

TOWN OF SAN ANSELMO
STAFF REPORT
June 5, 2013

For the meeting of June 11, 2013

TO: Town Council

FROM: Sean Condry, P.E., Public Works Director
Gerhard Epke, Public Works Project Manager

SUBJECT: National Pollutant Discharge Elimination System Permit

RECOMMENDATION:

Adopt a resolution appointing the Town Manager or Public Works Director as ‘Discharger’ and authorizing the Town Manager or Public Works Director to apply for coverage under the State Water Resources Control Board’s (State Board) Phase II Permit on behalf of the Town of San Anselmo.

BACKGROUND:

The Federal Government adopted the Clean Water Act in 1971 to improve water quality. In 1987 the Clean Water Act was amended to extend regulatory authority over “non-point source” (a.k.a. stormwater) discharges and in 1991 the Environmental Protection Agency (EPA) issued rules and started regulating storm water, requiring large communities to obtain a National Pollution Discharge Elimination System (NPDES) permit, and develop and implement plans to control stormwater pollution. The EPA started regulating small communities in 1999. Marin County and all its cities are considered small communities and have been regulated under a General Permit since 2003. That permit was revised on February 5, 2013 (Phase II Permit).

In 1993 Marin County communities formed an administrative group to assist agencies to respond to the new regulations. This group eventually evolved into the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) whose role is to coordinate permit compliance, conduct compliance activities for the benefit of all MCSTOPPP members, and track stormwater regulations on behalf of member agencies. The new Phase II Permit significantly expands the responsibilities of both MCSTOPPP and local jurisdictions to monitor and report on stormwater pollution prevention efforts in their communities.

The attached list summarizes tasks to be implemented with adoption of the Phase II Permit. Some of these tasks have historically been performed by Town staff as requirements of the previous permit. However the new permit both expands existing monitoring programs and introduces entirely new ones, which will require additional staff time and resources.

DISCUSSION

The totality of these new regulations appears daunting; however the implementation schedule is sufficiently gradual to allow San Anselmo and MCSTOPPP to maintain compliance. Over

the course of the next two years, an increase in staff time and resources will be required for fieldwork and administration.

The Town is required to adopt the attached Resolution designating a 'Discharger', who must be a senior manager, executive officer, or ranking elected official, to apply for the permit and provide required maps and other documentation.

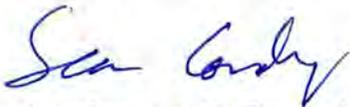
FISCAL IMPACT

MCSTOPPP is funded through contributions by its represented municipalities, and San Anselmo currently pays \$20,800 per year. This money comes from the Town's streets and drainage fund. New permit compliance costs are expected to increase this amount starting in FY14/15 and rise by as much as 25% over the course of the next five years (see Attachment 3 for details.) Additionally, Public Works can expect additional staff time for both fieldwork and administration.

Many cities and towns in California and a subset in Marin County have established a small property based assessment or permit fee to help pay for their stormwater programs, something the Town may want to consider in the future. State estimates of the cost for local governments to implement the requirements of the new permit range from \$18 to \$46 per household within the jurisdiction. (San Anselmo has about 5250 households.)

Respectfully submitted,

Sean Condry, P.E.
Public Works Director



Attachments: 1. Resolution
2. Summary of Tasks
3. Projected Costs

RESOLUTION NO. ____

**A RESOLUTION OF THE TOWN OF SAN ANSELMO AUTHORIZING THE TOWN
MANAGER OR PUBLIC WORKS DIRECTOR TO APPLY FOR COVERAGE UNDER THE
STATE WATER RESOURCES CONTROL BOARD'S PHASE II SMALL MUNICIPAL
SEPARATE STORM SEWER SYSTEMS (MS4) GENERAL PERMIT**

WHEREAS, the Federal Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into waters of the United States; and

