



STAFF RECOMMENDATION:

Staff recommends adoption of the plans, ordinance amendment, minimum Best Management Practices, and Mitigated Negative Declaration, and authorization of the Mayor, or his designee, to implement the activities identified in the plans and manage the Best Management Practices.

SUMMARY:

The Clean Water Act established the National Pollutant Discharge Elimination System permit program to regulate the discharge of pollutants, including those from municipal storm drain systems, to waters of the United States. The United States Environmental Protection Agency administers the Clean Water Act and has delegated authority to California's State Water Resources Control Board and its series of Regional Water Quality Control Boards. Jurisdictions in the San Diego region, including the City of San Diego, are required to implement urban runoff management programs to reduce pollutants per the Municipal Permit issued by the San Diego Regional Water Quality Control Board.

The San Diego Regional Water Quality Control Board issued the first Municipal Permit for San Diego jurisdictions in July 1990 (Order No. 90-42), which was then followed by a significantly revised Municipal Permit (Order No. 2001-01) on February 21, 2001. The most recent Municipal Permit was issued on January 24, 2007 (Order No. R9-2007-0001). This 2007 Municipal Permit requires each jurisdiction to submit to the San Diego Regional Water Quality Control Board by January 24, 2008, various new or updated Urban Runoff Management Plans, which describe actions that the jurisdictions will take to protect surface waters and achieve compliance with the 2007 Municipal Permit.

The Jurisdictional (1), Watershed (6), and Regional (1) Urban Runoff Management Plans identify and describe the activities that the City commits itself to implementing to protect and improve water quality and comply with the regulatory requirements outlined the 2007 Municipal Permit. New requirements in the 2007 Municipal Permit has prompted the incorporation of significant revisions into the plans, including the identification of new activities to implement in Fiscal Years 2008 through 2013. Staff also initiated additional changes to improve effectiveness and efficiency and streamline resources. There are three types of Urban Runoff Management Plans: Jurisdictional, Watershed, and Regional. The County of San Diego is leading the development of the Regional Urban Runoff Management Plan with input from the City and other jurisdictions.

*Jurisdictional Urban Runoff Management Plan*

The Jurisdictional Urban Runoff Management Plan serves two primary purposes. First, it outlines the minimum and activity-specific Best Management Practices that each City department has identified for implementation to prevent or reduce urban runoff pollution during the course of its functions. Each department will be responsible for financing and implementing the Best Management Practices and tracking their activities to enable the Storm Water Pollution Prevention Division to perform an annual assessment of the City's efforts. The Storm Water Pollution Prevention Division is the lead office for the City's efforts and provides technical expertise and guidance to all City departments to ensure implementation and compliance with the 2007 Municipal Permit. Second, the jurisdiction plan identifies the public education,

enforcement, business inspection, development planning, monitoring programs, and Best Management Practices that the Storm Water Pollution Prevention Division will implement and enforce over the five-year life of the 2007 Municipal Permit.

Notable 2007 Municipal Permit requirements for the Jurisdictional Urban Runoff Management Plan include:

- Minimum Best Management Practices: The City is required to designate and enforce a minimum set of Best Management Practices for all municipal, industrial, commercial sites/sources and for high threat to water quality residential areas and activities. These Best Management Practices will consist of good housekeeping practices to prevent or minimize the production of pollutants or the exposure thereof to runoff. More discussion can be found further below.
- Storm Water Standards Manual Update: The City is required to update its Storm Water Standards Manual, which provides requirements to development permit and construction permit applicants of the storm water control measures that must be incorporated into a project as conditions for approval. Included in these requirements are both temporary measures applicable to grading and construction activities and, if applicable, permanent site improvements that are designed to reduce and control storm water pollutants associated with the long term use of the developed site, such as oil, grease and metals from parking lots. The Storm Water Standards Manual was first established to assure compliance with the 2001 Municipal Permit for the activities described above. The 2007 Municipal Permit has increased requirements relevant to development approvals and construction sites and, thus, has prompted a need to update the Storm Water Standards Manual. The most notable updates are requirements for low impact development, pollutant source and treatment control, hydromodification controls, grading restrictions, and advanced sediment control. Council approval of the updated Storm Water Standards Manual is being sought through a separate process.

#### Watershed Urban Runoff Management Plans

The Watershed Urban Runoff Management Plans identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in and outlines activities to address those pollutants and sources. The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed; it is a participating jurisdiction in the following five watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River. To comply with 2007 Municipal Permit requirements, the City has identified at least two (2) education and two (2) water quality activities to implement annually for each of its watersheds. These activities are outlined in the six (6) watershed plans.

A final draft of the Mission Bay & La Jolla Watershed Urban Runoff Management Plan has been prepared by the City. The other five (5) Watershed Urban Runoff Management Plans are being prepared in collaboration with other jurisdictions, and final drafts are not available. It is anticipated that these final drafts may not be available for Council consideration. The most complete drafts available of those five (5) plans, along with the City's proposed activities for

each of them, will be provided for Council consideration. Final versions of the plans will be submitted to the San Diego Regional Water Quality Control Board by January 24, 2008.

