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# Water Resources and Management in Ventura County

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## Part IV Stormwater NPDES Permit and Total Maximum Daily Loads

July 25, 2023

# Fourth BOS Presentation – Stormwater Management Overview



- ▶ Stormwater Permit
  - ▶ Requirements
  - ▶ Governance
  - ▶ Compliance Measures and Projects
- ▶ Total Maximum Daily Load(s)
- ▶ Countywide Coordination and Implementation Agreement
- ▶ Enforcement Risks and Penalties
- ▶ Costs and Resources

# Stormwater Permit History

- ▶ **1992** – PWA-WP Led Countywide MS4 NPDES Permit application/funding effort
- ▶ **1994** – First Countywide Permit, 18 pages
  - ▶ County of Ventura, PWA-WP, and all 10 Cities
- ▶ **2000** – First land development requirements
- ▶ **2009** (Remanded and Reissued 2010) – Greatly increased land development requirements, monitoring, MCMs, and costs
- ▶ **July 23, 2021** – Regional Permit for both Ventura and Los Angeles Counties

# New 2021 Stormwater Permit

- ▶ Regional Permit for both Ventura and Los Angeles Counties
- ▶ Based on LA's 2012 Permit
- ▶ Provides little incentive for large regional multi-benefit projects
  - ▶ Focuses on compliance at outfalls rather than receiving waters
  - ▶ Costly projects and efforts may achieve permit compliance, but watershed improvements may not be included
- ▶ Ventura County filed a petition (appeal) with State Board

# Petition to State Board

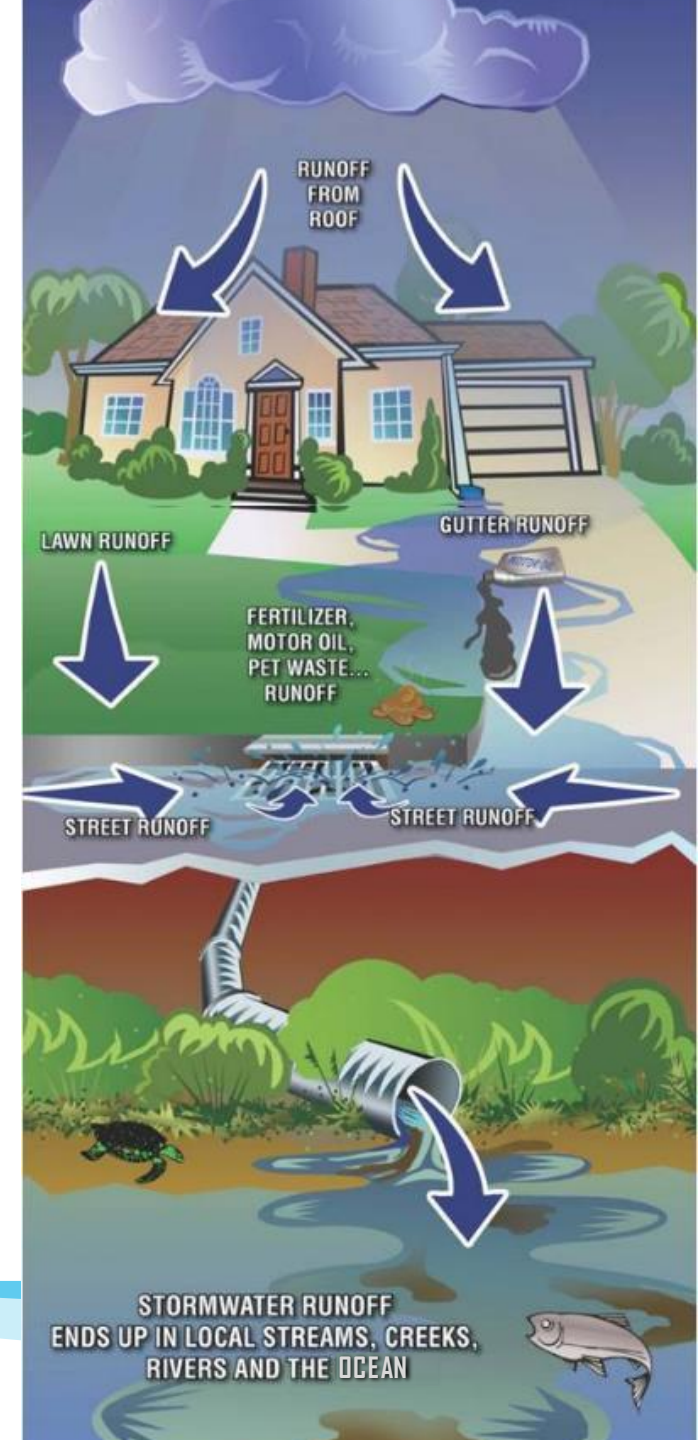
- ▶ Petition currently in abeyance
- ▶ Regional Board:
  - ▶ Applied requirements developed for Los Angeles County Permittees
  - ▶ Did not consider Ventura County's
    - ▶ Progress made
    - ▶ Lower density and open space

