

# City of Calistoga

## Staff Report

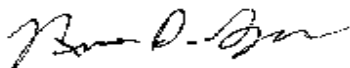
**TO:** Honorable Mayor and City Council  
**FROM:** Derek Rayner, Interim Public Works Director/City Engineer  
**DATE:** June 4, 2013  
**SUBJECT:** Consideration of a Resolution Authorizing Filing of Calistoga's Notice of Intent (NOI) for the Storm Water General Permit

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**APPROVAL FOR FORWARDING:**




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Richard D. Spitler, City Manager

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**ISSUE:**

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3 Calistoga has to file our storm water Notice of Intent (NOI) by July 1, 2013 in order to be  
4 compliant with the State Water Resources Control Board's (State Board), Order No.  
5 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General  
6 Permit No. CAS000004 Waste Discharge Requirements (WDRs) for Storm Water  
7 Discharges from Small Municipal Separate Storm Sewer Systems (MS4) (General  
8 Permit), also known as the Phase II NPDES Permit. The Phase II Permit will be  
9 effective July 1, 2013. The NOI will be filed on the State's Storm Water Multiple  
10 Application and Report Tracking System (SMARTS) website.

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12 **RECOMMENDATION:**

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14 Receive presentation, ask questions of staff, and adopt the resolution authorizing NOI  
15 filing to the State's SMARTS website.

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17 **BACKGROUND / DISCUSSION:**

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19 On December 8, 1999, U.S. Environmental Protection Agency (EPA) promulgated  
20 regulations under the authority of the Federal Clean Water Act establishing Phase II of  
21 the NPDES storm water program, requiring municipalities serving populations less than  
22 100,000 to implement a storm water management program as a means to control  
23 polluted discharges from their municipal separate storm sewer systems.  
24

25 On April 30, 2003, the State Board adopted Water Quality Order No. 2003-005-DWQ,  
26 NPDES General Permit CAS000004 Waste Discharge Requirements for Storm Water  
27 Discharges from Small Municipal Separate Storm Water Systems ("Phase II Permit") to  
28 comply with the Clean Water Act. In 2003, the City of Calistoga applied for an obtained  
29 coverage for the City of Calistoga under the State Board's Phase II Permit.

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31 On February 5, 2013, The State Board adopted Order No. 2013-0001-DWQ National  
32 Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004  
33 Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small  
34 Municipal Separate Storm Sewer Systems (MS4s) (General Permit) also known as the  
35 Phase II NPDES Permit.

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37 The General Permit consists of Local Programs implemented by Napa County and  
38 Cities of Napa, Calistoga, St. Helena, American Canyon and the Town of Yountville and  
39 a countywide program implemented by the Flood Control District under the moniker  
40 Napa Countywide Storm Water Pollution Prevention Program (NCSPPP) for the benefit  
41 of the aforementioned entities also known as co-permittees.

42  
43 Additional budget has been proposed by NCSPPP in their FY13/14 budget process to  
44 begin implementation of the new permit requirements. However, one section of the  
45 permit, "E.15 - Total Maximum Daily Loads Compliance Requirements" will require  
46 permittees to negotiate with the State Board during Year 1 of the permit to determine  
47 the exact nature of monitoring related to the Napa River Sediment TMDL. The outcome  
48 of these negotiations will determine costs of compliance for this provision. Furthermore,  
49 the State Board is developing a Statewide Trash Policy which will also result in  
50 increased compliance costs. The policy is not expected to be adopted until sometime in  
51 2014. The new permit requires the implementation of over 30 new tasks over the next  
52 two years with broad regulatory and monitoring requirements required of the City of  
53 Calistoga.

54  
55 Permit implementation will involve participation from the Public Works Department as  
56 well as staff in the Planning and Building Department. Communication with the  
57 NCSPPP has been ongoing regarding both existing and new permit requirements.

58  
59 Staff will use the first year of compliance and feedback from the Regional Water Quality  
60 Control Board to assess performance and staffing needs.

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62 A copy of the latest version of the Phase II Permit is available on the web at:  
63 [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)  
64 [shtml.](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

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66 The purpose of the resolution is to be compliant with the new storm water regulations, to  
67 authorize the City Manager to sign the Notice of Intent as the Legally Responsible  
68 Person, and authorize the City Manager to assign one or more Duly Authorized  
69 Representatives to certify and submit annual reports on behalf of the City Manager.  
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71 **GENERAL PLAN CONFORMANCE:**  
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73 This project is in compliance with the City's General Plan Objective I-4.3 – Encourage  
74 coordination between land use planning, site design and storm water control.  
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76 **FISCAL IMPACT:**  
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78 There are several costs associated with the Phase II permit:

- 79 • State Board Annual Permit Fee
  - 80 • NCSPPProgram Fee (the cost to participate in the countywide storm water  
81 program)
  - 82 • City staff time
- 83

84 The fees for FY13/14 are anticipated as follows:

- 85 • State Board Annual Permit Fee = \$4,852.10
  - 86 • Calistoga's share in the NCSPPP program = \$6,765.
  - 87 • City staff time = \$67,000
- 88 Total = \$78,617  
89

90 Costs for FY13/14 are comparable to those in the current fiscal year because most of  
91 the permit requirements do not kick in until Year 2 of the permit. The NCSPPP  
92 program costs are currently divided on the combined basis of population and percent  
93 impervious area.  
94

95 In FY 14/15, costs are expected to double for two reasons: many of the permit  
96 requirements start in Year 2 and a new cost share arrangement will be negotiated  
97 amongst the NCSPPP agencies.  
98

99 FY14/15 costs are anticipated to total approximately \$134,000.  
100

101 It is difficult to anticipate the upcoming fiscal year costs since over the next three fiscal  
102 years the State's permit requirements increase annually to accommodate more rigid  
103 storm water regulations. Enforcement penalties the State can apply are up to \$10,000  
104 per event and up to \$10/gallon of discharge.  
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106 **ATTACHMENTS**  
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108 1. Resolution