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3 **RESOLUTION NO. 2013 – XXX**

4 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA**
5 **RESCINDING RESOLUTION NO. 2013-044 AND AUTHORIZING THE PUBLIC**
6 **WORKS DIRECTOR TO FILE THE STORM WATER NOTICE OF INTENT (NOI) TO**
7 **THE STATE WATER RESOURCES CONTROL BOARD’S ORDER NO. 2013-0001-**
8 **DWQ NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**
9 **(NPDES) GENERAL PERMIT NO.CAS000004 WASTE DISCHARGE**
10 **REQUIREMENTS (WDRS) FOR STORM WATER DISCHARGES FROM**
11 **SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**
12 **(GENERAL PERMIT), ALSO KNOWN AS THE PHASE II NPDES PERMIT**

13 **WHEREAS**, the Federal Clean Water Act (CWA) establishes the basic structure
14 for regulating discharges of pollutants into waters of the United States; and
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16 **WHEREAS**, the CWA was amended in 1987 to address nonpoint source
17 pollution, thereby requiring the U.S. Environmental Protection Agency (EPA) to issue
18 National Pollutant Discharge Elimination System (NPDES) permits for storm water
19 discharges; and
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21 **WHEREAS**, on December 8, 1999, U.S. Environmental Protection Agency (EPA)
22 promulgated regulations under the authority of the CWA establishing Phase II of the
23 NPDES storm water program, thereby requiring municipalities serving populations less
24 than 100,000 to implement a storm water management program as a means to control
25 polluted discharges from their municipal separate storm sewer systems; and
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27 **WHEREAS**, the U.S. EPA delegates NPDES permitting authority to the California
28 State Water Resources Control Board (State Board); and
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30 **WHEREAS**, on April 30, 2003, the State Board adopted Water Quality Order No.
31 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements
32 for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems
33 (“Phase II Permit”) to comply with Clean Water Act; and
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35 **WHEREAS**, in 2003, the City of Calistoga applied for and obtained coverage for
36 City of Calistoga under the State Board’s Phase II Permit; and
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38 **WHEREAS**, the City of Calistoga is currently covered by the State Board’s 2003
39 Phase II Permit; and
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41 **WHEREAS**, on February 5, 2013, the State Board adopted a revised Phase II
42 Permit, which goes into effect on July 1, 2013; and
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44 **WHEREAS**, the City of Calistoga is required to apply for coverage under the new
45 Phase II Permit by the effective date of the Permit; and

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WHEREAS, the application for coverage, known as the Notice of Intent (NOI), must be signed by a Legally Responsible Person (LRP) who is an executive officer or Public Works Director of the municipality; and

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

NOW, THEREFORE, BE IT RESOLVED that the City of Calistoga hereby:

- 1. Authorizes the Public Works Director to serve as the Legally Responsible Person (LRP) and to apply for coverage under the Phase II Permit on behalf of the City of Calistoga, 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 Public Works Director to assign one or more Duly Authorized Representatives to certify and submit annual reports on behalf of the Public Works Director.
- 3. Authorizes the Public Works Director to submit the applicable NPDES permit fee in the amount of \$4,852.10 with the NOI.

The foregoing Resolution was duly adopted this **18th day of June 2013**, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

AMANDA DAVIS, Deputy City Clerk