TO:       HONORABLE CITY COUNCIL
FROM:     CITY MANAGER     DEPARTMENT: PUBLIC WORKS
DATE:     JUNE 3, 2002     CMR:268:02

SUBJECT:  INFORMATIONAL REPORT ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

This is an information report and no Council action is required.

BACKGROUND
The San Francisco Bay Regional Water Quality Control Board (Regional Board) issues National Pollutant Discharge Elimination System (NPDES) permits that stipulate water quality requirements for discharges to waters of the State. In 1990, the Regional Board issued a joint NPDES permit to the Santa Clara Valley Nonpoint Source Pollution Control Program (Program) (consisting of 13 Santa Clara Valley cities, the County of Santa Clara, and the Santa Clara Valley Water District) for discharge of storm water to local creeks and the Bay. The permit required the development and implementation of an Urban Runoff Management Plan, containing control measures to be implemented by municipalities, residents, and businesses to reduce storm water pollution. The Plan identified best management practices, public outreach and education programs, and local inspection and enforcement activities designed to improve storm water quality.

The Regional Board’s regulation of storm water discharges has been based upon the development and implementation of best management practices (BMPs), as contrasted to the more traditional approach of specifying numerical discharge standards. The Program entities have worked to continuously improve their Urban Runoff Management Plans over the years to control pollution “to the maximum extent practicable,” based upon improvements in available technology, improved identification and understanding of critical pollutants, and practical experience with various BMPs. The Regional Board issues a new NPDES permit every five years, each time redefining what is required to satisfy the standard of controlling storm water pollution “to the maximum extent practicable.” A second-generation NPDES permit was issued to the Program in 1995. The new permit required the co-permittees to adopt a series of performance standards, which specify the BMPs and the level of effort that will be implemented for each of the elements covered by the co-permittees’ Urban Runoff Management Plans (e.g. industrial/commercial facility inspection program, street maintenance, etc.). In 1997, the Program, was renamed the Santa Clara Valley Urban Runoff Pollution Prevention
Program to better represent its adopted mission and eliminate the public’s confusion over the term “nonpoint source pollution.”

The Program’s third-generation NPDES permit was approved by the Regional Board in 2001. The revised permit requires further efforts by the Program and the co-permittees to control storm water pollution. Key to the permit are the new requirements imposed upon land development and redevelopment projects. Beginning in July 2003, the new permit requires developers to treat a certain percentage of the storm water runoff from newly developed or redeveloped sites by directing the runoff through a vegetated swale, detention basin, or a structural filtration device. Initially the requirements would apply to projects that create or replace one acre or more of impervious surface (e.g. buildings, parking lots, driveways, patios, or other “hardscape” that generates storm runoff), but in later years the requirements will apply to projects as small as 5000 square feet. There are also requirements for municipalities to verify the maintenance of privately-installed pollution control measures. Program staff and the co-permittees are currently developing strategies and procedures to deal with these new permit requirements.

DISCUSSION
The Program’s storm water discharge permit requires the co-permittees to prepare and submit an Annual Report to the Regional Board each September. The Annual Report documents compliance with the adopted performance standards, highlights the year’s key accomplishments and challenges, and identifies proposed areas of change as part of an effectiveness evaluation and continuous improvement loop. The Executive Summary of the Program’s FY 2000-01 Annual Report (Attachment A) is provided to Council in order to document recent storm water pollution prevention activities.

During the coming year, Program and City staff will be working together to develop strategies and procedures for implementing the new storm water permit requirements. City staff will be examining existing land development review processes to identify needed changes in ordinances, policies, and procedures. At the Program level, there will be an attempt to coordinate the activities of the co-permittees in order to promote consistency between agencies to the greatest extent possible. Consistent regulations, regional education and outreach, and information-sharing between agencies will make it easier for land development permit applicants to comply with the new requirements.

Staff will conduct outreach to the development community and provide periodic updates to Council over the next year as these new permit requirements take effect.

RESOURCE IMPACT
It is unclear at this time the amount of increased resources that will be required to implement the new storm water permit provisions. Additional staff resources could be required in the Planning and Community Environment and Public Works Departments. Adoption of these new permit requirements has exacerbated the current shortage of
funding for storm drainage functions within the City. Funding for these regulatory mandates is one of the issues that the recently formed Storm Drain Blue Ribbon Committee will be examining in the coming months.

POLICY IMPLICATIONS
The storm water pollution prevention activities occurring Program-wide and at the City level are consistent with a number of policies and programs contained in the Comprehensive Plan:

Program N-29: Actively participate in programs such as the Santa Clara Valley Urban Runoff Pollution Prevention Program to improve the quality of stormwater runoff.

Policy N-21: Reduce non-point source pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses.

Program N-27: Work with regulatory agencies, environmental groups, affected businesses, and other stakeholders to identify economically viable Best Management Practices (BMP) for reducing pollution.

Policy N-22: Limit the amount of impervious surface in new development or public improvement projects to reduce urban runoff into storm drains, creeks, and San Francisco Bay.

Program N-75: Establish a standardized process for evaluating the impacts of development on the storm drainage system.

ATTACHMENTS
Attachment A: Executive Summary of Urban Runoff Program’s FY 2000-01 Annual Report

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