



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: January 2, 2008 REPORT NO: 07-205

ATTENTION: Council President and City Council
Docket of January 7, 2008

SUBJECT: Urban Runoff Management Plans and Storm Water Ordinance
Amendment

REFERENCE: 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 Management and Discharge Control
Ordinance

REQUESTED ACTION:

The Storm Water Pollution Prevention Division of the General Services Department requests Council adoption of: one (1) updated Jurisdictional Urban Runoff Management Plan; six (6) updated Watershed Urban Runoff Management Plans; and one (1) new Regional Urban Runoff Management Plan.

The Storm Water Pollution Prevention Division also requests Council adoption of an ordinance amending Section 43.03 (Storm Water Management and Discharge Control Ordinance) of the San Diego Municipal Code to conform to the requirements of the 2007 Municipal Permit (Order No. R9-2007-0001).

In addition, the Storm Water Pollution Prevention Division requests Council certification and adoption of the Mitigated Negative Declaration and associated Mitigation, Monitoring, and Reporting Program.

STAFF RECOMMENDATION:

Staff recommends adoption of the Urban Runoff Management Plans, ordinance amendment, and Mitigated Negative Declaration.

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 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. There are three types of Urban Runoff Management Plans: Jurisdictional, Watershed, and Regional.

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. 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. Examples of the minimum municipal Best Management Practices include: keeping trash can lids closed, stenciling storm drains with “no dumping” signs, and capturing and properly disposing of all power washing water. Departments 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 of and compliance with the 2007 Municipal Permit.

Second, the jurisdictional plan identifies the public education, enforcement, business inspection, development planning, monitoring programs, and residential, commercial and industrial Best Management Practices that the Storm Water Pollution Prevention Division will implement and enforce over the five-year life of the 2007 Municipal Permit. See Attachment 1 for the Draft Jurisdictional Urban Runoff Management Plan.

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

- Minimum Private Sector Best Management Practices: The City is required to designate and enforce a minimum set of Best Management Practices for all industrial and commercial sites/sources and for high threat to water quality residential areas and activities. These Best Management Practices will generally consist of good housekeeping practices to prevent or minimize the production of pollutants or the exposure thereof to

runoff. Staff proposes for adoption, as a component of the Jurisdictional Urban Runoff Management Plan, the minimum residential, commercial, and industrial Best Management Practices included as Appendices X through XII to the Jurisdictional Urban Runoff Management Plan. The proposal is based on: Best Management Practices recommended for implementation by the private sector; mandatory Best Management Practices used by other jurisdictions; and the effectiveness of the Best Management Practices. A few practices are currently required for businesses that are subject to other regulations, such as the State General Industrial Storm Water Permit. 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.

The residential Best Management 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.

The minimum residential, commercial and industrial Best Management Practices represent a “first cut” at identifying appropriate Best Management Practices for the private sector. Every effort has been made to identify practicable Best Management Practices that will maximize effectiveness in reducing pollutants in urban runoff. Through an iterative approach, the Storm Water Pollution Prevention Division will continue to expand its knowledge of pollutant sources and strategies that may target the sources more effectively. In order to gather measurable data regarding the water quality effects of excess irrigation runoff and residential car washing and regarding the most polluting behaviors associated with those activities, the Storm Water Pollution Prevention Division will be conducting focused monitoring studies of those activities over the next 12 months and will identify whether additional Best Management Practices or modifications to existing Best Management Practices are warranted.

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, unless a pollutant discharge occurs. Instead, education will be used as the enforcement mechanism until there is more general public awareness of the minimum Best Management Practices.

- Storm Water Standards Manual Update: The 2007 Municipal Permit requires the City to update its Storm Water Standards Manual, which identifies the storm water-related development permit and construction permit requirements. These requirements include both temporary measures applicable to grading and construction activities and, if applicable, permanent site improvements designed to reduce pollutants associated with the long-term use of the developed site, such as oil, grease and metals from parking lots. The Storm Water Division will be requesting Council approval of the updated Storm

Water Standards Manual by March 24, 2008, through a separate Request for Council Action.

Watershed Urban Runoff Management Plans

The six (6) Watershed Urban Runoff Management Plans identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in. They also outline activities to address those pollutants and sources. To comply with 2007 Municipal Permit requirements, the City has identified at least two (2) water quality and two (2) education activities to implement annually (Fiscal Years 2008 through 2013) for each of its watersheds.

