

Water Resources and Management in Ventura County

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

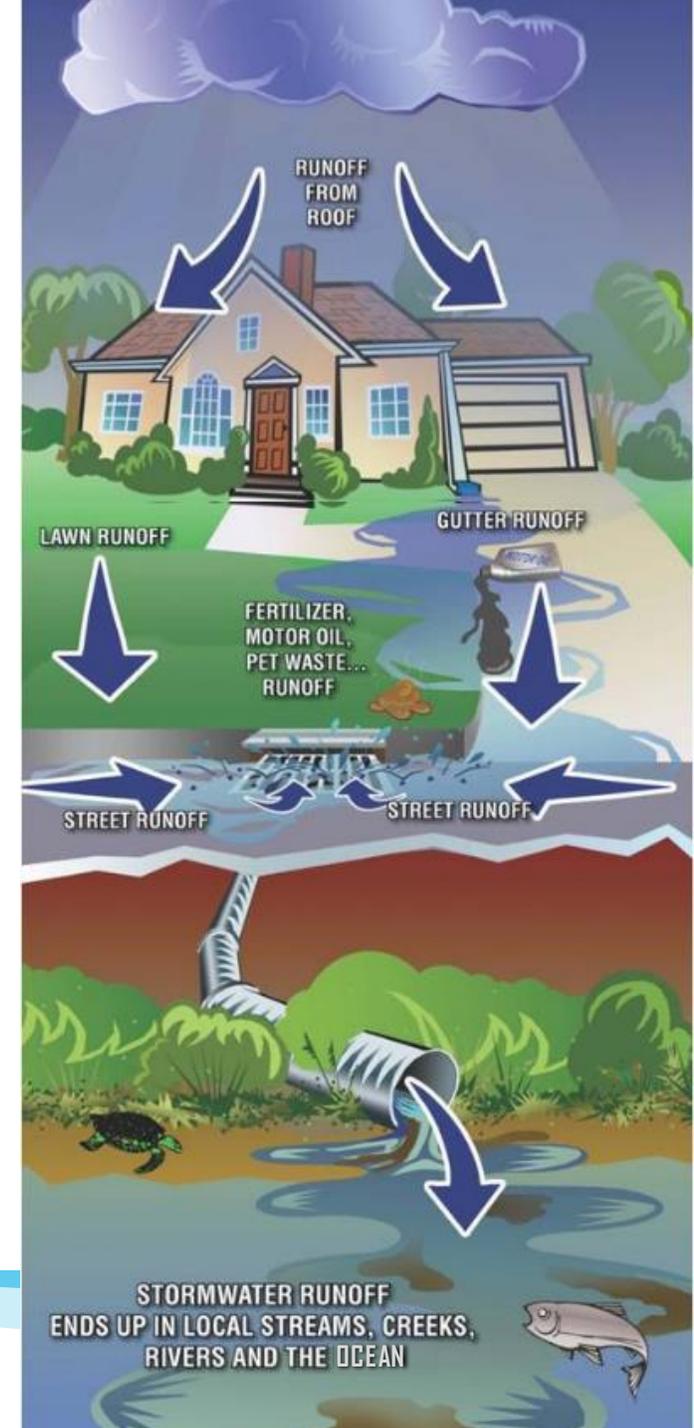
- ▶ Petition currently in abeyance
- ▶ Regional Board:
 - ▶ Applied requirements developed for Los Angeles County Permittees
 - ▶ Did not consider Ventura County's
 - ▶ Progress made
 - ▶ Lower density and open space

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)

