outreach to notify and urge residents to observe the designated sets of BMPs for each of the high threat activities. The City will encourage the implementation of the designated BMPs for each residence within its jurisdiction by conducting the following as appropriate:

- *Training City Personnel* who have regular contact with residential areas (e.g. park maintenance personnel, street sweepers, code enforcement officers, etc.) to serve as informal inspectors performing field reviews.

- *Responding to Hotline Calls* by activating trained field review response personnel.
- *Updating the City's Website* (www.clbwq.net) by providing the BMP fact sheets and information on residential stormwater pollution prevention.
- *Conducting Mailings* which include the BMP information as well as information on household hazardous waste collection. Included in mailings will be the City's contact information, the City hotline number, and a statement to call 911 in an emergency situation.

#### A-9.5.5 Enforcement

Enforcement actions may be initiated by the City as a response to hotline reports and complaints, or by observations by City representatives. All enforcement actions will be documented and recorded for subsequent inclusion in the City's annual progress report. The enforcement mechanisms available to field reviewers, as detailed in **DAMP Section 10** and the Water Quality Ordinance are as follows (in increasing order of severity):

- Notice of Non-compliance;
- Administrative Compliance Order;
- Cease and Desist Orders;
- Infractions and Misdemeanors.

While these measures typically escalate in enforcement action, they need not be issued in the exact order presented here. City officials will apply or recommend any of the enforcement steps as appropriate based on the enforcement consistency guide, **DAMP Section 4, Exhibit 4.1**. The City will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

#### A-9.6 COMMON INTEREST AREAS/HOMEOWNERS ASSOCIATION ACTIVITIES PROGRAM

The common interest area and homeowners association (CIA/HOA) program described in this section was developed pursuant to Section E.5. of the Fifth Term Permit and **DAMP Section 9.6**.

##### A-9.6.1 Program Overview

The City of Laguna Beach Common Interest Area (CIA) / Homeowner Association Area (HOA) Activities Program includes specifications for pollution-prevention methods for CIA/HOA areas and activities located within the City. Specific pollution prevention practices that are recognized for each CIA/HOA activity with high potential to pose a threat to water quality, as being effective and economically advantageous, are provided in the activity fact sheets presented in **Exhibit A-9.1**. The City will use the implementation strategies discussed in **Section A-9.6.5** to encourage pollution prevention.

### A-9.6.2 Current Practices and Activities of Concern

**DAMP Section 9.6.2.2** lists high priority activities that commonly occur in CIA/HOA areas, and describes the potential pollutants generated by these activities. **Table A-9.9**, presented below, illustrates the relationship of these activities and the potential pollutants they generate.

**Table A-9.4**

**Potential Pollutants from CIA/HOA Activities**

Activity	Potential Pollutants								
	Sediments	Nutrients <sup>a</sup>	Pathogens/ Coliform <sup>b</sup>	Foaming Agents	Metals	Hydrocarbons	Hazardous Materials <sup>c</sup>	Pesticides and herbicides	Other <sup>d</sup>
Sidewalk, plaza and fountain cleaning	X	X	X	X			X		
Landscape maintenance	X	X	X				X	X	
Home and garden care	X	X	X	X	X		X	X	X
Pet waste	X	X	X						
Garden waste	X	X	X				X	X	
Automobile parking	X				X	X	X		
Community center O&M	X	X	X						X
Recreation area O&M	X	X	X					X	
Maintenance yard operation	X	X	X	X	X	X	X	X	X

<sup>a</sup>Nitrogen and Phosphorous compounds.

<sup>b</sup>Including fecal and total coliform, *E. coli*, etc.

<sup>c</sup>Including chlorinated hydrocarbons, paint, etc.

<sup>d</sup>Including bleach, etc.

### A-9.6.3 Prioritization of Locations

As part of the residential program, The City of Laguna Beach has developed, and will update annually, a watershed-based inventory of all residential areas (which includes common interest areas and homeowners associations), pollutants potentially discharged from those areas, and environmentally sensitive areas within its jurisdiction. Specific layers to the map include:

- Residential land use areas
- Watershed(s) within municipality boundaries
- Drainage facilities

- Environmentally sensitive areas (ESAs), including 303(d) water bodies

The process for conducting the inventory is detailed in **Section 9.6.3.1 of the DAMP**.