### Regional Urban Runoff Management Plan

The Regional Urban Runoff Management Plan serves as a framework to implement coordinated regional strategies across multiple jurisdictional boundaries. Under this plan, jurisdictions will integrate activities at a regional scale when efficient and appropriate, such outreach campaigns. The County of San Diego is leading the development of this regional plan with input from the City and other jurisdictions. It has not been completed to date and may not be completed prior to Council consideration. However, the Storm Water Pollution Prevention Division will provide to Council a final and complete list of the City's proposed regional education activities to be integrated into the plan, along with the regionally approved Regional Urban Runoff Management Plan outline, which describes what the contents of the plan will be. The final Regional Urban Runoff Management Plan and the list of City-sponsored activities will be submitted to the San Diego Regional Water Quality Control Board by January 24, 2008.

### Minimum Best Management Practices

The 2007 Municipal Permit requires the City to designate a set of minimum Best Management Practices to prevent or minimize the production of pollutants or the exposure thereof to runoff for: (1) municipal areas and activities; (2) commercial/industrial sites and sources; (3) mobile businesses; and (4) high threat to water quality residential areas and activities. As a result, staff proposes for adoption the minimum Best Management Practices included as Attachment 1 to this report. The proposal is based on: Best Management Practices that staff have previously been recommended for implementation by the private sector; mandatory Best Management Practices used by other jurisdictions; the effectiveness of the Best Management Practices; and the "reasonableness" of the Best Management Practices.

A number of minimum Best Management Practices are proposed for municipal areas and activities. Many of these practices are currently practiced by staff and maintenance contractors of the various departments during the course of their daily activities. The list of minimum municipal Best Management Practices will increase consistency across municipal departments and simplify good housekeeping requirements. The minimum municipal Best Management Practices include: reducing over-irrigation; stenciling storm drains with "no dumping" signs; capturing and properly disposing of all power washing water; routinely inspecting vehicles for leaks and servicing leaky vehicles immediately; keeping materials and waste piles covered and, if possible, off the ground; keeping lids closed on trash cans and dumpsters; inspecting and clearing storm drain system catch basins and drop inlets of debris or other foreign material; sweeping municipal areas after activities/spills; allowing only clean storm water to be discharged into the storm drain system; and locating storm drains prior to starting activities and preventing pollutants from entering.

A number of mandatory, minimum Best Management Practices are proposed to apply to commercial/industrial sites and sources and mobile businesses. Many of these practices are currently practiced by many businesses as a means of avoiding a discharge violation. An

example is a requirement to maintain spill capture and cleanup materials on site. A few practices are currently required for businesses that are subject to other regulations, such as the State General Industrial Storm Water Permit. An example of this is a requirement to develop and implement a Storm Water Pollution Prevention Plan. Some of the proposed minimum Best Management Practices are already enforced through other provisions of the San Diego Municipal Code, but are included on this list so that they will be part of the process for notifying and educating operators of commercial and industrial sites on required Best Management Practices.

Best Management Practices are proposed for mandatory implementation at residential properties. These practices will apply to all residential types, including single-family and multi-family units. Most of these practices are already encouraged in storm water educational programs. Examples are proper management of pesticides and fertilizers, properly storing and disposing of hazardous materials, picking up pet waste in yards, and using drip pans to capture leaks and spills.

Contrary to in the past, the 2007 Municipal Permit now requires the City to require implementation of these minimum Best Management Practices. Per San Diego Municipal Code Section 43.0307(a), the Enforcement Official (i.e., the Mayor), is currently authorized to establish these minimum Best Management Practices. Staff recommends that the resolutions that the Council uses to adopt the minimum Best Management Practices also clarify that the Mayor may delegate the authority to delete, add to, or otherwise amend the minimum Best Management Practices to the Storm Water Pollution Prevention Division, provided that the Mayor concur with any proposed amendment. After Council approval of the resolutions, the Storm Water Pollution Prevention Division will request that the Mayor approve the minimum Best Management Practices and subsequently publicize and then enforce the implementation of the minimum Best Management Practices.

Although the San Diego Municipal Code defers enforcement protocols to the Enforcement Official, it is not currently contemplated that the Storm Water Pollution Prevention Division will levy administrative citations or administrative civil penalties against first-time violators of the minimum Best Management Practice requirements. Instead, education will be used as the enforcement mechanism until there is more general public awareness of the minimum Best Management Practices.

The process for notifying the public and soliciting public input on the proposed minimum Best Management Practices is detailed in Attachment 2. The 30-day comment period for these minimum Best Management Practices closed on October 12, 2007. In addition, the minimum municipal Best Management Practices and each department's activity-specific municipal Best Management Practices were reviewed by the former Public Utilities Advisory Commission's Storm Water Sub-Committee, which made recommendations during their August 16, 2007 meeting. The Storm Water Pollution Prevention Division incorporated the recommendations on the Best Management Practices for municipal areas and activities in the updated Jurisdictional Urban Runoff Management Plan as feasible.