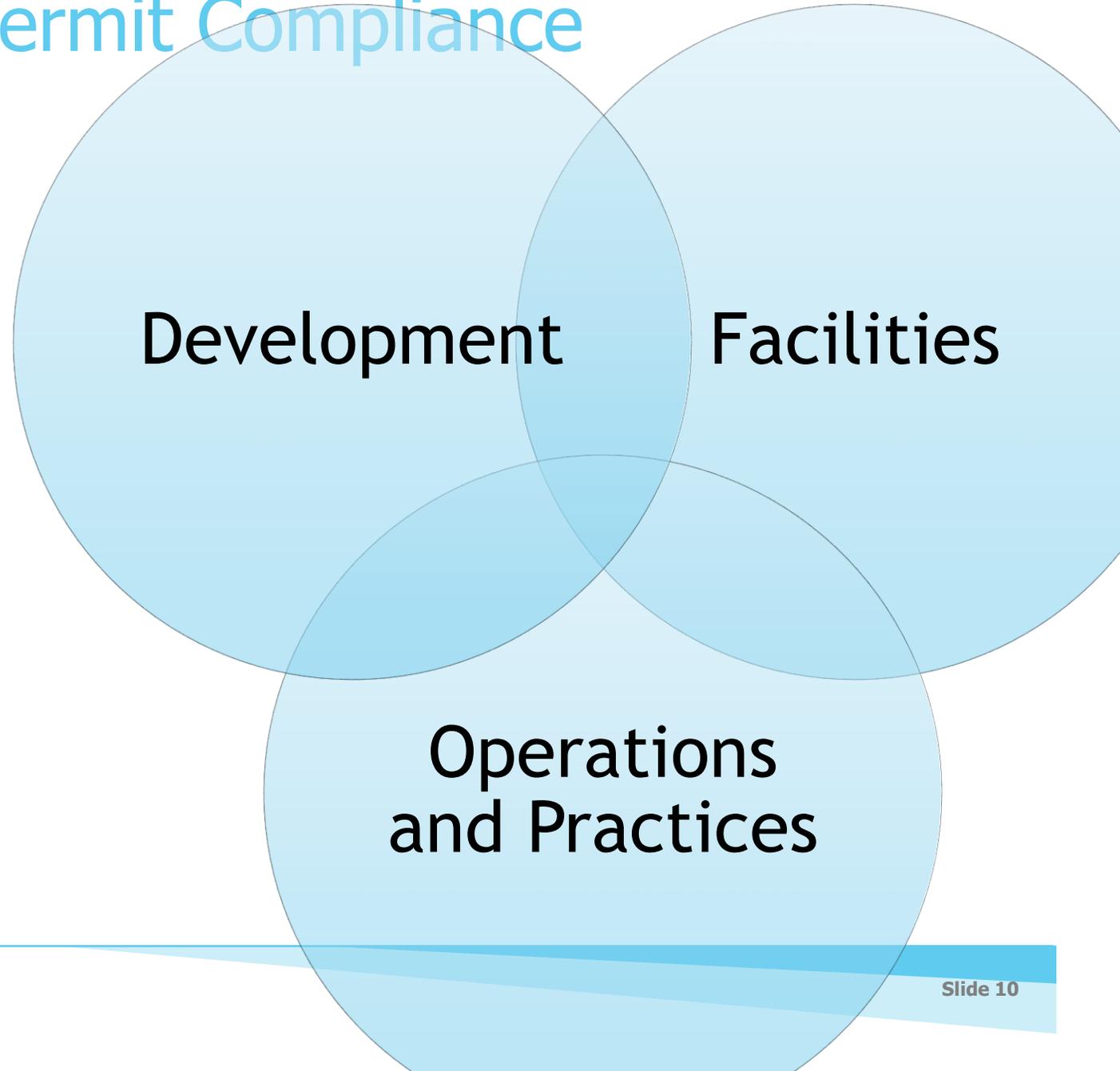


Public Works Oversees County's Permit Compliance

- ▶ 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

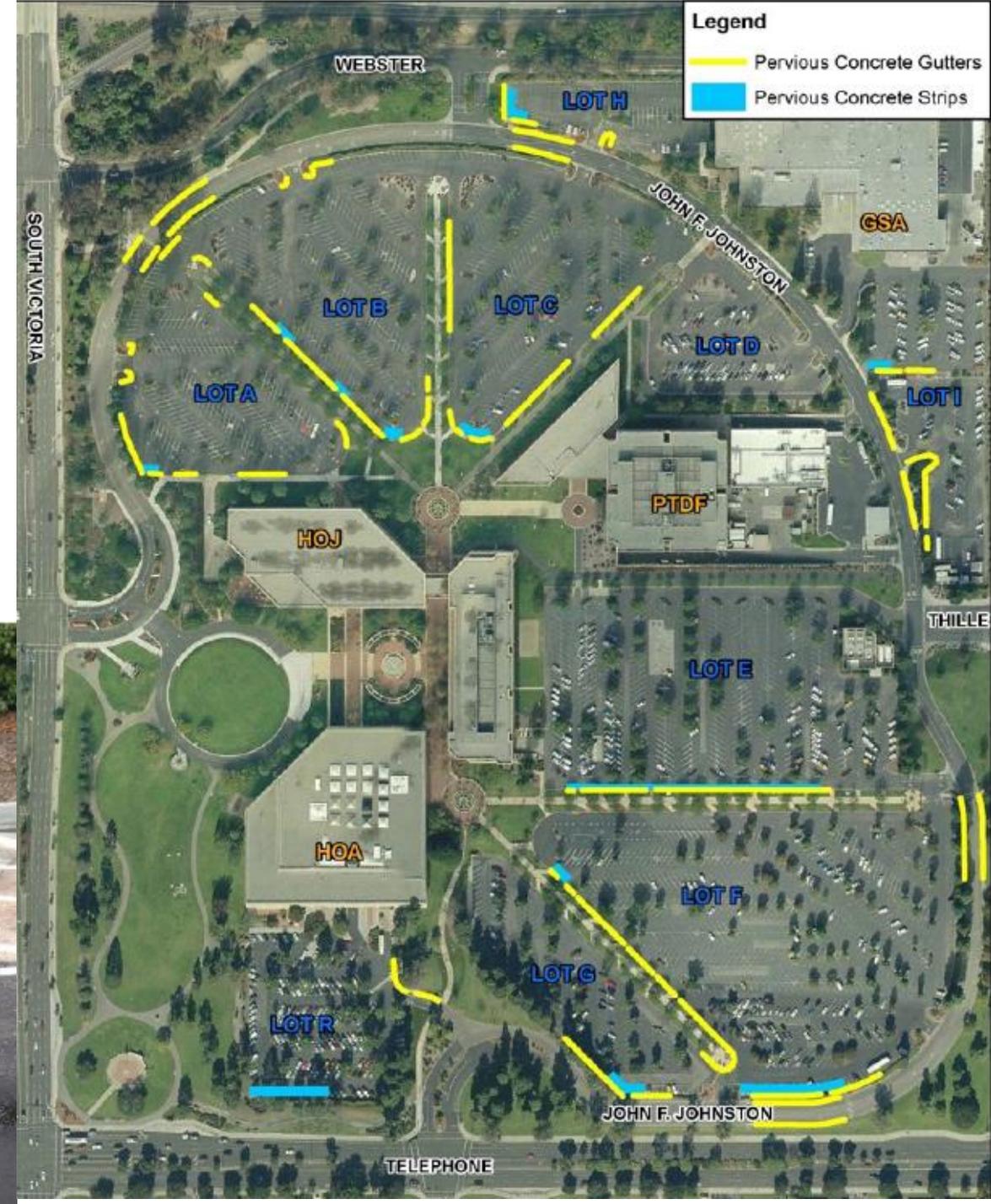


County's MS4/TMDL Permit Capital Improvement Projects

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
	TOTAL:	\$7,279,055	\$336,000

Government Center Green Streets

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



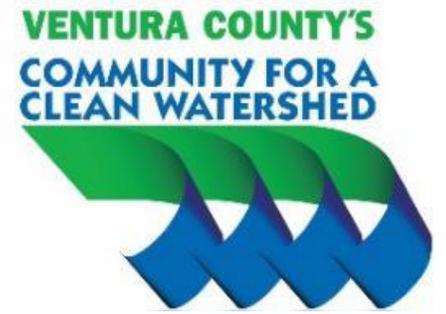
Watershed Protection District is a Permittee

