

City of Del Mar Jurisdictional Runoff  
Management Program Annual Report Form  
San Dieguito Watershed Submittal  
January 2021

**JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM  
 CITY OF DEL MAR – ANNUAL REPORT FORM  
 FY 2019-2020**


<b>I. COPERMITTEE INFORMATION</b>		
Copermittee Name: <b>City of Del Mar – San Dieguito</b>		
Copermittee Primary Contact Name: <b>Mikhail Ogawa</b>		
Copermittee Primary Contact Information:		
Address: <b>1050 Camino Del Mar</b>		
City: <b>Del Mar</b>	County: <b>San Diego</b>	State: <b>CA</b> Zip: <b>92014</b>
Telephone: <b>(858) 755-9313</b>	Fax: <b>(858) 755-2794</b>	Email: <b>Mikhail@mogawaeng.com</b>
<b>II. LEGAL AUTHORITY</b>		
Has the Copermittee established adequate legal authority within its jurisdiction to control pollutant discharges into and from its MS4 that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
A Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative has certified that the Copermittee obtained and maintains adequate legal authority?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<b>III. JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM DOCUMENT UPDATE</b>		
Was an update of the jurisdictional runoff management program document required or recommended by the San Diego Water Board?	YES <input type="checkbox"/> NO <sup>1</sup> <input checked="" type="checkbox"/>	
If YES to the question above, did the Copermittee update its jurisdictional runoff management program document and make it available on the Regional Clearinghouse?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
<b>IV. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM</b>		
Has the Copermittee implemented a program to actively detect and eliminate illicit discharges and connections to its MS4 that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Number of non-storm water discharges reported by the public		16
Number of non-storm water discharges detected by Copermittee staff or contractors		32
Number of non-storm water discharges investigated by the Copermittee		48
Number of sources of non-storm water discharges identified		48
Number of non-storm water discharges eliminated		48
Number of sources of illicit discharges or connections identified		21
Number of illicit discharges or connections eliminated		21
Number of enforcement actions issued		41
Number of escalated enforcement actions issued		0
<b>V. DEVELOPMENT PLANNING PROGRAM</b>		
Has the Copermittee implemented a development planning program that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Was an update to the BMP Design Manual required or recommended by the San Diego Water Board?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If YES to the question above, did the Copermittee update its BMP Design Manual and make it available on the Regional Clearinghouse?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Number of proposed development projects in review		4
Number of Priority Development Projects in review		0
Number of Priority Development Projects approved		0
Number of approved Priority Development Projects exempt from any BMP requirements		0
Number of approved Priority Development Projects allowed alternative compliance		0
Number of Priority Development Projects granted occupancy		0
Number of completed Priority Development Projects in inventory		1
Number of high priority Priority Development Project structural BMP inspections		6
Number of Priority Development Project structural BMP violations		0
Number of enforcement actions issued		0
Number of escalated enforcement actions issued		0

FY 2019-2020

<b>VI. CONSTRUCTION MANAGEMENT PROGRAM</b>					
Has the Copermittee implemented a construction management program that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Number of construction sites in inventory				38	
Number of active construction sites in inventory				22	
Number of inactive construction sites in inventory				1	
Number of construction sites closed/completed during reporting period				15	
Number of construction site inspections				390	
Number of construction site violations				39	
Number of enforcement actions issued				39	
Number of escalated enforcement actions issued				0	
<b>VII. EXISTING DEVELOPMENT MANAGEMENT PROGRAM</b>					
Has the Copermittee implemented an existing development management program that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	<b>Municipal</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Residential</b>	
Number of facilities or areas in inventory	24	86	0	37	
Number of existing development inspections	144	516	0	222	
Number of follow-up inspections	0	0	0	0	
Number of violations	0	30	0	0	
Number of enforcement actions issued	0	30	0	0	
Number of escalated enforcement actions issued	0	0	0	0	
<b>VIII. PUBLIC EDUCATION AND PARTICIPATION</b>					
Has the Copermittee implemented a public education program component that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Has the Copermittee implemented a public participation program component that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>IX. FISCAL ANALYSIS</b>					
Has the Copermittee attached to this form a summary of its fiscal analysis that complies with Order No. R9-2013-0001?				YES <sup>2</sup> <input type="checkbox"/>	NO <input type="checkbox"/>

**X. CERTIFICATION**

I  Principal Executive Officer  Ranking Elected Official  Duly Authorized Representative certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

  
 Signature  
 Christa Johnson  
 Print Name  
 858-755-9313  
 Telephone Number

1-26-2021  
 Date  
 City Manager  
 Title  
 Citymanager@delmar.ca.us  
 Email

<sup>1</sup> While a JRMP Update was not required or recommended by the RWQCB, the City update the JRMP during the reporting period. The update JRMP is posted on the City's website (<https://www.delmar.ca.us/166/Jurisdictional-Runoff-Management-Plan>) and Project Clean Water website ([www.projectcleanwater.org](http://www.projectcleanwater.org)).

<sup>2</sup> A fiscal analysis that complies with Order R9-2013-0001 is provided as Attachment 1.

## 1. FISCAL ANALYSIS

### 1.1 JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM IMPLEMENTATION

This section of the Jurisdictional Runoff Management Program (JRMP) Annual Report provides a fiscal analysis of the City’s stormwater management programs.

The City of Del Mar used the format and guidelines provided in the “Standardized Fiscal Method and Format” adopted by the San Diego Municipal Copermittees in 2009 for reporting purposes; however, given the City’s financial accounting methods, a few modifications were necessary. These adjustments are described in subsequent sections below. The City recognizes the elements required to be included in the fiscal analysis, as specified in Section E.8 of Order No. R9-2013-001 (as amended by Order Nos. R9-2015-0001 and R9-2015-0100) (MS4 Permit), and has included those components in the year’s fiscal analysis report.

