

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Stufflebean

**SUBJECT:** URBAN RUNOFF MANAGEMENT  
PLAN FISCAL YEAR 2008-2009  
WORKPLANS

**DATE:** 02-04-08

Approved: 

Date: 2/8/08

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Authorize the City Manager to certify and submit the 2008-2009 City of San José Urban Runoff Management Work Plans to the San Francisco Bay Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements.

## OUTCOME

Approval of this recommendation will result in submittal of the City's FY 08-09 Urban Runoff (Stormwater) Management Work Plans to the San Francisco Bay Regional Water Quality Control Board (Water Board) by March 1, as required by the City's existing stormwater permit. This Work Plan does not reflect program changes that may be required if the Regional Water Board adopts a revised Permit based on the Regional Permit template that is currently pending for Board consideration, but it is not anticipated that a revised permit will be adopted before the March 1, Work Plan deadline.

## BACKGROUND

The Federal Clean Water Act requires the City to operate under a National Pollutant Discharge Elimination System (NPDES) stormwater municipal permit (also known as the stormwater permit) for the discharge of stormwater to surface waters via the City's storm sewer collection system. San José is subject to a stormwater permit issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), a collection of 15 agencies in Santa Clara County whose land area drains to South San Francisco Bay. The 15 co-permittees include the cities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, Santa Clara, Saratoga, Sunnyvale, the County of Santa Clara, and the Santa Clara Valley Water District. The Water Board last renewed the permit in February 2001

with subsequent amendments issued in October 2001 and July 2005.

The City's current permit has been administratively extended since February 2006, pending the adoption of the Bay Area-wide Municipal Regional Permit (Regional Permit). The Water Board proposes to replace current countywide municipal stormwater permits with a Regional Permit for all 77 Bay Area municipal agencies, in an effort to standardize stormwater requirements in the region. The Tentative Order for the Regional Permit was released by the Water Board on December 4, 2007, and is anticipated to be adopted in spring 2008. The Council is scheduled to consider staff recommendations related to the City's response to the Tentative Order on February 26, 2008.

The current stormwater permit requires the City to submit annual Work Plans to the Water Board by March 1 of each year. The Work Plans describe permit compliance activities to be undertaken during the forthcoming fiscal year, and where applicable over the five-year period of the permit. The City's Management Plan is comprised of 15 program elements, including enforcement and inspection; outreach and education; municipal maintenance activities; controls on new development projects; and activities to address specific pollutants. A list of program elements and the primary City departments involved in their implementation are provided in Attachment A. Progress on the Work Plans is reported to the Council and the Water Board in September of each year as an Annual Report.

## **ANALYSIS**

This compilation of the Work Plans for the City's Management Plan has been developed for FY 2008-2009 pursuant to Section C.6.b of the City's Municipal Separate Storm Sewer System NPDES permit (No. CAS029718), Order 01-024. Given that the Regional Permit is not yet adopted, the FY 08-09 Annual Work Plans address program needs as defined by the current permit and do not include new, expanded, or redirected efforts contemplated in the Tentative Order for the Regional Permit currently released for comment. Until the Regional Permit is adopted, it is not practical to specify additional tasks at this time given the scope and pervasiveness of the proposed requirements across the City's programs. Rather, the City is prepared to revise Work Plans as needed to reflect the Regional Permit after adoption.

[See Attachment 1, FY 2008-2009 Work Plans]

## **POLICY ALTERNATIVES**

***Alternative #1: Provide direction to staff to not submit the 2008-2009 Urban Runoff Management Plan Work Plan to the Water Board for certification.***

**Pros:** None known.

**Cons:** Delay in the submittal beyond March 1 would put the City at risk of being found in violation of its stormwater NPDES Permit.

**Reason for not recommending:** This Work Plan submittal will fulfill a permit-mandated obligation and maintain City compliance with its stormwater NPDES Permit.

**Alternative #2: Provide direction to staff to modify the 2008-2009 Urban Runoff Management Plan Work Plan based on the Water Board's Tentative Order for the new Regional Permit.**

**Pros:** The City's Work Plan would better reflect that new and expanded activities are anticipated for FY 08-09.

**Cons:** The date of adoption of the Regional Permit could be after July 1, 2008 and staff is recommending that the City seek changes to the requirements as currently proposed in the Tentative Order. Also, budgets are not in place to accommodate the scope of activities identified in the Tentative Order.

**Reason for not recommending:** The current Tentative Order is subject to public hearings and potential revisions. Until the Regional Permit is adopted, it is not practical to specify additional tasks at this time given the scope and pervasiveness of the proposed requirements across the City's programs.

## PUBLIC OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although the Work Plan does not meet the above criteria, outreach is an integral part of the Urban Runoff program. The Management Plans include components to conduct outreach to various sectors of the community on relevant stormwater issues. In addition, this memorandum will be posted on the City's website for the Council Agenda of January 15, 2008.

## COORDINATION

Because no new or expanded activities are included in this submittal, the Work Plans and this memorandum were developed solely by the Environmental Services Department (ESD). ESD coordinated with the affected departments and offices during development of the previous Urban Runoff Work Plans and is maintaining ongoing communications about any necessary changes or improvements.