- ▶ 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

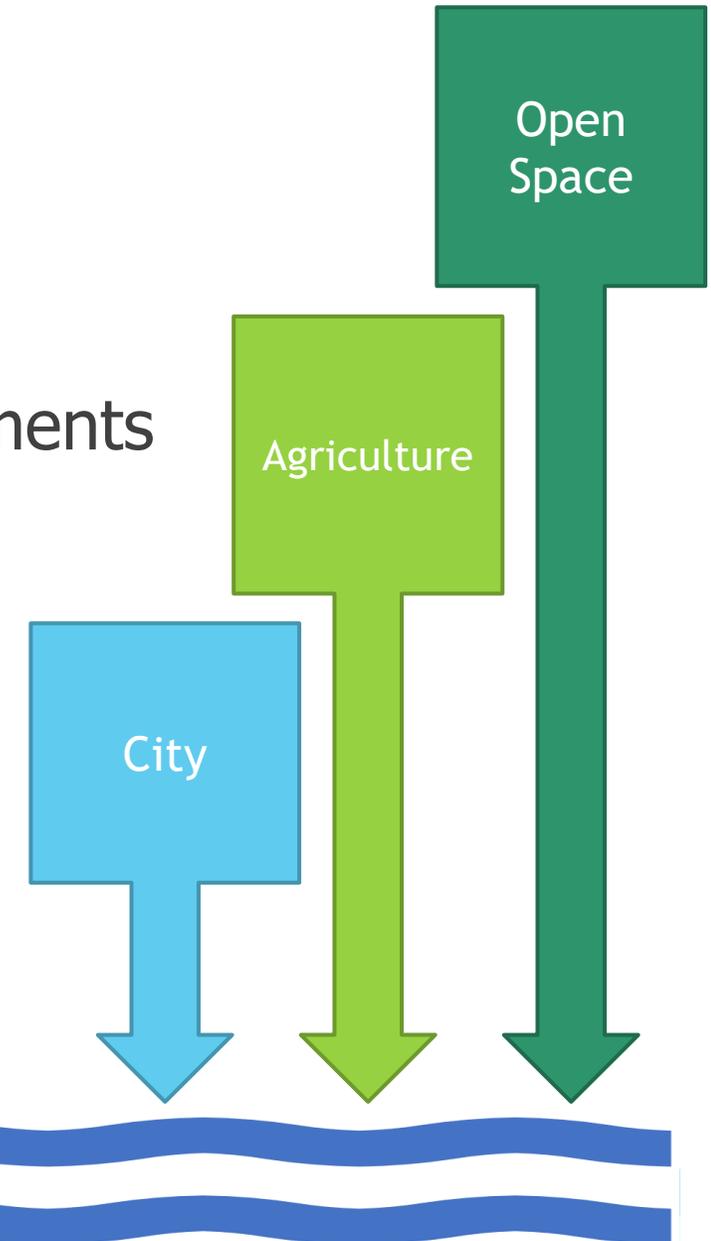