#### 1.1.1 Clean Water Program Budget

The City of Del Mar’s Clean Water Program is a multi-departmental program, funded as an enterprise fund in the City’s Annual Budget. Enterprise funds account for operations that are financed and operated in a manner similar to private businesses, with the costs of providing the services recovered mainly through user fees. Fund 55 (“The Clean Water Fund”), is one of three (3) enterprise funds in the City’s budget and was added to the City’s budget in Fiscal Year 2004 to account for the mandated costs of the City’s responsibilities to comply with the Municipal Permit. The budget for the City of Del Mar has the appropriate funds and necessary staff resources allocated to meet the requirements of MS4 Permit, including any development, implementation, and enforcement activities required.

The City of Del Mar Operating and Capital Improvement Budgets for Fiscal Years 2019-2020 and 2018-2019 were presented to and adopted by the Del Mar City Council on June 17, 2019.

For the Fiscal Year 2019-2020 reporting period, the final amended budget for Fund 55 totaled \$1.08M. **Table 1-1** below provides a breakdown of the program budget by major budget category for Fiscal Year 2019-2020.

**Table 1-1: FY 2019-2020 Budget Summary – Clean Water Fund 55**

Fund Account		Adopted Budget Fiscal Year 2019-2020	Description/Comments
55-5530	Clean Water Planning	\$51,010	Active enforcement of clean water regulations including project plan review, permitting, construction monitoring and plan review of BMPs.
55-5536	Clean Water Code Enforcement	\$31,960	Active in-field enforcement of clean water regulations, including response to resident complaints.
55-5539	Clean Water Program Management	\$278,000	All clean water program management and reporting activities, fees to agencies, and interaction with regional and watershed Copermittee groups.
55-5840	Public Works (Clean Water)	\$277,800	Provides for administration and general support for all clean water programs for property and facilities, including supervision of maintenance staff.
55-7000	Clean Water Capital Improvement Projects	\$445,000	Capital improvement projects related to storm drain infrastructure and other improvements required by the MS4 Permit.
<b>Total Clean Water Program Budget – Fund 55</b>		<b>\$1,083,770</b>	–

**1.1.2 Fiscal Analysis Results and Detailed Expenditures**

The City’s Fiscal Year 2019-2020 jurisdictional, watershed, and regional projected expenditures for the implementation of the Municipal Permit requirements are summarized in **Table 1-2** below.

The City of Del Mar used the expenditure categories (administration, watershed activities, cost share contribution, and other) detailed in the Fiscal Analysis Method for jurisdictional, watershed, and regional reporting. These expenditures are discussed in further detail in the following sections.

**Table 1-2: Fiscal Year 2019-2020 Expenditure Summary by Program Component**

Component Description	Fiscal Year 2019-2020 Projected Expenditures
<b>Jurisdictional Component</b>	
Administration	\$42,308
Development Planning	\$51,153
Construction	\$64,898
Municipal	\$227,676
Industrial and Commercial	\$10,329
Residential, Education, and Public Participation	\$53,375
IDDE	\$37,073
Clean Water Capital Improvement Projects	\$62,607
Jurisdictional Total	<b>\$549,419</b>
<b>Watershed Component</b>	
San Dieguito Watershed	\$23,551
Los Peñasquitos Watershed	\$23,551
Watershed Total	<b>\$47,102</b>
<b>Regional Component</b>	
Total Copermittee Cost Share for Del Mar	\$22,935
<b>Total Costs</b>	<b>\$619,456</b>

**1.1.3 JRMP Expenditures**

While the City of Del Mar used the expenditure categories detailed in the Fiscal Analysis Method, it is difficult to separate individual component costs due to the implementation overlap of some of the City’s municipal permit components. As a result, residential, education, and public participation are reported as one expenditure category. Additionally, since the City does not explicitly track expenditures by permit component for its budgeting purposes, in many cases, estimated percentages were used to allocate expenditures into the appropriate municipal permit component categories.

A total of \$549,480 was budgeted for Fiscal Year 2019-2020 for the implementation of JRMP activities. Summaries of expenditure categories reflected in JRMP activity component are presented below.

*Administration*

Activities identified in this component represent labor and non-labor expenditures for materials, supplies, equipment, or tools that are not otherwise incorporated into other expenditure categories, general administrative functions (e.g., program planning, budgeting, staff supervision), and program assessment and reporting.

### *Development Planning*

Activities identified in this component represent labor and non-labor expenditures related to issuance or oversight of permits or of plans (e.g., permit counter support, plan checks, permit or application processing), project planning and engineering (e.g. project design specifications, capital improvement projects).

### *Construction*

Activities identified in this component represent labor and non-labor expenditures related to construction site inspections and enforcement.

### *Municipal*

Activities identified in this component represent labor and non-labor expenditures related to maintenance inspections of streets, roads, catch basins and inlets, open channels, and the MS4, municipal facility inspections, street and parking lot sweeping, catch basins and inlets, open channels, and MS4 cleaning, and municipal BMP implementation. Since the City of Del Mar conducts all fire-fighting training outside of the City, and no non-emergency fire-fighting flows occurred during the reporting period, the City does not currently track expenditures relating to non-emergency fire-fighting flows. Any costs associated with preparing for these flows are included in the municipal component.

### *Industrial and Commercial*

Activities identified in this component represent labor and non-labor expenditures related to evaluation and enforcement of program requirements at industrial and commercial sites or sources (e.g. routine inspections and complaint investigations).