# Stormwater Program Overview

- ▶ Regulation Background
- ▶ County Stormwater Program
- ▶ Total Maximum Daily Loads (TMDLs)
- ▶ Enforcement Risks and Penalties
- ▶ Current Permit
- ▶ Watershed Management Plans
- ▶ Future Possible Board Considerations

# Background through Acronyms

- ▶ **CWA** – Clean Water Act
  - ▶ Prohibits discharges of storm water with pollutants
  - ▶ Water Quality Act of 1987 – requires stormwater permits
- ▶ **NPDES** Permit – National Pollutant Discharge Elimination System
  - ▶ **MS4** – Municipal Separate Storm Sewer System
    - ▶ **MCM** – Minimum Control Measures
    - ▶ **TMDLs** – Total Maximum Daily Loads
- ▶ **WMP** – New permit's Watershed Management Programs



# County of Ventura is a Permittee (not just Public Works Agency)

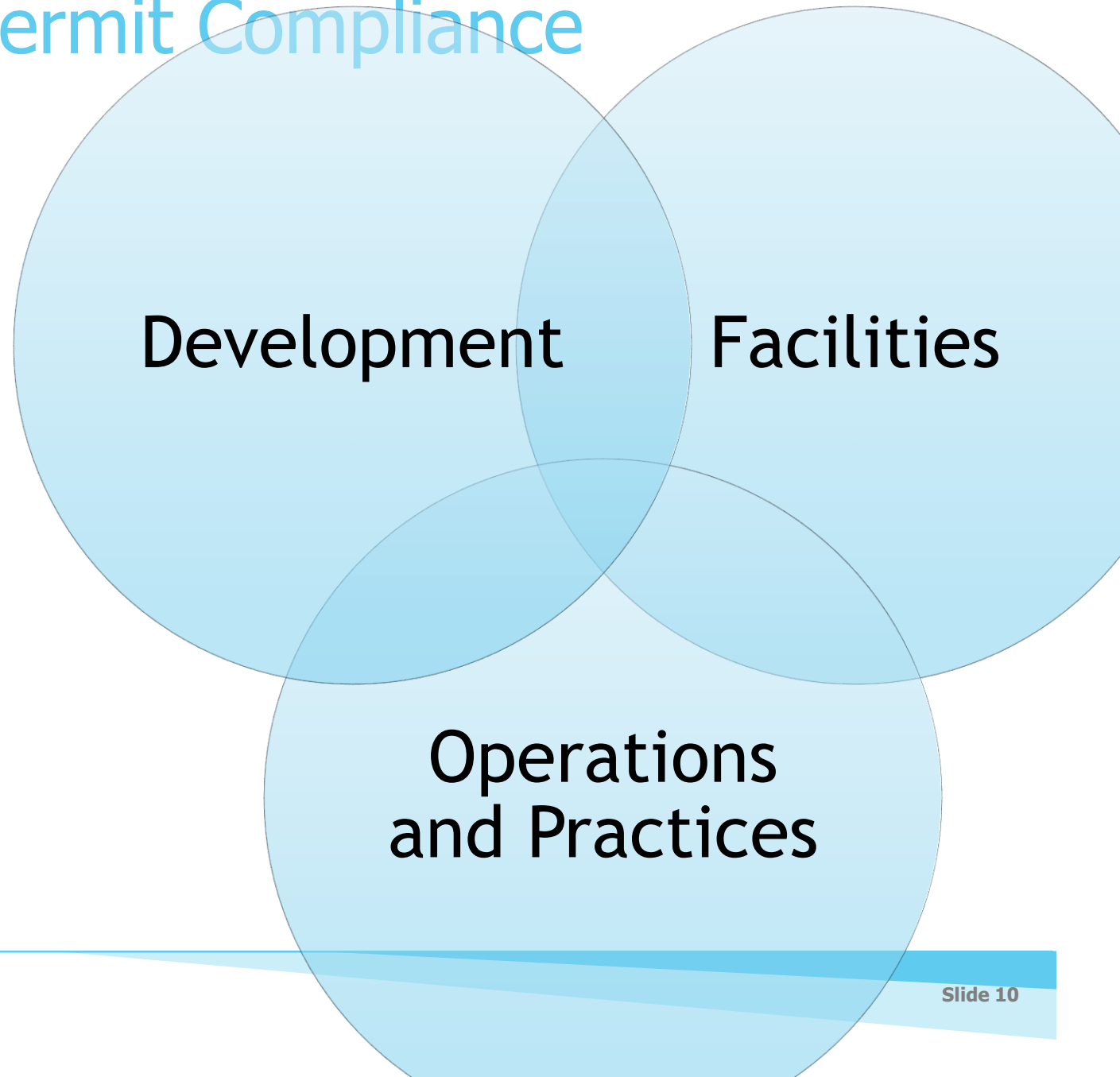


# Public Works Oversees County's Permit Compliance

- ▶ Designs and builds projects to capture pollutants
- ▶ Minimum Control Measures (Programs)
  - ▶ Land development conditions
  - ▶ Inspections
  - ▶ Outreach
- ▶ Trash capture devices
- ▶ Countywide training
- ▶ Compiles annual reporting

# Intra-County MOUs for Permit Compliance

Public Works Agency  
Water and Sanitation  
Roads and Transportation  
Engineering Services  
General Services Agency  
Harbor District  
Fire Department  
Health Care Agency  
Airports  
Sheriff  
Resource Management Agency  
Ag Commissioner