**FISCAL/POLICY ALIGNMENT**

This submittal is consistent with the Urban Runoff Management Plan, approved by Council on August 31, 2004, to support activities that comply with the City's Stormwater NPDES Permit.

**COST SUMMARY/IMPLICATIONS**

The required March 1 submittal of the Work Plans to the Water Board describes the activities therein as subject to City appropriation of funding which does not occur until June of each year. The Work Plans comprise activities that support compliance with regulatory requirements and protect the City's vital core service of managing the storm sewer system.

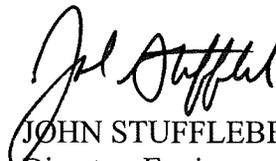
Programs related to the NPDES Permit, along with the cost of operating and maintaining the City's storm sewer system, have been largely funded by storm sewer service and use charges through the Storm Sewer Operating Fund (Fund 446).

**BUDGET REFERENCE**

Fund #	Appn #	Appn Name	RC #	Total Appn.	Amt for Contract	2007-2008 Adopted Operating Budget	Last Budget Action (Date, Ord.No.)
446	0762	Non-Personal/ Equipment	700730	\$2,134,713	N/A	VIII- 40	06/19/2007 Ord. 28071

**CEQA**

Exempt, File No. PP06-013.

  
JOHN STUFFLEBEAN  
Director, Environmental Services

Attachments: Stormwater Program Elements  
FY 2008-2009 Work Plans

For questions, please contact Melody Tovar, Deputy Director, Environmental Services Department, at 408-277-3892.

**Attachment A**

**STORMWATER PROGRAM ELEMENTS**

<b>ELEMENT</b>	<b>DESCRIPTION</b>	<b>PRIMARY DEPARTMENTS</b>
<b>Illicit Connection/Illegal Dumping</b>	Inspectors respond to complaints regarding illegal discharges or threats of discharge to the storm sewer system.	Environmental Services
<b>Industrial/Commercial Discharger Inspection</b>	Inspectors visit more than 4,000 businesses per year to help businesses employ proper practices to prevent stormwater pollution.	Environmental Services
<b>New and Redevelopment Projects</b>	New and redevelopment projects integrate stormwater measures such as swales, detention basins, bioretention, and porous paving to address pollutant discharges and increased storm flows for the life of a project.	Public Works; Planning, Building and Code Enforcement; and Environmental Services
<b>Construction Inspection</b>	City inspectors review activities at construction sites to prevent sediment and other pollutants from entering the storm sewer system.	Public Works, PBCE Building Division, and Environmental Services
<b>Public Streets, Roads, and Highways Operation and Maintenance; and Rural Public Works</b>	Key maintenance activities such as street sweeping are conducted and best management practices (BMPs) are incorporated during routine City activities, such as street repair.	Transportation; Parks, Recreation and Neighborhood Services
<b>Storm Drain Operation and Maintenance</b>	Key maintenance activities such as catch basin cleaning are conducted to ensure the proper function of the storm sewer system to collect and convey storm runoff.	Transportation
<b>Water Utility Operation and Maintenance</b>	BMPs to reduce stormwater pollution are incorporated into maintenance activities such as water line cleaning.	Environmental Services /Municipal Water System
<b>Pesticide Management</b>	Reduction of pesticide use on City property, community education, and participation in regulatory activities are aimed at addressing the affects of pesticides in stormwater.	General Services; Transportation; Parks, Recreation & Neighborhood Services; Public Works; and Environmental Services
<b>Control Program for Mercury</b>	Reduction in the use of and proper disposal products that contain mercury (such as fluorescent tubes) is promoted within City operations and to the community.	General Services, Transportation, and Environmental Services
<b>Copper &amp; Nickel Action Plans</b>	Outreach and partnership activities are implemented to address key potential sources such as brake pads, architectural use of copper, and pool algacides.	Environmental Services

<b>ELEMENT</b>	<b>DESCRIPTION</b>	<b>PRIMARY DEPARTMENTS</b>
<b>Trash</b>	Assessment of litter hot spots, targeted outreach, and selected clean up partnerships are employed to address litter and illegal dumping that threatens to pollute urban waterways.	General Services; Parks, Recreation & Neighborhood Services; Transportation; and Environmental Services
<b>Monitoring Program</b>	The City participates in monitoring activities area-wide, including Regional and Program-focused investigation of pollutants and sources of pollutants to the storm drain system.	Environmental Services
<b>Corp Yard Operation and Maintenance</b>	BMPs to prevent stormwater pollution are incorporated into yard operations such as covering storage areas and conducting equipment washing and repair in areas that do not drain to the storm sewer.	General Services; Parks, Recreation & Neighborhood Services; PBCE; PW; Transportation; and Environmental Services
<b>Public Information and Participation</b>	The City has a robust and broad-based public information and public participation program utilizing many different outreach methods to best deliver stormwater pollution prevention and watershed protection messages.	Environmental Services