

## **3B. Hydrology, Water Quality and Storm Water**

---

### **INTRODUCTION**

This chapter assesses the potential impacts to surface water hydrology, surface water quality, groundwater hydrology, and groundwater quality resulting from the development of the proposed Lexus Dealership. This chapter also focuses on the proposed project's consistency with state, regional, and local water quality policies/regulations, and the potential impacts to water quality.

Information in this section is based on two reports prepared for the City of Newport Beach:

*Newport Beach Lexus Dealership Water Quality Study*, prepared by Fuscoe Engineering, Inc, September 2004; and letter amendment dated September 23, 2004.

*Newport Beach Lexus Dealership Hydrology & Hydraulics Study*, prepared by Fuscoe Engineering, Inc., September 2004.

Both reports are available for review at the City of Newport Beach Planning Department, City Hall.

### **SETTING**

#### **Drainage**

Under existing conditions, surface runoff generated on the project site is conveyed off site via curbs and gutters onto the public streets along the east and west perimeters of the property. The project site runoff mixes with street runoff and discharges into existing storm drain catch basins along Dove Street and Jamboree Road. There are no storm drain inlets within the project site. Two main storm drain lines that service the neighborhood run northwest to southeast under the project site: an 84-inch reinforced concrete pipe (RCP) and a 54-inch RCP. The Dove Street catch basin connects to the 84-inch RCP. The majority of the site's runoff (94%) discharges into the Dove Street catch basin.

This storm drain system discharges to San Diego Creek. The San Diego Creek Reach 1, is designated as Hydrologic Unit No. 801.11 in the Santa Ana Regional Water Quality Control Board (RWQCB) Basin Plan. San Diego Creek is a tributary to Upper and Lower Newport Bay, which ultimately discharges into the Pacific Ocean.

---

The existing site drainage was characterized as part of a hydrology and hydraulics study.<sup>1</sup> Existing conditions at the site are such that 11 distinct drainage patterns can be identified. Of the 11 drainage areas, only the easternmost drainage area drains to the catch basin along Jamboree Road. All other drainage areas (totaling 7.6 acres) enter the Municipal Separate Storm Sewer System (MS4) at the Dove Street catch basin at the east intersection of Dove Street and Quail Street. The final discharge point of the site produces a 25-year storm runoff of 19.7 cubic feet per second (cfs).

### **Flood Plain**

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) identify those areas located within the 100-year flood boundary. The 100-year flood boundary is defined as a flood level with a one percent chance of being equaled or exceeded in any given year. “Special Flood Hazard Areas” are subdivided into four insurance risk zones: A, B, C and X. Areas designated as Zone A are subject to inundation by a 100-year flood. Zones B, C and X are areas that have been identified as areas of moderate or minimal flood hazards. According to the applicable FIRM for the area, the project site is outside of the 500-year flood plain.<sup>2</sup>

### **Surface Water**

Surface water resources include creeks, rivers, lakes and reservoirs. Reservoirs serving flood control and water storage functions exist throughout the region. Since the climate of Southern California is predominantly arid, many of the natural rivers and creeks are intermittent or ephemeral, drying up in the summer or flowing only in reaction to precipitation. However, due to urban landscape watering, storm drains often maintain a perennial flow. The nearest surface water bodies are Newport Bay located approximately two miles to the southwest and San Diego Creek which drains into the Bay from the north east.

Urbanization causes changes in hydrology including increased runoff and decreased infiltration and groundwater recharge. Urban runoff transports pollutant loads to receiving water bodies.

### **Groundwater**

The proposed project site is located within the Irvine Groundwater Management Zone of the Lower Santa Ana River Basin. The Irvine Groundwater Management Zone has the following designated uses for the basin: municipal and domestic supply, industrial service supply and agricultural supply.

---

<sup>1</sup> Fuscoe Engineering, Inc. *Newport Beach Lexus Dealership – Hydrology & Hydraulics Study*, September 3, 2004.

<sup>2</sup> Federal Emergency Management Agency, *Flood Insurance Rate Map, Orange County, California, Panel 47, Map 06059C0047E*, September 15, 1989.

---

Groundwater flow may be locally affected by faults, which can act as a barrier to flow. Seasonal precipitation can cause changes in groundwater levels. In areas where localized impermeable layers create a barrier to downward percolation, “perched” groundwater can be found at shallow depths after heavy seasonal rainfall. Groundwater quality can be affected by surface land uses. Fertilizers and pesticides that are typically used on lawns can infiltrate and degrade groundwater. In addition, urban runoff has been proven to be a significant source of pollutants in groundwater. Leaking underground storage tanks (USTs) that store fuel or waste oil can also contaminate groundwater. Many older USTs that were installed prior to the mid-1980s were made of unprotected steel and have rusted and released their contents into the environment. Leaks can also be caused by improper installation, spills and overfills, and piping failures.

Samples from two Orange County Water District (OCWD) groundwater monitoring stations were used to assess groundwater quality within the vicinity of the project site. One station is located at the Newport Beach Golf Course (NBGC-NB) and the other is located near the University of California Irvine (UCI-MRSH). Depth to groundwater for NBGC-NB was measured at 93.45 feet, while UCI-MRSH displayed an average depth of 40.00 feet. Water quality on these wells is good except for elevated levels of sodium resulting from seawater intrusion.<sup>3</sup>

### **Tsunamis, Seiches, and Flooding due to Earthquakes**

Earthquakes can cause flooding due to tsunamis, seiches, or by causing dam failure. The risk of tsunamis resulting from landslides or volcanic activity is considered to be extremely remote within the City. In general, Newport Beach is afforded a degree of protection by coastal islands with the chance for major damage to the coastal areas or harbor entrances small and negligible for inland bay areas.

A seiche is the oscillation of sloshing water in an enclosed body of water caused by seismic activity or land sliding. Due to the small surface area of the bodies of water within Newport Beach, seiches are not considered a potential hazard to the public safety.<sup>4</sup>

## **APPLICABLE REGULATIONS AND PERMITS**

### **Federal and State**

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for water quality management and administration of the federal Clean Water Act (CWA). The EPA has delegated most of the administration of the CWA in California to the State Water Resources Control Board (SWRCB). The SWRCB was established through the California Porter-Cologne

---

<sup>3</sup> *Ibid.*

<sup>4</sup> Newport Beach General Plan, *Public Safety Element*, February 1975. pp. 24-25.

---

Water Quality Act of 1969 and is the primary state agency responsible for water quality management issues in California. Much of the responsibility for implementation of the SWRCB's policies is delegated to the nine Regional Water Quality Control Boards (RWQCB's). The project site is located within the jurisdiction of the Santa Ana RWQCB.

Section 402 of the CWA established the National Pollutant Discharge Elimination System (NPDES) to regulate discharges into "navigable waters" of the United States. The U.S. EPA authorized the SWRCB to issue NPDES permits in the State of California in 1974. The NPDES permit establishes discharge pollutant thresholds and operational conditions for industrial discharges, wastewater treatment plants, and urban storm water runoff.

State-wide general storm water NPDES permits have been developed to expedite discharge applications for industrial sites and construction activities. Storm water NPDES permits are required for specific industrial activities, Municipal Separate Storm Sewer System (MS4's), and for construction sites greater than one acre. A prospective applicant may apply for coverage under one of these permits through the preparation of a Storm Water Pollution Prevention Plan (SWPPP). SWPPPs commit the applicant to certain Best Management Practices (BMPs) to minimize polluted runoff.

Section 303(d) of the CWA requires each state to list impaired water bodies in the state and determine total maximum daily loads (TMDLs) for pollutants or other stressors impacting water quality. A TMDL is an estimate of the daily load of pollutants that a water body may receive from point sources, non-point sources, and natural background conditions. Those facilities and activities that are discharging into the water body collectively must not exceed the TMDL. The Santa Ana RWQCB is responsible for ensuring that total discharges do not exceed TMDLs for individual water bodies as well as for entire watersheds.

Based on the 2002 Section 303(d) list of Water Quality Limited Segments, San Diego Creek is considered an impaired water body for fecal coliform and pesticides. The sources of these pollutants are urban runoff for coliform and unknown for pesticides. Both Upper and Lower Newport Bay are impaired by metals and pesticides. Lower Newport Bay is listed as an impaired water for pesticides and priority organics as well.<sup>5</sup>

In January 2002, the Santa Ana RWQCB issued a MS4 storm water permit to the County of Orange. The County has established Drainage Area Management Plan (DAMP) to comply with MS4 NPDES requirements. The City of Newport Beach requires that new development prepare Water Quality Management Plans (WQMPs) to ensure compliance of new facilities with the DAMP. WQMP's establish source control, site design, and treatment BMPs for new development. The City must approve the WQMP prior to approving the project.

---

<sup>5</sup> Fuscoe Engineering. *Newport Beach Lexus Dealership – Water Quality Report*, September 7, 2004.

---

The SWRCB has issued a statewide dewatering NPDES permit for small scale discharges that present a low threat to water quality. Construction dewatering is covered under this permit. Prior to discharging dewatered made water to the storm drain, an applicant must submit a Notice of Intent to the SWRCB.

#### De Minimus Permit for San Diego Creek/Newport Bay Watershed (Tentative)

It is the intention of the Santa Ana RWQCB to require a permit for short-term (intermittent and/or one year or less duration) discharges from activities involving groundwater extraction and discharge within the San Diego Creek and Newport Bay Watershed. Should this permit be adopted, permittees shall be required to monitor their discharges from groundwater dewatering activities during construction to ensure that proposed effluent limitations for constituents are not exceeded.

Due to its relative proximity to Upper Newport Bay and its groundwater quality concerns, the proposed Newport Beach Lexus automobile dealership may encounter groundwater during construction activities and may require dewatering. The proposed project is therefore subject to the requirements of the DeMinimus Permit for San Diego Creek/Newport Bay Watershed, should this tentative permit be adopted prior to or during the proposed project's development, and if groundwater dewatering is required at any time during the construction of the project.

#### **City of Newport Beach Municipal Code**

Section 14.36.040 of the City of Newport Beach Municipal Code deals specifically with urban runoff from new and redevelopment projects within the City. The section states that all new development and significant redevelopment within the City of Newport Beach shall be undertaken in accordance with any conditions and requirements established by the planning department, engineering department or building department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site.<sup>6</sup>

### **IMPACTS AND MITIGATION**

#### **Criteria for Determining Significance**

The proposed project may have a significant impact on surface hydrology, water quality, storm water and/or groundwater if it meets or exceeds the following thresholds:

- Violate any water quality standards or waste discharge requirements;

---

<sup>6</sup> City of Newport Beach Municipal Code section 14.36.040 (1)  
<http://municipalcodes.lexisnexis.com/codes/newportb/> accessed online September 23, 2004.

- 
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge;
  - Substantially alter existing drainage patterns resulting in substantial erosion and/or flooding on- or off-site;
  - Create runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial sources of polluted runoff; and,
  - Substantially degrade overall water quality;

## **Project Impacts**

### **Potential Impact 3B1: Water quality standards.**

The proposed project is located within the vicinity of San Diego Creek and Upper Newport Bay, both considered impaired receiving water bodies. Currently, San Diego Creek is listed as impaired for pathogens and pesticides, while Upper Newport Bay is impaired by metals and pesticides. Storm water runoff generated from the project site ultimately discharges into these surface waters.

The proposed project could generate a number of general pollutants associated with its use as an automobile dealership. Typical pollutants from these facilities include heavy metals, oil and grease, organic compounds, and trash and debris. Other potential pollutants of concern for commercial properties are pesticides, sediments and fertilizers.

Construction activities associated with the proposed project may impact water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. Grading, in particular, may lead to exposed areas of loose soil, as well as sediment stockpiles, that are susceptible to uncontrolled sheet flow. In addition, the use of materials such as fuels, solvents and paints also present a risk to surface water quality due to an increased potential for non-visible pollutants entering the storm drain system. If uncontrolled, these materials could lead to water quality impacts and ultimately the degradation of downstream receiving water bodies, of which sediment is a major water quality concern.

The proposed project would be required to comply with all applicable federal, state, and regional regulations to protect water quality during construction, as well as during the life of the project. Prior to construction, the applicant would be required to develop and submit a SWPPP to the Santa Ana RWQCB for compliance with the Statewide NPDES permit for construction activity. The SWPPP would contain BMPs to be implemented during construction and operation of the proposed project to minimize storm water impacts to receiving water bodies.

---

General BMPs include erosion controls, sediment controls, tracking controls, wind erosion control, non-storm water management, and materials and water management. The applicant would be required to incorporate design features and implement BMPs to minimize the introduction of pollutants of concern to the storm water conveyance system to the maximum extent practicable.