# PWA Builds County's Stormwater Projects

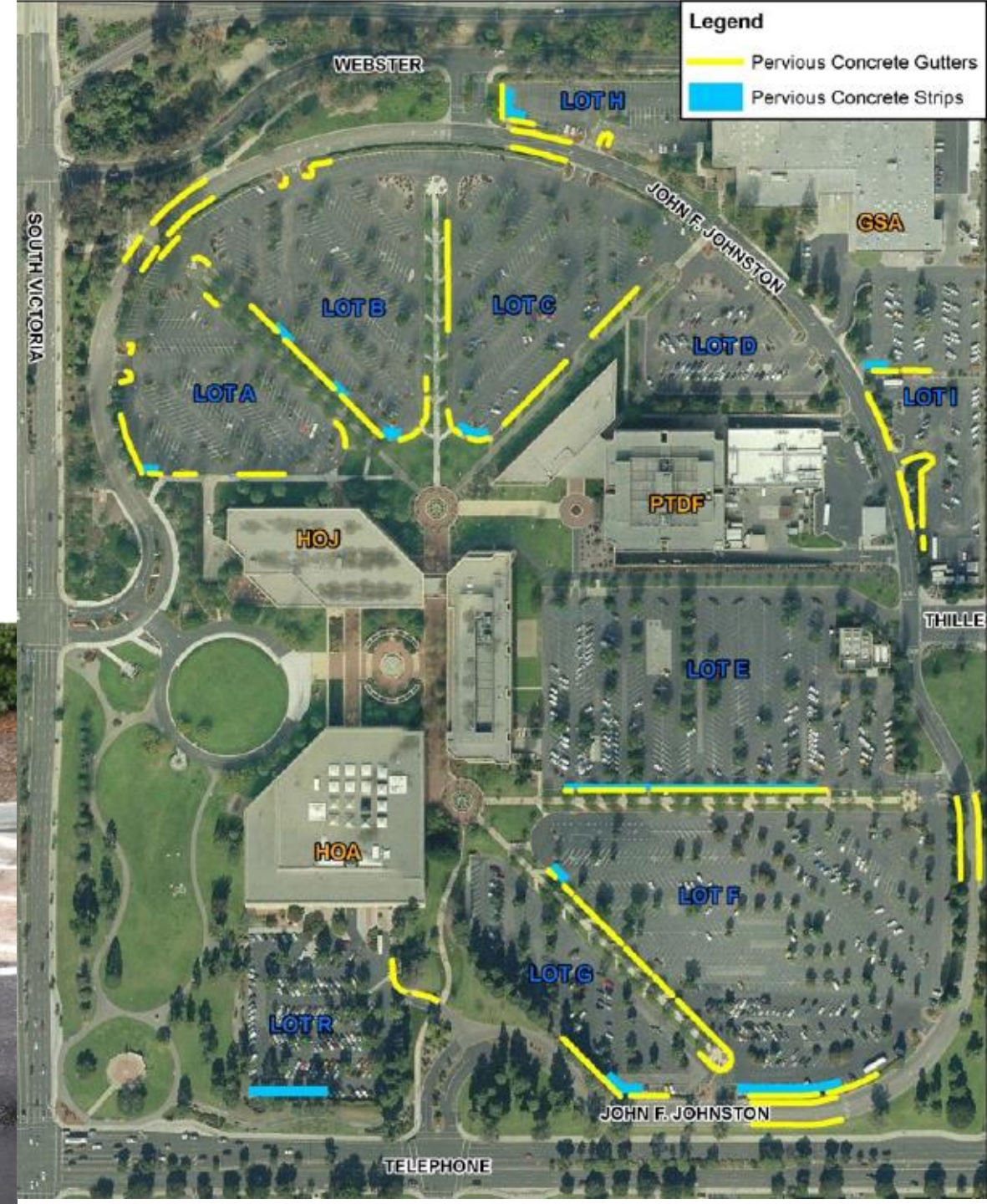


# County's MS4/TMDL Permit Capital Improvement Projects

Grant Funded Project Name	Funding Source	Implementation Cost	Annual O&M costs
Kiddie Beach Diversion Pump Station	State Clean Beaches Grant	\$200,000	\$15,000
Government Center Green Streets & WFG	Prop. 84	\$1,964,496	\$114,000
Oak Park Green Streets & WFG	Prop. 84	\$2,065,751	\$70,000
Happy Valley Bioswale at Meiners Oaks & Watershed Friendly Gardens	Prop. 84	\$879,526	\$21,000
El Rio Pervious Gutter	Prop. 84	\$1,284,510	\$95,000
Piru Stormwater Capture for Groundwater Recharge (in progress)	Prop. 1	\$884,772	\$21,000
	<b>TOTAL:</b>	<b>\$7,279,055</b>	<b>\$336,000</b>

# Government Center Green Streets

- Proposition 84 Grant award in April 2013
- 39 acres of impervious surface



# Multi-benefit Stormwater Capture - Piru Spreading Grounds (Completed in 2020)



# Watershed Protection District is a Permittee

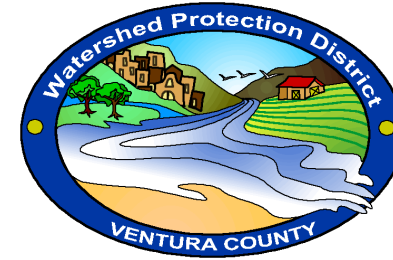
- ▶ Flood control channels are considered MS4
  - ▶ Required to meet discharge limits
  - ▶ PWA-WP has no land use authority
  - ▶ O&M responsibility to remove trash and debris
  - ▶ Construction practices
  - ▶ Spill and dumping response
- ▶ Watershed Protection was the Principal Permittee in prior permits



# *Ventura Countywide Stormwater Quality Management Program*



Camarillo  
County of Ventura  
Fillmore  
Moorpark  
Ojai  
Oxnard  
Port Hueneme  
Santa Paula  
Simi Valley  
Thousand Oaks  
Ventura  
Watershed Protection District