CITY OF VENTURA



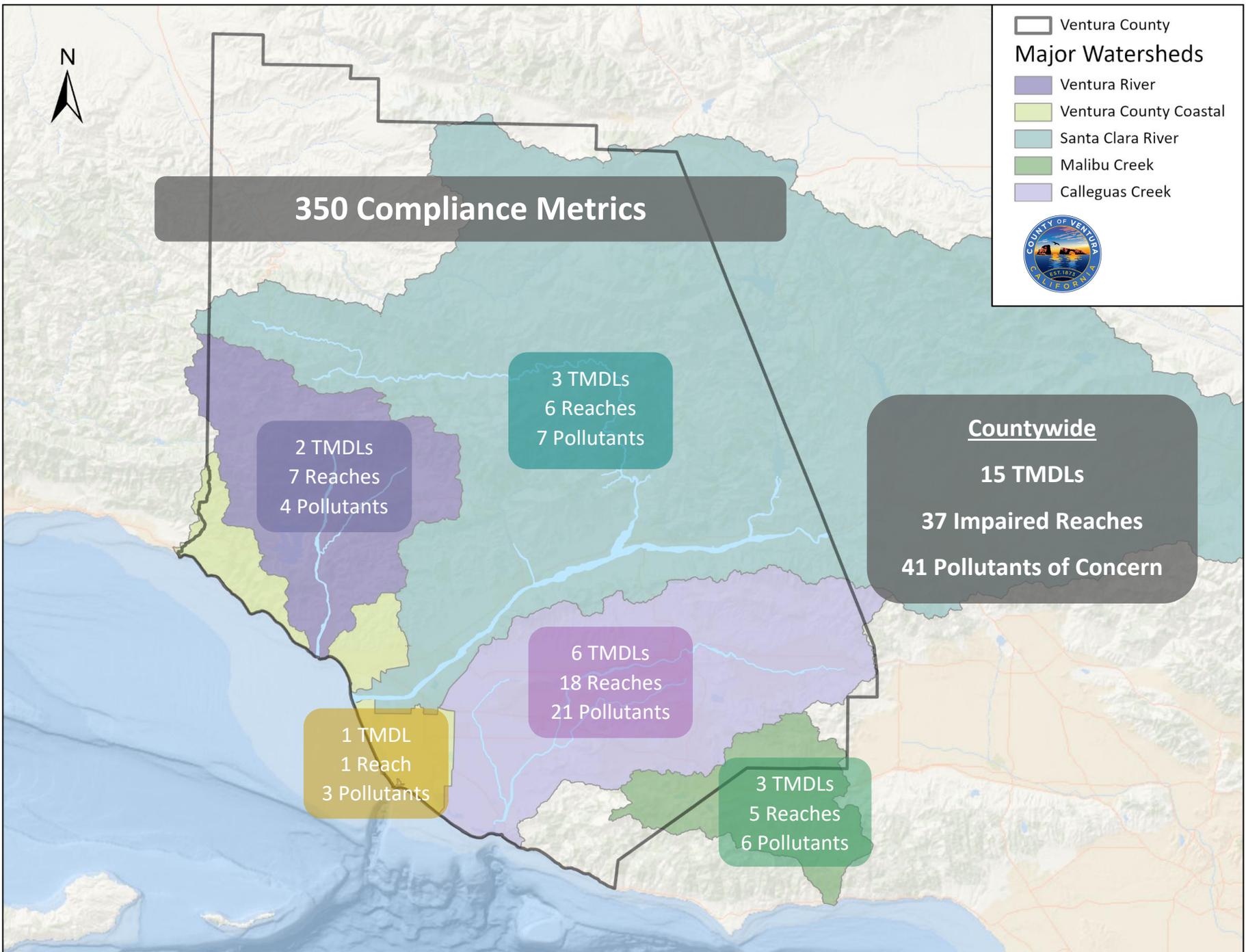
Total Daily Maximum Loads (TMDLS)

