

MCSTOPPP Information Update for the Marin General Services Authority

Date: July 14, 2011

RE: Status of Phase II stormwater permit

Status of CA Phase II stormwater permit

In 2003, Marin's municipalities obtained coverage under the California State Water Resources Control Board (SWRCB) Phase II stormwater general permit.¹ Marin is covered by the current Phase II permit until a re-issued permit is adopted in 2012. The State released a public draft Phase II permit on **June 6, 2011**. The DRAFT TENTATIVE ORDER and all of the accompanying permit documents are available on the SWRCB website:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml.

What are the draft new and expanded permit requirements?

The following list includes the permit sections and summarizes some of the anticipated new or expanded requirements in each section. Each municipality in Marin will be required to implement requirements either through MCSTOPPP or at the local level:

- B. Discharge Prohibitions – Will require stormwater ordinance updates and are more prescriptive.
- E.4. Program Management – Conduct annual fiscal analysis and demonstrate funds are secured to comply with permit.
- E.5 & E.6. Public Outreach and Education; Public Involvement and Participation - Requires a more expensive, scientific approach to conducting behavior-changing outreach programs. Specific target outreach audiences and associated pollutants of concern are identified.
- E.7. Illicit Discharge Elimination and Detection - Complete outfall maps in GIS. Test water quality of dry weather storm drains with flow to creeks. Increased reporting, corrective actions, and enforcement.
- E.8. Construction Site Controls - Increased inspection frequencies and reporting.
- E.9. Municipal Maintenance (Pollution Prevention-Good Housekeeping) – Increased reporting & mapping. Analyze dry weather flow from outfalls for list of pollutants. Inventory and inspect municipally owned facilities.
- E.10. Trash Reduction Program* - require installation of trash capture structural controls and other measures to reduce trash discharged from 20 percent areas zoned as commercial/retail/wholesale.
- E.11. Industrial/Commercial Facility Runoff Control - More in-depth stormwater inspections and reporting required at an expanded list of business types with an increase in inspection frequencies (annually, every three years, or every five years depending). Must require businesses to implement best management practices.
- E.12. Post-Construction* - Specific projects require stormwater treatment if 5000 ft² - 10,000 ft² (depends on project type) of impervious is added or replaced. Watershed & stream characterization using prescribed method. Hydromodification management requirements for projects adding 1 acre of impervious. Increased reporting and inspections stormwater facilities installed by development projects.
- E.13. Water Quality Monitoring* - At sites in creeks, measure temperature, dissolved oxygen, pH, conductance, nutrients, pollutants in sediment, sediment toxicity, bioassessments. When water quality thresholds are exceeded, conduct extensive and expensive follow up source detection analyses and implement corrective actions.

¹ The permit regulates stormwater that enters our storm drain systems and waterways. Marin's municipalities have implemented countywide and local stormwater programs since 1993.

- E.14. Program Effectiveness Reporting - Follow state guidance to assess and report on all areas of permit implementation.
- E.15. Total Maximum Daily Loads - comply with all applicable TMDLs.

*The draft permit indicates that these sections, E.10, E.12, and E.13 apply only to the Cities of Novato and San Rafael. However, via verbal communication with State Water Board staff, the final permit will likely require all municipalities in highly urbanized areas (includes most of East Marin) to comply with these sections.

How much will it cost to implement the new permit?

Based on current information, we expect a substantial increase in staffing, consultant, equipment and laboratory costs. We plan to conduct a thorough fiscal analysis of permit implementation costs this summer after the draft permit is released. For your information, the estimated, expected County costs will increase as follows:

- Annual County staff cost increase: \$400,000
- Average annual County cost increase for water quality monitoring, watershed assessment, outfall monitoring: \$80,000 - \$200,000

Funding Issues

Prop 218 severely limits municipalities' ability to raise revenues needed to comply with new and expanded requirements and proposed legislations that would exempt stormwater have not passed the State senate. It is suggested we track this and then start to consider when we should petition our local legislators (write letters, etc.) re: prop 218.

The business inspection requirements could increase costs to the business community if municipalities pass these on to them.

Schedule

August 8 – Comments due to the SWRCB:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/phsii2011/not070811.pdf

MCSTOPPP will submit a comment letter and detailed comments.

November 2011 – SWRCB Hearing on the draft Phase II permit – verbal comments on the permit allowed at the meeting.

January 2012 – SWRCB Phase II Permit Adoption Hearing – verbal comments on the permit allowed at the meeting.

May 15, 2012 – Planned effective date of the new Phase II Permit. Municipalities will have 2 months to apply for coverage under the general permit.

New “Non-Traditional” Entities Must Obtain Coverage

The draft permit lists entities that must implement all or a subset of the permit requirements. These entities include the following: fairgrounds, flood management areas, ports, higher education institutions, military bases, state parks, beaches and historical areas, state and federal prisons and health institutions, heavy rail transit agencies, and state vehicular recreation areas.