CITY OF SIMI VALLEY

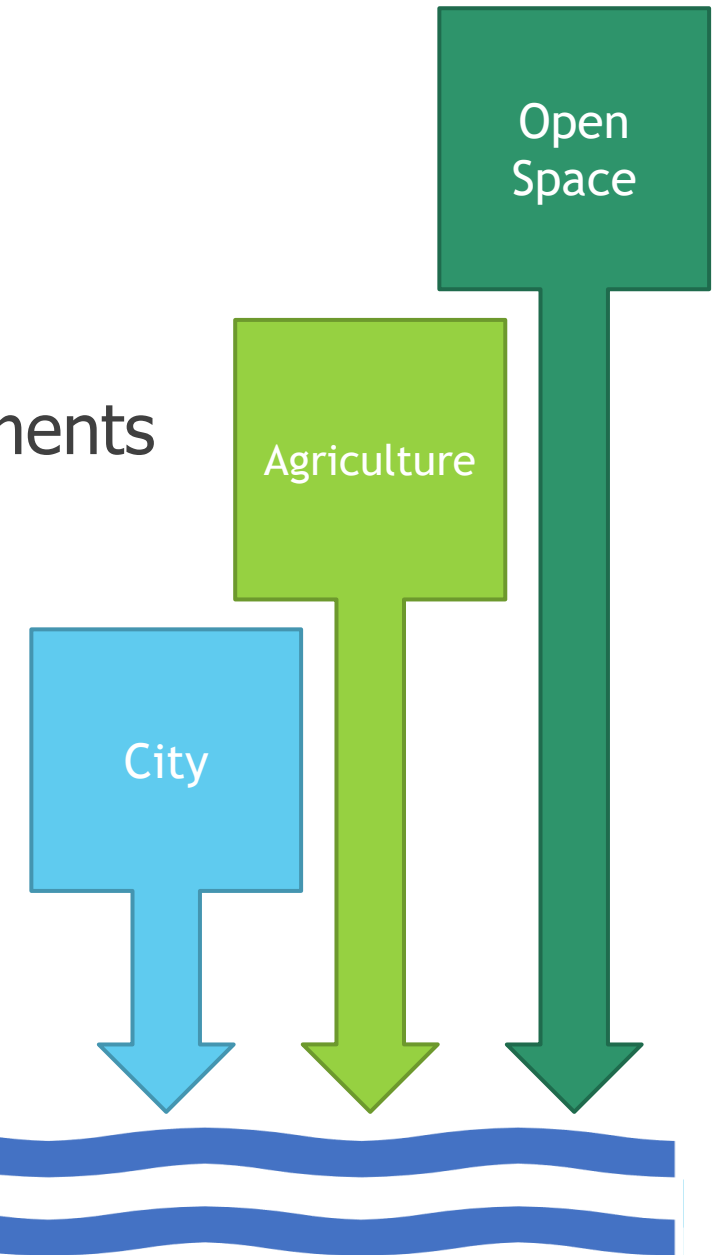


CITY OF  
VENTURA