- ▶ 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

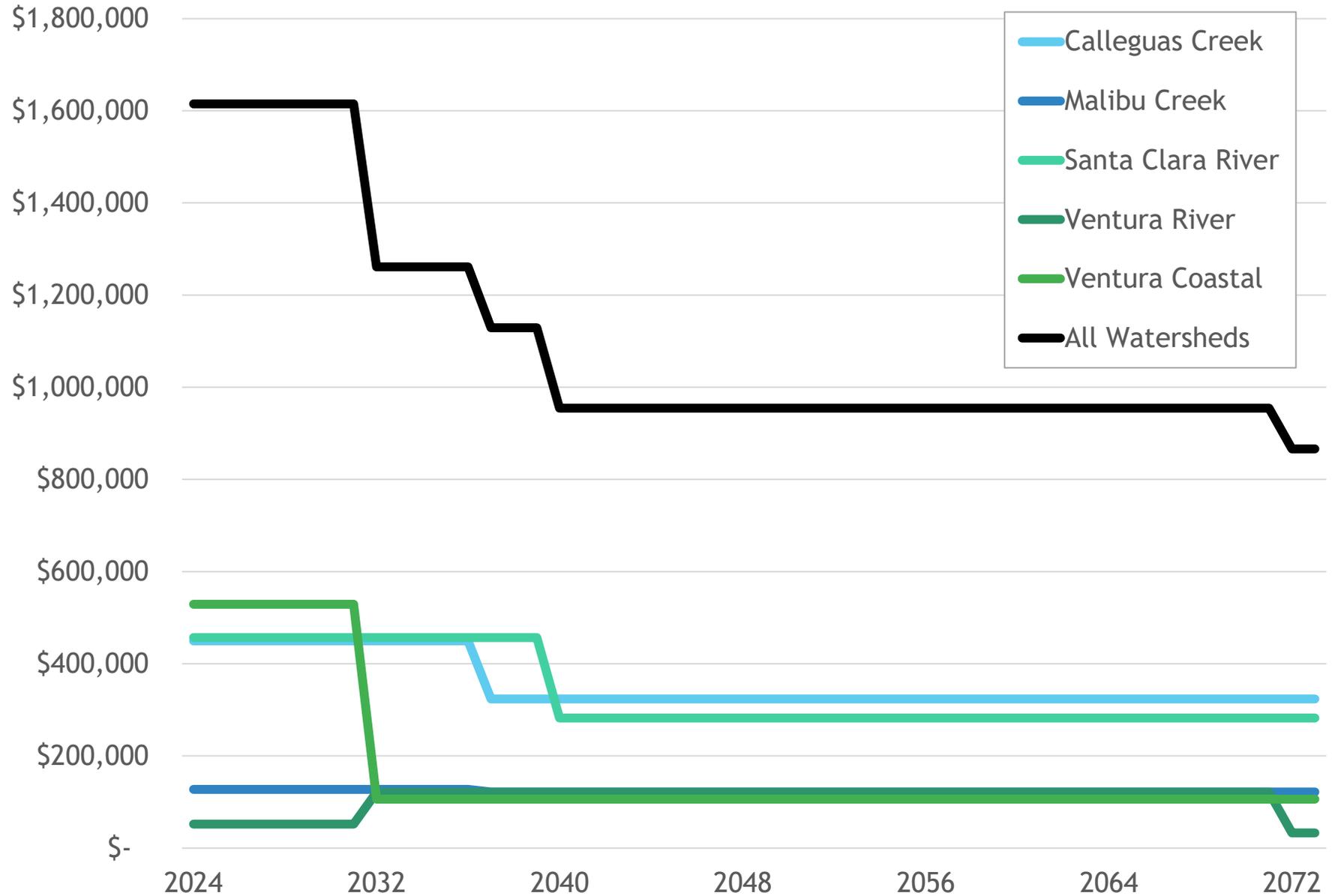
- ▶ FY 2023-24 budgeted at \$3,860,500
 - ▶ \$2,230,000 General Fund contribution
 - ▶ \$694,500 from cost sharing agreements for implementation of TMDLs
 - ▶ \$60,500 from projected interest earnings
 - ▶ \$819,000 from an estimated available fund balance from the prior FY
 - ▶ \$56,821 Benefit Assessment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