### *Residential, Education, and Public Participation*

Activities identified in these components represent labor and non-labor expenditures related to investigation and enforcement of residential areas or activities, staffing outreach events, development and production of outreach materials, and any expenditures associated with waste collection and recycling (e.g. household hazardous waste, used oil).

### *Illicit Discharge Detection and Elimination*

Activities identified in this component represent labor and non-labor expenditures related to the identification and elimination of illicit discharges or connections, enforcing the City of Del Mar's storm water ordinance, and any expenditures related to monitoring programs (e.g. dry weather monitoring, coastal storm drain monitoring, special investigations, field or sampling equipment, materials and supplies).

#### **1.1.4 Capital Project Expenditures**

A total of \$445,000 was budgeted for the City's Fiscal Year 2019-2020 Clean Water Program Capital Projects. Due to the early completion of some projects and the postponement of some infrastructure improvement projects, the budgeted amount was not fully expended.

#### **1.1.5 Watershed Expenditures**

The watershed expenditures included in this report only capture City of Del Mar expenditures and do not account for any expenditure disbursed by other Copermittees included in the watershed(s).

A total of \$55,400 was budgeted for Fiscal Year 2019-2020 for the implementation of planned strategies for the San Dieguito and Los Peñasquitos Watersheds. Due to changes in watershed cost-sharing amongst Copermittees, the City's watershed expenditures were less than budgeted amounts.

#### **1.1.6 Regional Expenditures**

The regional expenditures included in this report only capture City of Del Mar expenditures and do not account for any expenditure disbursed by other Copermittees in the region. A total of \$33,890 was

budgeted for Fiscal Year 2019-2020 for the implementation of regional activities and coordination. Due to changes in regional cost-sharing amongst Copermitttees, the City's regional expenditures were less than budgeted amounts.

### **1.1.7 Funding Sources**

To ensure adequate funding for the Clean Water Program, the City uses a combination of user fees and general fund monies.

The City of Del Mar City Council created and adopted a user fee, called the Clean Water Fund Service Charge, to offset the program's costs. Initially, the rate was adopted to collect \$100,000 of the estimated \$300,000 for the program, with an escalator to achieve full cost recovery by 2009. Mid-way through the five-year schedule, on July 24, 2006, the California Supreme Court published a decision in the case of Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal. 4th 205, which held that consumption-based rates such as water and sewer rates are subject to the notice and hearing requirements of California Constitution, Article XIII D, Section 6 (commonly known as "Proposition 218"). Therefore, on January 22, 2007, and February 5, 2007, the Del Mar City Council held public hearings to receive written protests to comply with Proposition 218. No majority protest was received, and the Council ratified the previously approved five-year rate schedule, including the City's Clean Water Service Charge. However, the adopted rate increases did not account for the actual increases in the costs associated program requirements.

As an additional measure to obtain voter approval of the five-year rate schedule for the City's Clean Water Service Charge, the Council directed staff on April 2, 2007, to start the process to perform a mail ballot election procedure. During the process of researching the mail ballot election procedures and the current rates, it became apparent that the process would immediately need to be repeated to set the Fiscal Year 2010 rates and charges, since the current five-year rate schedule was due to expire in June of 2009. Due to the additional costs incurred in complying with the new requirements of the 2007 Permit, increases to the Clean Water Service Charge were proposed, including an annual rate escalator. All monies appropriated as part of the Clean Water Service Charge are directly identified for the Clean Water Program, and pursuant to law, may not be used by the City for any other purpose.

In Fiscal Year 2019-2020, a consultant was hired to reevaluate the funding source for the Clean Water Program. However, the coronavirus (COVID-19) pandemic slowed these efforts. The City will provide updates on the Clean Water Program funding source in future annual reports.

**FY 2019-2020 JRMP Annual Report**

**Attachment 2 – Response to Attachment 1 (Adaptive Management Items) of the Regional Board  
Comment Letter**

This JRMP Annual Report attachment provides the City of Del Mar’s response to the Regional Board comment letter sent via email on October 18, 2019 to Copermittees providing information on the “Annual Report review for year 2017-2018: San Dieguito River Watershed Management Area Water Quality Improvement Plan” (comment letter).

The comment letter included an attachment (Attachment 1) with adaptive management items. Attachment 1 required the WQIP Copermittees to modify JRMP strategies as applicable and include in JRMP Annual Reports submitted on or before January 31, 2021. Comment Letter Attachment 1 is below, and the City of Del Mar’s response is provided underneath each topic.

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***Attachment 1 from Regional Board Comment Letter - Adaptive Management General Topics***

The San Diego Water Board is requiring that WQIP Copermittees address the following Adaptive Management General Topics more fully in the WQIP. The San Diego Water Board finds that these topics are either inconsistently addressed region-wide in the WQIPs, or that the topics have become a highlighted issue region-wide, or new information or completion of special studies have become available that may affect strategies proposed to address the High Priority Water Quality Conditions (HPWQCs) and Priority Water Quality Conditions (PWQCs) for each Watershed Management Area (WMA). Pursuant to provisions B.5.a (4), B.5.a (5), B.5.b (8), and B.5.b (9) of the Order the San Diego Water Board is requiring these Adaptive Management General Topics to be assessed in the WQIPs in all WMAs.

The San Diego Water expects that these Adaptive Management General Topics be included in the WQIP Annual Report **on or before January 31, 2021**. Where an Adaptive Management General Topic is determined not applicable to the WMA, the WQIP Copermittees shall describe the technical rationale as to why the topic is not applicable. Each Adaptive Management General Topic shall be assessed separately in the WQIP.