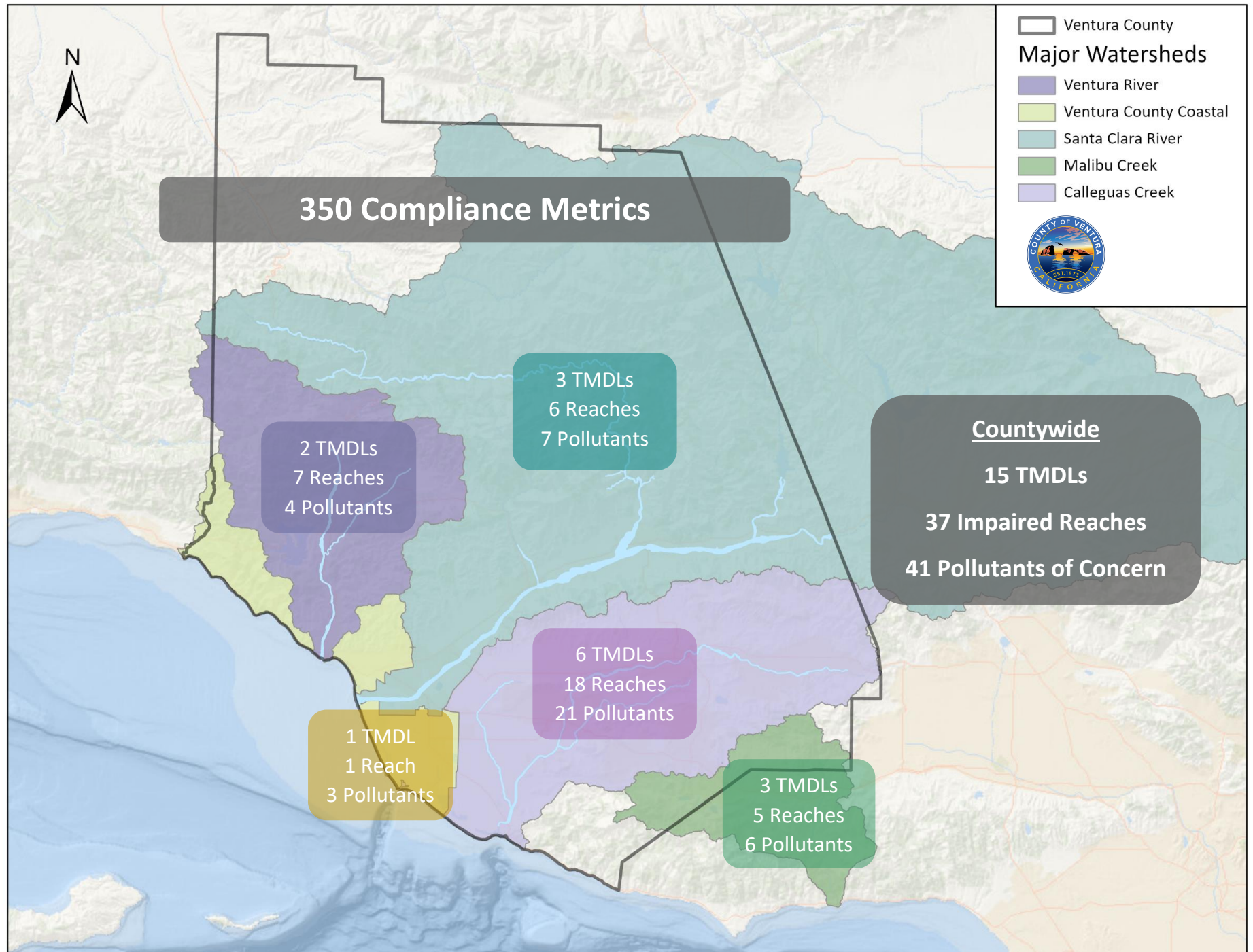
# Total Daily Maximum Loads (TMDLS)