WHEREAS, the CWA was amended in 1987 to address nonpoint source pollution, thereby requiring the U.S. Environmental Protection Agency (EPA) to issue National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges; and

WHEREAS, on December 8, 1999, U.S. Environmental Protection Agency (EPA) promulgated regulations under the authority of the CWA establishing Phase II of the NPDES stormwater program, thereby requiring municipalities serving populations less than 100,000 to implement a stormwater management program as a means to control polluted discharges from their municipal separate storm sewer systems; and

WHEREAS, the U.S. EPA delegates NPDES permitting authority to the California State Water Resources Control Board (State Board); and

WHEREAS, on April 30, 2003, the State Board adopted Water Quality Order No. 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("Phase II Permit") to comply with Clean Water Act; and

WHEREAS, the Town of San Anselmo is currently covered by the State Board's 2003 Phase II Permit; and

WHEREAS, on February 5, 2013, the State Board adopted a revised Phase II Permit, which goes into effect on July 1, 2013; and

WHEREAS, the Town of San Anselmo is required to apply for coverage under the new Phase II Permit by the effective date of the Permit; and

WHEREAS, the application for coverage, known as the Notice of Intent (NOI), must be signed by a "Discharger" who is an executive officer or ranking elected official of the designated municipality; and

WHEREAS, the Discharger is responsible for reviewing, validating and certifying the NOI for accuracy and correctness and submitting it electronically using the Storm Water Multi-Application, Reporting, and Tracking System (SMARTS) by July 1, 2013; and

WHEREAS, the applicable NPDES permit fee, jurisdiction boundary map, and guidance document noting overall program planning and identification of all Permit requirements and responsible implementing parties must be submitted with the NOI; and

WHEREAS, through the SMARTS application process the Discharger may assign one or more Duly Authorized Representatives (DARs) to certify and submit annual reports on behalf of the Discharger.

NOW, THEREFORE, BE IT RESOLVED that the Town of San Anselmo hereby:

1. Authorizes the Town Manager or Public Works Director to serve as the Discharger and to apply for coverage under the Phase II Permit on behalf of the City of Belvedere, by electronically submitting a Notice of Intent via SMARTS. This authorization extends to other actions that may be necessary to complete and submit the NOI.
2. Authorizes the Town Manager or Public Works Director to assign one or more Duly Authorized Representatives to certify and submit annual reports on behalf of the Town Manager or Public Works Director.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on June 11, 2013, by the following vote:

AYES:
NOES:
ABSENT:

Kay Coleman, Mayor

Attest:

Town Clerk

Summary of tasks associated with the NPDES Phase II Permit

General Categories

- For planning purposes, establish a countywide MCSTOPPP permit implementation plan and update the MCSTOPPP Joint Exercise of Powers Agreement. These documents will define Countywide MCSTOPPP tasks versus local municipal tasks.
- Revise and otherwise update maps showing the municipal boundary, significant storm drains and outfalls.
- Map and inspect Town owned facilities such as parks, corporation yards, and building sites with potential pollutant discharge exposure risks.
- Create a process to include Water Quality and Habitat enhancement features in flood control projects.
- Implement a Water Quality Monitoring program.
- Implement the applicable Urban Creek Diazinon and Pesticide Toxicity Total Maximum Daily Load (TMDL) and the Richardson Bay Pathogen TMDL requirements.
- Utilize a State reporting system to document compliance efforts.

Changes affecting development (private and public)

- Require certain development projects to install permanent stormwater treatment measures. Projects that add or replace 5000 square feet (SF) of impervious surface are subject to prescriptive requirements. Projects that add or replace 2500-4999 SF of impervious are subject to less involved requirements. It will be necessary to annually report on the performance and upkeep of the facilities. Some road and utility projects will be subject to stormwater treatment requirements.
- Require all building and grading permit projects that disturb soil to submit and comply with an Erosion and Sediment Control Plan.
- Ensure that staff are trained and that key staff are certified to review and approve Erosion and Sediment Control Plans and to inspect their implementation.
- Create and continuously update a database to document and track projects' pollution control practices during construction and their ongoing operations and maintenance of permanent stormwater treatment facilities.