The WQIP Copermittees' JRMP strategies for each WMA are required to be modified to address the Adaptive Management General Topics, as applicable. The updated JRMP strategies are required to be included in the JRMP Annual Report submitted concurrently with each applicable WQIP Annual Report **on or before January 31, 2021**.

**1. Homeless Encampments**

The San Diego Water Board has identified discharges of pollutants from homeless encampments as a controllable source under the land use authority of the WQIP Copermittees. The WQIPs shall identify potential geographical areas of focus where WQIP Copermittees have implemented or coordinated with local and regional programs or strategies to address discharges from encampments. The WQIP Copermittees shall include summaries of efforts conducted since the Regional MS4 Permit went into effect May 2013. The WQIP shall include a map of geographical areas that have been prioritized as pollutant source by the WQIP Copermittees in the WMA. The WQIP Copermittees shall include in the WQIPs a description of coordination with other agencies and programs.

City Response: There are no known encampments within the City in the San Dieguito watershed. When homeless encampments are identified within Del Mar's jurisdiction, the City coordinates with the appropriate agencies or organizations to assist.

**2. Identification of Controllable and Uncontrollable Sources**

Region-wide, WQIPs often make general statements that various sources are "...uncontrollable and ... not the responsibility of the WQIP Copermittees." Most often these uncontrollable sources are identified as either agricultural lands or homeless encampments. In addition, the treatment of these sources as controllable or uncontrollable varies from WMA to WMA.

The San Diego Water Board finds that agricultural lands and homeless encampments are controllable sources under the land use authority of the WQIP Copermittees. With regards to agricultural land uses, WQIPs with nutrient PWQCs or HPWQCs shall make clear substantiation in the WQIPs how the WQIP Copermittees will implement their land use authority to address the PWQCs and HPWQCs for controllable sources through minimum BMPs, enhanced construction

BMPs, commercial industrial inspection programs, or coordination with the adopted Agricultural Orders (Orders R9-2016-0004 and R9-2016-0005).

For any other source(s) identified as “uncontrollable”, the Copermittee shall include the basis and detailed technical rationale in the WQIP that explains how the source(s) is not able to be controlled by the Copermittee with its ordinances, policies, or programs.

City Response: The City has not identified sources as “uncontrollable”.

### **3. Agricultural Orders Update and Assessment**

In 2016, the San Diego Water Board adopted Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region* and Order No. R9-2016-0005, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region* (Agricultural Orders). The San Diego Water Board has been enrolling facilities, implementing and enforcing the requirements of the Agricultural Orders for three years. Enrolled facilities are now identified on Geotracker. The WQIP Copermittees shall include the Geotracker information of the enrolled facilities and provide an assessment on the scale, type and location of agricultural facilities required to enroll in the Agricultural Orders. WQIP Copermittees shall include a discussion in the WQIP regarding how inspections have been, or plan to be implemented for facilities in the WMA required to enroll in the Agricultural Orders.

City Response: Information is provided in the updated San Dieguito WQIP submitted to the Regional Board in January 2021. There are no agricultural facilities identified on Geotracker within the City of Del Mar.

### **4. Coordination of WQIP HPWQCs, PWQCs, and Strategies with WMA Ecological Reserve Goals and Projects**

The San Diego Water Board finds that there are many State funded restoration projects throughout the region. The projects include, but are not limited to, local, regional, and other agency projects within marine protected areas, lagoons, estuaries, ASBS reserve areas, mitigation banks, river parks, and drinking water reservoir watersheds (collectively identified as Ecological Reserves). Most of these Ecological Reserves have either environmental or planning documents that identify existing environmental goals or planned restoration projects. The San Diego Water Board finds that many of the WQIPs do not identify these projects or the long-term goals of the Ecological Reserves within the WMA. Further, very little assessment in the WQIPs have been completed to ensure that strategies identified in the WMA are supportive of the Ecological Reserve existing goals or planned projects. The WQIP Copermittees are required to identify Ecological Reserves in the WMA, a summary of environmental goals or restoration project technical goals (if available) and provide an assessment that the jurisdictional and WMA strategies in the WQIP are compatible and supportive of the Ecological Reserve projects and goals.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 5. Storm Drain Biofilms Source of Bacteria

The San Diego Water Board finds that biofilm regrowth in storm drain facilities is treated inconsistently region-wide from WMA to WMA. Biofilm regrowth in storm drain facilities is considered an anthropogenic source of bacteria. Several bacteria -specific special studies have been completed along with the triennial review since the adoption of the Order. The San Diego Water Board is requiring that the results of these studies regarding biofilm regrowth in storm drain facilities be included in the WQIP and whether the bacteria source has been identified as human.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 6. Update of 303(d) Listings

Since the acceptance of WQIPs, the 303(d) listings have been updated. The San Diego Water Board is requiring that WQIP Copermittees update the 303(d) summaries to the most current OAL approved 303(d) list as of **January 31, 2021**. An assessment of any potential changes to the selected PWQCs or HPWQCs based on the revised list are required to be included in the WQIP.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 7. Over-Irrigation Audit Findings

The San Diego Water Board conducted an audit in 2017 and 2018 of all WQIP Copermittees pollutant control programs to evaluate the effective prohibition of overirrigation discharges. The San Diego Water Board found substantive deficiencies in Copermittee JRMP programs, WQIP strategies, and Copermittee Legal Authority. The majority of WQIPs rely on an assumed or modeled percent reduction of pollutant loading based on implementation of non-structural BMPs within a jurisdiction or within the watershed. The deficiencies brought forth in the audits must be addressed by the WQIP Copermittees in the WQIP for the WMA. The assessment must evaluate any assumed pollutant load reduction for non-structural BMPs used to meet TMDLs or numeric goals and schedules. The assessment may require an update of model-based load reductions or a reduction in percentages of pollutant loads attributed to non-structural BMPs.

