

DRAINAGE AREA MANAGEMENT PLAN (DAMP)

Exhibit 7.1

Guidance for Preparing and Reviewing CEQA Initial Studies and Environmental Impact Reports (EIRs)



A COOPERATIVE PROJECT OF THE COUNTY OF ORANGE,
THE CITIES OF ORANGE COUNTY AND THE ORANGE
COUNTY FLOOD CONTROL DISTRICT

EXHIBIT 7.1

GUIDANCE FOR PREPARING AND REVIEWING CEQA INITIAL STUDIES AND ENVIRONMENTAL IMPACT REPORTS (EIRS)

7.I-1 Guidance for Preparing and Reviewing CEQA Initial Studies

Step 1: Consider the project characteristics as provided by the applicant

Review the project application and draft plan submittals, including location in a given watershed, site acreage, change in percent impervious surface area, and BMPs to be incorporated into the project design (from applicant's preliminary WQMP if available). It may be helpful to review **Table 7-I.1**, Priority Projects Categories. This table identifies "priority projects" that must consider the full range of BMPs into their project designs, due to their potential to contribute pollutants in stormwater discharges. Accordingly, applications for projects that fall into one of these categories should be carefully reviewed for potential stormwater/urban runoff impacts.

Table 7.I-1 Priority Projects Categories

1. Residential development of 10 units or more
2. Commercial and industrial development greater than 100,000 square feet including parking areas
3. Automotive repair shop (SIC codes 5013, 5014, 5541, 7532-7534, and 7536-7539)
4. Restaurant where the land area of development is 5,000 square feet or more including parking areas (SIC code 5812)
5. <i>For San Diego Region</i> - Hillside development greater than 5,000 square feet <i>For Santa Ana Region</i> - Hillside development on 10,000 square feet or more, which is located on areas with known erosive soil conditions or where natural slope is 25 percent or more
6. Impervious surface of 2,500 square feet or more located within, directly adjacent to (within 200 feet), or discharging directly to receiving water within Environmentally Sensitive Areas ¹ .
7. Parking lot area of 5,000 square feet or more, or with 15 or more parking spaces, and potentially exposed to urban runoff
8. <i>For San Diego Region</i> - Streets, roads, highways, and freeways which would create a new paved surface that is 5,000 square feet or greater

¹ Environmentally Sensitive Areas are shown in maps available from the County and cities

Step 2: Identify receiving waters

Review maps to determine all receiving waters that may receive runoff from the project site. This includes canyon drainages, natural open channels, lined drainage channels, storm drains, springs, creeks (ephemeral, perennial, intermittent), rivers, lakes, estuaries, lagoons, bays, surface reservoirs, groundwater basins, and the ocean. Available maps include General Plan (Resources Element), USGS topographic maps, RWQCB Water Quality Control Plan (Basin Plan), and NPDES flood control and Environmentally Sensitive Area (ESA) maps. Review of aerial photos, if available, is helpful.

Step 3: Determine the sensitivity of the receiving waters

Many sensitive receiving waters exist in Orange County and are regulated by a variety of federal, state and local laws and regulations. The ESA maps identify the location of Areas of

Special Biological Significance, 303(d) listed impaired water bodies and additional water bodies specified by the San Diego Regional Board. Several of the County's water bodies are currently or in the process of becoming regulated by a Total Maximum Daily Load (TMDL) as established by the RWQCB. Some are also being regulated under RWQCB 13225 or 13267 Directives. **Table 7-I.2** shows the 1998 303(d) of water quality limited receiving water segments and the pollutant listing associated with the segment. **<Note the list will be updated in early 2003 and should be replaced at that time>** The RWQCB Basin Plans should also be used to identify Beneficial Uses and Water Quality Objectives of the receiving waters, and may further identify sensitive water resources.

**Table 7.I-2
Summary of the 1998 303(d) Listed Water Bodies and Associated Pollutants of Concern for Orange County**

Region	Water Body	Watershed	Pollutant									
			Pathogens / Coliforms	Metals	Nutrients	Pesticides	Organic Compounds	Sediment/ Siltation	Salinity	TDS	Chlorides	
Region 8 Santa Ana	Anaheim Bay	C		X		X						
	Huntington Harbor	C	X	X		X						
	Santiago Creek, Reach 4	E							X	X	X	
	Silverado Creek	E	X						X	X	X	
	San Diego Creek, Reach 1	F		X	X	X		X				
	San Diego Creek, Reach 2	F		X	X			X				
	Newport Bay, Upper	G	X	X	X	X		X				
	Newport Bay, Lower	G	X	X	X	X	X					
Region 9 San Diego	Laguna Beach, Pacific Ocean	I	X									
	Aliso Creek, Pacific Ocean	J	X									
	Aliso Creek, Mouth of Orange	J	X									
	Aliso Creek, Lower One Mile	J	X									
	Dana Point, Pacific Ocean	K	X									
	San Juan Creek, Mouth	L	X									
	Lower San Juan, Pacific Ocean	L	X									
	San Juan Creek, Lower	L	X									
	San Clemente	M	X									

Step 4: Characterize the potential water quality impacts

New development and significant redevelopment can be expected to generate potential pollutants in stormwater discharges. **Table 7.I-3** provides a summary of potential pollutants generated by land use type. This table can be used to identify the anticipated pollutants to be generated by a proposed project. Compare the list of pollutants for which the receiving water(s) are impaired (303(d) listed) and for which a TMDL exists or is proposed. Also, consider other applicable Regional Board Directives for a receiving water, as well as specific narrative and numeric Water Quality Objectives for the receiving water outlined in the Basin Plan. Where a proposed project is expected to generate specific pollutants that are regulated by a TMDL, Directive or other water quality objectives, then a potential impact to receiving water quality may be expected but may be shown to not to exist after focused analysis during the CEQA process.