A residential area, hence CIA/HOA area, is prioritized based on whether it is:

- Directly tributary to 303(d) listed water bodies, where pollutant causing impairment is present in discharge (i.e., flows from the CIA/HOA discharge directly to 303(d) listed water bodies)
- Discharging to environmentally sensitive areas (ESAs)
- Found to be contributing significant pollutant loads to the storm drain system, through analysis of monitoring data
- Determined to be responsible for maintenance of streets and storm drains within the CIA/HOA

#### A-9.6.4 Best Management Practices Implementation

The City of Laguna Beach has designated a minimum set of activity-specific BMPs for CIA/HOA areas listed in **Table A-9.5** and **Table A-9.6**, and presented in the fact sheets included in **Exhibit A-9.1**. Each CIA/HOA area is expected to implement those BMPs that are associated with the activities being conducted. If the desired result is not being achieved, the BMPs will be assessed and modified or, if necessary, changed.

**Table A-9.5**

**BMPs for CIAs/HOAs with Publicly-Owned and Maintained Streets and Stormdrains**

ACTIVITY	BMP	Fact Sheet <sup>1</sup>
Parking vehicles on residential streets, in driveways, or in common area parking lots	Automobile parking BMPs	R-3
Washing vehicles in residential driveways or street	Automobile washing BMPs	R-2
Disposal of household hazardous wastes such as paint, bleach, etc.	Household Hazardous waste BMPs	R-7
Cleaning of CIA/HOA sidewalks, plaza, and entry monuments and fountains	Sidewalk, plaza, and entry monument and fountain maintenance BMPs	FP-4
Landscape maintenance including irrigation and fertilization	Landscape maintenance BMPs	FP-2 IC-7
Operation and maintenance of community pools	Pool cleaning BMPs	IC-16

Operations and maintenance of recreation areas such as stables, golf courses, and parks	Disposal of Pet Waste BMPs Landscape Maintenance BMPs Disposal of Green Waste BMPs	R-5 FP-2 R-6
<b>Maintenance Yard BMPs</b>		
<b>Activity</b>	<b>BMP</b>	<b>Fact Sheet</b>
Vehicle maintenance and repair	Equipment maintenance and repair BMPs	FF-3
Vehicle fueling	Vehicle fueling BMPs	FF-4
Storage of vehicles and equipment	Vehicle and equipment storage BMPs	FF-12
Cleaning of vehicles and equipment	Vehicle and equipment cleaning BMPs	FF-11
Storage, handling, and disposal of various materials such as cleaners	Material storage, handling, and disposal BMPs	FF-13
Loading and unloading of materials	Material loading and unloading BMPs	FF-6

**Table A-9.6**

**BMPs for CIAs/HOAs with Privately-Owned and Maintained Streets and Storm Drains**

Includes all the BMPs listed for Publicly-owned CIAs/HOAs from Table 9-11 of the DAMP plus the following:

<b>ACTIVITY</b>	<b>BMP</b>	<b>Fact Sheet<sup>1</sup></b>
Street sweeping	Street sweeping BMPs	FP-3
Trash collection, recycling, and disposal	Solid waste handling BMPs	FF-13
Inspection and cleaning of storm drains	Drainage system operation and maintenance BMPs	DF-1
Operation and maintenance of water and sewer lined (not controlled by utility company)	Water and sewer utility operation and maintenance BMPs	FP-6

### A-9.6.5 Implementation Strategy

The City of Laguna Beach plan for implementing the CIA/HOA Program follows the process outlined in **DAMP Section 9.6.5.2**. The City's implementation plan includes education and outreach as described both in that section and in **DAMP Section 6.0**.

Implementation efforts will vary depending on whether high priority activities occur within a CIA/HOA area, or if the area is located within an area selected for enhanced implementation as part of the residential program.

The following implementation efforts will be utilized for all CIAs/HOA areas within the City's jurisdiction:

- Mail letter explaining CIA/HOA program to association governing board. The letter will explain activities of concern and their environmental impacts, BMPs to reduce the impact, and consequences of not complying with the CIA/HOA program.
- Mail BMP fact sheets to maintenance association governing board

### A-9.6.6 Enforcement

Enforcement mechanisms available to The City of Laguna Beach as detailed in **DAMP Section 10.0**, are as follows (in increasing order of severity):

- Notice of Non-compliance (verbal and/or written warnings, to individual resident or CIA/HOA Board)
- Administrative Compliance Order (written notice to CIA/HOA Board)
- Cease and Desist Order (written notice to CIA/HOA Board)
- Civil or Criminal Enforcement (includes fines and assessments levied on CIA/HOA Board and/or individual resident)

