

RESOLUTION NO. 2013 - XXX

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA**
4 **AUTHORIZING THE CITY MANAGER TO FILE THE STORM WATER NOTICE OF**
5 **INTENT (NOI) TO THE STATE WATER RESOURCES CONTROL BOARD'S ORDER**
6 **NO. 2013-0001-DWQ NATIONAL POLLUTANT DISCHARGE ELIMINATION**
7 **SYSTEM (NPDES) GENERAL PERMIT NO.CAS000004 WASTE DISCHARGE**
8 **REQUIREMENTS (WDRS) FOR STORM WATER DISCHARGES FROM**
9 **SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**
10 **(GENERAL PERMIT), ALSO KNOWN AS THE PHASE II NPDES PERMIT**

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12 **WHEREAS**, the Federal Clean Water Act (CWA) establishes the basic structure
13 for regulating discharges of pollutants into waters of the United States; and
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15 **WHEREAS**, the CWA was amended in 1987 to address nonpoint source
16 pollution, thereby requiring the U.S. Environmental Protection Agency (EPA) to issue
17 National Pollutant Discharge Elimination System (NPDES) permits for storm water
18 discharges; and
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20 **WHEREAS**, on December 8, 1999, U.S. Environmental Protection Agency (EPA)
21 promulgated regulations under the authority of the CWA establishing Phase II of the
22 NPDES storm water program, thereby requiring municipalities serving populations less
23 than 100,000 to implement a storm water management program as a means to control
24 polluted discharges from their municipal separate storm sewer systems; and
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26 **WHEREAS**, the U.S. EPA delegates NPDES permitting authority to the California
27 State Water Resources Control Board (State Board); and
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29 **WHEREAS**, on April 30, 2003, the State Board adopted Water Quality Order No.
30 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements
31 for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems
32 ("Phase II Permit") to comply with Clean Water Act; and
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34 **WHEREAS**, in 2003, the City of Calistoga applied for and obtained coverage for
35 City of Calistoga under the State Board's Phase II Permit; and
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37 **WHEREAS**, the City of Calistoga is currently covered by the State Board's 2003
38 Phase II Permit; and
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40 **WHEREAS**, on February 5, 2013, the State Board adopted a revised Phase II
41 Permit, which goes into effect on July 1, 2013; and
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43 **WHEREAS**, the City of Calistoga is required to apply for coverage under the new
44 Phase II Permit by the effective date of the Permit; and
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46 **WHEREAS**, the application for coverage, known as the Notice of Intent (NOI),
47 must be signed by a Legally Responsible Person (LRP) who is an executive officer or
48 ranking elected official of the designated municipality; and
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50 **WHEREAS**, the LRP is responsible for reviewing, validating and certifying the
51 NOI for accuracy and correctness and submitting it electronically using the Storm Water
52 Multi-Application, Reporting, and Tracking System (SMARTS) by July 1, 2013; and
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54 **WHEREAS**, the applicable NPDES permit fee, jurisdiction boundary map, and
55 guidance document noting overall program planning and identification of all Permit
56 requirements and responsible implementing parties must be submitted with the NOI;
57 and
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59 **WHEREAS**, through the SMARTS application process the LRP may assign one
60 or more Duly Authorized Representatives (DARs) to certify and submit annual reports
61 on behalf of the LRP.
62

63 **NOW, THEREFORE, BE IT RESOLVED** that the City of Calistoga hereby:
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65 1. Authorizes the City Manager to serve as the Legally Responsible Person
66 (LRP) and to apply for coverage under the Phase II Permit on behalf of the City of
67 Calistoga, by electronically submitting a Notice of Intent via SMARTS. This
68 authorization extends to other actions that may be necessary to complete and submit
69 the NOI.
70

71 2. Authorizes the City Manager to assign one or more Duly Authorized
72 Representatives to certify and submit annual reports on behalf of the City Manager.
73

74 3. Authorizes the City Manager to submit the applicable NPDES permit fee in
75 the amount of \$4,852.10 with the NOI.
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77 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
78 Calistoga at a regular meeting held this **21st day of May 2013**, by the following vote:
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80

81 **AYES:**
82 **NOES:**
83 **ABSTAIN:**
84 **ABSENT:**
85

86 _____ **CHRIS CANNING, Mayor**

87 **ATTEST:**
88

89 _____ **AMANDA DAVIS, Deputy City Clerk**
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