City Response: The City submitted the required response to address the *Regional MS4 Permit Audit of Discharge Prohibition* to the Regional Board in January 2019. This response detailed City-specific program implementation. In addition, the San Dieguito WQIP Copermittees are not using the 'Implement Accepted Water Quality Improvement Plan' compliance pathway.

## 8. Persistent Flow in MS4 Outfalls - Groundwater or Water Agency Maintenance Source Identification

Since the acceptance of the WQIPs in the region, WQIP Copermittees are identifying patterns of persistent dry weather flow in MS4 outfalls which may be associated with ground water or under water district maintenance and operation of facilities authorized under the State Water Board WQO 2014-0194 SWQ. The WQIP Copermittees are required to include an assessment for the WMA on the scope and nature of groundwater and State Water Board WQO 2014-0194 SWQ authorized discharge contributions to MS4 persistent flowing outfalls based on studies,

inspections or observations. The WQIP Copermittees are also required to identify where in the WMA this issue is likely to be occurring.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 9. Monitoring Inconsistencies

### a. Use of C Value

Based on spot checks on various monitoring data submitted with the WQIP Annual Reports, the San Diego Water Board finds that there may be inconsistencies with the usage of the Land Use Factor (C) in the calculation of pollutant loadings. The methodology using event mean concentration is not appropriate since land uses are co-mingled and not a single land use. The San Diego Water Board is requiring that WQIP Copermittees review the calculation methodology and land use values used and either provide a corrected pollutant load calculation or propose a method or process to correct the calculations. Based on the revised calculations, the WQIP Copermittees are required to revise the WMA or JRMP strategies as applicable to address the WQIP numeric goals and schedules. If applicable, the WQIP Copermittees are required to provide an assessment based on the revised results whether proposed projects or actions are reprioritized.

City Response: Per an August 19, 2020 email from Regional Board staff, this item does not need to be addressed until the issuance of the next MS4 Permit.

### b. Monitoring Completeness

Based on spot checks of monitoring data submitted with the WQIP Annual Reports, the San Diego Water Board has found inconsistencies. For example, collected monitoring data is not always identified and data was not recorded in accordance with the frequency required in the Order, Board adopted Resolutions, or TMDL's applicable to the WQIP. The San Diego Water Board is requiring that the WQIP Copermittees conduct a completeness check of the required monitoring **on or before January 31, 2021 WQIP Annual Report.**

City Response: This item is addressed in the San Dieguito WQIP Annual Report submitted to the Regional Board in January 2021 as requested.

### c. Fecal Indicator Bacteria (FIB)

According to the new Bacteria Provisions for Inland Surface Waters, Enclosed Bays and Estuaries, and for Ocean Waters adopted by the State Water Board in August 2018, E. coli is the new standard of FIB for REC-1 in freshwaters and brackish waters of frequent low salinity; enterococci is the FIB standard for brackish waters of frequent high salinity; and both enterococci and fecal coliform are the new standards for ocean waters. Although the Order does not currently include these revised objectives, the Order will be updated to incorporate the newly adopted State Water Board bacteria objectives and therefore adaptation of monitoring in preparation for inclusion of the revised objectives is strongly encouraged. The San Diego Water Board is requiring a discussion of these new standards in the monitoring programs in the WMA. The discussion shall identify whether or not the WQIP Copermittees will add the new standard of FIB and to which monitoring stations.

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City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

d. Appropriate Use of Surfer Health Study (SHS) Results

The SHS results should not be directly compared with the illness-rate thresholds recommended in the US EPA 2012 Criteria for REC-1. The San Diego Water Board Investigative Order No. R9-2019-0014 findings state how the intrinsic differences in study design between the SHS and epidemiology studies conducted by USEPA should be considered when evaluating the SHS results. The direct comparison of SHS results with USEPA 2012 Criteria have been frequently cited in WQIP annual reports of multiple WMAs to downplay the importance of bacteria monitoring in storm drains and receiving water, which is not correct. The San Diego Water is requiring the WQIP Copermittees to update the evaluations that cite the SHS results to assure the differences in study design is accurately accounted for in the WQIP Annual Reports.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 10. Coordination with Water and Sewer Agency Planning and Projects

The San Diego Water Board finds that Water and Sewer agencies in the Region are identifying projects that may alter natural water balance in stream systems, capture and reuse storm water, or dry weather flows. The San Diego Water Board finds that many of the WQIPs either do not identify these projects or the long-term effects of these project in the WMA. The WQIP Copermittees are required to identify water and sewer projects in the WMA which affect receiving waters or propose capture and reuse of storm water or dry weather flows. The WQIP Copermittees are also required to include a summary of water or sewer agency project technical goals (if available) and provide an assessment that the jurisdictional and WMA strategies in the WQIP are compatible and supportive with the planned projects.

City Response: This item is addressed in the San Dieguito WQIP submitted to the Regional Board in January 2021 as requested.

## 11. Annual Report Data

a. Structural BMP Data

Pursuant to provision F.3.b.(3) f the San Diego Water Board is requiring WQIP Copermittees to tabulate and report structural BMP information **in the following manner in each WMA on or before January 31, 2021.** Tabulate and report the information in a shape file format showing all structural BMPs, including wetland restoration projects and dry-weather diversions. The information for each structural BMP should include, at least:

- GPS location;
- Size of BMP (i.e. volume or flow);
- Drainage Area to BMP;
- Type of BMP;
- Installation year; and
- Target pollutant(s) to be treated.