The City of Newport Beach water quality ordinances and its Council Policies L-18 and L-22 require that the project applicant submit a WQMP to the City of Newport Beach. The project applicant has prepared and submitted a Water Quality Management Plan that is currently on file with the City of Newport Beach. The WQMP contains an outline of approved post-construction BMPs including site design, source control, and treatment control BMPs selected for the project to reduce runoff from operation of the proposed project. Table 3B-1 identifies non-structural and structural source control BMPs that are available to the project for implementation and the areas in which they may apply.

In addition to source control, the proposed project requires treatment control BMPs (single or in combination) to remove anticipated pollutants of concern from on-site runoff. These BMPs can range from natural treatment systems (i.e., vegetated swales or detention basins) to proprietary control measures. Since no single treatment BMP can remove all contaminants, the selected BMP(s) shall be high to moderately efficient in removing target pollutants. Table 3B-2 demonstrates the different BMPs and their efficiency.

Two feasible treatment BMP's are based on the mitigation requirements and summarized below:

#### Natural Filtration/Infiltration System

This method includes a system of vegetated swales coupled with bioretention zones along the project's east and west perimeters. By placing the swales along the east and west perimeter, this would allow surface runoff generated from the parking areas to drain into the swales via curb notches. In addition, roof runoff from the two proposed buildings will be conveyed to the swales via underground PVC (plastic) piping.

The filtered runoff will then discharge into a bioretention zone located at the swale's downstream end. Here pollutants are removed through absorption, filtration, plant uptake, microbial activity, decomposition, sedimentation and volatilization.

#### Underground Media Filtration

This method includes the installation of three media filter units located within the project site to treat storm water runoff generated on the property. Two locations would be on the west end of the property. This discharge point will convey drainage from the west portion of the project site including parking and roof runoff. The third location would be the east end of the project site.

**TABLE 3B-1  
AVAILABLE NON-STRUCTURAL AND STRUCTURAL SOURCE CONTROL BMPS**

Appropriate Source Control BMPs	Commercial Facility	Auto Repair Shop	Parking Lots	Streets
<b>Non Structural BMPs</b>				
Education of Property Owners	X	X	X	X
Activity Restrictions	X	X	X	X
Common Area Landscape Management	X	X	X	X
BMP Maintenance	X	X	X	X
Title 22 CCR Compliance	X	X	X	X
Local Water Quality Permit Compliance	X	X	X	X
Spill Contingency Plan	X	X	X	X
Underground Storage Tank Compliance	X	X	X	X
Hazardous Materials Disclosure Compliance	X	X	X	X
Uniform Fire Code Implementation	X	X	X	X
Common Area Litter Control	X	X	X	X
Employee Training/Education Program	X	X	X	X
Housekeeping of Loading Docks	X	X		
Common Area Catch Basin Inspection	X	X	X	X
Street Sweeping Private Streets and Parking Lots	X	X	X	X
Retail Gasoline Outlets				
<b>Structural BMPs</b>				
Storm Drain Signage	X	X	X	X
Outdoor Hazardous Materials Storage	X	X	X	
Trash Storage Area Design			X	
Landscape Planning (SD-10)	X	X	X	X
Efficient Irrigation and Landscape Design	X	X	X	X
Protect Slopes and Channels	X	X	X	X
<b>Project Features</b>				
Loading Dock Areas	X	X		
Maintenance Bays	X	X		
Vehicle Washing Areas	X	X		
Outdoor Processing Areas	X			
Equipment Wash Areas	X	X		
Fueling Areas	X	X		
Hillside Landscaping	X		X	X
Wash Water Controls for Food Preparation Areas	X			

Source: Fuscoe Engineering. *Newport Beach Lexus Dealership – Water Quality Report*, September 7, 2004.



