

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Phase II Storm Water Management Plan
DATE: October 1, 2002

NEEDS: For the City Council to consider preparation of a Storm Water Management Plan.

- FACTS:**
1. In 1972, the Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA established a framework for regulating storm water discharges under the NPDES Program. Consequently, in 1990, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, require operators of medium and large municipalities to obtain storm water permits
 2. On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from small municipalities and from construction sites disturbing between 1 and 5 acres of land.
 3. The EPA's Storm Water Phase II Rule establishes a storm water management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that storm water picks up and carries into storm sewer systems during storm events. Common pollutants include silts, oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.
 4. The U.S. EPA published the final rule with regards to NPDES Phase II requirement for municipalities. The City of Paso Robles is required to submit a Notice of Intent (NOI) to comply with the EPA ruling, along with the preparation of a Storm Water Management Program. Both must be completed and submitted to the Regional Water Quality Control Board by March 10, 2003.

The Storm Water Management Program must include how the City intends to address the six items required by the Permit. At this time, the City is required to develop programs and strategies on how these six items are going to be addressed. We will have up to 5 years to implement these programs once the plan is approved by the Regional Water Quality Control Board. The six items are:

- Public Education and/or Outreach on Storm Water Impacts
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination Procedures
- Construction Site Run-Off Control Procedures
- Post-Construction Run-Off Control Procedures
- Pollution Prevention/Good Housekeeping

**ANALYSIS
AND**

CONCLUSION: Development of a Storm Water Management Program, in a sense, will be the “master plan” to address the quality of water that would be discharged to the County’s natural creeks and rivers. To develop the plan, the City must identify all sources of water that would discharge into the natural creeks and rivers. The City must then develop a Best Management Program (BMP) to address and implement ongoing activities to reduce the level of pollutants discharged into the natural waterways. Many undesirable materials (dirt, motor oil, detergents, and residues from pesticides, herbicides, and fertilizers) are being picked up by storm water and introduced into waterways through storm drainage systems. These materials cause problems ranging from wildlife habitat destruction to public health hazards. They also impede ongoing efforts to restore and enhance wildlife habitat. It is for this reason that the EPA is mandating municipalities to prepare a Storm Water Management Program. This plan must be submitted and approved by the Regional Water Quality Control Board. The plan must be comprehensive to satisfy and meet Regulatory requirements. City staff needs assistance in preparing this plan and processing it for approval through the Regional Water Quality Control Board.

The Storm Water Plan needs to be prepared by a technical staff who has knowledge in calculating and analyzing the City’s drainage watershed boundaries. At present, Public Works has one technical staff person who could prepare this plan. Although the City is recruiting another engineer for the Public Works Department, this person is at least six weeks away from being on board. In the meantime, the City must submit the Plan to the Regional Board by March 2003. Due to the current workload, (13th Street Bridge, Municipal Pool Rehab, Centennial Park Upgrade, Thunderbird Waterline, Southwest Reservoir Design, Re-roof of 21st Street Reservoir, Interior Coating of Old 4-Million Gallon Tank, Templeton Sewer Upgrade, Lift Station No. 2 Upgrade, Speed Zone Update, 101/46 PSR, Train Station Phase V, Tennis Courts Rehab, Sherwood Park Playground, S. River Road Bikepath etc.), and the short time to prepare the Storm Water Plan, staff needs the assistance of an outside consultant.

To this end, the City issued a Request for Proposals for preparation of a Storm Water Management Program. Five (5) responses were received. URS Corporation (Santa Barbara) has the most relevant experience in dealing with small municipalities such as ours. Coincidentally, this firm also submitted the proposal with the lowest fee of \$39,800 out of five ranging up to a high of \$79,184.

POLICY

REFERENCE: 1972 Federal Water Pollution Control Act (also referred to as the Clean Water Act); 1999 US E.P.A. Storm Water Phase II Rules & Regulations

FISCAL

IMPACT: Costs to implement the Storm Water Management Program have not been determined nor has a funding mechanism been identified. Some cities, such as Santa Barbara, increased their TOT fees to fund their program. The City of San Luis Obispo has estimated that it will cost them \$917,800 per year to implement their program. Though not yet implemented, they have adopted a special fee starting at \$1.00 per month for single family residential and \$0.23 for multi-family residential which would eventually increase to \$4.50/month for single family residential and \$1.05/month for multi-family residential.

The current request is for the City Council to approve a one-time appropriation of \$45,000 to Budget Account No. 217-310-5224-490- to be funded from the Storm Drainage Development Impact Fees. As of June 30, 2002, there is a cash balance of \$435,600.

OPTIONS:

- a. Adopt Resolution No. 02-xx:
 - 1) Approving a one-time appropriation of \$45,000 to Budget Account No. 217-310-5224-348 from the Storm Drainage Development Impact Fees; and
 - 2) Directing staff to enter a Consultant Services Agreement with URS (Santa Barbara) to prepare a Notice of Intent and a Storm Water Management Program for a fee of \$39,800.
- b. Amend, modify or reject the above option.

Attachments (2)

- 1) Resolution
- 2) Scope of Work - URS

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AWARDING A CONSULTANT SERVICES AGREEMENT TO
URS CORPORATION (SANTA BARBARA) TO
PREPARE A STORM WATER MANAGEMENT PLAN

WHEREAS, in 1972, the Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES permit); and

WHEREAS, the 1987 amendments to the CWA established a framework for regulating storm water discharges under the NPDES program; and

WHEREAS, in 1990, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations, known as Phase I, for permitting storm water discharges from industrial sites (5 acres or more) and from municipal separate storm sewer systems serving a population of 100,000 people or more; and

WHEREAS, on December 8, 1999 the U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from small municipalities and from construction sites disturbing between 1 and 5 acres of land; and

WHEREAS, the U.S. EPA published the final rule with regards to NPDES Phase II requirements for municipalities; and

WHEREAS, the City of Paso Robles is required, to submit a Notice of Intent (NOI) to comply with the EPA ruling, along with the preparation of a Storm Water Management Program, which must be completed and submitted by March 10, 2003.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does hereby approve a one-time appropriation of \$45,000 to Budget Account No. 217-310-5224-348 from the Storm Drainage Development Impact Fees; and

SECTION 2. The City Council of the City of Paso Robles does hereby direct staff to enter a Consultant Services Agreement with URS (Santa Barbara) to prepare a Notice of Intent and a Storm Water Management Program for a fee of \$39,800.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of October 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk