

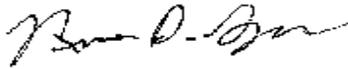
# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Michael Kirn, Public Works Director/City Engineer  
**DATE:** February 3, 2015  
**SUBJECT:** Replacing the Stormwater Runoff Pollution Control Ordinance, Chapter 19.05 of the Calistoga Municipal Code to Conform to our Latest Stormwater Permit and Deletion of Section 19.08.060 (Requirements for Erosion Control Plans)

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APPROVAL FOR FORWARDING:




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Richard Spitler, City Manager

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1 **ISSUE:** Replace the Stormwater Runoff Pollution Control Ordinance, Chapter  
 2 19.05 of the Calistoga Municipal Code, to conform to our latest Stormwater  
 3 permit and deletion of Section 19.08.060 (Requirements for Erosion Control  
 4 Plans).

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 6 **RECOMMENDATION:** Staff recommends that the City Council of the City of  
 7 Calistoga approve the replacement of Chapter 19.05 and deletion of Section  
 8 19.08.060 of the Calistoga Municipal Code.

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 10 **BACKGROUND / DISCUSSION:** On February 5, 2013, the State Water  
 11 Resources Control Board (SWRCB) adopted the Phase II Small Municipal  
 12 Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination  
 13 System (NPDES) Permit, Water Quality Order No. 2013-0001-DWQ, General  
 14 Permit No. CAS000004 (Phase II Stormwater Permit). The effective date of the  
 15 permit was July 1, 2013, and the requirements are phased in during the permit  
 16 term.

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 18 The Phase II Stormwater Permit regulates discharges from Small MS4s and  
 19 requires permittees to implement a stormwater management program. Calistoga  
 20 is named as a Small MS4 permittee in the Phase II Stormwater Permit.  
 21 Calistoga implements its stormwater management program both locally and in

22 coordination with the Napa County Stormwater Pollution Prevention Program  
23 (NCSPPP).

24

25 Phase II Stormwater Permit requires each permittee to “review and revise  
26 relevant ordinances or other regulatory mechanisms, or adopt any new  
27 ordinances or other regulatory mechanisms, to obtain legal authority, to the  
28 extent allowable under state or local law, to control pollutant discharges into and  
29 from its MS4, and to meet the requirements of (the Phase II Stormwater Permit].”  
30 (Section E.6.a)

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32 The proposed replacement provides the City of Calistoga with the authority to:

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34 A. Minimize discharges other than storm runoff to storm drains or  
35 watercourses;

36 B. Respond to the discharge of spills, prevent and control the discharge  
37 of spills to storm drains or watercourses, and prohibit dumping or  
38 disposal of materials other than stormwater;

39 C. Reduce pollutants in stormwater discharges to the maximum extent  
40 practicable;

41 D. Require operators of construction sites, new or redeveloped land, and  
42 industrial and commercial facilities to install, implement, or maintain  
43 appropriate best management practices (BMPs); and

44 E. Require newly developed or redeveloped land to maintain the pre-  
45 development stormwater runoff rates and prevent stormwater pollution  
46 whenever possible, through stormwater management controls and  
47 ensuring that these management controls are properly maintained.

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49 In order to be in compliance with the Phase II Stormwater Permit requirements,  
50 Chapter 19.05 of the Municipal Code must be replaced and Section 19.08.060  
51 deleted.

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53 The replacement of Section 19.05 includes incorporation of new Erosion Control  
54 measures. Our current CMC has Erosion Control requirements defined in Section  
55 19.08.060, which are not current with the new permit requirements. In an effort to  
56 simplify the CMC, these measures were included in Section 19.05 and Section  
57 19.08.060 is no longer necessary and is proposed to be deleted from the  
58 Municipal Code.

59

60 The attached Stormwater Runoff Pollution Control Ordinance has been  
61 developed as a replacement to the Calistoga Municipal Code for consistency with  
62 these Phase II Stormwater Permit requirements. The final version of the  
63 proposed code is attached.

64

65

Subject: Replacement of Stormwater Pollution Prevention Ordinance

Date: February 3, 2015

Page 3 of 3

66 **CEQA:** This ordinance is not a project within the meaning of Section 15378 of  
67 the State CEQA (California Environmental Quality Act) Guidelines, because it  
68 has no potential for resulting in physical change in the environment, directly or  
69 ultimately. In the event that this Ordinance is found to be a project under CEQA,  
70 it is subject to the CEQA exemptions contained in CEQA Guidelines section  
71 15061 (b) (3), because it can be seen with certainty to have no possibility of a  
72 significant effect on the environment.

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74 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** This  
75 ordinance is consistent with City Council Goal No. 4, Objective No. 1 – Create an  
76 environmentally-sustainable community by implementing “green” environmental  
77 sustainability policies and initiatives.

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79 **FISCAL IMPACT:** As previously reported there will be a fiscal impact  
80 associated with the Phase II Permit requirements which staff estimates will  
81 initially be \$75,000 - \$100,000 annually. The development community will also  
82 be impacted due to costs associated with more detailed construction plans,  
83 permits and construction and post-construction monitoring and maintenance.  
84 The additional costs to the development community are unknown.

85

86 **ATTACHMENTS:**

87 1. Stormwater Runoff Pollution Control Ordinance