While these measures typically escalate in enforcement action, they need not be issued in the exact order presented here. City officials will apply or recommend any of the enforcement steps as appropriate based on the enforcement consistency guide, Section 10 of the DAMP. The City will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

### A-9.7 RETROFITTING EXISTING DEVELOPMENT PROGRAM

The Fifth Term Permit requires the City to identify existing development areas that are potential candidate for retrofit and/or rehabilitation projects to address sources of pollutants and/or stressors that contribute to HPWQC in the South OC WMA, which are unnatural water balance,



pathogen health risk and stream erosion. As part of WQIP development, the Permittees elected to perform the optional Watershed Management Area Analysis (WMAA) described in Permit Provision B.3.b.(4) to develop an integrated approach for their land development stormwater planning programs by promoting evaluation of multiple strategies for water quality improvement and development of watershed-scale solutions for improving overall water quality in the watershed.

Through the WMAA the following three components were conducted:

1. Perform analysis and develop Geographic Information System (GIS) layers (maps) by gathering information pertaining to the physical characteristics of the WMA (referred to herein as WMA Characterization). This includes identifying hydrologic and infiltration features of the watersheds, land uses, stormwater conveyance and management facility locations that affect the watershed hydrology.
2. Using the WMA Characterization results, compile a list of candidate projects that could potentially be used as alternative compliance options for Priority Development Projects. Such projects may include opportunities for stream or riparian area rehabilitation, opportunities for retrofitting existing infrastructure to incorporate stormwater retention or treatment, or opportunities for regional BMPs, among others.
3. Additionally, using the WMA Characterization maps, identify areas within the watershed management area where it is appropriate to allow for exemptions from hydromodification management requirements that are in addition to those already allowed by the Permit for Priority Development Projects.

Exhibits developed as part of the WMAA are located in Appendix K of the WQIP. The exhibits include hydrologic and infiltration features of the watersheds, land uses, stormwater conveyance and management facility locations. Additionally, existing and potential retrofit locations for each subwatershed are also located in Appendix K of the WQIP and identified as the following:

- Figure 6.11 – Laguna Coastal Watershed,
- Figure 7.11 – Aliso Creek Watershed,
- Figure 8.11 – Dana Point Watershed,
- Figure 9.11 – San Juan Creek Watershed, and,
- Figure 10.11 – San Clemente Creek Watershed

Prior to implementing these retrofit projects the Permittees must demonstrate that implementing such a retrofit project would provide greater overall benefit to the watershed than requiring implementation of the onsite structural BMPs through the implementation of the WQIP. The Permittees are currently implementing a number of WQIP strategies such as:

- Development of the Comprehensive Human Waste Source Reduction Strategy Work Plan
- Outfall Capture Feasibility Studies,
- Flow Regime Special Study,

- Reach Rehabilitation Alternatives And Feasibility Studies And Associated Upland Flow Control Opportunity Evaluation, etc.

The completion of these strategies will further assist in identifying source and/or stressors that contribute to HPWQC. Overall, the City will employ a range of strategies to facilitate the implementation or construction of retrofit and rehabilitation projects in accordance with the WQIP. The City may also consider partnering with other neighboring jurisdictions to install regional BMPs where retrofit projects are deemed to provide a greater net benefit to the City than projects implemented only by the City.

# Exhibit A-9.1

## BMP FACT SHEETS



## Section A-10 – ILLEGAL DISCHARGES AND ILLICIT CONNECTIONS

### A-10.1 INTRODUCTION

The City implements an aggressive program to actively detect and eliminate illicit discharges into the MS4. The program addresses all types of illicit discharges and connections which may cause or contribute to a condition of pollution. Abating illegal discharges and illicit connections (ID/ICs) directly supports both the principal requirements of the Fifth Term Permit and effectively addresses two of the HPWQCs identified in the WQIP, specifically, unnatural water balance in dry weather and pathogen health risk.