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City Response: This item is addressed in the San Dieguito WQIP Annual Report submitted to the Regional Board in January 2021 as requested.

b. High Priority Outfall Criteria

Pursuant to D.2.b.2(a) of the Order, the WQIP Copermittees are required to provide the criteria for determining high-priority outfalls for monitoring in dry and wet weather **on or before January 31, 2021**. Include clarification as to whether, and how, the results summarized in the Five-year Assessment of Random and Targeted MS4 Outfall Discharge Data Collected under NPDES Permit Order No. R9-2007-0001 in San Diego County Watersheds (Weston Solution, 2015) were used to prioritize outfall monitoring in each WMA. The San Diego Water Board found that multiple outfalls in various WMAs had elevated pollutant concentrations in dry weather according to the Weston Solution 2015 report but were not included in the monitoring of high-priority outfalls according to the WQIP Annual Reports.

City Response: This item is addressed in the San Dieguito WQIP Annual Report submitted to the Regional Board in January 2021 as requested. There are less than 5 major outfalls in the City of Del Mar’s portion of the San Dieguito River watershed. Therefore, an outfall identified as persistently flowing would be a high priority outfall.

c. Monitoring Data

**All future annual report submittals beginning with January 31, 2020**, the San Diego Water Board is requiring WQIP Copermittees to provide electronic copies of all monitoring results as a separate submittal turned in concurrently with the WQIP Annual Report. For each WMA, provide a copy of the analytical results for all outfalls and receiving waters in the same Excel format as submitted to CEDEN.

City Response: This item is addressed in the San Dieguito WQIP Annual Report submitted to the Regional Board in January 2021<sup>1</sup>.

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<sup>1</sup> Also submitted in January 2020 San Dieguito WQIP Annual Report as requested.

City of Del Mar Jurisdictional Runoff  
Management Program Annual Report Form  
Los Peñasquitos Watershed Submittal  
January 2021

**JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM  
 CITY OF DEL MAR – ANNUAL REPORT FORM  
 FY 2019-2020**

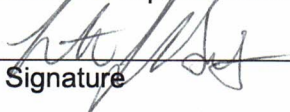
<b>I. COPERMITTEE INFORMATION</b>	
Copermittee Name: <b>City of Del Mar – Los Penasquitos</b>	
Copermittee Primary Contact Name: <b>Mikhail Ogawa</b>	
Copermittee Primary Contact Information:	
Address: <b>1050 Camino Del Mar</b>	
City: <b>Del Mar</b>	County: <b>San Diego</b>
State: <b>CA</b>	Zip: <b>92014</b>
Telephone: <b>(858) 755-9313</b>	Fax: <b>(858) 755-2794</b>
Email: <b>Mikhail@mogawaeng.com</b>	
<b>II. LEGAL AUTHORITY</b>	
Has the Copermittee established adequate legal authority within its jurisdiction to control pollutant discharges into and from its MS4 that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
A Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative has certified that the Copermittee obtained and maintains adequate legal authority?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<b>III. JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM DOCUMENT UPDATE</b>	
Was an update of the jurisdictional runoff management program document required or recommended by the San Diego Water Board?	YES <input type="checkbox"/> NO <sup>1</sup> <input checked="" type="checkbox"/>
If YES to the question above, did the Copermittee update its jurisdictional runoff management program document and make it available on the Regional Clearinghouse?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>IV. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM</b>	
Has the Copermittee implemented a program to actively detect and eliminate illicit discharges and connections to its MS4 that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Number of non-storm water discharges reported by the public	2
Number of non-storm water discharges detected by Copermittee staff or contractors	4
Number of non-storm water discharges investigated by the Copermittee	6
Number of sources of non-storm water discharges identified	6
Number of non-storm water discharges eliminated	6
Number of sources of illicit discharges or connections identified	3
Number of illicit discharges or connections eliminated	3
Number of enforcement actions issued	6
Number of escalated enforcement actions issued	0
<b>V. DEVELOPMENT PLANNING PROGRAM</b>	
Has the Copermittee implemented a development planning program that complies with Order No. R9-2013-0001?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Was an update to the BMP Design Manual required or recommended by the San Diego Water Board?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES to the question above, did the Copermittee update its BMP Design Manual and make it available on the Regional Clearinghouse?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Number of proposed development projects in review	4
Number of Priority Development Projects in review	0
Number of Priority Development Projects approved	0
Number of approved Priority Development Projects exempt from any BMP requirements	0
Number of approved Priority Development Projects allowed alternative compliance	0
Number of Priority Development Projects granted occupancy	0
Number of completed Priority Development Projects in inventory	1
Number of high priority Priority Development Project structural BMP inspections	6
Number of Priority Development Project structural BMP violations	0
Number of enforcement actions issued	0
Number of escalated enforcement actions issued	0

FY 2019-2020

<b>VI. CONSTRUCTION MANAGEMENT PROGRAM</b>					
Has the Copermittee implemented a construction management program that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <sup>1</sup> <input type="checkbox"/>
Number of construction sites in inventory				3	
Number of active construction sites in inventory				2	
Number of inactive construction sites in inventory				0	
Number of construction sites closed/completed during reporting period				1	
Number of construction site inspections				54	
Number of construction site violations				6	
Number of enforcement actions issued				6	
Number of escalated enforcement actions issued				0	
<b>VII. EXISTING DEVELOPMENT MANAGEMENT PROGRAM</b>					
Has the Copermittee implemented an existing development management program that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <sup>1</sup> <input type="checkbox"/>
	<b>Municipal</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Residential</b>	
Number of facilities or areas in inventory	1	1	0	12	
Number of existing development inspections	6	6	0	72	
Number of follow-up inspections	0	0	0	0	
Number of violations	0	0	0	0	
Number of enforcement actions issued	0	0	0	0	
Number of escalated enforcement actions issued	0	0	0	0	
<b>VIII. PUBLIC EDUCATION AND PARTICIPATION</b>					
Has the Copermittee implemented a public education program component that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Has the Copermittee implemented a public participation program component that complies with Order No. R9-2013-0001?				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>IX. FISCAL ANALYSIS</b>					
Has the Copermittee attached to this form a summary of its fiscal analysis that complies with Order No. R9-2013-0001?				YES <sup>2</sup> <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