- ▶ Waterbodies have “Beneficial Uses”
- ▶ Beneficial Uses identify water quality standards
- ▶ Water quality standard exceedances lead to impairments
- ▶ TMDL is a plan to restore impaired waters
  - ▶ Identifies max pollutant load for Beneficial Uses
  - ▶ Sets timelines and interim limits
  - ▶ Compliance can be instream or at point of discharge



TMDL  
Compliance  
deadlines  
2022 - 2029

TMDLs have  
separate  
monitoring  
requirements



# Enforcement Risks and Penalties

- ▶ Mandatory Minimum Penalties
  - ▶ Formula based on level and frequency - \$3,000- \$6,000 per violation
- ▶ Administrative Civil Liabilities (ACLs)
  - ▶ \$2 per gallon, up to \$10,000 per day
  - ▶ 2016 - \$4.6 million dollar ACL against the City of San Diego
- ▶ Third Party Lawsuits
  - ▶ \$6.6M - City of Malibu 2012
  - ▶ \$100M - City of San Jose 2014
  - ▶ Fines fund construction of control measures and pay legal fees
- ▶ Time Schedule Orders

# 2021 Permit New Requirements and Compliance

- ▶ New regulatory driver - TMDLs are now enforceable
- ▶ Compliance pathways
  - ▶ Traditional – Receiving Water Limits and Water Quality Based Effluent Limits immediately enforceable
  - ▶ Watershed Management Programs - Deemed in compliance with all but final TMDL deadlines

# Watershed Management Program Steps

- ▶ Identify needed pollutant reductions by waterbody
- ▶ Map potential implementation of programs and projects
- ▶ Commit to pollutant reduction milestones
- ▶ Deemed in compliance with all but final TMDL deadlines
- ▶ Submit to Regional Board for approval September 11, 2023