#### A-10.1.1 Program Overview

The ID/IC Program provides guidance for City staff when identifying, responding, mitigating and enforcing the ID/ICs for the protection of public health and the environment. In addition, it provides the framework and a process for conducting the following NPDES permit compliance activities for the ID/IC Program:

- Program administration
- Detection of illegal discharges and illicit connections
- Responding to water pollution incidents and complaints
- Inspections/investigations
- Education/Enforcement
- Training

#### A-10.1.2 Program Commitments

The major program commitments and the subsections in which they are described in detail include:

- Investigation and abatement of ID/ICs (**A-10.2**);
- Education and Enforcement (**A-10.3**); and
- Training (**A-10.4**), and Outreach.

#### A-10.1.3 Regulatory Requirements

The program described in this section was developed pursuant to Section E.2 of the Fifth Term Permit and **Section 10** of the DAMP.

## A-10.2 ILLEGAL DISCHARGES/ILLICIT CONNECTIONS PROGRAM

### A-10.2.1 Program Introduction

The ID/IC Program establishes a process through which illegal discharges and illicit connections to the MS4 are actively detected and eliminated. In order to be effective, the ID/IC Program has

been integrated with the municipal, industrial, commercial, residential, and construction inspection programs so that if an illegal discharge or illicit connection is discovered during an inspection it can be properly addressed and eliminated. In addition, on behalf of the Permittees, the Principal Permittee implements the water quality monitoring programs which can also assist in identifying illegal discharges and illicit connections. Illegal discharges and illicit connections that are discovered as a result of integrated efforts will be addressed pursuant to this Section. The program is in accordance with the strategies in the Water Quality Improvement Plan (WQIP) described pursuant to Provision B.3.b.(1) and includes all requirements outline by the Fifth Term Permit.

#### **A-10.2.2 Program Administration and Implementation**

The City's Water Quality Department is predominantly responsible for implementing and enforcing this Section, under the direction of the Director of Water Quality and their designee.

##### Spill Responders

The Spill Responder (SR) are staff authorized to coordinate with the County of Orange per Water Quality Ordinance Implementation Agreement, Orange County Fire Authority, South Coast Water District, Laguna Beach Water District, the Water Quality Department Sewer Staff and other clean up contractors, as necessary, to respond to spills, leaks, or prohibited (illicit) discharges of pollutants requiring clean-up.

##### Enforcing Attorney

The Enforcing Attorney is the City Attorney acting as counsel for the Permittee, and their appointee. For purposes of criminal prosecution, only the District Attorney or designee should act as the Enforcing Attorney.

#### **A-10.2.3 Detection and Elimination of Illegal Discharges**

The city has a number of programs that facilitate the proactive detection of sources of illegal discharges and illicit connections. These programs include the following:

**Municipal Activities** – field inspectors and facility managers assist in the identification of illegal discharges and illicit connections during their daily activities. For example, during the routine maintenance of a drainage facility, a field inspector will report any dumped materials and/or undocumented connections to the NPDES representative.

**Public Education** – Water Quality staff assists with the distribution of public education materials that provide phone numbers and encourage the reporting of spills.

**Construction Activities** – Water Quality staff, inspection consultants and building inspectors assist with the identification of illegal discharges from construction sites.

Existing Development Programs – Water Quality staff assists with the identification of actual or potential illegal discharges from industrial, commercial and residential areas.

Water Quality Monitoring Program – Water Quality staff, Orange County Health Care Agency, and County of Orange watersheds assist with the identification of problem areas through the collection of water quality data.

Reporting – Water Quality staff encourage the public to report water pollution problems to the City reporting hotline at (949) 497-0701 and through AskLaguna on the City’s webpage at [www.lagunabeachcity.net](http://www.lagunabeachcity.net)

#### **A-10.2.4 Model Spill Response Procedures**

While all spills to municipal storm drain system have high priority, sewage spills have merited special regulatory attention as coordination with other public agencies as well as private owners is often involved; for this reason sewage spill response procedures are covered separately as part of the City’s Sanitary Sewer Overflow Emergency Response Plan.

In addition, the County developed an Investigative Guidance Manual (Manual) (**Exhibit A-10.1**) for the Authorized Inspectors to specifically address the investigative portion of an ID/IC response. The Manual outlines the fundamental techniques that should be followed during investigations in order to collect legally defensible data. The Manual addresses record keeping, site entry, interviewing, photographs, sample collection, and report writing.

##### **A-10.2.4.1 Record Keeping**

To ensure that the necessary information from a complaint, notification, or response request is accurately documented throughout the entire process, the City of Laguna Beach has created and uses an NPDES Database Enforcement Action Input Form (**Exhibit A-10.2**)

Documentation may also include photographs, the collection of samples, detailed notes on observations, witness interviews, discussions on decisions made and other information relevant to the investigation.