The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed and has prepared a draft of the Mission Bay & La Jolla Watershed Urban Runoff Management Plan (see Attachment 2). The City is a participating jurisdiction in the following five (5) watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River. The Watershed Urban Runoff Management Plans for these watersheds are being prepared in collaboration with other jurisdictions and will be similar to the Mission Bay & La Jolla Watershed Urban Runoff Management Plan. To date, drafts of the five (5) plans are not available for Council consideration. However, as mentioned above, the City has identified at least two (2) water quality and two (2) education activities to implement annually in the five (5) watersheds pertaining to those plans. These activities will be integrated into the final versions of the plans and represent the City's commitment to and anticipated efforts in those watersheds. See Attachments 3 to 7 for descriptions of the City's proposed activities for those five (5) watersheds. Final versions of all six (6) Watershed Urban Runoff Management Plans will be submitted to the San Diego Regional Water Quality Control Board by March 24, 2008.

Regional Urban Runoff Management Plan

The Regional Urban Runoff Management Plan will serve 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 as education and outreach campaigns, to more efficiently address regional urban runoff pollution issues. 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; however, a draft is being made available to Council. The draft describes the proposed regional education and outreach activities to be integrated into the final version of the plan. The City will be participating in the implementation of these regional education and outreach activities over the life of the 2007 Municipal Permit. See Attachment 8 for the Draft Regional Urban Runoff Management Plan. The final Regional Urban Runoff Management Plan will be submitted to the San Diego Regional Water Quality Control Board by March 24, 2008.

Storm Water Management & Discharge Control Ordinance

The amendment to the Storm Water Ordinance (San Diego Municipal Code Section 43.03) will involve two groups of changes. First, the list of allowable non-storm water discharges would be updated consistent with the list from the 2007 Municipal Permit. Specifically, non-emergency fire fighting flows, diverted stream flows, and uncontaminated groundwater infiltration will be added to the list of allowable non-storm water discharges, and non-commercial car washing (e.g.,

charity car washing) will be removed from the list of allowable discharges to conform with the 2007 Municipal Permit (note that, although non-commercial car washing is currently listed in the City's Storm Water Ordinance, the Storm Water Pollution Prevention Division does not allow discharges from this class of activities). Certain allowable non-storm water discharges will also be modified to be permissible only if the City's minimum Best Management Practices are implemented. The discharge categories with this condition include: three types of excess irrigation runoff (irrigation water, lawn watering, and landscape irrigation), dechlorinated swimming pool discharges, residential car washing, air conditioning condensation, water line flushing, and non-emergency fire fighting flows.

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 in Table 1 below.

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

Municipal Permit Year/ Budget Period¹	JURMP	WURMPs	RURMP
Fiscal Year 2008 ²	\$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
Total Program Costs:	\$267,900,000	\$51,000,000	\$1,100,000
Total City-Wide Costs:	\$320,000,000 ³		
¹ The 5-year 2007 Municipal Permit cycle extends over six fiscal years (January 24, 2008, to January 24, 2013). ² 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. ³ 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 only.			

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.

On November 14, 2007, the Storm Water Pollution Prevention Division presented a report to the Natural Resources and Culture Committee on the Jurisdictional, Watershed, and Regional Urban Runoff Management Plans and the Storm Water Ordinance amendment. Committee members

voted 3–0 (District 8–not present) to approve and forward the items to the full City Council with direction that staff provide additional information regarding the benefits of over-irrigation.

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 Attachment 9 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 has prepared a Mitigated Negative Declaration (Project No. 134590) with a Mitigation, Monitoring, and Reporting Program for the eight (8) plans and Storm Water Ordinance amendment. The Mitigated Negative Declaration identifies the following potential environmental impacts: historical resources (archaeology), paleontological resources, and land use (Multi-Habitat Planning Area Land Use Adjacency). See Attachment 11 for details.



Mario X. Sierra
General Services Department Director



David Jarrell
Interim Deputy Chief of Public Works

ATTACHMENTS:

- Attachment 1: Draft Jurisdictional Urban Runoff Management Plan
- Attachment 2: Draft Mission Bay & La Jolla Urban Runoff Management Plan
- Attachment 3: Proposed City Activities for San Dieguito River Watershed
- Attachment 4: Proposed City Activities for Los Peñasquitos Watershed
- Attachment 5: Proposed City Activities for San Diego River Watershed
- Attachment 6: Proposed City Activities for San Diego Bay Watershed
- Attachment 7: Proposed City Activities for Tijuana River Watershed
- Attachment 8: Draft Regional Urban Runoff Management Plan
- Attachment 9: Public Outreach on Proposed Minimum Best Management Practices
- Attachment 10: Proposed Storm Water Ordinance Amendment
- Attachment 11: Mitigated Negative Declaration (Project No. 134590)

Due to the size of these attachments, a copy will be provided in the City Clerks Office for viewing, or on the city website.

<http://www.sandiego.gov/thinkblue/contract/urmp.shtml>