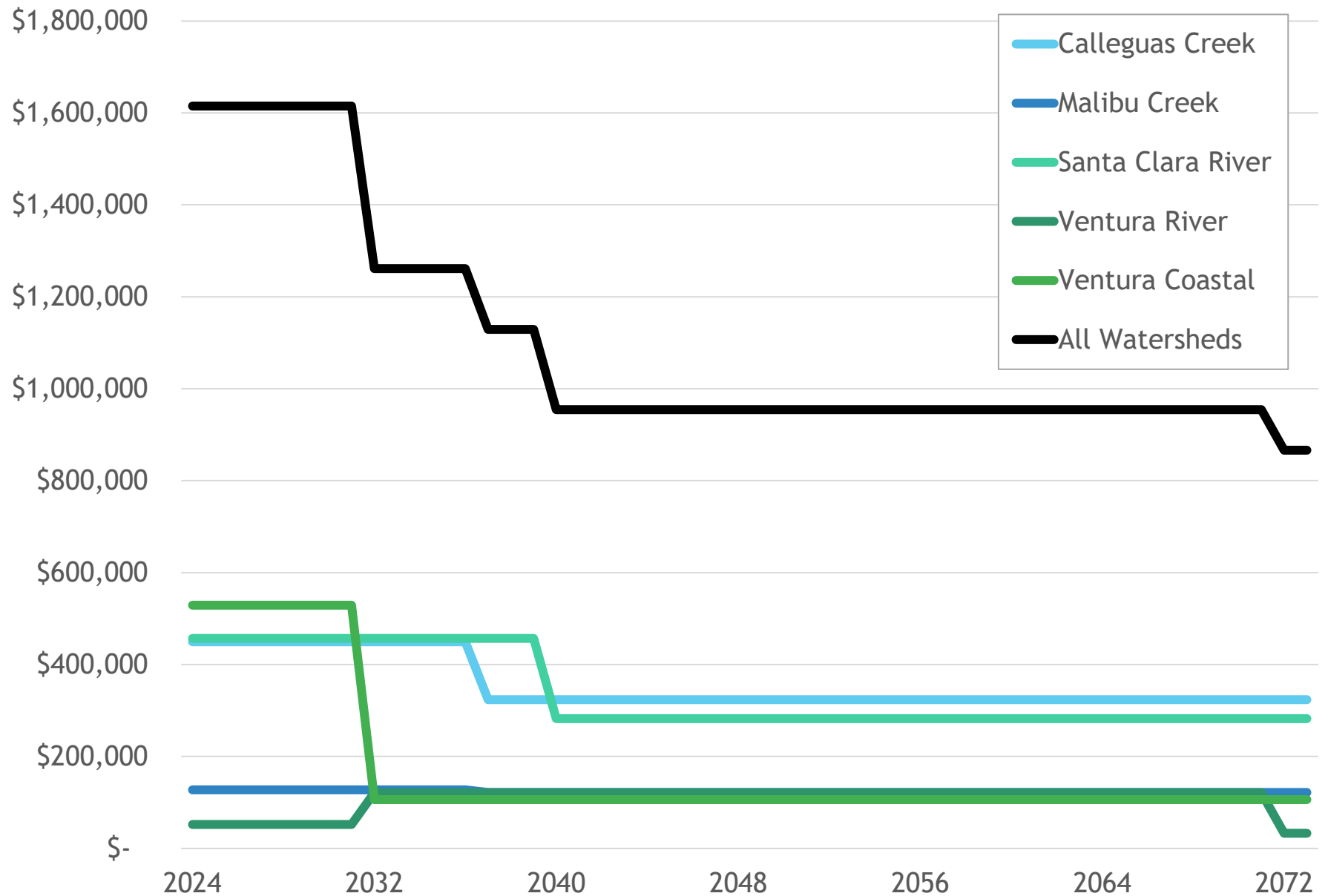
# Current County Stormwater Implementation Costs

- ▶ FY 2023-24 budgeted at \$3,860,500
  - ▶ \$2,230,000 General Fund contribution
  - ▶ \$694,500 from cost sharing agreements for implementation of TMDLs
  - ▶ \$60,500 from projected interest earnings
  - ▶ \$819,000 from an estimated available fund balance from the prior FY
  - ▶ \$56,821 Benefit Assessment
    - ▶ Zones 1 and 2 only
- ▶ Costs are increasing