##### **A-10.2.4.2 Notifications and Response Requests**

In order to have a successful ID/IC program, there is a need to obtain information about potential or existing complaints and spills as soon as possible so that the problem can be mitigated as quickly as possible.

In order to facilitate the reporting of problems by the general public, the City advertises a 24 hour water pollution reporting hotline number (949) 497-0701, the website reporting form on [www.lagunabeachcity.net](http://www.lagunabeachcity.net) and the city reporting number (949) 497-0378.

The County's 24 hour hotline number and web address are included in all Pacific Bell Regional Phone Directories. The hotline number is located in the Government Section of the White Pages while the web address can be found in the Internet Section of the Yellow Pages.

The city also coordinates with internal staff and other agency and emergency response personnel so that they understand how to identify and respond to a problem.

#### ***A-10.2.4.3 Response***

After receiving a notification of a water pollution problem or spill, the City refers the problem to the Department of Water Quality. Each complaint or spill is investigated as soon as possible to ensure that valuable information is not lost and to minimize any potential human health and environmental impact.

After conducting an on-scene assessment, several notifications may be necessary.

Notifications may include:

Notification to Other Agencies—Notifications need to be made to any agencies or entities that may be affected by or have jurisdiction over the pollutant or discharge.

Requesting Assistance—If it is determined that the incident requires a multi-agency response, it may be necessary to request additional assistance from the other agencies. The city has an agreement with the County of Orange watersheds to assist with response efforts.

#### ***A-10.2.4.4 Clean-Up***

The main objective in the clean-up operation is to restore the impacted area back to its original state (to the maximum extent practicable) and prevent further environmental degradation in the surrounding area of the incident. It is important that the clean-up is completed in a timely and cost-effective manner.

During this phase of the response, the Inspector or Responder is generally overseeing and directing the cleanup and should re-evaluate the resources necessary to perform the clean-up and ensure that they are being prepared and sent to the site.

The Authorized Inspector may also deliver to the owner or occupant of any property, or any other Person who becomes subject to an Administrative Remedy such as a Notice of Non-compliance or Administrative Order, and invoice for costs. The invoice for costs is immediately due and payable to the city of for the actual costs incurred by the city in responding to, overseeing the cleanup of and issuing and enforcing any notice or order.

#### ***A-10.2.4.5 Trauma Scene Clean-Up***

Trauma scene wastes (i.e. blood and human tissue) may be encountered at various incidents including crime and/or accident scenes. Trauma scene wastes require the implementation of

special procedures in addition to the general clean up procedures that are followed. The City of Laguna Beach relies on the City's Fire and Police departments and their policies and procedures to assist with trauma scene waste cleanup. If needed, the County also provides guidance in the DAMP.

#### ***A-10.2.4.6 Reporting***

The ID/IC program has a number of reporting requirements. The requirements include:

Proposition 65 Notification – Health and Safety Code 25180.7 provides that:

“Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction, and who knows that such discharge or threatened discharge is likely to cause substantial injury to public health or safety, must, within 72 hours, disclose such information to the local health officer.”

The Proposition 65 Hotline telephone number in Orange County is (714) 433-6403; fax number is (714) 754-1768.

Regional Board Notifications – If a spill, leak or illegal dumping is determined to pose a threat to human or environmental health the Permittees provide oral notification to the Regional Board by phone or e-mail within 24 hours of the discovery followed by a written report within 5 days.

The current City Ordinance Title 17 requires that private sewer laterals and septic systems be designed and operated in accordance with industry standards. The Ordinance also requires the proper maintenance of these facilities in order to minimize possible spills, breakages, and failures. The City will enforce these requirements if a spill from private property or source is, or cannot be, effectively remedied by the owner or other responsible party.

#### ***A-10.2.5.1 Record Keeping***

The City maintains records of all sanitary sewer overflows. Information regarding whether a sewage spill entered a storm drain (i.e. where sewage is observed running into a drain, or directly to a receiving water, creek, channel, etc. or there is residual evidence thereof), including the:

- location and name of the receiving water;
- determination of spill start and stop time;
- and a determination of spill volume

#### ***A-10.2.5.2 Response***

Although there are instances where the municipal storm drain and sanitary sewage collection systems are under the same public agency (City) ownership, there are also situations where the jurisdictions are not the same. Responding to overflows that reach the municipal storm drain



system is, in these instances, a joint or shared responsibility of both (stormwater and waste water) Permittees.

