

**RESOLUTION NO. 2013-044**

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

**WHEREAS**, the Federal Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into waters of the United States; and

**WHEREAS**, the CWA was amended in 1987 to address nonpoint source pollution, thereby requiring the U.S. Environmental Protection Agency (EPA) to issue National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges; and

**WHEREAS**, on December 8, 1999, U.S. Environmental Protection Agency (EPA) promulgated regulations under the authority of the CWA establishing Phase II of the NPDES storm water program, thereby requiring municipalities serving populations less than 100,000 to implement a storm water management program as a means to control polluted discharges from their municipal separate storm sewer systems; and

**WHEREAS**, the U.S. EPA delegates NPDES permitting authority to the California State Water Resources Control Board (State Board); and

**WHEREAS**, on April 30, 2003, the State Board adopted Water Quality Order No. 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("Phase II Permit") to comply with Clean Water Act; and

**WHEREAS**, in 2003, the City of Calistoga applied for and obtained coverage for City of Calistoga under the State Board's Phase II Permit; and

**WHEREAS**, the City of Calistoga is currently covered by the State Board's 2003 Phase II Permit; and

**WHEREAS**, on February 5, 2013, the State Board adopted a revised Phase II Permit, which goes into effect on July 1, 2013; and

**WHEREAS**, the City of Calistoga is required to apply for coverage under the new Phase II Permit by the effective date of the Permit; and

**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 ranking elected official of the designated 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 City Manager 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 City Manager to assign one or more Duly Authorized Representatives to certify and submit annual reports on behalf of the City Manager.
3. Authorizes the City Manager to submit the applicable NPDES permit fee in the amount of \$4,852.10 with the NOI.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this 4<sup>th</sup> day of June 2013, by the following vote:

**AYES:** Councilmembers Barnes and Kraus, Vice Mayor Dunsford and Mayor Canning.  
**NOES:** None.  
**ABSTAIN:** None.  
**ABSENT:** None.

  
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**CHRIS CANNING, Mayor**

**ATTEST:**

  
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**AMANDA DAVIS, Deputy City Clerk**