Table 7.I-3 Anticipated and Potential Pollutants Generated by Land Use Type

Priority Project Categories	General Pollutant Categories								
	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Development	A	A			A	A	A	A	A
Attached Residential Development	A	A			A	P ⁽¹⁾	P ⁽²⁾	P	A
Commercial/Industrial Development >100,000 ft ²	P ⁽¹⁾	P ⁽¹⁾		P ⁽²⁾	A	P ⁽⁵⁾	A	P ⁽³⁾	P ⁽⁵⁾
Automotive Repair Shops			A	A ⁽⁴⁾⁽⁵⁾	A		A		
Restaurants					A	A	A	A	
Hillside Development >5,000 ft ² in SDRWQCB	A	A			A	A	A		A
Hillside Development >10,000 ft ² in SDRWQCB	A	A			A	A	A		A
Parking Lots	P ⁽¹⁾	P ⁽¹⁾	A		A	P ⁽¹⁾	A		P ⁽¹⁾
Streets, Highways & Freeways	A	P ⁽¹⁾	A	A ⁽⁴⁾	A	P ⁽⁵⁾	A		

A = anticipated

P = Potential

(1) A potential pollutant if landscaping exists on-site.

(2) A potential pollutant if the project includes uncovered parking areas.

(3) A potential pollutant if land use involves food or animal waste products.

(4) Including petroleum hydrocarbons.

(5) Including solvents.

Step 5: Identify hydrologic conditions of concern

New development has the potential to increase runoff volume and velocity; reduce infiltration, and increase flow, frequency, duration, and peak of storm runoff. These hydrologic changes in a watershed have the potential to increase erosion and sedimentation in downstream channels as well as impact downstream aquatic habitats due changes in resulting water quality (increased dilution effects, increased sedimentation, etc). The extent that downstream receiving waters are natural, partially-improved, or fully-improved channels, sensitive natural receiving waters and drainages, etc, should be considered along with the potential for the project to generate significant increases in runoff volume (e.g. major changes in the percent of pervious surface area to be converted to impervious area).

Step 6: Assess project impact significance to water quality

Review the list of stormwater/urban runoff water quality considerations provided in the Third Term Permits in light of the project location, sensitivity of receiving waters, project features and proposed BMPs, and the potential for project runoff to impact water quality without additional mitigation measures. In many cases, potential short-term construction impacts and long-term (post-construction) impacts to receiving water quality may be considered less than significant with incorporation of BMPs into project plans (e.g. project WQMP).

The review will consider the required short-term construction site BMPs (specified in the Construction Model Program) and permanent BMPs specified in the applicant's preliminary WQMP prepared for a project (if applicable). The assessment will be coordinated with staff from the City's Public Works Department and Principal Permittee, as necessary, to determine the probable effectiveness of the construction BMPs and the WQMP in controlling pollutants in stormwater discharges.

Construction site BMPs and BMPs specified in WQMPs are implemented to reduce pollutants to the maximum extent practicable (MEP) using Best Available Technology/Best Control Technology (BAT/BCT) as required by the Third Term Permits. The application of the BAT/BCT standard for BMP implementation may suffice for NPDES stormwater permit compliance, but may not, in all circumstances, result in mitigation to a level of insignificance under CEQA and/or may not satisfy other regulatory requirements (e.g. Clean Water Act Sections 401 or 404 and California Department of Fish and Game Code 1601/1603).

There may be occasions when a proposed project would create a stormwater quality impact that cannot be mitigated though the use of BMPs specified in a preliminary WQMP, if applicable. For example, a large-scale residential development constructed in an undeveloped area (pervious surfaces) draining to an impaired water body or Area of Special Biological Significance may not be fully mitigatable under CEQA despite full implementation of BMPs to the BAT/BCT standard as required by the Third Term Permits. Additional mitigation measures and BMPs could be required as as part of the CEQA document to reduce potential water quality impacts to less than significant levels or the project may result in significant unmitigatable impacts which could be subject to a statement of overriding considerations under CEQA.

Other possible mitigation may be required as a result of compliance with Clean Water Act Section 404 Permit, Section 401 Water Quality Certification, and California Department of Fish and Game Code 1601/1603 Streambed Alteration Agreements, if required. These permit

compliance requirements may be discussed in the biological resources sections of CEQA documents, but should be considered in the water quality impact analysis. If no additional measures can be identified, the analysis must conclude that the project would be expected to create a significant impact on receiving water quality.