All City Departments have coordinated to implement management measures and procedures to prevent, identify, respond to, contain and clean up all sewage and other spills that may discharge into the MS4 from any source. The City coordinates with internal and external spill response teams to prevent entry of spills into the MS4 and contamination of surface water, ground water and soil as the need arises. Sewer spill response and reporting procedures are available upon request from the Water Quality Department. Due to the dynamic nature of the information contained in the procedures, outdated copies are destroyed.

The Water Quality Department has developed and implemented a mechanism whereby it is notified of all sewage spills from private laterals and failing septic systems into the MS4. City Marine Safety, Police and Fire Departments and the local water districts work closely together on a regular basis reinforcing interdepartmental and interagency notification procedures to mobilize crews to contain and clean up sewage.

#### ***A-10.2.5.3 Reporting***

Sewage spill reporting to various regulatory agencies has parallel and overlapping requirements. However, reporting spills to one regulatory agency will not necessarily satisfy the requirements of the other. Therefore, the City of Laguna Beach reports to the following agencies:

##### **Storm Drain Discharges:**

- Regional Board Notifications – If a spill, leak or illegal dumping is determined to pose a threat to human or environmental health the Permittees report this information to the Regional Boards by phone or e-mail within 24 hours of the discovery followed by a written report within 5 days. (See Section A-10.5.6 above)

##### **Sewage Discharger Notifications:**

- Orange County Health Care Agency (HCA) - California Health and Safety Code Section 5411.5 requires that all sewage spills be immediately reported to the HCA 24-hours a day. During standard work hours (M-F, 8:00 a.m. to 5:00 p.m.) sewage spills that may impact beaches or the ocean should be called in by phone directly to Regulatory Health Services, Environmental Health, Ocean Water Protection Program staff personnel at (714) 433-6000. After hours reports for emergency spills can be phoned in through the County Communications number (714) 628-7008.
- State Office of Emergency Services (OES) - California Water Code Section 13271 and the CCR Section 2250 require that the State OES be notified immediately of all sewage spills of 1,000 gallons or more from public sewer systems by telephone (800) 852-7550.

- San Diego Regional Board - Order No. 96-50 requires that sewage dischargers report spills of at least 1,000 gallons, or to surface waters (all, of any volume), within 24-hours by FAX or telephone. In all instances the discharger must fax a SSO Report Form to the Board within five days of the spill. The completed SSO Form must also be faxed to the Department of Health Services (DHS). A quarterly report of all sanitary sewer spills, including those not meeting the criteria stated above, must be submitted electronically to the Regional Board.

#### ***A-10.2.5.4 Sewage Spill Response Planning***

The City has a Sanitary Sewer Overflow Emergency Response Plan which is Element VI of the City's Sanitary Sewer Management Plan. The City also participates in the Countywide Area Spill Control (CASC) Program as described **DAMP Section 10.2.5.6**.

#### **A-10.2.6 Illicit Connection Investigations**

As part of the municipal stormwater program, the city detects and eliminates illicit connections within its municipal storm drain system. Any illicit connection identified during routine inspections is investigated. Appropriate actions are then taken to approve undocumented connections by permit procedure and/or pursue removal of those connections that are determined to be illicit connections and not permissible. If evidence of an illegal discharge is detected and the source does not appear to be evident, a source investigation may be conducted as described in **Section A-10.2.7** and **DAMP Section 10.2.7** to determine if the discharge is being conveyed through an illicit connection.

#### **A-10.2.7 Source Investigations**

Source investigations may be conducted when an ID/IC is detected or suspected, and the source is not readily identifiable. The purpose of the investigation is to locate the source so that measures to eliminate the ID/IC can be implemented. Source investigations will be initiated when appropriate information suggests evidence of an ID/IC, including:

- Reports made by City staff, government agencies, or the general public
- Triggers established by the data from the water quality monitoring program
- Professional judgment of water quality monitoring personnel

In order to facilitate the determination of when source investigation studies are warranted, the Dry Weather Monitoring Program (**DAMP Section 10.0**) includes a set of criteria that will trigger focused ID/IC studies by the City when the monitoring data indicate the presence of a problem.