**X. CERTIFICATION**

I  Principal Executive Officer  Ranking Elected Official  Duly Authorized Representative certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

  
 Signature  
 Christa Johnson  
 Print Name  
 858-755-9313  
 Telephone Number

1-26-21  
 Date  
 City Manager  
 Title  
 Citymanager@delmar.ca.us  
 Email

<sup>1</sup> While a JRMP Update was not required or recommended by the RWQCB, the City update the JRMP during the reporting period. The update JRMP is posted on the City's website (<https://www.delmar.ca.us/166/Jurisdictional-Runoff-Management-Plan>) and Project Clean Water website ([www.projectcleanwater.org](http://www.projectcleanwater.org)).

<sup>2</sup> A fiscal analysis that complies with Order R9-2013-0001 is provided as Attachment 1.

## 1. FISCAL ANALYSIS

### 1.1 JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM IMPLEMENTATION

This section of the Jurisdictional Runoff Management Program (JRMP) Annual Report provides a fiscal analysis of the City’s stormwater management programs.

The City of Del Mar used the format and guidelines provided in the “Standardized Fiscal Method and Format” adopted by the San Diego Municipal Copermittees in 2009 for reporting purposes; however, given the City’s financial accounting methods, a few modifications were necessary. These adjustments are described in subsequent sections below. The City recognizes the elements required to be included in the fiscal analysis, as specified in Section E.8 of Order No. R9-2013-001 (as amended by Order Nos. R9-2015-0001 and R9-2015-0100) (MS4 Permit), and has included those components in the year’s fiscal analysis report.

#### 1.1.1 Clean Water Program Budget

The City of Del Mar’s Clean Water Program is a multi-departmental program, funded as an enterprise fund in the City’s Annual Budget. Enterprise funds account for operations that are financed and operated in a manner similar to private businesses, with the costs of providing the services recovered mainly through user fees. Fund 55 (“The Clean Water Fund”), is one of three (3) enterprise funds in the City’s budget and was added to the City’s budget in Fiscal Year 2004 to account for the mandated costs of the City’s responsibilities to comply with the Municipal Permit. The budget for the City of Del Mar has the appropriate funds and necessary staff resources allocated to meet the requirements of MS4 Permit, including any development, implementation, and enforcement activities required.

The City of Del Mar Operating and Capital Improvement Budgets for Fiscal Years 2019-2020 and 2018-2019 were presented to and adopted by the Del Mar City Council on June 17, 2019.

For the Fiscal Year 2019-2020 reporting period, the final amended budget for Fund 55 totaled \$1.08M. **Table 1-1** below provides a breakdown of the program budget by major budget category for Fiscal Year 2019-2020.

**Table 1-1: FY 2019-2020 Budget Summary – Clean Water Fund 55**

Fund Account		Adopted Budget Fiscal Year 2019-2020	Description/Comments
55-5530	Clean Water Planning	\$51,010	Active enforcement of clean water regulations including project plan review, permitting, construction monitoring and plan review of BMPs.
55-5536	Clean Water Code Enforcement	\$31,960	Active in-field enforcement of clean water regulations, including response to resident complaints.
55-5539	Clean Water Program Management	\$278,000	All clean water program management and reporting activities, fees to agencies, and interaction with regional and watershed Copermittee groups.
55-5840	Public Works (Clean Water)	\$277,800	Provides for administration and general support for all clean water programs for property and facilities, including supervision of maintenance staff.
55-7000	Clean Water Capital Improvement Projects	\$445,000	Capital improvement projects related to storm drain infrastructure and other improvements required by the MS4 Permit.
<b>Total Clean Water Program Budget – Fund 55</b>		<b>\$1,083,770</b>	–

**1.1.2 Fiscal Analysis Results and Detailed Expenditures**

The City’s Fiscal Year 2019-2020 jurisdictional, watershed, and regional projected expenditures for the implementation of the Municipal Permit requirements are summarized in **Table 1-2** below.

The City of Del Mar used the expenditure categories (administration, watershed activities, cost share contribution, and other) detailed in the Fiscal Analysis Method for jurisdictional, watershed, and regional reporting. These expenditures are discussed in further detail in the following sections.

**Table 1-2: Fiscal Year 2019-2020 Expenditure Summary by Program Component**

Component Description	Fiscal Year 2019-2020 Projected Expenditures
<b>Jurisdictional Component</b>	
Administration	\$42,308
Development Planning	\$51,153
Construction	\$64,898
Municipal	\$227,676
Industrial and Commercial	\$10,329
Residential, Education, and Public Participation	\$53,375
IDDE	\$37,073
Clean Water Capital Improvement Projects	\$62,607
Jurisdictional Total	<b>\$549,419</b>
<b>Watershed Component</b>	
San Dieguito Watershed	\$23,551
Los Peñasquitos Watershed	\$23,551
Watershed Total	<b>\$47,102</b>
<b>Regional Component</b>	
Total Copermittee Cost Share for Del Mar	\$22,935
<b>Total Costs</b>	<b>\$619,456</b>

**1.1.3 JRMP Expenditures**

While the City of Del Mar used the expenditure categories detailed in the Fiscal Analysis Method, it is difficult to separate individual component costs due to the implementation overlap of some of the City’s municipal permit components. As a result, residential, education, and public participation are reported as one expenditure category. Additionally, since the City does not explicitly track expenditures by permit component for its budgeting purposes, in many cases, estimated percentages were used to allocate expenditures into the appropriate municipal permit component categories.