7.I-2 Guidance for Preparing and Reviewing CEQA Environmental Impact Reports (EIRs)

In addition to the guidance provided in **Section 7.I-1**, the following additional considerations pertain to the EIR preparation and review process:

Thresholds of Significance

A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. The Santa Ana and San Diego Regional Boards have not identified specific quantitative criteria that can be used to determine the level of significance of urban and stormwater runoff impacts from a project. However, the Third Term Permits provide qualitative considerations for assessing stormwater/urban runoff impacts that may be used as thresholds of significance with respect to stormwater discharge/urban runoff impacts to water quality. The Permittees may use the CEQA Initial Study Checklist Questions under Hydrology/Water Quality as thresholds of significance. The Permittees will continue or consider using the CEQA Initial Study checklist questions and may enhance the list with the Third Term Permit considerations as specified by the Santa Ana and San Diego Regional Boards.

Quantitative Water Quality Analysis

If a proposed project has the potential to create a major new stormwater discharge¹ to a water body with an established TMDL, the Permittees may require that the EIR include a quantitative analysis of the anticipated pollutant loads in the stormwater discharges to the receiving waters. This type of analysis will be prepared by an environmental specialist with experience or training in hydrology, sediment transport and pollutant load calculations. Such an analysis is likely to be provided in conjunction with an applicant's preliminary WQMP (if applicable) prepared for major land development projects. For private sector projects, the quantitative analysis will be reviewed by Permittee staff familiar with the NPDES stormwater program and water quality issues within the jurisdiction. In some instances, the Permittee may also seek review by the Principal Permittee. For public sector projects, each Permittee may prepare the quantitative analysis in-house or contract it out to consulting environmental specialists. However, a similar review process will be followed.

Cumulative Impact Assessment

As required by CEQA, an EIR must include a reasonable analysis of the cumulative impacts of a proposed project together with past, present and reasonably anticipated future projects (related projects) that could produce cumulative impacts with the proposed project. For the stormwater

¹ Major land development project that has the potential to convert large amounts of pervious land surface to impervious surface area.

quality cumulative impact assessment, the Permittees will consider both land development projects and water resource projects (e.g. reservoir storage project, diversion project, flood control project, detention basin, etc). In lieu of a list of anticipated land development projects, a summary of projections contained in an adopted general plan or other related planning documents may be used. Identification of water resource projects may be coordinated through the each Permittee, the Principal Permittee, local water districts, and local districts of the U.S. Army Corps of Engineers and California Department of Fish and Game.

The cumulative impact discussion need not provide as much detail as is provided for the proposed project impact analysis, but must be guided by the standards of practicality and reasonableness (CEQA Guidelines Section 15130(b)). The discussion should include a summary of the expected environmental effects to be produced by the proposed project and a reasonable analysis of the cumulative impacts of the proposed projects together with the related projects or plan projection summaries. The cumulative impact assessment for stormwater quality impacts will include among other things, descriptions of new sources of stormwater runoff from new land development projects that would carry pollutants to local receiving waters; elimination of a critical riparian or wetland areas that could have an adverse affects on water quality; descriptions of water resource projects that together with the proposed project could cumulatively impact volume of flow in the receiving water. The discussion should also contain reasonable options for mitigating or avoiding any significant cumulative effects of the proposed project together with a related project.

Project Features versus Mitigation Measures

Project features related to water quality, such as construction site BMPs and post-construction (permanent) BMPs, preservation of open space areas as well as compliance with ordinances and regulatory permits such as grading and water quality ordinances, Clean Water Act Sections 401 (Water Quality Certifications) and Section 404, and California Department of Fish and Game Code Section 1600, should be identified up front in the project description and regulatory compliance sections of the EIR, and therefore, not included as mitigation measures. Project features may be included as mitigation measures if requested by an agency or the public as a means to track and identify a responsible party to ensure that specific project features are completed. It may be determined that the short-term construction BMPs or permanent BMPs included as part of the applicant's preliminary WQMP (if applicable) may not, in all cases, reduce a potential impact to below a level of significance. Additional mitigation measures and BMPs, if available and reasonable, will be identified and incorporated into the CEQA document as mitigation measures to be included in the applicant's final WQMP.

Mitigation Monitoring and Reporting Plan

Reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages of a project. Reporting is suited to projects that have readily involved regular review under some other law or ordinance (Public Resources Code §15097(c)(1)). Monitoring is generally an ongoing process of project oversight and is suited to projects with complex mitigation that exceed the expertise of the local agency's expertise, expected to be implemented over a period of time, or require careful implementation to assure compliance (Public Resources Code §15097(c)(2)).

The mitigation monitoring and reporting program contained in any Permittee's certified EIR will be reviewed during the plan check process to ensure all mitigation measures are incorporated into final project plans including erosion control plan or storm water pollution prevention plan for construction phase and WQMP for the post-development phase. Final mitigation monitoring and reporting programs will include cross-compliance with building/grading inspections for tracking BMP implementation.