When data from the routine Dry Weather Monitoring Program exceeds these criteria, this triggers a consideration that follow-up investigations are necessary. With this trigger, the County Dry Weather Monitoring Program will have identified a stormdrain that exceeded the criteria,

and the City will be notified that a follow-up ID/IC investigation may be necessary. For extreme conditions that represent a clear and immediate risk to human health or receiving water quality then the appropriate agency will be notified immediately. This situation may require a hazardous materials response.

In instances, where the monitored site is near a jurisdictional boundary and the upstream drainage network for the site extends into a neighboring jurisdiction(s), all appropriate jurisdictions will be notified.

#### ***A-10.2.7.1 Tracking a Pollutant Upstream***

Once the City Authorized Inspector is notified of the potential problem and it is determined that a source investigation is warranted, the approach used for tracking a pollutant source upstream or identifying an illicit connection will primarily involve the steps as outlined in the **DAMP Section 10.2.7**.

#### ***A-10.2.7.2 Documentation***

Thorough and accurate documentation will be maintained by the Authorized Inspector throughout the investigation process to ensure that an accurate record is maintained and legal/evidentiary requirements are met. Documentation is also intended to ensure that the required regulatory reporting is completed, enforcement and cost recovery actions can be justified, repeat offenders and other areas of concern can be identified, program improvements can be made, and program effectiveness assessments can be prepared.

#### ***A-10.2.7.3 Elimination of ID/ICs***

Depending on the type of ID/IC detected, the City will eliminate any discharge or connection by means of appropriate legal procedures. ID/ICs will be eliminated by contacting the appropriate supervisor who oversees the activities resulting in the discharge and notifying the individual of necessary actions.

In the event that the city Department of Water Quality determines that the individual responsible for the ID/IC is incapable of performing the actions by the compliance date, or if the individual chooses not to perform the activities, the City may conduct the necessary measures, and charge the resulting costs to the individual.

Follow-up will be conducted to ensure that abatement activities have been successfully and adequately implemented. A summary of the Non-stormwater discharges and illicit discharges and connections investigated and eliminated must be included in the WQIP Annual Report as required by Provision F.3.b.(3) for the Fifth Term Permit.

## A-10.3 Education and Enforcement

### A-10.3.1 Introduction

Enforcement activities are undertaken according to the city adopted Water Quality Ordinance and accompanying Enforcement Response Plan (**Exhibit A-4.I**). Water pollution cases may be handled administratively or in more serious instances, be prepared for prosecution.

The city has formally designated the staff responsible for carrying out enforcement according to the Enforcement Response Plan and updates these designations every year as a part of Program Effectiveness Assessment.

The city generally utilizes the following types of remedies:

- Educational letters;
- Administrative Remedies - Notices of Noncompliance, Administrative Compliance Orders, Cease and Desist Orders;
- Criminal Remedies – Misdemeanors, Infractions, Issuance of Citations; and
- Other civil or criminal remedies as appropriate
- A-10.3.2 Choosing the Type of Enforcement
- In order to be consistent countywide, the staff use the Enforcement Response Plan to assist them in determining which type of enforcement action should be used for any given incident.

## Exhibit A-10.1

# INVESTIGATIVE GUIDANCE MANUAL



## Exhibit A-10.2

### ENFORCEMENT ACTION INPUT FORM



### Water Quality Enforcement Action Input Form



Add New Enforcement Action

Citation #:

Violation Address:

Business Name:

Mobile Business?:

Date:

Time:

Violator Name:

Address:

City:

State:

Zip Code:

Code Section:

Comments:

Enforcement Action:

Issuing Officer:

Reason for Investigation:

Type of Call:

Amount of Fine:

Fine Paid:

Number of Contacts:

Frequency:

Material Discharged:

Corrective Action Required?

Additional Information:

Save Enforcement Action

Exit/Close

## **Section A-11 WATER QUALITY MONITORING**

### **A-11.1 INTRODUCTION**

The Water Quality Management Plan (WQIP) requires a Monitoring and Assessment Program (MAP) that describes the strategies and methods that the City and Permittees will use to monitor and assess progress of the strategies and the conditions of receiving waters and discharges from the MS4 under wet weather and dry weather conditions. The Map also describes the parameters of the iterative and adaptive approach that will be used for subsequent updates of the WQIP. The specific field and laboratory methods and protocols and data quality objectives will be included within the South Orange County Monitoring and Assessment Program Quality Assurance Program Plan (QAPP), which is currently in development. For more details, please refer to the South Orange County MAP and QAPP.