Achieving strict compliance with bacteria standards drives up costs

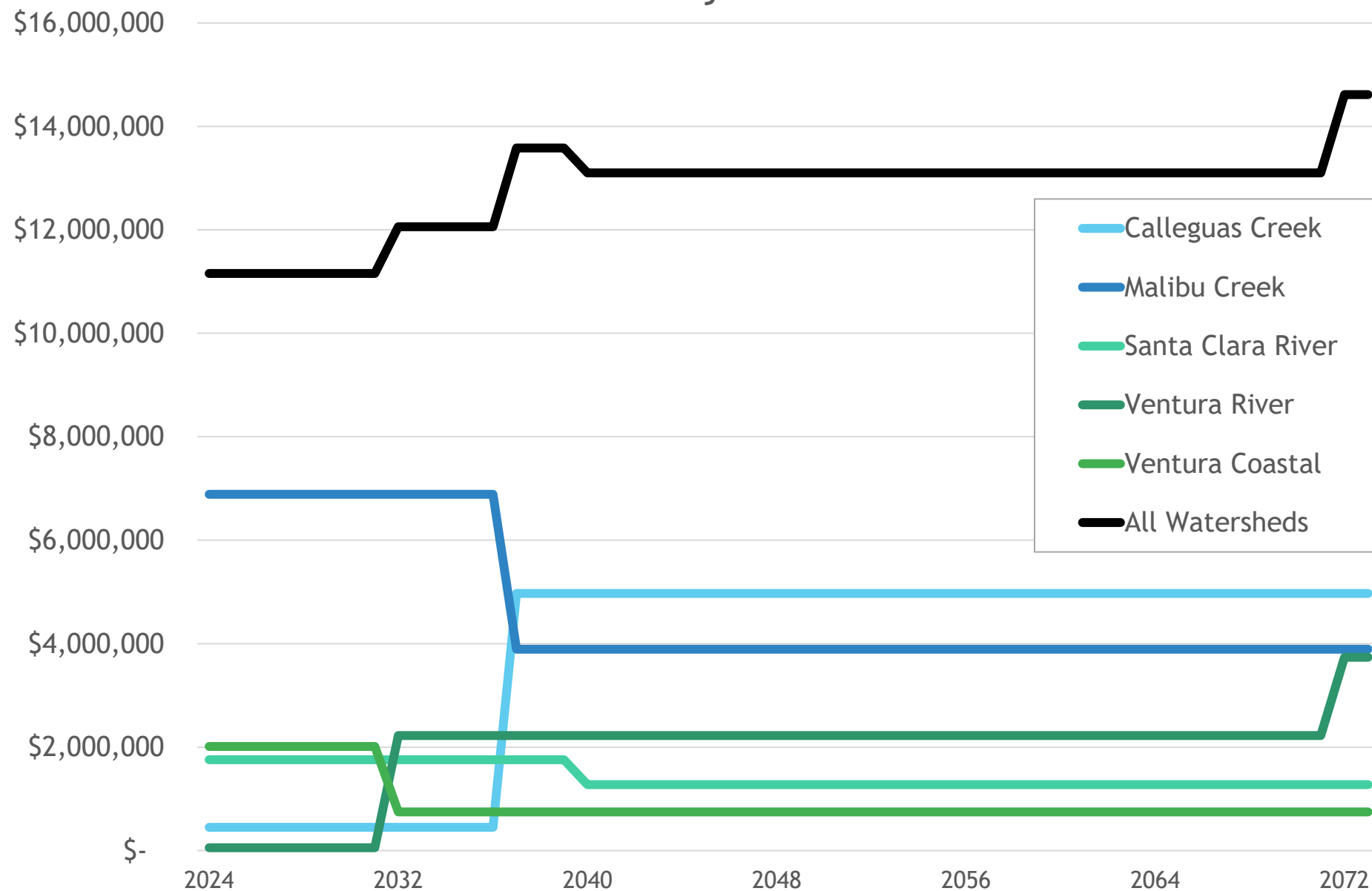
The WMP introduces an alternative risk-based approach to target human pathogens will reduce costs

Estimated Annual Costs for Stormwater Compliance



The cost of projects for strict compliance with bacteria standards is impracticable

## Estimated Annual Costs for Stormwater Compliance with Projects for Bacteria

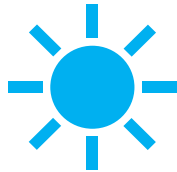


# Policy Changes - And the way forward

- ▶ Renewed commitment from County agencies to comply
- ▶ Incorporate stormwater treatment at every County opportunity
  - ▶ Parking lots
  - ▶ Parks
  - ▶ Redevelopment
  - ▶ Green streets
- ▶ Increase in budget and staff
- ▶ Support legislative efforts for effective regulation

# Stormwater Funding

- ▶ Prop 218 initiative or measure
  - ▶ Property related fee
  - ▶ Benefit assessment
  - ▶ Sales tax
- ▶ Success by funding multiple water resource issues
  - ▶ Water quality
  - ▶ Drought security
  - ▶ Groundwater replenishment
  - ▶ Flood protection
  - ▶ Recreation
  - ▶ Habitat





# Questions

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Ventura County Public Works Agency

July 25, 2023