**TABLE 3B-2  
TREATMENT CONTROL BMP CATEGORIES**

Pollutant of Concern	Biofilters	Detention Basins	Infiltration Basins	Wet Ponds or Wetlands	Filtration	Hydrodynamic Separator Systems
Sediment/Turbidity	H/M	M	H/M	H/M	H/M	H/M
Nutrients	L	L	H/M	H/M	L/M	L
Organic Compounds	U	U	U	U	H/M	L
Trash and Debris	L	M	U	U	H/M	H/M
Oxygen Demanding Substances	L	M	H/M	H/M	H/M	L
Bacteria and Viruses	U	U	H/M	U	H/M	L
Oil and Grease	H/M	M	U	U	H/M	L/M
Pesticides (non-soil bound)	U	U	U	U	U	L
Sediment/Turbidity	H/M	M	H/M	H/M	H/M	H/M
Nutrients	L	L	H/M	H/M	L/M	L

L: Low removal efficiency  
M: Medium removal efficiency  
H: High removal efficiency  
U: Unknown removal efficiency

Source: Fuscoe Engineering, *Newport Beach Lexus Dealership - Water Quality Report*, September 2004.

This discharge point will convey all runoff draining from the east portion of the site and also includes parking and roof runoff.

Both treatment options described above would mitigate the anticipated pollutants from the project site (metals, organics, sediments, trash and oil and grease). Pesticides and bacteria would be mitigated through these treatment options as well.

By complying with the requirements of the City of Newport Beach Municipal Code and preparation of a SWPPP for NPDES compliance, and implementation of **M-3B.1** and **M-3B.2** the proposed project would meet all applicable regulations to manage runoff from the proposed project site. Pollutants in storm water would be substantially reduced by source control and treatment BMPs.

**Mitigation Measures**

**M-3B.1** *Prior to the issuance of a grading permit by the City, the applicant shall provide proof of filing for an NOI with the SWRCB and prepare a project SWPPP that will describe the BMPs to be implemented during project construction.*

**M-3B.2** *Prior to the issuance of a grading permit by the City, the applicant shall have an approved WQMP. The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control*

---

*predictable pollutant runoff, including operations and maintenance plan for the prescribed structural BMPs to ensure their long-term performance.*

### **Remaining Impacts**

With the inclusion of the above mitigation measures the proposed project would not violate water quality standards. Impacts would be less than significant.

### **Potential Impact 3B2: Groundwater supply and groundwater recharge.**

Although much of the storm water falling on urbanized areas quickly runs off to gutters and storm drains, some water does infiltrate pervious areas and contributes to groundwater recharge. The proposed project will result in the construction of impervious surfaces, which will replace buildings and other impervious surfaces currently on the site. The existing site is approximately 95% impervious while the proposed site would be 90% impervious. The proposed project will neither significantly increase, nor reduce, the opportunity for groundwater recharge from existing conditions. Furthermore, depth to groundwater is estimated to be approximately 40 to 90 feet below ground, and therefore it is unlikely that construction or site grading will have an effect on area groundwater. In addition, any proposed infiltration BMPs such as storm water planters will be designed with sufficient vegetation to provide adequate treatment and removal of typical storm water pollutants prior to discharging into the MS4 system.

Therefore, the proposed project would not deplete groundwater supplies or interfere with groundwater recharge.

### **Mitigation Measure**

No mitigation is required.

### **Remaining Impacts**

The proposed project would not deplete groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant.

### **Potential Impact 3B3: On- or off-site flooding due to altered drainage patterns, erosion, and storm drain capacity.**

During project construction, drainage patterns at the proposed project site would be temporarily disrupted due to the site clearance, excavation, and grading. These changes in drainage conditions at the project site would be temporary and not considered to be significant and runoff would continue to drain through the existing conveyances. Runoff from the site during

---

construction should not substantially increase since existing impervious structures would be removed and some runoff may be retained in excavated areas. Erosional and water quality impacts would be mitigated through SWPPP.

After construction is completed, site drainage will discharge into the existing 84-inch RCP storm drain that bisects the project site. The project site will be graded to drain toward the project's east and west perimeters. Storm runoff will no longer flow off-site to existing catch basins along Dove Street and Jamboree Road. Instead, storm runoff will be intercepted by on-site catch basins and conveyed to the existing 84-inch RCP.

Due to this change in drainage patterns the runoff will have a shorter travel distance. Consequently, the time of concentration for surface runoff at the project site will be reduced from 13.5 minutes to 8.7 minutes. This will increase the 25-year peak discharge from 19.7 cfs to 26.6 cfs. This increase is considered insignificant to the 84-inch RCP, which generally has a capacity of 450 cfs.<sup>7</sup>

### **Mitigation Measure**

No mitigation is required.