Illicit Discharge Detection and Elimination

- Track and report Sanitary Sewer Overflows as illicit discharges.
- Update urban runoff pollution prevention ordinance to prohibit overwatering from landscaped areas.
- Conduct dry weather flow outfall monitoring to detect and require corrective actions for overwatering and illicit discharges and connections. This will require procurement of test kits, and specialized training to ensure testing is done in accordance with accepted sampling and testing protocols and practices.

Municipal Maintenance Operations

- Assess and prioritize storm drain system maintenance based on accumulation of sediment, trash and debris, verify that activities are performed according to priorities and document waste material disposal procedures.

- Implement landscape maintenance and design programs to minimize the use of herbicides and pesticides.

Public Education and Effectiveness Assessment

- Develop a targeted Public Outreach Strategy designed to measurably increase knowledge and awareness and conduct surveys in order to assess changes.
- Conduct construction industry outreach.
- Develop and implement a staff training program to ensure effective implementation of the Illicit Discharge Control, the Municipal Maintenance Operations, and the Construction Site Management requirements.
- Create a plan to establish criteria for measuring and improving successful performance

Municipal Contribution to MCSTOPPP							
	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019
Municipality	Actual Contribution	Planned Contribution	Estimated Contribution		Potential Contribution Range		
BELVEDERE	\$3,728.21	\$3,699.75	\$4,000	\$4,000	\$4,000 - \$4,500	\$4,000 - \$4,500	\$4,500 - \$5,000
CORTE MADERA	\$21,765.70	\$21,585.52	\$21,500	\$23,500	\$23,500 - \$25,500	\$23,500 - \$25,500	\$25,500 - \$29,000
FAIRFAX	\$15,803.20	\$16,075.20	\$16,000	\$17,000	\$17,000 - \$19,000	\$17,000 - \$19,000	\$19,000 - \$22,000
LARKSPUR	\$22,003.19	\$22,002.40	\$22,000	\$24,000	\$24,000 - \$26,000	\$24,000 - \$26,000	\$26,000 - \$30,000
MILL VALLEY	\$28,584.57	\$29,058.01	\$29,000	\$32,000	\$32,000 - \$34,500	\$32,000 - \$34,500	\$34,500 - \$40,000
NOVATO	\$135,281.95	\$136,172.61	\$136,000	\$148,500	\$148,500 - \$160,000	\$148,500 - \$160,000	\$160,000 - \$186,000
ROSS	\$6,650.99	\$6,762.40	\$7,000	\$7,000	\$7,000 - \$8,000	\$7,000 - \$8,000	\$8,000 - \$9,000
SAN ANSELMO	\$20,759.23	\$20,824.14	\$21,000	\$23,000	\$23,000 - \$24,500	\$23,000 - \$24,500	\$24,500 - \$28,000
SAN RAFAEL	\$112,670.77	\$113,910.62	\$114,000	\$125,000	\$125,000 - \$135,000	\$125,000 - \$135,000	\$135,000 - \$155,000
SAUSALITO	\$14,450.19	\$14,187.30	\$14,000	\$15,500	\$15,500 - \$17,000	\$15,500 - \$17,000	\$17,000 - \$19,000
TIBURON	\$19,149.50	\$19,502.23	\$19,500	\$21,000	\$21,000 - \$23,000	\$21,000 - \$23,000	\$23,000 - \$27,000
CO. OF MARIN	\$149,152.51	\$146,219.83	\$146,000	\$159,500	\$159,500 - \$173,000	\$159,500 - \$173,000	\$173,000 - \$200,000
TOTAL	\$550,000	\$550,000	\$550,000	\$600,000	\$600,000 - \$650,000	\$600,000 - \$650,000	\$650,000 - \$750,000