A total of \$549,480 was budgeted for Fiscal Year 2019-2020 for the implementation of JRMP activities. Summaries of expenditure categories reflected in JRMP activity component are presented below.

*Administration*

Activities identified in this component represent labor and non-labor expenditures for materials, supplies, equipment, or tools that are not otherwise incorporated into other expenditure categories, general administrative functions (e.g., program planning, budgeting, staff supervision), and program assessment and reporting.

### *Development Planning*

Activities identified in this component represent labor and non-labor expenditures related to issuance or oversight of permits or of plans (e.g., permit counter support, plan checks, permit or application processing), project planning and engineering (e.g. project design specifications, capital improvement projects).

### *Construction*

Activities identified in this component represent labor and non-labor expenditures related to construction site inspections and enforcement.

### *Municipal*

Activities identified in this component represent labor and non-labor expenditures related to maintenance inspections of streets, roads, catch basins and inlets, open channels, and the MS4, municipal facility inspections, street and parking lot sweeping, catch basins and inlets, open channels, and MS4 cleaning, and municipal BMP implementation. Since the City of Del Mar conducts all fire-fighting training outside of the City, and no non-emergency fire-fighting flows occurred during the reporting period, the City does not currently track expenditures relating to non-emergency fire-fighting flows. Any costs associated with preparing for these flows are included in the municipal component.

### *Industrial and Commercial*

Activities identified in this component represent labor and non-labor expenditures related to evaluation and enforcement of program requirements at industrial and commercial sites or sources (e.g. routine inspections and complaint investigations).

### *Residential, Education, and Public Participation*

Activities identified in these components represent labor and non-labor expenditures related to investigation and enforcement of residential areas or activities, staffing outreach events, development and production of outreach materials, and any expenditures associated with waste collection and recycling (e.g. household hazardous waste, used oil).

### *Illicit Discharge Detection and Elimination*

Activities identified in this component represent labor and non-labor expenditures related to the identification and elimination of illicit discharges or connections, enforcing the City of Del Mar's storm water ordinance, and any expenditures related to monitoring programs (e.g. dry weather monitoring, coastal storm drain monitoring, special investigations, field or sampling equipment, materials and supplies).

#### **1.1.4 Capital Project Expenditures**

A total of \$445,000 was budgeted for the City's Fiscal Year 2019-2020 Clean Water Program Capital Projects. Due to the early completion of some projects and the postponement of some infrastructure improvement projects, the budgeted amount was not fully expended.

#### **1.1.5 Watershed Expenditures**

The watershed expenditures included in this report only capture City of Del Mar expenditures and do not account for any expenditure disbursed by other Copermittees included in the watershed(s).

A total of \$55,400 was budgeted for Fiscal Year 2019-2020 for the implementation of planned strategies for the San Dieguito and Los Peñasquitos Watersheds. Due to changes in watershed cost-sharing amongst Copermittees, the City's watershed expenditures were less than budgeted amounts.

#### **1.1.6 Regional Expenditures**

The regional expenditures included in this report only capture City of Del Mar expenditures and do not account for any expenditure disbursed by other Copermittees in the region. A total of \$33,890 was

budgeted for Fiscal Year 2019-2020 for the implementation of regional activities and coordination. Due to changes in regional cost-sharing amongst Copermitttees, the City's regional expenditures were less than budgeted amounts.

### **1.1.7 Funding Sources**

To ensure adequate funding for the Clean Water Program, the City uses a combination of user fees and general fund monies.

The City of Del Mar City Council created and adopted a user fee, called the Clean Water Fund Service Charge, to offset the program's costs. Initially, the rate was adopted to collect \$100,000 of the estimated \$300,000 for the program, with an escalator to achieve full cost recovery by 2009. Mid-way through the five-year schedule, on July 24, 2006, the California Supreme Court published a decision in the case of Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal. 4th 205, which held that consumption-based rates such as water and sewer rates are subject to the notice and hearing requirements of California Constitution, Article XIID, Section 6 (commonly known as "Proposition 218"). Therefore, on January 22, 2007, and February 5, 2007, the Del Mar City Council held public hearings to receive written protests to comply with Proposition 218. No majority protest was received, and the Council ratified the previously approved five-year rate schedule, including the City's Clean Water Service Charge. However, the adopted rate increases did not account for the actual increases in the costs associated program requirements.

As an additional measure to obtain voter approval of the five-year rate schedule for the City's Clean Water Service Charge, the Council directed staff on April 2, 2007, to start the process to perform a mail ballot election procedure. During the process of researching the mail ballot election procedures and the current rates, it became apparent that the process would immediately need to be repeated to set the Fiscal Year 2010 rates and charges, since the current five-year rate schedule was due to expire in June of 2009. Due to the additional costs incurred in complying with the new requirements of the 2007 Permit, increases to the Clean Water Service Charge were proposed, including an annual rate escalator. All monies appropriated as part of the Clean Water Service Charge are directly identified for the Clean Water Program, and pursuant to law, may not be used by the City for any other purpose.

In Fiscal Year 2019-2020, a consultant was hired to reevaluate the funding source for the Clean Water Program. However, the coronavirus (COVID-19) pandemic slowed these efforts. The City will provide updates on the Clean Water Program funding source in future annual reports.