### **Remaining Impacts**

The proposed project would alter existing drainage patterns, but would not exceed the capacity of existing or planned storm drains and produce flooding on- or off-site. Impacts would be less than significant.

### **Potential Impact 3B4: Groundwater quality.**

The proposed project includes the development of an automobile repair service center. The proposed project will likely include the installation of a 280-gallon anti-freeze storage tank, a 500-gallon waste coolant tank, a 750-gallon used oil storage tank, a 480-gallon new oil storage tank and a 12,000-gallon state-of-the-art, double walled, monitored gasoline tank. Potential leaks from these sources could degrade groundwater quality (e.g., through polluted runoff) in the project area. The use of materials such as fuels, solvents and paints also presents a risk to surface water quality due to an increased potential for non-visible pollutants entering the storm drain system. If uncontrolled, these materials could lead to water quality impacts and ultimately the degradation of downstream receiving water bodies. Potential impacts associated with these materials would be reduced through compliance with existing federal, state, and local rules and regulations. The Newport Beach Fire Department would oversee the design, installation, and

---

<sup>7</sup> Fuscoe Engineering, 2004.

---

operation of the underground and aboveground storage tanks in accordance with state and federal rules and regulations within its jurisdiction. The project applicant is required by the City of Newport Beach to file a Hazardous Materials Business Plan with the City Newport Beach Fire Department detailing all hazardous materials at the site, storage methods, and spill prevention plans. The project applicant shall also prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan, as required by the SWRCB.

Compliance with WQMP BMPs would reduce potential impacts and no further mitigation is necessary.

### **Mitigation Measure**

Refer to mitigation measure **M-3B.2**.

### **Remaining Impacts**

With the mitigation measure, the proposed project would not substantially degrade groundwater quality. Impacts would be less than significant.

### **Potential Impact 3B5: Cumulative impacts on hydrology and water quality in the project area.**

Development of the proposed project would take place in a city that is considered to be substantially built-out. Future development of adjacent properties would not cumulatively increase the amount of impervious surface and runoff draining to the San Diego Creek to any significant degree. Further, the project site has been accommodated in the Newport Beach General Plan, and calculated into the master drainage plan for the San Diego Creek Channel, as a fully developed site. Cumulative downstream impacts from project implementation are therefore considered less than significant.

However, the proposed project would potentially alter the types of pollutants generated from the property. The project applicant has submitted a WQMP to the City for approval. The WQMP prepared by the applicant is available for review at the City of Newport Beach. The project WQMP demonstrates that the proposed project will implement post-construction BMPs to mitigate potential pollutants generated at the project site that may compromise the beneficial uses and water quality objectives of downstream receiving water bodies.

Storm water runoff from the proposed project site ultimately flows to the San Diego Creek, which has been designated as an impaired water body by the EPA. Because the watershed has been designated as impaired, any additional inputs of constituents of concern could be considered a substantial impact. As set forth above, the proposed project would develop and submit an SWPPP to the Santa Ana RWQCB and would comply with the statewide NPDES for

---

construction activity. The SWPPP's BMPs will minimize impacts of storm water runoff pollutants. In addition, the BMPs will capture most of the pollutants on site through the methods described above.

Pursuant to CEQA Guidelines Section 15064(i)(1), a project's incremental effects, though individually limited, must be analyzed to determine whether they are cumulatively considerable. CEQA Guidelines Section 15064 (i)(3) states that, "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously adopted plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (i.e., water quality control plan, air quality plan, integrated waste management plan) within the area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with the jurisdiction over the affected resources through a public review process to implement, interpret or make specific the law enforced or administered by the public agency." The SWPPP, WQMP and other Santa Ana RWQCB and City of Newport Beach requirements are programs specified by law and adopted by the governing agency. Therefore, the proposed project's contribution of small quantities of contaminants to the overall runoff reaching the San Diego Creek, when added to the contributions of the related projects set forth in Chapter 2, Table 2-2, is not cumulatively considerable on the basis that the proposed project will comply with the SWPPP and statewide NPDES, and the City of Newport Beach WQMP requirements.

### **Mitigation Measure**

Refer to mitigation measure **M-3B.1 and M-3B.2**.

### **Remaining Impacts**

Together with other area projects, the proposed project would not have cumulative impacts on hydrology and water quality in the project area. Impacts would not be cumulatively considerable.