Storm Water Management & Discharge Control Ordinance

The City’s Storm Water Management and Discharge Control Ordinance (San Diego Municipal Code Section 43.03) states that, except as provided in Section 43.0305, it is unlawful for any person to discharge non-storm water to a storm water conveyance system. Section 43.0305 lists the various types of discharges that are exempt from the discharge prohibition. The existing list of discharge exemptions is generally based on the 2001 Municipal Permit. Because the 2007 Municipal Permit changes some of these allowable non-storm water discharges, the City’s Storm Water Ordinance needs to be changed to conform. The proposed Storm Water Ordinance amendments will replace the existing list of exempted discharges with the list of exempted discharges from the 2007 Municipal Permit. In addition, emergency fire fighting flows and non-emergency fighting flows (provided that authorization is first obtained from the Mayor, or his designee, and assurances of proper Best Management Practices will be implemented) will be included in the list of allowable non-storm water discharges as sanctioned by the 2007 Municipal Permit. See Attachment 3 for the proposed amendments to the Storm Water Ordinance.

**FISCAL CONSIDERATIONS:**

City-wide Fiscal Year 2008 costs are estimated to be \$43 million. This estimate is derived from the Street Division’s storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division’s (\$22,995,409) current budgets (less substantial cost estimates of other departments have not been estimated). Implementation of Fiscal Year 2009–2013 activities will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific activities will be considered by separate actions. City-wide costs for the programs are estimated at \$320 million over the 5-year 2007 Municipal Permit cycle (less substantial expenditures to be required of other departments have not been included in this estimate), as shown below.

**Table 1. Anticipated Five-Year City-Wide Costs for Implementing 2007 Municipal Permit Requirements.**

| <b>Municipal Permit Year/<br/>Budget Period<sup>1</sup></b> | <b>JURMP</b>                     | <b>WURMPs</b>       | <b>RURMP</b>       |
|---|----------------------------------|---------------------|--------------------|
| Fiscal Year 2008 <sup>2</sup>                               | \$36,900,000                     | \$6,000,000         | \$100,000          |
| Fiscal Year 2009  | \$45,000,000                     | \$9,000,000         | \$150,000          |
| Fiscal Year 2010  | \$45,000,000                     | \$9,000,000         | \$150,000          |
| Fiscal Year 2011  | \$46,000,000                     | \$9,000,000         | \$200,000          |
| Fiscal Year 2012  | \$47,000,000                     | \$9,000,000         | \$250,000          |
| Fiscal Year 2013  | \$48,000,000                     | \$9,000,000         | \$250,000          |
| <b>Total Program Costs:</b>                                 | <b>\$267,900,000</b>             | <b>\$51,000,000</b> | <b>\$1,100,000</b> |
| <b>Total City-Wide Costs:</b>                               | <b>\$320,000,000<sup>3</sup></b> |                     |                    |

<sup>1</sup> The 5-year 2007 Municipal Permit cycle extends over six fiscal years (January 24, 2008, to January 24, 2013).  
<sup>2</sup> This estimate, which has been rounded to the nearest million, is derived from the Street Division’s storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division’s (\$22,995,409) current budgets.  
<sup>3</sup> Actual implementation of the activities identified in the Urban Runoff Management Programs is dependent upon identification of funding in future yearly budgets and City Council approval. Only Street Division and Storm Water Pollution Prevention Division estimates are included; other department estimates are not included. Estimates include initial planning costs for Total Maximum Daily Load/Area of Special Biological Significance regulations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-296019 (January 28, 2002) approving 2002 Jurisdictional Urban Runoff Management Plan. Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior amendments to Storm Water Ordinance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Outreach efforts to solicit input on the draft plans, including draft minimum Best Management Practices for municipal, commercial/industrial, and residential sites/sources, included two public workshops, two 30-day public comment periods, an Internet comment form on the City's Think Blue website (<http://www.thinkbluesd.org>), and three presentations to the Public Utilities Advisory Commission's Storm Water Sub-Committee. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website, media releases, and flyers distributed at City public involvement meetings. See Attachments 2 and 3 for details.

The Development Services Department's Environmental Analysis Section also requested public comment via a 30-day comment period on the draft version of the Mitigated Negative Declaration (Project No. 134590) prepared under the California Environmental Quality Act.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions in the San Diego region, and environmental organizations. The Development Services Department prepared a Mitigated Negative Declaration (Project No. 134590), which identified the following potential impacts: historical resources (archaeology), paleontological resources, and land use (Multiple-Habitat Planning Area Land Use Adjacency).

---

Mario X. Sierra  
General Services Department Director

---

R. F. Haas  
Deputy Chief of Public Works

ATTACHMENTS:

[Attachment 1: Proposed Minimum Best Management Practices](#)

[Attachment 2: Public Outreach on Proposed Minimum Best Management Practices](#)

[Attachment 3: Proposed Storm Water Ordinance Amendments](#)