- ▶ Costs are increasing

Estimated Annual Costs for Stormwater Compliance

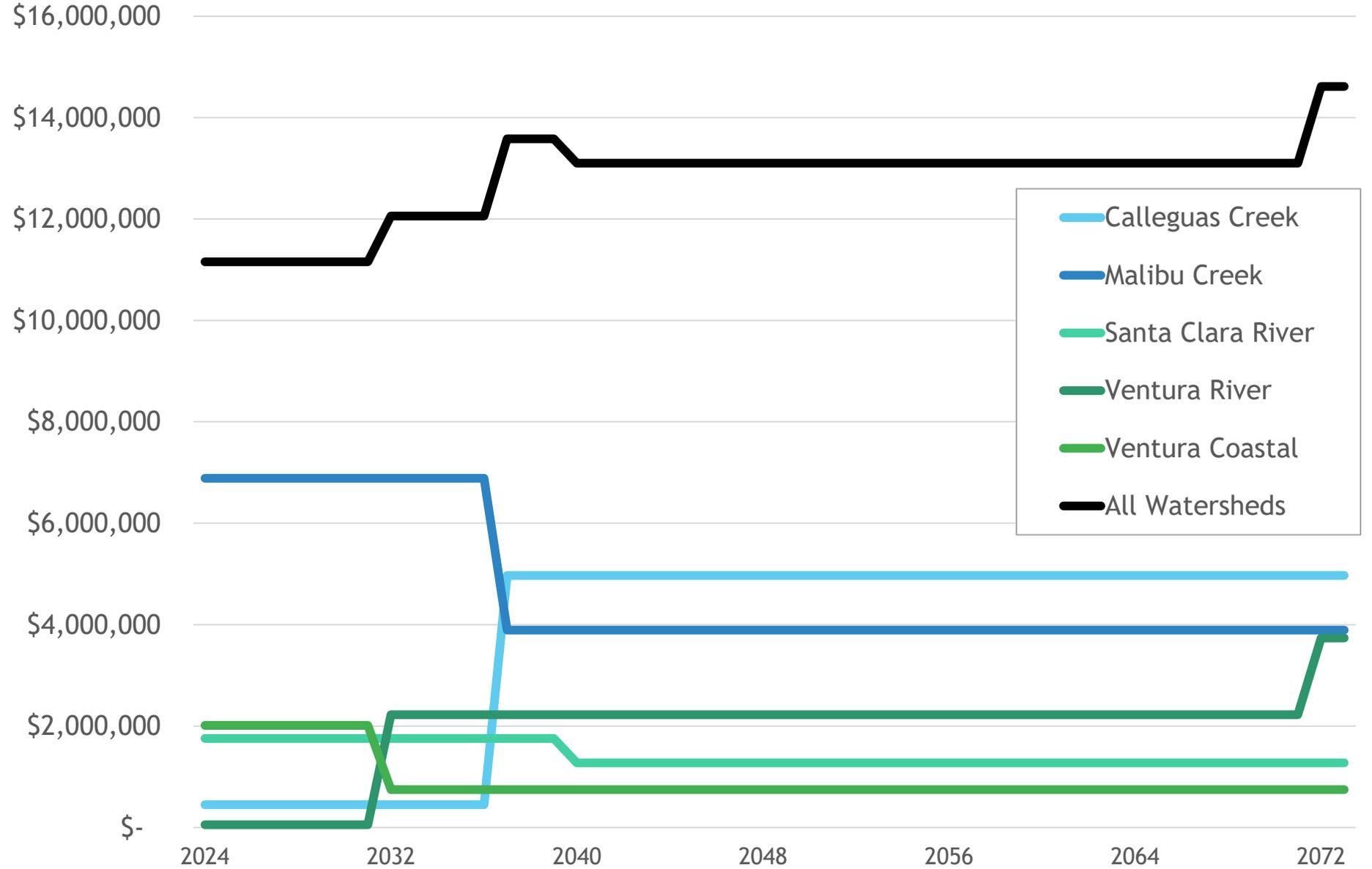
Achieving strict compliance with bacteria standards drives up costs

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



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

Estimated Annual Costs for Stormwater Compliance with Projects for Bacteria

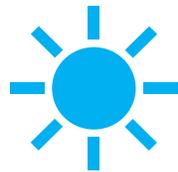


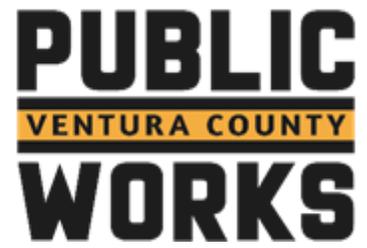
Policy Changes - And the way forward

- ▶ 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

Ventura County Public Works Agency

July 25, 2023