



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

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**SUBJECT:** SEE BELOW

**DATE:** 2-4-04

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Approved

Date

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**SUBJECT: SUBMISSION OF URBAN RUNOFF MANAGEMENT PLAN FISCAL  
YEAR 2004-2005 WORK PLANS**

## **RECOMMENDATION**

Authorize the City Manager to certify and submit the fiscal year 2004-2005 City of San Jose Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board (Regional Board).

## **BACKGROUND**

Municipalities that operate separate storm sewer systems discharging into local streams and waterbodies are required to have a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit under the Federal Clean Water Act and State law. San Jose is included in the Santa Clara Valley Urban Runoff Pollution Prevention Program (Countywide Program) Stormwater Permit issued jointly to 15 agencies in Santa Clara County whose land area drains to South San Francisco Bay. The co-permittees include the City, 12 other municipalities, the County of Santa Clara, and the Santa Clara Valley Water District. Last adopted in 2001, the Stormwater Permit allows the City to discharge waters collected by its storm sewer system to local streams through more than 1,050 storm sewer outfalls citywide.

Performance standards for compliance with the Permit are developed by each co-permittee and set out in Urban Runoff Management Plans (Management Plans), which are adopted with each five-year permit cycle. The permit requires an annual Work Plan for each permit element. These Work Plans demonstrate how the co-permittees will meet the performance standards they have established, and must be submitted to the Regional 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. Progress on the Work Plans is reported annually in September.

[See Attachment 1, FY 2004-2005 Work Plans]

## **ANALYSIS**

The proposed March 1, 2004 submittal updates the Annual Work Plans to meet the existing Program Performance Standards in the Management Plan, as described below.

### **1. New and Redevelopment (NDC) Work Plans**

The City began implementation of the New and Redevelopment permit provisions in October 2003. In accordance with the permit, these requirements expand over time to include smaller projects and to incorporate controls to mitigate for flow volumes and durations in addition to pollutant loading. The phasing of projects and requirements is summarized as follows:

- October 15, 2003: Group 1 Projects (development projects which create or replace one acre or more of impervious surface) that result in a new storm water outfall or include land uses of concern.
- February 15, 2005: All other Group 1 Projects as described above.
- April 15, 2005: Group 2 Projects (those that create or replace 10,000 square feet of impervious surface, unless the City requests an alternate definition).
- Upon Regional Board approval of a Hydromodification Plan (HMP), Group 1 projects may also be required to implement storm water control measures to mitigate for the potential impact of runoff flows and durations (not just pollutants) on erosion in waterways.

#### **Activities for FY 04-05 include:**

- Continued education of and involvement from the development community on available control measures and program requirements.
- Implementation of a program to verify that post construction control measures are properly operated and maintained.

- Documenting and tracking of projects that are required to implement the new and redevelopment provisions.

## 2. **Work Plan Elements Added for FY 04-05**

### □ **Trash (TRA)**

While communities in Southern California struggle to implement a formal, aggressive pollutant allocation and control process (known as a Total Maximum Daily Load or TMDL) for trash, the Countywide Program has taken proactive steps to incorporate trash management practices into the Management Plans, hoping to demonstrate that a more formal process is not needed. FY 04-05 is the first year San Jose will be formally including tasks related to trash management in the annual work plans. Tasks focus on documenting, tracking, and coordinating with existing efforts such as the Anti-Litter Campaign and identifying specific locations for further evaluation and focused effort.

### □ **Permit Reapplication**

The current Stormwater Permit expires in February 2006. The reapplication process begins approximately one year in advance of expiration. FY 04-05 activities include review and revision of the Management Plan as part of reapplication and participation in negotiations for permit reissuance.

## 3. **Annual Work Plan Updates**

The updated Work Plans describe current programs and performance standards that the City will continue to implement to meet Stormwater Permit requirements to prevent or reduce pollution. The following programs are ongoing; only an updated work plan will be submitted:

- Illicit Connection/Illegal Dumping (ICID) - Environmental Services
- Industrial/Commercial Discharger Inspection (IND) - Environmental Services
- Monitoring Program (MON) - Environmental Services
- Construction Inspection (CON) - Public Works, PBCE Building Division, and Environmental Services

- Public Agency Activities – Transportation, General Services, and Parks, Recreation & Neighborhood Services
  - Public Streets, Roads, and Highways Operation and Maintenance (PSR) and Rural Public Works (RPW)
  - Storm Drain Operation and Maintenance (SDO)
  - Municipal Compliance – Corp Yard Operation and Maintenance
- Control Program for Pesticide Management (PM) - General Services, Transportation, and Environmental Services
- Control Program for Mercury (M) - General Services, Transportation, and Environmental Services
- Water Utility Operation and Maintenance (WUOM) - Environmental Services /Municipal Water System.
- Public Information and Participation (PIP) - Environmental Services
- Copper & Nickel Action Plans (CNAP) - Environmental Services

### **PUBLIC OUTREACH**

Outreach is an integral part of the Urban Runoff program; the Work Plans include components to conduct outreach to various sectors of the community on relevant stormwater issues, e.g., pesticide use, mercury, and ensuring that only rainwater enters the storm sewer system. In addition, development of relevant work plan elements has been conducted using input from the development community; both Public Works and Planning employ an ongoing Developers Roundtable as a forum for outreach on stormwater provisions.

### **COORDINATION**

The work plans and this memorandum were developed jointly by City staff from the Departments of Environmental Services, Public Works, Planning, Building & Code Enforcement, Transportation, Parks, Recreation & Neighborhood Services, and General Services, as well as the Redevelopment Agency. The New and Redevelopment Work Plan was developed through close coordination between the Redevelopment Agency, Planning, Building

& Code Enforcement, Public Works, and Environmental Services. The work plan activities and schedule represent staff's best estimate of the effort needed to meet the compliance dates for these requirements.

Ultimately, the fulfillment of these requirements as contemplated by the permit involves all departments carrying out specific work plan tasks. The departments are each committed to working with all other affected departments to integrate these requirements fully into City operations in a timely manner.

### **COST IMPLICATIONS**

The required March 1 submittal of the Work Plans to the Regional Board describes the activities therein as subject to City appropriation of funding which does not occur until June of each year.

This recommendation is consistent with the Mayor's Budget Strategy, General Principle #2. The work plans comprise activities that support compliance with regulatory requirements and thus protect the City's vital core service of managing the storm sewer system.

Programs related to the Stormwater 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). Significant cost increases associated with implementation of the NPDES Permit C.3 provisions are projected for FY 04-05, impacting several City departments. These cost increases, and proposed strategies to cover the increases will be brought to Council for consideration during the annual budget process.

Proposed funding actions under consideration by staff for 2004-2005 include:

- Adoption of Storm Sewer Fund rates as set forth in the Council approved June 2002 Public Hearing.
- Increase in development review fees for projects that will be subject to hydraulic sizing requirements in 2005, and for projects subject to the HMP.
- Proposed funding for Capital Improvement Projects not approved for funding as of July 1, 2003, to now include the cost of meeting new stormwater requirements as part of the cost of construction.

### **BUDGET REFERENCE**

N/A

HONORABLE MAYOR AND CITY COUNCIL

2-4-04

**Subject: Submission of Urban Runoff Management Plan Fiscal Year 2004-2005 Work Plans**

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**CEQA**

Not a project.

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Attachment